



Public Works Agenda Item

Meeting Date: July 9, 2024

Agenda Item: Sidewalk Replacement

Staff Contact (name, email, phone): Brad Marquardt, bmarguardt@whitewater-wi.gov, 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

In December 2023, Council approved the first reading of an ordinance update to the sidewalk ordinance, Chapter 12.12 which included assessing property owners 50% of the cost. At the March Council meeting, the Council did not approve the second reading but asked staff to look into forming a Sidewalk Utility. Staff reached out the League of Municipalities attorney for some guidance. The attorney informed staff that there is currently a legal battle with the formation of Transportation Utilities and recommended the City should tread lightly in the formation of a Sidewalk Utility.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

At the October 10, 2023 Public Works Committee meeting, the Committee voted 2-1 to approve the updates to Chapter 12.22. This included special assessing the property owners 50% of the cost of repair/replacement, unless the repair/replacement is the result of a city terrace tree. Then the City would pay 100% of the repair/replacement. The dissenting vote was not in favor of special assessing the property owners. At the December 5, 2023 Council meeting the Council approved the first reading of the new ordinance which included assessing property owners 50% of the cost, unless if damage was caused by a terrace tree. At the March 12, 2024 Public Works Committee meeting it was recommended that the proposed ordinance not be approved at the second reading of the March 19, 2024 Council meeting and that staff be directed to work on establishing a Sidewalk Utility. At the March 19 meeting, Council did not approve the second reading and directed staff to investigate a Sidewalk Utility.

FINANCIAL IMPACT

(If none, state N/A)

Under a current adopted Resolution property owners are paying nothing toward sidewalks that are being replaced either by City crews or as part of a street reconstruction project.

STAFF RECOMMENDATION

Based on the current unknown status of Transportation Utilities, staff is recommending not to move forward with implementing a Sidewalk Utility. As mentioned in the March 19, 2024 memo, approximately half the properties in the City do not have sidewalk, yet those residents get to utilize sidewalk where it does exist without the cost to maintain it. Staff's recommendation is to update the sidewalk ordinance to bring it up to date, but eliminate the special assessment to the property owners.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Redlined Changes to Chapter 12.22
2. Sidewalk Map