



City Council Memorandum

To: Mayor Fasbender & City Council Members
From: Ryan Stempski, P.E. – Public Works Director/City Engineer
Date: March 4, 2024
Item: Adopt Sidewalk Inspection and Maintenance Policy

Council Action Requested:

The Council is requested to adopt the Sidewalk Inspection and Maintenance Policy.

Background Information:

A policy on sidewalk maintenance is necessary to clarify the City's approach to sidewalk maintenance and to better protect against potential claims in the future. The attached policy was developed by the League of Minnesota Cities (LMC) and supported by the City Attorney. The policy provides good defense in the event a sidewalk/trip and fall claim is made, as long as the City follows the policy.

The policy recognizes that not every irregularity rises to the level of defect and that the City has limited employee and financial resources. Inspection and scheduling are included in the policy to prioritize the segments to be completed on a regular basis.

Sidewalk snow removal remains consistent with Ordinance No. 90.04 and aligns with the City's Snow Plowing and Ice Control Policy. It is the abutting property owner's responsibility to conduct snow removal of sidewalks unless the sidewalk is immediately adjacent to the curb.

The Operations Committee reviewed this subject matter at its December 11, 2023 and February 12, 2024 meetings and provided unanimous support for the policy.

Financial Impact:

The sidewalk policy follows the ADA Transition Plan, which was adopted by Council in April 2019. The approach to funding corrective work on deficient sidewalks includes:

- Address deficient sidewalks when located in the Annual Neighborhood Infrastructure Improvements
- Address deficient pedestrian ramps when located in the Annual Mill and Overlay Program
- Annual budget request for stand-alone sidewalk improvements to address priority areas
- Property owners are still allowed to obtain a permit to repair sidewalks on their own if schedule does not align with the City's prioritization plan

Attachments:

- Sidewalk Inspection and Maintenance Policy

Sidewalk Inspection and Maintenance Policy

City of Hastings, Minnesota Sidewalk Inspection and Maintenance Policy

1. Introduction

The city of Hastings, Minnesota has 46 miles of public sidewalks. Public sidewalks vary in age and in quality of condition. Not every mere inequality or irregularity in the surface of the sidewalk rises to the level of a defect. The city recognizes that some sidewalk conditions create unreasonable hazards for pedestrians and other sidewalk users.

The city has limited employee and financial resources and cannot reasonably replace all sidewalks needing replacement or repair in the same year the sidewalk is identified as needing replacement and repair. Sidewalk replacement and repair can be costly. Comprehensive sidewalk surveys are expensive and require the use of limited city personnel and other resources. Under appropriate circumstances, some or all of the cost of sidewalk replacement may be passed to the adjacent property owner.

Accordingly, the city and its Public Works Department must exercise both discretion and professional judgment in determining whether and when sidewalks need to be replaced or repaired. The city expects that its agents, employees, and city officials will exercise discretion in identifying conditions requiring replacement and repair, in the scheduling of replacement and repair and in establishing priorities for replacement and repair.

2. Sidewalk inspection procedures

The Public Works Director shall establish procedures for regular sidewalk inspection. Those procedures will include:

- A. An initial city-wide sidewalk survey was completed in April, 2019.
- B. A schedule for routine sidewalk inspections on a regular basis.
- C. Criteria for determining whether a particular sidewalk condition is in need of replacement or repair. Those criteria will include, but not necessarily be limited to, a deviation or difference in elevation greater than 1 inch, as determined at the time of inspection.

3. Sidewalk replacement and repair policy

The Public Works Director shall establish a replacement and repair schedule. This schedule is subject to modification based both on sidewalk conditions and the availability of resources for sidewalk replacement and repair.

The sidewalk replacement and repair schedule will:

- A. Divide the city into sections or otherwise prioritize replacement of the sidewalks identified as needing replacement or repair so all sidewalks identified in the initial sidewalk survey as needing replacement or repair are replaced or repaired in accordance with the timelines identified in the ADA Transition Plan adopted by

City Council on April 1, 2019.

- B. Take into consideration and weigh the following factors:
1. Sidewalk location and amount of pedestrian traffic
 2. Proximity of sidewalk identified as needing replacement or repair to other sidewalks also needing replacement or repair
 3. The nature and severity of the condition needing replacement or repair
 4. The city's budget for replacement or repair of sidewalks
 5. Whether, or to what extent, the cost of repair can be recovered from adjacent property owners
 6. Availability of employees, equipment, and other resources for sidewalk replacement or repair
 7. Public safety
 8. History of prior accidents or complaints
 9. Schedules of independent contractors and work necessary to prepare bids and bid specifications if work is to be performed by independent contractors

4. Sidewalk maintenance policy

City employees will be responsible for removing snow from sidewalks that abut city-owned buildings or parking lots. Adjacent property owners, including other public entities, are responsible for removing snow and ice from sidewalks that abut their property (see City Ordinance No. 90.04). With the exception of the Downtown Area, the city will conduct snow removal on sidewalks immediately adjacent to curbs. The Public Works Director will identify sidewalks from which the city will remove ice and snow.

5. Review and modification of policy

The City Council may modify or clarify this policy at any time. Where the City Council has delegated responsibility or authority to any city employee or official for development or implementation of any portion of this policy, that employee or official shall have full authority to modify that portion of the policy at any time. The Public Works Director will keep on file comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review and any other factors affecting the policy or its implementation.

6. Effective date of policy

This policy shall be effective as of _____ (*insert date*). Modifications of the policy shall be effective on the date said modifications are approved by city council resolution or the date city employee or official (with authority granted by the City Council) has approved the policy modification or change.