



TO: Mayor Shaun Sipma
Members of the City Council

FROM: Emily Huettl, PE, Assistant City Engineer

DATE: August 5, 2019

SUBJECT: 2019 SIDEWALK, CURB & GUTTER REPLACEMENT – INSTALLATION & ASSESSMENT OF SIDEWALK (4382)

I. RECOMMENDED ACTION

1. Recommended that the City Council order the construction, rebuilding, or repairing of sidewalks to be performed by the City’s contracted Contractor; and
2. Recommended that the City Council assess the construction cost and administration fees for this sidewalk work against the benefiting properties, as shown in Table 1.

II. DEPARTMENT CONTACT PERSONS

Lance Meyer, City Engineer	(701) 857-4100
Emily Huettl, Assistant City Engineer	(701) 857-4100

III. DESCRIPTION

A. Background

In addition to the City’s regular maintenance portion of the sidewalk project, this also includes any assessment roll work. For the assessment roll work of the project, Section 28-80 of the Minot Municipal Code, and Section 40-29-02 of the North Dakota Century Code, states that it is the duty of the owner, to maintain or construct where required, sidewalks adjacent to their properties. City Staff have identified properties where the sidewalks are not in compliance with these Codes. In accordance with Section 40-29-03 of the North Dakota Century Code, the Engineering Department have provided notices to property owners to construct, rebuild, or repair sidewalks adjacent to their properties within the city right of way. The property owner has the option to:

- 1.) Repair or install the sidewalk themselves;
- 2.) Hire a licensed contractor to perform the work; or
- 3.) Sign a waiver and have the City Contractor repair the sidewalk where the costs will be assessed to the property owner.

If the property owner fails to comply with the notice that was sent, Sections 40-29-04 and 40-29-05 of the North Dakota Century Code provides the municipality the power to special assess the properties for the work performed and any administrative fees.

B. Proposed Project

Between May 29th and June 5th, in accordance with Section 40-29-03 of the North Dakota Century Code, the Engineering Department sent certified letters to 37 property owners providing notice to construct, rebuild, or repair sidewalks adjacent to their properties.

The responses were as follows:

- 8 returned signed waivers requesting that the City contractor perform the work
- 7 property owners received the certified letter but did not respond in any way
- 4 property owners did not confirm receipt of the certified letter so a letter was also taped to the front door of the property, with no response
- 17 property owners reached out to us to let us know that they are either doing the work themselves or hiring their own contractor
- 1 property was removed from the project

Table 1 (attached) lists the 11 owners, physical address, and legal description of the properties that, to date, did not comply with the notice to construct, rebuild, or repair sidewalks. The list also contains 8 properties that provided a waiver for the City's contractor to perform the work.

C. Consultant Selection

The project was awarded to the low bidder, Keller Paving & Landscaping, Inc.

IV. IMPACT:

A. Strategic Impact:

N/A

B. Service/Delivery Impact:

N/A

C. Fiscal Impact:

The work will be assessed to the property owners.

V. ALTERNATIVES

1. Council could choose not to proceed with the work and assessment and the defective sidewalks would remain.

VI. TIME CONSTRAINTS

Approving the work in a timely manner will allow the work to be done this construction season.

VII. LIST OF ATTACHMENTS

- A. Table 1 – Properties to be Included in Sidewalk Construction and Assessment