

MARSHALLTOWN

— I O W A —

Joel Greer, Mayor
Jessica Kinser, City Administrator
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TO: Mayor Greer and the City Council
FROM: Jessica Kinser, City Administrator
DATE: April 18, 2023
RE: 13th Street Sidewalk Request

Strategic Plan:

- Strategy 1: Expand and improve development in the community.
- Strategy 2: Enhance Marshalltown's public image.
- Strategy 3: Continually improve and sustain the City's infrastructure, organization, and services.
- Strategy 4: Partner with citizens, for-profit, non-profit, and others to improve quality of life.

Plan Objective:

Recommendation: No recommendation

Budget Impact: See below

Description/Background: The sidewalks on 13th Street from Fremont to Summit Street have sunk, creating trip and fall hazards in the area. Property owners stated the sinking started shortly after construction was completed in the 2013. The City had a four-year maintenance bond with the contractor (PCI), but this was never exercised for any deficiencies.

City staff held a meeting with the five owners to talk about the desire to do a concrete raising project cooperatively, with the owners responsible for the costs for areas adjacent to their properties while the City would be responsible for our properties and curb ramps. This is a fairly small project, which is estimated at \$40,000, with the City's portion in the \$11,000 range. The City's Code of Ordinances states the following regarding sidewalk maintenance:

§ 57.002 RESPONSIBILITY FOR MAINTENANCE.

The owner of any lot or parcel thereof abutting any sidewalk on the city streets in the city shall maintain said sidewalk in state of good repair, free from cracks, holes and unevenness to that the sidewalk does not constitute a safety hazard. A state of sidewalk disrepair is hereby declared a public nuisance. The owner of any lot or parcels who fails to repair said sidewalk shall be liable to any person injured as a result of such failure and shall further save, defend, indemnify and hold harmless the city from and against any claim arising out of the failure to maintain said sidewalk.

The 13th Street property owners would be remiss in not asking the Council to waive their costs as part of the project and that opportunity is being afforded to them tonight. Regardless of the Council's direction, the project is likely not to be completed until later in 2023. If the Council would like to fund this, the recommended funding source for the project would be Council-designated LOST.

CITY COUNCIL

Al Hoop, Gabriel Isom, Barry Kell, Mike Ladehoff,
Jeff Schneider, Gary Thompson, Dex Walker

