

RESOLUTION NO. 2020-72

RESOLUTION ADOPTING POLICY ON SIDEWALK IMPROVEMENTS


WHEREAS, the Council contemplates developing plans for the construction and reconstruction of certain sidewalks in the City of Dallas Center; and

WHEREAS, the Council has determined that it should develop a policy on the development and financing of City-initiated sidewalk construction projects; and

WHEREAS, the Council has developed a Policy on Sidewalk Improvements, a copy of which is attached hereto as Exhibit "A", and by this reference made a part hereof, and which should be approved by the Council.


NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DALLAS CENTER, IOWA that the Policy on Sidewalk Improvements, a copy of which is attached hereto as Exhibit "A", and titled "Annual Sidewalk Improvement Program - Policy of Funding and Special Assessments" and by this reference made a part hereof, is hereby approved and adopted.

PASSED AND APPROVED this 8th day of September, 2020.



Michael A. Kidd, Mayor

ATTEST:



Cindy Riesselman, City Clerk

City of Dallas Center

Annual Sidewalk Improvement Program Policy of Funding and Special Assessments

OVERVIEW

The Dallas Center City Council has identified the need for the construction of sidewalks in certain locations within the City to provide a more comprehensive network of sidewalks. The City Council recognizes individual property owners could be required to install public sidewalk. The City Council also recognizes requiring individual property owners to install sidewalks creates logistical issues relative to implementation. The City Council understands there are general public benefits to increasing the connectivity of the City through the construction of additional sidewalks and recognizes the City as a whole is benefitted by the improved sidewalk network.

While the City recognizes there are general City benefits, the City Council recognizes there are specific benefits to the property owner from the construction of the sidewalk and recognizes the property owners responsibility for construction of sidewalk. Balancing these interests the City Council has determined it appropriate to establish a policy under which the cost of sidewalk improvements would be allocated to individual property owners and to the City as a whole.

The City recognizes efficient implementation of the sidewalk program requires the City to identify and construct certain reaches of sidewalk. The cost allocated to individual property owners would be through special assessment. To implement the sidewalk program the City Council is adopting a policy on special assessment of sidewalks.

SCHEDULE OF SIDEWALK PROJECTS

1. On or before November 15 of each calendar year the City Council will identify the scope and extent of sidewalk improvements to be constructed in the subsequent calendar year. If no sidewalk improvement project is identified by November 15 the City will not undertake a sidewalk improvement program during the subsequent calendar year that would be funded in part by special assessments.
2. If the City Council identifies a sidewalk improvement project for the upcoming calendar year, the City Council shall authorize the City Engineer to prepare the appropriate plans and specifications and preliminary assessment plat and schedule no later than December 15 for the improvements to be constructed in the following calendar year.

Exhibit "A"

3. Prior to the January City Council meeting in the year the sidewalk improvements are to be constructed the City Engineer shall provide an initial draft of the preliminary assessment plat and schedule for the City Council to review at its January meeting. At that meeting the City Council shall determine whether to move forward or to not move forward with the project.
4. If the City Council elects to move forward with both the project and the special assessment for the sidewalk project the City shall notify the potentially affected property owners by January 31 that the City Council at its February meeting will provide a forum for interaction with the potentially affected property owners.
5. Following the forum at the February City Council meeting the City Council shall decide whether to move forward and establish a public hearing on the preliminary resolution of necessity and the assessment plat and schedule as required by the Code of Iowa. The public hearing will be scheduled for the March City Council meeting.
6. At the March City Council meeting the City shall conduct the required public hearing and defer action on the adoption of the preliminary resolution of necessity until the April City Council meeting.
7. At the April City Council meeting the City Council shall consider action on the preliminary resolution of necessity for the special assessments for the sidewalk program.
8. Following adoption of the preliminary resolution of necessity the City Council will at that meeting, or a subsequent meeting, order construction of the sidewalk improvement project and start the appropriate proceedings for bidding and possible award of contract.
9. Following completion and acceptance of the sidewalk improvement construction contract the City Council shall adopt the final assessment plat and schedule in accordance with the provisions of the Code of Iowa.

SPECIAL ASSESSMENT POLICY

1. For any sidewalk improvement project the special assessment for the benefitted property shall be limited to not more than the cost of the actual construction of the sidewalk itself. Grading costs, sidewalks within intersections, stormwater drainage improvements and non-construction costs will not be included as part of the costs assessed to benefitted property owners.

2. In accordance with City policy all sidewalks will be constructed to a minimum width of 5 feet. The width for assessment of the sidewalk will be 5 feet. In the event the City elects to construct a wider sidewalk only a 5-foot section of sidewalk would be subject to the special assessment and all costs for the additional width of the sidewalk is to be paid as part of the City contribution to the project.
3. If the actual construction contract cost for the sidewalk exceeds the rate set forth in the preliminary assessment plat and schedule, the final special assessment to the benefitted properties shall be limited to that amount set forth in the preliminary assessment plat and schedule.
4. If the construction contract cost for the sidewalk is less than the amount set forth in the preliminary assessment plat and schedule the final special assessment will be at the construction contract cost.
5. For any assessment not paid in full within the period prescribed by the Code of Iowa the special assessment shall be spread over a period of 10 years.
6. The interest rate on any special assessment will be established by the City Council as prescribed by the Code of Iowa, but will not exceed 4%.
7. All construction of sidewalks included in the annual sidewalk program shall be completed as part of the City's construction contract. Individual property owners will not be provided an opportunity to construct their own sidewalk as an alternative to the City constructed sidewalk and all of the benefitted properties will be subject to the special assessment.
8. For a corner lot for which both frontages are included within the same sidewalk project the maximum special assessment shall be the full rate for the longer of the two sides and 50% of the assessment for the shorter of the two sides.
9. For a corner lot with an existing sidewalk on the long side of the lot for which the short side is included in a project and subject to the special assessment, the special assessment on the shorter side shall be 50% of the special assessment rate.
10. For a corner lot with an existing sidewalk on the shorter side of the lot for which the longer side is included in a project and subject to the special assessment the special assessment shall be the full special assessment rate.
11. For a corner lot in which the construction of a sidewalk on one side was included in a prior special assessment project and the second side is included in a current special assessment project the special assessment on the subsequent project shall be determined as if the previously assessed sidewalk was an existing sidewalk as set forth in this policy.