



City of Waukesha
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Committee: Board of Public Works	Date: 5/18/2023
Common Council Item Number: ID #23-6802	Date: 6/6/2023
Submitted By: Alex Damien, Director of Public Works	City Administrator Approval: Gina Kozlik, Interim City Administrator
Finance Department Review: Joseph P. Ciurro, Finance Director	City Attorney's Office Review: Brian Running, City Attorney
Subject: Review and act on the recommended Sidewalk Ordinance change (6.115) regarding the cost of construction and replacement of sidewalks.	

Details:

On July 7, 2022, Alderman Cory Payne made a referral to the Board of Public Works to review the practice of accessing condemned sidewalk replacement costs to the adjacent property owners, and Department of Public Works staff completed a full study of this policy by early September of 2022. The recommendation of this in-depth study was to make a policy change in concurrence with Ald. Payne's referral which transfers the cost of condemned sidewalk replacement from the abutting property owner to the City. The study also recommended a City Ordinance change to fully establish this change in policy. The study was recommended for approval at the Board of Public Works on September 8, 2022 and received final approval at Common Council on September 20, 2022.

During discussions over the creation of the ordinance, the issue of property owners who refuse to give permission to enter onto their property to perform the replacement work came up. Sidewalks frequently abut the edge of the right of way, and in order to pour a sidewalk right up to the right of way line it's necessary to put forms beyond the right of way. Workers have to enter onto the property to set and strip the forms and to restore any required excavation. The City requests written permission from the property owners to do so.

It was determined that if a property owner refuses to give permission for the necessary work to be done, then the City should not bear the costs of sidewalk replacement and should instead follow the statutory procedure for charging the cost to the abutting property owner.

The attached draft ordinance includes those provisions. The Public Works Department requests approval of the draft and a recommendation to the Common Council.

Options & Alternatives:

Alternate option would be to continue the current sidewalk maintenance policy without the change to ordinance language.

Financial Remarks:

Additional City funds would be required on a yearly basis to maintain condemned criteria sidewalk and would be included in the City's annual Sidewalk Maintenance project. This cost was budgeted for in the 2023 CIP and would continue annually in future CIP budgets.

Executive Recommendation:

Recommend approval of the draft Ordinance and a recommendation to the Common Council.