

MEMORANDUM

TO: Mayor and City Council

FROM: Ron Bradsby, City Engineer

SUBJECT: TAYLOR AVENE SIDEWALK PROJECT

DATE: January 18, 2023

Background

At the September 27, 2021, Regular City Council meeting under Concerns from the Council, Councilman Ervin stated he received complaints about portions of the sidewalk on Taylor Avenue on the north side of Taylor Avenue and east of South 10th Street as well in other areas in town. He requested a report on sidewalk incidents as well as what options are available for handling these sections of sidewalk. Later in the meeting under City Manager's Report, more discussion about this topic took place. See Section 1 for the minutes of this topic.

A staff report was presented at the Regular City Council meeting on October 11, 2021, which included site map, complaints, pictures of the sidewalk and a copy of a segment of the Municipal Code on sidewalk repair. A copy of the staff report is included in Section 2. Section 3 contains the minutes of the Agenda session of October 8, 2021 and Section 4 contains written testimony on the topic and the minutes of October 11, 2021 regular City Council meeting.

After deliberating on the topic, City Council passed a resolution to issue a sidewalk order. Completion of the order was April, 2022.

Orders were sent to the property owners the following week. Shortly after receiving the sidewalk orders, a meeting was held with the property owners with Councilman Ervin and myself representing the City. Several issues were discussed and at the conclusion of the meeting, the property owners wanted to partner with the City of Cottage Grove by including their sidewalk work with the City replacing the curb and gutter section work to get the lowest possible price for the sidewalk work.

In November 2022, City staff met with the residents on site to discuss the width of the driveways and if there was any extra concrete work the residents wanted the City to get a quote on.

With this information, staff requested quotes for replacement of curb & gutter, driveway approaches, sidewalks and the NE handicap ramp at the intersection of South 10th Street and Taylor Avenue, which included some patching in the street section as well as extra concrete work the residents requested. To help keep the cost low, the City decided to perform all the demolition work. Six packets were distributed and only 2 contractors submitted price quotes. Both quotes were over \$100,000.

Based on the lowest bid, the curb & gutter, handicap ramp and street patching would be approximately \$90,000 to be paid by the City. The sidewalk and driveway costs totaled approximately \$64,500. The breakdown for resident's costs ranged from \$2,457.00 to \$6,047.50. This work included both the

sidewalk and driveway approaches. The reason for the price differences is the width of the driveway approaches. Driveway approaches are 6 inches thick including where the driveway crosses the sidewalk. The extra concrete work requested by the residents totaled approximately \$32,250. This would be each resident that requested the extra work.

Because of the financial obligation related with the EDA grant, staff began looking at only doing the sidewalk replacement and eliminate the driveway approach and curb & gutter work.

However, before staff went too far down this road, staff wanted to check in with Council to ensure staff was going the proper direction. Since the sidewalk order has expired, possible options for the Council to consider are as follows:


1. Replace sidewalk only not including the NE handicap ramp at the intersection of South 10th Street and Taylor Avenue.
 - 1a. Replace sidewalk including the NE handicap ramp at the intersection of South 10th Street and Taylor Avenue. (Based on bids received
2. Replace sidewalk and driveway approaches only not including the NE handicap ramp at the intersection of South 10th Street and Taylor Avenue.
 - 2a. Replace sidewalk and driveway approaches including the NE handicap ramp at the intersection of South 10th Street and Taylor Avenue.
3. Replace sidewalk, driveway approaches and curb and gutter only not including the NE handicap ramp at the intersection of South 10th Street and Taylor Avenue.
 - 3a. Replace sidewalk, driveway approaches and curb and gutter including the NE handicap ramp at the intersection of South 10th Street and Taylor Avenue.
4. Do nothing.

Recommendation

Staff has no recommendation.

Cost

No costs are related to providing direction.


Richard Meyers, City Manager


Ron Bradsby, City Engineer

SECTION 1

funds. He said some of the funds would probably be used to help recovery in Cottage Grove such as tourism that had been hit pretty drastically in the community. He said staff had been visiting with the Chamber of Commerce and others to get ideas and had some unsolicited requests that could be discussed. He said the City was a non-entitlement unit which meant Cottage Grove was a City with a population of less than 50,000 and received the money through the State. He said non-entitlement cities were required to submit an annual report and the first report was due October 31, 2021. He said it would be nice to have the priorities in line and the City could list in the report the items the City was going to spend the funds on. He said the next Council meeting was October 11th and an Executive Session was scheduled for the City Manager's Evaluation. He said the agenda for October 25th was small, however the Mayor was going to be gone and it would be nice to have all the Council present. He said someone suggested having it on Friday, October 22nd after the Agenda Session or the Executive Session for his evaluation could be moved from October 11th and the Work Session could be scheduled for before the Council meeting.

Mayor Gowing said he would be in town on October 22nd and could attend a Work Session after the Agenda Session.

Councilor Roberts asked if an hour was enough time for staff and Council to get the list done to have it ready by the 31st.

Richard said yes that the first report wouldn't be very extensive and staff would work on it and have it mostly complete. He said October 11th could be challenging for staff to have information for Council as they considered the priorities.

Councilor Stinnett said he liked the idea of having it October 22nd after the Agenda Session.

Consensus of Council was that October 22nd after the Agenda Session would work for everyone.

7(c) Continued - City Manager Annual Performance Evaluation Form and Evaluation Date

Mayor Gowing said now that the date had been set for the Work Session, the Executive Session for the City Manager's Evaluation would be October 11th at 6:00 pm.

7 (d) Concerns from Council

* [Councilor Ervin said in response to emails the Council had received regarding the sidewalks on Taylor Avenue and others in the City, he would like to see if there was support for getting a report on what the options were for sidewalks. He asked if there was information on the number of incidents regarding injuries from falling on sidewalks, etc. to determine the area of highest priorities and focus.

Mayor Gowing said the Coast Fork Watershed Council would be working with the City on the Benny Hubbell Park and wondered when that begin. He said there had been a lot of activity going on there that wasn't good.

BUSINESS FROM THE CITY MANAGER


(b) Report from the City Manager

Richard said regarding Benny Hubbell Park, there were three options that Coast Fork Watershed Council had provided that ranged from \$15,000 to between \$50,000 and \$100,000. He said the City was looking to do more planting and getting the area cleaned up. He said Coast Fork Watershed Council was trying to locate some grant funding for some of the project.

Faye said the City was going to proceed with the \$15,000 proposal and some work would take place this fall and into the winter months. He said next year replanting and maintaining the site would take place. He said the City would be looking at adding lighting to make it easier for the Police Department to recognize when someone was down there. He said the other two options were expensive and time consuming to get the necessary permits, etc. He said when the new Flood Plain Maps were adopted sometime after the first of the year, the entire area would be in the floodway and doing any kind of construction work would be very difficult and close to half a million dollars.

Richard said the International City Manager's Association (ICMA) Conference was in Portland next week and Jake would attending in person and he would be attending virtually.

* Richard said regarding the sidewalk issues, the options Council had were pretty tight. He said ARP funds didn't allow for streets or sidewalks. He said pedestrian footpaths or road fund money could be used to rebuild sidewalks but the challenge was there were sidewalks all over town that were missing or in bad shape that were the responsibility of the adjacent property owner. He said if Council wanted to move forward with ordering sidewalks there was a process that had to be followed. He said property owners would have the ability to do the work themselves or if the City did the work, a lien would be filed against the property. He said Taylor Avenue could be the only City street that had rolled curbs which weren't legal in Cottage Grove. He said if there was work done in that area the City would see some road expenditures as curbs were a City expense. He said the City could also consider eliminating the planting strip and widening the sidewalks. He said if Council wanted staff to move forward, staff would bring something back to Council at a future meeting. He said the City was currently undertaking the Bicycle and Pedestrian Plan and one of the criteria or conditions was that the City wanted to see priorities and how to prioritize the handicapped accessibility ramps and which locations should be completed first. He said there were ADA guidelines to look at locations that were services people would use such as a laundromat. He said the City didn't have the funding to redo all the affected sidewalks so thinking of how to get them taken care of in an organized way and taking care of the places that were at greater risk. He said the Safe Routes to Schools looked at things tied directly to getting to the schools but it did leave out the sidewalks across the street from the new school. He said the City would be using the Bicycle and Pedestrian Plan to apply for more money from Safe Routes to Schools that might be able to be used for the sidewalk replacements but it could be tougher due to greater competition for the grant funds and that the City had already received funding. He said if people who were injured from falling on the sidewalk filed a claim with the City, the insurance company would deny the claim, it was the responsibility of the adjacent property owner.



Councilor Ervin asked for an estimate of what it could cost a property owner for the replacement of a sidewalk. He also asked if there was an option where the property owner and City would split the cost of the sidewalk replacement. He asked about the possibility of getting a volume discount with construction companies to receive price breaks. He asked what was needed from Council to place something on an upcoming agenda regarding sidewalks.

Richard said there were estimates that would be provided to homeowners as part of the process before anything happened. He said regarding payment options, it would be up to the Council to determine what they wanted to allow. He said he would be cautious as there were a lot of sidewalks in town that needed to be replaced and whatever was done for one would have to be done for everyone.

Mayor Gowing said he did a 60 foot sidewalk with driveway approach several years ago and it was \$6600.00.

Richard said he did a 30 foot sidewalk which was around \$2200.00.

Councilor Stinnett asked if the City had forced the issue in other parts of town and made property owners pay for the sidewalk replacement.

Richard said the procedure for ordering sidewalks was in the Municipal Code. He said the City hadn't paid for anyone's sidewalk other than with the Safe Routes to Schools Grant. He talked about areas where no sidewalk was ever installed and how that compared to an existing sidewalk that needed to be replaced. He said under the Code and SDCs the City did the corners and handicapped ramps, they were required to be done by the property owners for corner lots.

Councilor Ervin asked about issues that could occur with power poles, undergrounded wires, etc. and how that would be handled.

Richard said he didn't think there were any issues on Taylor Avenue. He said where there were typically issues with poles at the intersections and corners. He said normally utilities under sidewalks weren't removed and said all the utilities were done as part of the school project.

Councilor Ervin said one of the complaints he heard from people who lived on the street, because there was a rolled curb, was people didn't distinguish where the driveways were and blocked driveways.

Richard said that was a problem and that was why some people painted their driveway yellow so people didn't park in front of it. He said another issue with rolled curbs was people using it across the front of their property developing a driveway which wasn't allowed.

Richard said staff would start putting something together for a future Council meeting.

SECTION 2

MEMORANDUM

TO: Mayor and City Council

FROM: Ron Bradsby, City Engineer

SUBJECT: RESOLUTION TO ISSUE A SIDEWALK ORDER ON TAYLOR AVENUE

DATE: October 6, 2021

Background

The City Council and staff received two separate complaints about the conditions of the sidewalk along Taylor Avenue from South 10th Street east approximately 675 feet. See Appendix A for complaints and Appendix B for site map.

At the last regular City Council meeting, Council and staff discussed this issue. The City Manager, told Council that staff would present a possible resolution to this issue at a future City Council meeting.

Staff walked the area of concern and noticed several areas of disrepair and missing driveway approaches as well as a rolled curb section along this section of Taylor Avenue. See Appendix C for pictures. The sidewalk width throughout this section is 4.5 feet wide. Minimum sidewalk width according to the City Standards is 5 feet, so the existing sidewalk is substandard in width. Also the property owner at 1054 Taylor has replaced his sidewalk within the last 5 years. 2017 aerial photo shows old sidewalk. He was allowed to construct 4.5 foot sidewalk because he was matching that width on both sides of his property.

Chapter 12.08 Sidewalk Construct and Alterations Regulations of the Cottage Grove Municipal Code describes a process to follow in requiring sidewalk to be constructed or repaired. Chapter 12.08 is included in Appendix D for your reference.

The highlights of this section code are:

- It is the duty of the property owner to construct, repair or improve sidewalk adjacent to their property when ordered by the City Council.
- Sidewalk shall be constructed to City standards.
- If Council issues an order to construct or repair sidewalk, the city engineer shall provide a notice to each property owner. The notice will state the property owner has 30 day period to repair or construct the sidewalk and if the property owner does not perform the work, the city may do the work and asses the costs against the property owner adjacent to the sidewalk.
- Outlines procedure and terms of placing a lien on the property.

The process will be the same for the other areas where sidewalk is missing or in disrepair in the City, where the City Council wants to have sidewalks constructed or repair.

If City Council issue an order to replace the sidewalk, staff would like to do the following:

1. Issue a notice to the property owners. In the notice state they have 30 days to do the work and if they do not perform or refuse to do the work, the City has the right to perform the work and lien the property as mentioned in the code. Outline the lien process in detail such as the interest rate, payments, etc.
2. Also in the notice, state that the City will be hiring a contractor to remove the rolled curb and replace it with City standard curb and gutter and explain the staff could add the sidewalk and driveway approach work to the contract and possibly get a better price because of the economies of scale, i.e. more quantity usually means a price break.
3. Replace the sidewalk in front of 1054 Taylor Avenue at no charge to the property owner due to the fact that he recently replaced his sidewalk.
4. Hire a contractor to replace rolled curb and any sidewalk and driveway approaches.

Staff and the City Attorney are finishing the resolutions, verifying property addresses and information. The resolution will be available Friday at the agenda session.

Recommendation

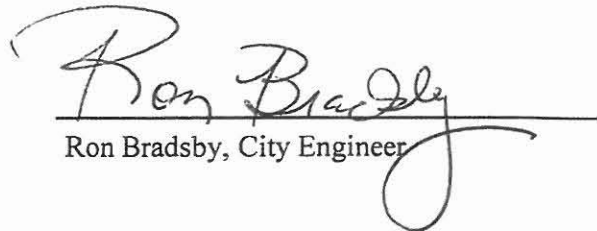
Staff's recommends that the City Council determines if the sidewalk within Appendix A needs repair and replacement. If Council deems the sidewalk needs repair and replacement, adopt the resolution issuing a sidewalk order on Taylor Avenue for the north side of the street from South 10th Street to the west boundary of Finneran Estates.

Cost

No costs are related to adopting the resolution.



Richard Meyers, City Manager



Ron Bradsby, City Engineer

APPENDIX A

From: Y Miller <yirish27@gmail.com>

Date: Sat, Sep 25, 2021 at 10:17 AM

Subject: Decrepit Sidewalks on E. Taylor

To: <mayorgowing@cottagegrove.org>, <councilorsavage@cottagegrove.org>, <citymanager@cottagegrove.org>, <councilorstinnett@cottagegrove.org>, <councilorslesbee@cottagegrove.org>, <councilorevin@cottagegrove.org>, <councilarfleck@cottagegrove.org>, <councilorroberts@cottagegrove.org>

Dear City Staff,

It is with disappointment, frustration and serious concern that I find myself writing you this email on my Saturday morning. The sidewalks on E. Taylor across from Harrison Elementary has been a very sore subject in this part of the community since the new school has gone in and the apparent neglect to include this part of the community in the Safe Routes to School. It appears that during the improvements to the road and south sidewalks during construction of the school and the upgrades that went to 8th and E. Taylor for the Safe Routes to School project, the city has grossly neglected the sidewalks directly across from this immaculate new school.

In doing so, you have continually created and caused a safety hazard to those that use this public access regularly. From people in the neighborhood community who walk daily to families and children that attend Harrison Elementary. We have people that use these sidewalks daily. Why were these NOT considered when it came to things pertaining to the school construction and safe routes to school?

A few months ago a senior fell on these sidewalks during his walk. Thankfully he was ok. Yesterday, my father-in-law took a bad fall. He tore a hole in his jeans, hit his knee badly, scraped it up and hit his head. He is a diabetic and has other health issues where a fall like this could cause serious issues for him. He is currently at urgent care getting looked over to make sure there are no underlying issues.

There are about 3-4 regular seniors that we see walking for their health. 4-5 more families and individuals that do the same. This stretch is on their path or route, which when you look at a map, is a good one. Just this block alone, Taylor to Tyler between Gateway and 10th, is just under a mile, more if you do the cul de sacs.

I hope that these safety concerns can be looked at and addressed with members of this neighborhood community. Thank you for your time. I have included pictures of the injuries my father-in-law sustained.



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From: msharvie@aol.com <msharvie@aol.com>

Date: Fri, Sep 24, 2021 at 4:25 PM

Subject: Re: School zone / residential

To: mayorgowing@cottagegrove.org <mayorgowing@cottagegrove.org>, councilorsavage@cottagegrove.org <councilorsavage@cottagegrove.org>, citymanager@cottagegrove.org <citymanager@cottagegrove.org>, councilorstinnett@cottagegrove.org <councilorstinnett@cottagegrove.org>, councilorsolesbee@cottagegrove.org <councilorsolesbee@cottagegrove.org>, councilorervin@cottagegrove.org <councilorervin@cottagegrove.org>, councilorfleck@cottagegrove.org <councilorfleck@cottagegrove.org>, councilorroberts@cottagegrove.org <councilorroberts@cottagegrove.org>

Today I watched another senior neighbor fall on our crumbling sidewalk on E. Taylor Ave. He scrapped his knee pretty bad, it tore his pants and he hit his head on the ground. His family is taking him to Urgent Care. They said he has other health issues that could have repercussions from the fall. We have seniors that do take their walks down this sidewalk, children walking home from school and people walking their dogs. When I say crumbling I'm not exaggerating one bit. There are pieces coming off and one section if you step on it, it wobbles. I would say this sidewalk is about 50+ years and has been sorely neglected. I was told by neighbors that the sidewalk was supposed to be fixed during the time of Harrison Elementary School construction.

Respectfully,
Sherry Hallum

APPENDIX B

APPENDIX C







APPENDIX D

Chapter 12.08 SIDEWALK CONSTRUCTION AND ALTERATION REGULATIONS

Sections:

12.08.010 Duty to construct, repair or improve sidewalks.

12.08.020 Standards and specifications.

12.08.030 Required sidewalk work.

12.08.040 Lien may attach.

12.08.050 Lien records and foreclosure proceedings.

12.08.010 Duty to construct, repair or improve sidewalks.

It is the duty of any person owning any lot, parcel of land or portion of land adjoining a street within the corporate limits of the city to construct, repair, or improve the adjacent sidewalk when required by order of the city council. (Ord. 2786 §2, 1996)

12.08.020 Standards and specifications.

All sidewalks shall be constructed in accordance with current city standard specifications on file in the office of the city engineer. All walks shall be inspected by the city engineer. (Ord. 2786 §2, 1996)

12.08.030 Required sidewalk work.

A. When the council determines that a sidewalk needs construction, repair, or improvement, a notice shall be issued to the adjoining landowner by the city engineer.

B. The notice shall require the owner of the property adjacent to the sidewalk to complete the sidewalk work within thirty days after service of notice. The notice shall also state that if the property owner refuses or neglects to construct, repair, or improve the sidewalk within the thirty-day time period, the city may do the sidewalk work and assess the cost of the work against the property adjacent to the sidewalk.

C. The city engineer shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the sidewalk, or the notice may be served by registered or certified mail, return receipt requested, to the owner's address as shown on the county tax assessor's rolls. If after diligent search the owner is not discovered, the city engineer shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The city engineer shall file with the city recorder a statement of the time, place, and manner of service of notice. (Ord. 2786 §2, 1996)

12.08.040 Lien may attach.

If the owner of the real property refuses or neglects to construct, improve, or repair any sidewalk within the time prescribed by the order of the council, after having been duly notified by the city engineer, the sidewalk work may be done by the city engineer and the expense of the improvement shall attach to and become a lien upon the property abutting on or adjoining the improvement. (Ord. 2786 §2, 1996)

12.08.050 Lien records and foreclosure proceedings.

A. The assessment levied in pursuance of this chapter shall be entered in the docket of the city liens by the city recorder. This statement shall contain the amount assessed upon each particular lot, parcel of land, or portion of land, together with a description of the improvement, the name of the owner and date of the assessment. Upon entry in the lien docket, the amount so entered shall become a lien as of that date.

B. All assessment liens of the city shall be superior and prior to all other liens of encumbrances on property insofar as state law permits.

C. Interest shall be at a rate to be determined by the city and a commercial lending institution within the city. The interest rate shall not exceed the prime interest rate generally available at other lending institutions within the city.

D. The city may cause the real property to be sold, as provided by state law, for any assessment, lien or installment thereof at any time after one year from the date the assessment, lien or installment becomes due and payable, if bonded; otherwise, at any time after sixty days from the time it is entered in the docket.

E. The city may enter a bid for the property being offered at a foreclosure sale, which bid shall be prior to all bids except those made by persons who would be entitled under state law to redeem the property. (Ord. 2786 §2, 1996)

SECTION 3

CITY OF COTTAGE GROVE
CITY COUNCIL
AGENDA SESSION MINUTES
October 8, 2021

The meeting was called to order by Mayor Gowing at 8:30 am.

Those in attendance virtually and in person: Mayor Gowing and Councilors Ervin, Stinnett, Savage, Solesbee, Fleck and Roberts.

Staff present virtually and in person: City Manager Richard Meyers, Assistant to the City Manager Jake Boone, City Recorder Trudy Borrevik, Public Works & Development Director Faye Stewart, City Engineer Ron Bradsby and Civil Engineer Ryan Sisson.

Resolutions and Ordinances

(a) Resolution Authorizing Support for an Economic Development Administration Competitive Tourism Grant Application

Public Works & Development Director Faye Stewart said Council was being requested to support an Economic Development Administration Competitive Tourism Grant application for the Bohemia Foundation. He said the grant request was for \$1M for a total project cost of \$1.2M. He said the balance would come from contribution commitments and City match of engineering and planning staff support. He explained the proposed improvements to be installed with the grant funds.

Councilor Solesbee asked about the interactive water feature and if it was for children.

Faye explained that it was like a splash pad that kids would play in.

Councilor Ervin said he had been at parks that had water features and suggested that it be simple and easy to turn on the water feature.

(b) Resolution to Issue a Sidewalk Order on Taylor Avenue

City Engineer Ron Bradsby said the City and Council had received emails regarding the condition of the sidewalk on the north side of Taylor Avenue. He said staff had been directed by Council to present them with a proposal to fix the sidewalks. He said he walked the project area and had determined that the sidewalks were substandard and outlined the areas of concern. He said Cottage Grove Municipal Code Section 12.08 outlined a procedure for Council to request construction, repair or improvement of sidewalks. He said staff had prepared the Resolution for Council's consideration to order the repair of sidewalks in the proposed area. He said Section 12.08 required a notice to homeowners which would require them to repair the sidewalk within thirty days. He said he had talked with the City Attorney, who advised that the Council could provide more than thirty days for the homeowners to complete the sidewalk repairs. He said if

* Council ordered the sidewalks to be repaired, he would notify the property owners and would look into the City hiring a contractor to repair the rolled curbs in that area. He said the property owner at 1054 Taylor, who had recently repaired their sidewalk, would be notified that the City would give him a credit for the area that he had repaired. He said Council could adopt the Resolution if they wished to move forward.

Councilor Fleck asked if all the affected property owners had been notified.

Ron said it he would be notifying the property owners with door hangers and mail.

Councilor Fleck said it wasn't ideal to do concrete work in the winter and wondered if thirty days would be enough time for property owners to repair/replace their sidewalks.

Ron said the reason the Resolution was brought to Council so quickly was due to the rainy season approaching. He said the notice would be explain that the City had to hire a contractor to replace the rolled curb, and if the property owner wanted to have the City's contractor replace their sidewalk, the City would invoice or lien them later. He said the hope was that it wouldn't take property owners thirty days to decide and there would still be some good weather to get the work completed.

Councilor Fleck said the City had limited resources and if all the property owners of failing sidewalks wanted to have them replaced and opted to have the City put a lien on their property, the City wouldn't have the funds. He asked if the City was setting a precedent or could they be done as the City could afford it.

Richard said he was correct and the City would have to prioritize which sidewalks to do first. He said the City was going to borrow funds to do the sidewalks. He said the City was working on the Bicycle and Pedestrian Plan and one thing would be to set up priorities for the most important locations to do first.

Councilor Fleck asked how it would work if a neighborhood came forward and wanted their sidewalks replaced and the City didn't have the funding identified. He asked if the City could force the property owner to pay for it out of their own pocket.

Richard said the City could go to individual property owners or the City could do an LID and if there were enough of the property owners, they could form an LID which could be financed and paid through the process. He said the interest rate for financing liens would be the prime rate.

Business from City Council

(a) Municipal Judge Performance Evaluation

City Manager Richard Meyers said the Council needed to approve the Municipal Court Judge evaluation form and set a date for his evaluation. He said staff had compiled a list of evaluation questions that had a larger amount of Not Observed for Council to review and determine if they wanted those questions removed from the form.

SECTION 4

Councilor Savage asked if there was a way to use rounds from the large redwood tree that was recently taken down in the Bohemia Park improvement project.

Faye said it was possible and pointed out an area that could be used for historical artifact items or sculptured art.

Councilor Roberts said he liked the project and said it made the community more of a destination and would help economic development.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

City Recorder Trudy Borrevik said for the September 27, 2021 Council Meeting minutes there was a typo on the top of the second page under Consent Agenda in the paragraph below the two items, the date should say September 10, 2021 not 2012.


Councilor Fleck amended his motion, seconded by Councilor Roberts to approve the minutes as amended.

The vote on the amended motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

(b) Resolution to Issue a Sidewalk Order on Taylor Avenue

* City Engineer Ron Bradsby said the City had received complaints about the condition of the sidewalk along Taylor Avenue from South 10th East approximately 675 feet. He said Council discussed the issue and asked staff to bring back a proposal and Resolution for Council to consider. He said he and the City Manager discussed the timeline and felt it was better to get sidewalks replaced this calendar year. He said he walked the area and there were several in disrepair and missing driveway approaches as well as a rolled curb. He said sidewalks standards were five feet and the current sidewalks in that area were four and a half feet wide. He said the property owner at 1054 Taylor had replaced his sidewalk within the last five years, however it didn't comply with the sidewalk standards so it would have to be widened. He highlighted



language in Chapter 12.08 Sidewalk Construction and Alteration Regulations. He said the property owner would have 30 days to complete the repair or construction of sidewalks, however the City Attorney had advised that Council could extend the 30 days if they wished. He said in the notice to property owners, the City would also include a statement that said the City was hiring a contractor to replace the rolled curb and they could choose to have the City's contractor replace their sidewalk which they would be invoiced for or a lien placed on their property. He said he received an estimate of \$10.50 a square foot for sidewalk replacement, which would be approximately \$3,150 for each property owner. He said he also received an estimate for the repair of driveways, which were all different widths, which would be \$18.50 per square foot. He said several property owners were online for the meeting and he had received one email and had talked with two property owners on the phone. He said it was staff's recommendation for Council to consider the resolution.

Mayor Gowing asked for public comment on the resolution.

Yvonne Miller, 1136 E. Taylor Avenue, said she didn't have an opposition to the replacement of her sidewalk, however she felt they needed more than thirty days. She said she had spoken with several neighbors and they were in favor of the City applying for a grant to replace the sidewalks as she and most of the property owners couldn't afford the replacement costs. She said the house at 1054 E. Taylor Avenue had their sidewalk redone by Wildish after they had damaged it.

Gerren Castle, 1112 E. Taylor Avenue, said he had done some research and the law requiring sidewalks was passed around 1990 and that he felt that the sidewalks should be grandfathered in. He said he spoken with Ron and that he was very helpful.

Ron said he had spoken with several property owners and there had been some conversation as to why the school didn't have to pay for the replacement of the sidewalks. He said it was hard to make the school pay for sidewalks across the street from their property. He said the Safe Routes to Schools project had been discussed as well and why the sidewalks weren't included in that project. He said he had mentioned to property owners that the City may be able to apply for another Safe Routes to Schools Grant, however it might be harder to receive since the City had already received one.

Councilor Fleck said sidewalks had been an issue for years. He said there were a lot of properties throughout the City that had never installed sidewalks. He was in favor of repairing sidewalks in the City, as the City was able to financially, however grants more than likely wouldn't be available. He said the best alternative would be a low interest loan and placing liens on the properties. He felt that the property owners should be given more than thirty days to make the necessary repairs/replacement and suggested it be extended to six months. He said it would be cheaper for the property owners to go in with the City to have their sidewalks replaced.

Councilor Ervin talked about the time to complete the sidewalks and balancing the safety of people walking on the sidewalks with how quickly they could be replaced. He said he was also in support of extending the time from thirty days to six months. He thanked Ron for the estimates he had provided. He said it was unfortunate, especially with the different directions of misunderstanding about the situation between what a grant allowed and how grants were written.



He said you could think of a grant as a big bonus that improved the City that the citizens didn't have to pay for. He said as sidewalk situations were prioritized, he looked forward to being on the other end and having sidewalks improved around town. He offered his assistance to property owners if they needed help in putting in their sidewalks.

City Manager Richard Meyers said any extension of time would put some risk on the property owners as they were responsible for the maintenance of sidewalks and injuries that occurred could be a liability against the property owner and their property insurance.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR ERVIN THAT COUNCIL ADOPT RESOLUTION NO. 2057 AMENDING THE THIRTY DAY TIME FRAME TO SIX MONTHS.

Councilor Stinnett said he could support the extension of time from thirty days to six months. He understood that it felt like a raw deal for property owners who came to the City looking for help. He agreed that the sidewalks needed to be replaced and recent incidents had brought the situation to light.

Richard said the prime rate was currently 3.25%.

Ron said he had asked two contractors for prices and had received one. He said there could be a discussion with property owners about a contractor doing the sidewalks to keep everyone in the loop.

Councilor Ervin asked if the City would be using a local contractor.

Ron said yes that he had contacted a local contractor and with additional time he could reach out to additional local contractors.

Yvonne Miller asked if staff could keep the citizens informed as well and if there were any grants or other funding suggestions for the property owners to help pay the cost.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Stinnett	Councilor Savage	Councilor Fleck	Councilor Solesbee	Councilor Ervin	Mayor Gowing
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Mayor Gowing advised the property owners online that if they wanted to reach out during the process, they could contact him by phone which they could get by contacting City Hall.

From: **denise bruynel** <wolfhusky2003@yahoo.com>
Date: Mon, Oct 11, 2021 at 9:41 AM
Subject: Taylor Avenue Sidewalk- Council Meeting
To: engineering@cottagegrove.org <engineering@cottagegrove.org>

10/11/2021

To Whom This Concerns,

I am writing this on the behalf of my mother who owns one of the houses that sit on Taylor Avenue as she received notification on the situation with sidewalks. As we understand the safety concerns, I am venting some frustration and want an explanation. When Harrison School was going in across the streets, why were many of the people that lived on the block under the impression that the city or the school was going to pay to fix the sidewalk because of safety concerns for the kids? When the school got built, we received information about the sidewalk being fixed to ensure that kids that walked on it were safe. We remembered having to move vehicles for that and it never got done. Why are we not considered part of the safe route that the kids walk because they walk up and down the sidewalk across from the school? How come that across from the school was not considered in 2019 when whoever implemented this safe route? The safe route doesn't even mark up to Taylor where kids walk. How about the fact that the charter school will be going in so that makes three schools in the area where kids and parents walk? These are considered the main roads for them to get to school. How about the traffic that is never considered because people speed up and down this road or the fact that the city put bike lanes in for safety but can't fix and pay for a sidewalk that is across from an active school zone. This makes me question whether the city truly cares about the safety of kids and the resident that can't afford this. It makes me wonder where all this money is supposed to be going to ensure safety.

My mother's driveway was dug up by the city and was never repaired by the city, thus leaving an area not paved. How come she has to pay for damage that was done by the city? When it was left like this, and my mother tried to reach out to get it fixed and the city never bothered.

How come we are in a Pandemic are you going to force people that may not have money to fix sidewalks? You don't know what financial issues are happening to those who are barely working or not able to work. My mother has little money and is not able to cover this expense or be slammed by a bill for the city that neglected the sidewalk that was right across from Harrison school. She also has been dealing with health issues and has even been admitted to hospital recently and still awaiting a bill. This situation completely stressed her out, which she doesn't need because of some ongoing medical issues. This sidewalk has been like this for many, many, year way before she had ever lived on this street. With all due respect, it is not fair to force citizens that live on Taylor to pay for a sidewalk when it should have been covered by the school that moved across the street or the city especially because it affects the safety of the kids that come to and from multiple schools in our area.

I could keep going, but I believe you understand how unhappy we are about this situation. Oh and my mom even said that if she has to pay for this then she doesn't even want a sidewalk because many people don't have one in this town and there are probably many other sidewalks that don't meet what the city is expecting.

Sincerely,

One of the daughters of the resident/homeowner on Taylor Avenue

Sam B.

P.S. How come the residents of Taylor received this notice hanging on their doors late Friday and another one on Saturday not giving any time to fight this situation or doing anything about it. People have jobs, lives, and things that may cause problems for them to attend a late in the evening meeting to stop this from happening.