



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

**Wednesday, May 12, 2021
7:00 PM**

**Montrose Community Center
200 Center Avenue South
Montrose, Minnesota 55363**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
 - A. February 10, 2021 Planning and Zoning Commission Meeting Minutes
 - B. April 14, 2021 Planning and Zoning Commission Meeting Minutes
6. Oath of Office – Roger Fraumann
7. Old Business
8. New Business
 - A. Ordinance 2017-7 – Discussion regarding changes needed to ordinance
 - B. City Code Chapter 50.01 – General Provisions – E) Repair of Sidewalks and Alleys Discussion
 - C. City Planner Updates
9. Next Meeting
 - A. Wednesday, June 9, 2021 to be held at the Montrose Community Center - 7:00 p.m.
10. Adjournment

*** * Please note that a quorum of the City Council may be present
at the Planning and Zoning Commission Meeting. * ***

City of Montrose
 Planning and Zoning Commission Meeting
 Montrose Community Center
 200 Center Avenue South
 Wednesday, February 10, 2021
 7:00 P.M.

1. CALL TO ORDER

Pursuant to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, February 10, 2021 at 7:00 p.m.

Planning and Zoning Commission Vice-Chair, Mr. Justin Emery, called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Commissioner Shawn Cuff
 Commissioner Justin Emery
 Commissioner Charles Smallwood
 City Council Liaison Sam Solarz

Staff Present: Ms. Deborah Boelter, City Clerk-Treasurer
 Ms. Jessica Bonniwell, City Administrator
 Mr. Daniel Elder, City Planner

Absent: Commissioner Sylvia Henry

3. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

**Commissioner Smallwood motioned to approve the Amended February 10, 2021 Planning and Zoning Commission Meeting Agenda as written. Commissioner Cuff seconded the motion.
 Motion carried 3-0.**

5. APPROVAL OF THE MINUTES

A. January 13, 2021 Planning and Zoning Commission Meeting

**Commissioner Smallwood motioned to approve the Planning and Zoning Commission Meeting minutes of January 13, 2021 as written. Commissioner Cuff seconded the motion.
 Motion carried 3-0.**

6. ELECTION OF OFFICER

A. Election of position of Chair on the Planning and Zoning Commission

Ms. Boelter stated that Commissioner Scanlon has resigned and his position as Chair will need to be filled. Ms. Boelter went on to state the Mr. Emery would like to remain as Vice Chair.

**Commissioner Emery motioned to appoint Mr. Charles Smallwood as Chair of Planning and Zoning. Commissioner Cuff seconded the motion.
 Motion carried 2-0-1 with Commissioner Smallwood abstaining from vote.**

7. PUBLIC HEARINGS

A. Consider A Conditional Use Permit (C.U.P.) Application – 111 Buffalo Ave South

**Commissioner Emery motioned to close the Planning and Zoning Meeting and Open the Public Hearing for the Conditional Use Permit Application for 111 Buffalo Ave South. Commissioner Cuff seconded the motion.
Motion carried 3-0.**

Background

Sid Chantland has requested approval of a conditional use permit (CUP) to allow a firearms sales business to be conducted at 111 Buffalo Ave South. The applicant has indicated that the building's primary use will be the restoration and sale of antique firearms and will have limited customer sales. Single-family uses borders the subject site to the west, east, and south and by a rail line to the north.

The site is zoned R-B, Residential Business. Within R-B districts, retail or service commercial activities (as allowed in the B-1 District) are allowed via a conditional use permit.

Issues Analysis

Conditional Use Permit Evaluation Criteria. Conditional Use Permit Evaluation Criteria. Section 1005-3 of the Zoning Ordinance states that the Planning Commission shall consider possible effects of the proposed conditional use. Its judgment shall be based upon, but not limited to, the following factors:

A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Official City Comprehensive Plan.

Staff Comment: The R-B zone is intended to provide a transition in land use from residential to low-intensity businesses and allow for the fixing of these uses. The applicant is proposing a business that, according to the applicant, will have limited customer traffic flow and will be open on a very limited basis. The use is consistent with the Comprehensive Plan's intention by providing a transitional area between residential and business.

B. The proposed use is or will be compatible with present and future land uses of the area.

Staff Comment: The property's intended use as a low-intensity business is compatible with the surrounding land use provided the property meet certain conditions imposed to mitigate negative impacts associated with the proposed use.

C. The proposed use conforms with all performance standards contained in this Code.

Staff Comment: The proposed use will be required to meet the performance standards contained in the Code.

D. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.

Staff Comment: The proposed use can be accommodated with existing public service and will not overburden service capacity.

E. Traffic generation by the proposed use is within capabilities of streets serving the property.

Staff Comment: The use is well within the capabilities of streets serving the property.

Additionally, Section 1066-7 N of the R-B zone states the following:

Retail or service commercial activities as allowed in the B-1 District, provided that:

1. Merchandise is sold at retail.

Staff Comment: The applicant has stated that they will offer merchandise for sale on a limited basis to approved customers as required by Federal Law to accommodate federal background checks.

2. Adequate off-street loading is provided in compliance with Chapter 1019 of this Ordinance.

Staff Comment: The applicant has indicated that the deliveries to the property will be limited. As such, the off-street loading shall meet the Code's requirements, but on change of ownership or change in use, the property shall be subject to review by the City.

3. Vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement.

Staff Comment: There will be minimum conflict with through traffic movement.

4. When abutting a residential use, a buffer area with screening and landscaping in compliance with Section 1020-5 of the Ordinance shall be provided.

Staff Comment: The applicant will be required to provide a buffer area with screening and landscaping.

5. All signs and information or visual communication devices shall be in compliance with Chapter 1024 of this Ordinance.

Staff Comment: The applicant has indicated there will be no signs.

Within R-B districts, retail or service commercial activities as allowed in the B-1 District are allowed with a conditional use permit. Provided certain conditions are upheld, the proposed firearms restoration business is considered a low-intensity business as intended by the City's Comprehensive Plan. The business will need to meet certain requirements, as discussed below.

Business Description. The applicant wishes to establish a firearms restoration and sales business on the property as a conditional use. According to the applicant, the business will be conducted over the internet and merchandise will be stored and received at the property. The business will have limited customers and most of the activity will involve limited hours and use for restoration.

Firearms Regulations. According to the applicant, the following eligibility requirements must be satisfied in order to obtain the referenced license and conduct the proposed business:

- You are at least 21 years old.
- You have never renounced your U.S. citizenship.
- You are not an illegal alien.
- You are a resident in the state where you intend to start your business or have an existing business location.
- You have never broken any federal firearms laws, such as buying or selling guns without proper licensure.
- You have not been convicted of a crime that required imprisonment for more than 1 year.
- You have never had a restraining order filed against you for harassment of a spouse, intimate partner, or child.
- If you use controlled substances, you must obtain them legally, and you must not be addicted to them.
- You have never been committed to a mental institution.
- You were not dishonorably discharged from the Armed Forces.

The application further notes the following:

- All persons listed on the application must provide a set of fingerprint cards to the FBI for a complete national background check.
- An investigator of the Department of Alcohol, Tobacco, Firearms and Explosives will conduct a review of the application and person(s) listed on the application. The purpose of this interview is to ensure that all Local, State and Federal laws and regulations are met.

As a conditional use permit approval condition, it is recommended that a Federal Firearms License be obtained and proof of such license be provided to the City prior to the commencement of business operations. The applicant has noted that the license is pending the approval of the conditional use permit.

Site Security. A primary concern related to the on-site storage of firearms is that of site security. According to the applicant, firearms will be secure at all times. Specifically, firearms will be stored in a locked and secure safe with a lock that prevents either loading of the firearm or accidental discharge of the firearm.

The applicant has also indicated firearms and ammunition will be stored separately and that the site is presently, and will continue to be, secured with an alarm system.

While it may be assumed, it is recommended that as a condition of the conditional use permit approval, that both firearms and ammunition be secured within the business at all times.

That applicant has indicated that, in accordance with Federal regulations, the Wright County Sheriff has been made aware of this application.

Customer Transactions. According to the applicant, all customers of the proposed home business will be required to complete a National Instant Criminal Background Check with the Federal Bureau of Investigation (FBI) before a transaction can take place. Additionally, the applicant has indicated that State and Federal Laws are very clear on who may own a firearm and who is disqualified. Federal Law requires updates to the National Instant Criminal Background Check System (NICS) within 24 hours of a person becoming disqualified from purchasing a firearm.

Disqualifications include, but are not limited to, the following:

- Violent Offenders
- Persons convicted of a Felony
- Substance Abusers
- Convictions of Domestic Abuse or Assault
- Those who have been determined to be mentally ill

Customer Interaction. In determining the compatibility of the proposed use with the surrounding neighborhood, traffic generated via customer interaction is a key issue.

According to the applicant, Federal Regulations stipulate that firearm transfers must occur in person in order to complete the necessary background checks. Thus, clients will come to the residence to complete the transactions. The applicant has indicated that the majority of these transactions will be by appointment.

To minimize neighborhood impacts, it is recommended that the following conditions related to on-site customer interactions be imposed:

1. All transactions shall be by appointment.
2. All on-site firearm transactions shall occur between the hours of 8:00 am and 7:00 pm.
3. On-site transactions with customers shall be limited to one customer at a time.

Termination of Use. Section 1005-5 of the Zoning Ordinance states the following related to a conditional use permit revocation: The City Council may suspend or revoke any conditional user permit upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in violation of this Ordinance, City codes, or other applicable regulations. A suspension or revocation of a conditional use permit will be preceded by written notice to the permittee, owner or other responsible party, and a hearing before the City Council.

Signs. The applicant has indicated there will be no signs.

Parking. Section 1019 of the Code requires retail business uses to not less than 8 parking stalls. As a condition of CUP approval, the applicant should provide proof of parking, demonstrating that the use could meet the supply requirement if needed. The applicant has indicated that there will be limited use of the property, and the proof of

parking is to ensure that the future use of the property shall meet the Code.

Recommendation

Provided certain conditions are imposed, it is believed the proposed conditional use can compatibly exist and will not negatively impact the surrounding neighborhood. Our office therefore recommends approval of the requested conditional use permit subject to satisfaction of the following conditions:

1. All exterior lighting shall be so directed so as not to cast glare toward or onto the public right of way or neighboring residential uses or districts.
2. The applicant will install a buffer area with screening and landscaping that will screen the neighboring residential uses.
3. The applicant will provide a proof of parking drawing to City Staff to
4. The hours of operation shall be limited to the hours of 8:00 am and 7:00 pm.
5. All applicable State and Federal laws/regulations pertaining to the sale of firearms including, but not limited to, those imposed by the Federal Firearms License shall be satisfied.
6. Proof of the acquisition of a Federal Firearms License shall be provided to the City prior to the commencement of business operations.
7. All customer transactions shall be by appointment.
8. On-site transactions shall be limited to one customer at a time.
9. All on-site firearm transactions with customers shall occur between the hours of 8:00 am and 7:00 pm.
10. Both firearms and ammunition shall be secured within the business at all times when not being worked on.
11. The City reserves the right to inspect the premises to ensure compliance with the conditions imposed upon the approved interim use permit.

Mr. Elder gave a summary of the above information and stated that the resident from 130 Buffalo Ave S had concerns about the security of the building as well as the proximity to the nearby Community Center, Elementary School and park. Mr. Elder stated that the building would be secured with an alarm system as well as safe vaults for the guns and ammunition. Mr. Elder stated, regarding the concerns about the proximity of the building to the nearby school, community center and parks, the City does not have the ability to zone for firearms as that is under Federal Jurisdiction. Mr. Elder stated this CUP would be contingent on Mr. Chantland obtaining his Federal Firearms License and vice versa. Mr. Elder stated Mr. Chantland would have to put screening in place around the building to shield neighboring homes from the view of the building. Mr. Elder is not requiring a parking lot at this time, but may be necessary in the future if Mr. Chantland's business model changes or a new owner takes over the property for sales. Mr. Chantland took the podium and stated that he would mostly be restoring antique guns and not "manufacturing" as most people would think of that term. Mr. Chantland also stated the guns and ammunition would be stored separately in a bank vault.

Mr. Elder stated that staff has recommended approval of the C.U.P.

**Commissioner Emery motioned to close the Public Hearing to Consider A Conditional Use Permit (C.U.P.) Application – 111 Buffalo Ave South, and open the Planning and Zoning Meeting. Commissioner Cuff seconded the motion.
Motion carried 3-0.**

**Commissioner Cuff motioned to recommend approval of the Conditional Use Permit at 111 Buffalo Avenue South. Commissioner Emery seconded the motion.
Motion carried 3-0.**

B. Consider A Planned Unit Development (P.U.D.) State Rezoning and Preliminary Plat Application – East End of Steamboat Lane

Commissioner Smallwood motioned to close the Planning and Zoning Meeting and open the Public Hearing for A Planned Unit Development (P.U.D.) State Rezoning and Preliminary Plat Application – East End of Steamboat Lane. Commissioner Emery seconded the motion. Motion carried 3-0.

Background

Scott Loomis and Loomis Development have submitted applications for a Development Stage Planned Unit Development rezoning and Preliminary Plat approval for the Rolling Meadows Fourth Addition. The development consists of 14 single-family lots on 2.89 acres of land located to east Steamboat Lane. The property was initially approved as Outlot C when Rolling Meadows Addition was approved in 2003 and was "ghost platted" for nine single-family lots at that time. The site is located to the south of the Rolling Meadows 2nd Addition and is bounded on the north by Loveland Circle and St. Paul's Lutheran Cemetery, on the south and west by Steamboat Lane, and to the east is County Road 12 S. The site is zoned R-1 Single Family Residential District.

Issues Analysis

Land Use. Within the City's Comprehensive Plan, the subject site is guided for low-density residential use, which is identified as 2 to 4 dwelling units per acre. While the proposed single-family detached homes are consistent with the Comprehensive Plan, the proposed density of 4.79 units per acre is not consistent with the Comprehensive Plan. If desired, this is an area where the Planning Commission and City Council can provide flexibility via the PUD.

Planned Unit Development Requirements. As noted, the applicant has requested a PUD, Planned Unit Development to accommodate certain flexibilities from the City's R-1 District standards. Specifically, deviations from lot size, lot width, and side yard setback are requested. While the PUD can accommodate such design flexibilities, it is important that the purpose of planned unit development must be fulfilled.

Generally speaking, planned unit development is intended to allow flexibility from the Zoning Ordinance's strict terms in return for higher site and building design standards than what would otherwise be allowed.

Section 1010-1 of the Zoning Ordinance specifically states that planned unit development is intended to encourage:

- (a) Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and siting of structures and by the conservation and more efficient use of land in such developments.
- (b) Higher standards of site and building design through the use of trained and experienced land planners, architects, and landscape architects.
- (c) More convenience in location and design of development and service facilities.
- (d) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (e) A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses.
- (f) An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
- (g) A development pattern in harmony with the objectives of the Montrose Comprehensive Plan (PUD is not intended as a means to vary applicable planning and zoning principles).
- (h) A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

In consideration of this application, this intended PUD "trade-off" of sorts must be recognized.

The City of Montrose lays out 13 requirements for a planned unit development. These requirements are outlined below with Staff comment:

- A. Ownership: An application for PUD approval shall be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.

Staff Comment: In this case, the PUD is done with the property owners' permission. This requirement has been satisfied.

- B. Comprehensive Plan Consistency: The proposed PUD shall be consistent with the City Comprehensive Plan.

Staff Comment: The Comprehensive Plan notes the need for "infill development." The lot in question is surrounded by single-family homes and is intended to provide Steamboat Lane's extension. By developing these lots that were ghost platted and expanding the road, the project is consistent with the Comprehensive Plan's goals.

- C. Utility Plan Consistency: The proposed PUD shall be consistent with the City's utility (sewer and water) plans.

Staff Comment: The site has access to utilities and is subject to the recommendations and review of the City Engineer. The project is consistent with the City's utility plans.

- D. Common Open Space: Common open space at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.

Staff Comment: The applicant is not proposing common open space with this project. The park dedication fees were taken care of as part of the Rolling Meadows 2nd Addition.

- E. Operating and Maintenance Requirements for PUD Common Open Space/ Facilities: Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.

Staff Comment: This is not applicable since no common open space has been proposed.

- F. Staging of Public and Common Open Space: When a PUD provides for common or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

Staff Comment: The PUD is to be developed in a single stage and does not include any common open space.

- G. Density: The maximum allowable density variation in a PUD shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the Montrose Comprehensive Plan. Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred twenty-five (125) percent of the proposed residential density of the entire PUD.

Staff Comment: The density proposed by the applicant is 4.79 dwelling units per acre. This is above the land use guidance provided by the Comprehensive Plan of between 2- 4 units per acre. This is an area in which the City may provide flexibility if desired utilizing the PUD.

- H. Utilities: In any PUD, all utilities, including telephone, electricity, gas and tele-cable shall be installed underground.

Staff Comment: Utility related requirements shall be subject to the review and recommendation of the City Engineer.

I. Utility Connections:

1. Water Connections: Where more than one property is served from the same service line, individual unit shut off valves shall be provided as required by the City Engineer.
2. Sewer Connections: Where more than one unit is served by a sanitary sewer lateral which exceeds four hundred (400) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owner's association or owner.

Staff Comment: Each unit will have its own sewer and water connection and is subject to review and recommendation by the City Engineer.

- J. Roadways: All streets shall conform to the design standards contained in the Montrose Subdivision Ordinance, unless otherwise approved by the City Council.

Staff Comment: The applicant is proposing the extension of Steamboat Lane and ending in a cul-de-sac. Steamboat Lane was planned for the future extension to the existing Steamboat Lane to the south. The applicant indicates on the plans the future connection to the roadway to the south. The street design standards are subject to the review and recommendations of the City Engineer.

- K. Landscaping: In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

Staff Comment: The applicant has not submitted a landscaping plan. As a condition of approval, the applicant must provide a landscaping plan deemed acceptable to the Planning Commission and City Council before final plat approval. This will be a condition of approval.

- L. Servicing Requirements: All development will be carefully phased so as to ensure that all developable land will be accorded to a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services will be granted approval in accordance with existing ordinances and development techniques. Lands which lack the available public facilities and services may be granted approval for development, provided that all applicable provisions of this Ordinance, the City Code, and State regulations are complied with.

Staff Comment: The servicing requirement has been met.

M. Setbacks:

1. The front and side yard restrictions of the periphery of the planned unit development site at a minimum shall be the same as imposed in the respective districts.
2. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern.
3. No building within the project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings.

Staff Comment: The proposal doesn't meet the first requirement for side yard setbacks. Lots 1 & 8 in Block 2 and Lots 1 & 6 in Block 1 based upon the applicants' width proposed building plans for the Rockwell and

Linden models don't meet these requirements. As part of the PUD approval, the applicant will need to submit plans highlighting conformance with the side yard setbacks on those lots listed above, which is 10 feet.

Existing Adjacent Uses. Single-family uses surround the area. The only non-single-family use is the cemetery to the northeast, which is in the township. The proposed homes will conform to other uses in the area.

Streets. The applicant is proposing the extension of Steamboat lane ending in a cul-de-sac. The applicant must modify the cul-de-sac design to meet the City Engineer letter's design requirements dated 2/3/2021.

Other Issues. Other street-related issues, including but not limited to, access locations, right-of-way dedication and street construction standards should be subject to comment by the City Engineer.

Lot Design.

Lot Area. Within the City's R-1, Residential District, a minimum lot size of 10,000 square feet is imposed. The applicant has requested flexibility from the City's lot area requirements. The proposed lot areas range from 6,773 to 8,998 square feet, with an average lot area of 7,583 square feet.

Lot Width. The R-1 zoning district imposes a minimum lot width requirement of 80 feet. The applicants have requested flexibility from the City's lot width requirements. The minimum requested width is 52 feet, with a maximum width of 58 feet

The following table demonstrates the lot area and lot widths proposed compared to the R-1 district requirements.

Parcel	Lot Area Proposed	R1 – Lot Area Requirement	Lot Width Proposed	R1- Width Requirement
Block 1 Lot 1	6,868	10,000	54	80
Block 1 Lot 2	7,103	10,000	54	80
Block 1 Lot 3	7,417	10,000	54	80
Block 1 Lot 4	7,870	10,000	54	80
Block 1 Lot 5	8,344	10,000	54	80
Block 1 Lot 6	8,998	10,000	53	80
Block 2 Lot 1	7,540	10,000	52	80
Block 2 Lot 2	7,534	10,000	52	80
Block 2 Lot 3	7,457	10,000	52	80
Block 2 Lot 4	7,244	10,000	52	80
Block 2 Lot 5	7,008	10,000	52	80
Block 2 Lot 6	6,773	10,000	52	80
Block 2 Lot 7	7,324	10,000	57	80
Block 2 Lot 8	8,682	10,000	58	80

Setbacks. The following table illustrates the setback requirements imposed in the City's R-1, Residential District, as well as setbacks proposed for the site via the PUD:

	R-1 District Requirement	Proposed via PUD
Front Yard Setback	25 feet	25 feet
Side Yard Setback	10 feet	5-10 feet
Rear Yard Setback	20 feet	25-74 feet

As shown above, the applicant has requested flexibility from the City's side yard setback requirements.

Park Dedication. As noted, the park dedication requirement obligations were met at the time of the Rolling Meadows Addition by providing parkland.

Landscaping. The applicant has not submitted a landscape plan. As a condition of approval, the applicant will submit a plan that is deemed suitable to the planning commission and city council. The following is recommended:

1. A minimum of two trees be planted within the front yards of all proposed lots. Such trees should be located outside of any established easements
2. Required front yard trees should have a minimum trunk diameter of 2 ½ inches measured 6 to 8 inches above ground level.
3. Weather permitting, sod should be installed upon all front and side yards within 60 days of home construction completion.

Grading, Drainage and Utilities. Issues related to grading, drainage, and utilities, including the establishment of related easements, should be subject to comment and recommendation by the City Engineer.

Development Agreement. As a condition of approval, the applicants must enter into a development agreement with the City and post all the necessary securities required by it. This issue must be subject to further comment by the City Attorney.

City Engineer Comments. The City Engineer has reviewed the Preliminary Plat and offers recommendations in the February 3, 2021 memo (Exhibit F). The recommendations shall be incorporated into the plat approvals.

RECOMMENDATION

If City Officials are inclined to support the requested PUD flexibility related to lot area, lot width, and side yard setbacks, Staff recommends approval of the Development Stage PUD (Rezoning) subject to the following conditions.

A. Approval of the PUD Development Stage, Planned Unit Development subject to the following conditions:

1. The City approve the Rolling Meadows 4th Addition final plat.
2. City Officials find that the proposed project fulfills the intent of planned unit development and therefore grants Ordinance flexibilities related to the following:
 - a. Lot width less than 80 feet (52-foot lot width proposed).
 - b. Lot area less than 10,000 SF (6,733 – 8,998 sf proposed).
 - c. Side yard setbacks less than 10 feet (5-foot setbacks proposed at minimum).
3. Side yard setbacks on the periphery of the subdivision shall conform to the 10 foot setback. Specifically, Lots 1 & 6 Block 1, and Lots 1 & 8 Block 2. Two of the applicant's home designs will meet the requirements. This will match the zoning requirements of the adjacent R-1 zoned properties.
4. The applicant shall submit a landscape plan for approval by planning commission and city council as a requirement of final plat approval. The landscape plan shall include the following landscaping-related conditions:
 - a. A minimum of two trees shall be planted within the front yards of all proposed lots. Such trees shall be located outside of any established easements.

- b. Required front yard trees shall have a minimum trunk diameter of 2 ½ inches measured 6 to 8 inches above ground level.
 - c. Weather permitting, sod be installed upon all front and side yards within 60 days of home construction completion.
5. The applicant shall enter into a PUD agreement with the City upon final plat approval. This issue shall be subject to further comment by the City Attorney.
 6. Comments of other City Staff.

B. Approval of the Rolling Meadows 4th Addition Preliminary Plat subject to the following conditions:

1. The applicants shall address all City Engineer comments and required per the memo from the City Engineer dated February 3, 2021.
2. The applicant shall enter into a subdivision development agreement with the City and post all the necessary securities required by it.
3. Comments of other City Staff.

Mr. Elder stated that Loomis Homes has submitted an application for 14 homes located off of Steamboat Lane. This property was originally ghost-platted for nine (9) single family homes that was approved back in 2004. Mr. Elder stated the applicant has requested variances on several requirements related to R-1 (Residential Single Family District) which include the following: lot size, lot width, and side-yard set-backs. Mr. Elder stated that the developer would be required to meet the side-yard set-backs on properties adjacent to already existing developed homes. Staff comment was that this would be a policy decision on how much flexibility would be granted from the zoning ordinance already in place for R-1 zoning districts. Mr. Elder also stated that park land has already been dedicated in an earlier addition of development for Rolling Meadows.

Mr. Elder was asked to describe what a Planned Unit Development means to the audience. Mr. Elder stated that through MN State Statute, a Planned Unit Development is allowed in order for developers to deviate from set standards in zoning districts. Mr. Elder stated this allows the City to work with the developer and usually get higher standards of landscaping or housing and is generally done by rezoning.

A resident, Mr. Kurt Andersen, from 802 Steamboat Lane asked if the amount of flexibility the City is willing to give to the developer would allow the owners of the new homes with smaller set-backs to park Recreational Vehicles on a parking pad adjacent to the house. Mr. Elder stated it would have to be looked at on a case-by-case basis and would likely only be allowed on one side of the property due to side-yard set-backs.

A resident, Mr. Roger Fraumann, from 921 Aspen Lane brought up concerns regarding traffic increases, how Randy's Sanitation would be able to service and turn around at the dead end with so many more homes and cars on that road, and the concern that all 23 homes would empty onto Aspen Lane where there is a bus stop. Mr. Fraumann would like to see Steamboat Lane completed all the way through so there is no dead end to ease traffic issues, emergency management issues, public works issues, and sanitation issues. Mr. Fraumann also brought up concerns about the lot size being small coupled with only having a one-stall garage and where residents would be able to store larger items and park vehicles. Mr. Elder stated that the engineer has addressed the cul-de-sac issue in that it would be required to be large enough to accommodate emergency vehicles, sanitation trucks and public works vehicles.

A resident, Mr. Mike Pilarski, from 923 Aspen Lane took the podium to reiterate the concerns brought up by Mr. Fraumann in so far as the large number of homes, 14 homes, being put into a development originally platted for nine (9) homes. Mr. Pilarski also voiced concerns about emergency vehicles accessing the homes on the dead end street.

A resident, Mr. Dyllan Jensen, from 920 Steamboat Lane, took the podium to voice his concerns regarding how there are many children, including a special needs child, currently living on the dead end road and the increase in traffic is a concerning factor regarding the development.

**Commissioner Emery motioned to close the Public Hearing for A Planned Unit Development (P.U.D.) State Rezoning and Preliminary Plat Application – East End of Steamboat Lane and open the Planning and Zoning Meeting. Commissioner Cuff seconded the motion.
Motion carried 3-0.**

Commissioner Cuff asked if the proposed lot sizes conform with the current R-1 zoning standards. Mr. Elder stated that they did not conform with the R-1 zoning standards and that was why they were applying for a P.U.D. that would allow them to deviate from the standards. Mr. Smallwood stated that small side-yard set-backs have been damaging to other parts of the City when there is a fire. Mr. Smallwood stated that even with a 10-foot side-yard set-back there was damage to an adjacent building during a recent fire. Mr. Smallwood stated that the 5-foot side-yard set-back was not big enough, allowing only 10 feet between homes. Mr. Elder stated that not every yard has a 5-foot set-back on each side of the property, most of the homes will have a 5-foot and 7-foot side-yard set-backs. Mr. Elder stated that some of the yards would then have a 12-foot side-yard set-back between homes.

**Commissioner Emery motioned to not recommend approval for the Planned Unit Development (P.U.D.) State Rezoning and Preliminary Plat Application – East End of Steamboat Lane. Commissioner Cuff seconded the motion.
Motion carried 3-0.**

8. NO OLD BUSINESS

9. NEW BUSINESS

A. City Planner Updates

Mr. Elder stated he has been working with Mr. Trelstad that owns the property at 300 Nelson Boulevard and he will be submitting a Conditional Use Permit (C.U.P.) application in the near future.

Mr. Elder stated that the applicant is still working through issues with the property before they submit an application for development.

Mr. Elder stated we have not had further communication with Mr. Boike regarding the Laundromat/Subway enterprise.

B. Consider Planning and Zoning Commission Member Application – Mr. Roger Fraumann

Ms. Boelter stated that we have received an application for Planning and Zoning Commission Member from Mr. Roger Fraumann for the Commission to consider. Ms. Boelter asked the Commission to make a recommendation to the City Council for or against approval at the March 8, 2021 meeting.

**Commissioner Emery motioned to recommend Mr. Roger Fraumann' application for consideration to be approved by City Council to be a Commission Member on the Planning and Zoning Commission. Commissioner Cuff seconded the motion.
Motion carried 3-0.**

10. NEXT MEETING

A. Wednesday, March 10, 2021 to be held at the Montrose Community Center - 7:00 p.m.

11. ADJOURNMENT

Commissioner Cuff motioned to adjourn the Planning and Zoning Commission Meeting at 7:39 p.m. Commissioner Emery seconded the motion. Motion carried 3-0.

Charles Smallwood
Chair
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose

City of Montrose
Planning and Zoning Commission Meeting
Montrose Community Center
200 Center Avenue South
Wednesday, April 14, 2021
7:00 P.M.

1. CALL TO ORDER

Pursuant to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, April 14, 2021, 2021 at 7:00 p.m.

Planning and Zoning Commission Chair, Mr. Charles Smallwood, called the meeting to order at 7:00 p.m.

2. No Quorum Present – Meeting Cancelled

Present at Meeting: **Commission Chair Mr. Charles Smallwood**
 Commission Member Ms. Sylvia Henry

Staff: **Mr. Daniel Elder – City Planner**
 Ms. Jessica Bonniwell – City Administrator

Absent: **Commission Member Mr. Justin Emery**
 Commission Member Mr. Shawn Cuff

Commissioner Smallwood opted to waive his meeting reimbursement for the April 14, 2021 meeting.

Meeting Adjourned at 7:01 p.m.

Charles Smallwood
Chair
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose



MEMORANDUM

TO: Montrose Planning Commission

FROM: Daniel Elder

DATE: May 12, 2021

RE: Montrose – City Code Chapter 1019 Parking Stall Aisle and Driveway Design

NAC FILE: 21.01

Background

City Staff has asked that City Code Chapter 1019: Parking Stall Aisle and Driveway design be discussed by the Planning Commission in an effort to make the ordinance less restrictive and more accommodating for residents to obtain permits. Of particular concern for staff are the hard surface requirements that residents are required to install.

Analysis

The Code currently includes the following design standards:

- (1) The recreational vehicles or recreational equipment are located on a parking area in a rear or side yard of the property. The parking area shall be constructed in accordance with the City's approved driveway details. The parking area shall be constructed with concrete, asphalt, concrete pavers, brick set in compacted sand, class 5 gravel, or other impervious or semi-impervious surface material that has been approved by the City Engineer, provided it is accessible from a driveway;

Staff is looking to expand upon the allowed materials for vehicles parked or stored in side or rear yards. Other cities allow for class 5 limestone, crushed stone, crushed gravel, or interlocking concrete pavement. Staff is seeking feedback on whether city planning and engineering staff should proceed with the preparation of modified design standards for parking pads to make it easier for residents to be granted a permit.

Setback Ordinance

In reviewing Chapter 1019, City Staff noticed the following "*C. The adjacent property owner shall provide a written statement to the applicant/owner and the City approving the placement of the parking pad within the five-foot setback*" and additionally "*B. The placement of parking pad within the five-foot setback must be pre-approved by the City Engineer.*"

These actions, particularly part C, are not allowed within the zoning powers of the City. This creates a subjective standard by handing quasi-judicial power to the neighboring property owner and City Engineer, which is not legal. This language will need to be amended, and it is a policy question for the Planning Commission and City Council as to what the minimum setback of the encroachment will be. City Staff is suggesting the following underlined changes.

(3) The recreational vehicles or recreational equipment are a minimum of 5 feet from an interior lot line or rear lot line and at least 15 feet from a street side lot line. The parking pad may be allowed to encroach within the required five-foot (5') side yard setback if the following conditions are met:

- a. The encroachment does not negatively impact drainage, utilities, or city maintenance access to public improvements as determined by the City Engineer.
- ~~b. The placement of a parking pad within the five foot setback must be pre-approved by the City Engineer.~~
- ~~c. The adjacent property owner shall provide a written statement to the applicant/owner and the City approving the placement of the parking pad within the five-foot setback.~~
- b. A minimum setback of two (2) feet is maintained. (This is merely a suggestion and is a policy question of what the minimum setback for the allowed encroachment will be).

Changing this standard will streamline the permit application process for residents, rather than giving the City Engineer and the neighboring property owner sole power to grant or deny what is effectively a variance from City Code. Alternatively, variances would need to go a Planning Commission and City Council meeting for each of the parking pad permits where a 5-foot setback cannot be met. This would be counter-intuitive to the idea of making the ordinance less restrictive and easier for residents to obtain permits. Today staff is looking for feedback on the appropriate minimum setback for parking pads.

Based on the feedback from on these two discussion items, staff will collaborate with the City Engineer to bring forward an ordinance amendment including revised design standards and new language for the minimum setback.

Pc: Jessica Bonniwell
Jared Voge

ORDINANCE NO. 2017-7

CITY OF MONTROSE

**AN ORDINANCE AMENDMENT TO CHAPTER 1019 OF THE ZONING ORDINANCE OF
THE CITY OF MONTROSE, RELATING TO THE PARKING OF RECREATIONAL
VEHICLES AND EQUIPMENT IN RESIDENTIAL DISTRICTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE THAT THE
FOLLOWING CHAPTERS AND SECTIONS OF THE ZONING ORDINANCE ARE AMENDED
TO READ AS FOLLOWS:**

Section 1. City Code, Section 1019 is amended as follows:

1019-3: GENERAL PROVISION:

E. Restrictions on Parking:

5. Recreational Vehicle Parking. Recreational Vehicles shall not be permitted to be parked on a public street within residential zoned districts except for the specific purpose of temporary loading or unloading.

1019-4: PARKING STALL, AISLE AND DRIVEWAY DESIGN:

A. Design Standards:

12. Surfacing, is amended as follows:

- e. Up to three recreational vehicles, including a camping trailer, motor home, pick-up coach, travel trailer or park trailer, recreational vehicle (RV), snowmobile or water craft, or recreational equipment (ice fishing houses, utility trailers and other equipment generally towed behind another vehicle used for non-commercial purposes), may be stored on any residential property provided:
 - (1) The recreational vehicles or recreational equipment are located on a parking area^a in a rear or side yard of the property. The parking area shall be constructed in accordance with the City's approved driveway details. The parking area shall be constructed with concrete, asphalt, concrete pavers, brick set in compacted sand, class 5 gravel, or other impervious or semi-impervious surface material that has been approved by the City Engineer, provided it is accessible^b from a driveway;
 - (2) One of the permitted recreational vehicles permitted in Section 1019-4, A, 12, e, may be stored in the front yard if:
 - a. Stored on the designated driveway.
 - b. Is no closer than ten (10) feet from the street edge or curb line and shall not overhang any portion of a public sidewalk or path.

- c. One (1) boat parked or stored on a licensed trailer shall be counted as one (1) recreational vehicle as permitted in Section 1019-4, A, 12, e of this ordinance.
- (2) (3) The recreational vehicles or recreational equipment are a minimum of 5 feet from an interior lot line or rear lot line and at least 15 feet from a street side lot line. The parking pad may be allowed to encroach within the required five-foot (5') side yard setback if the following conditions are met:
- a. The encroachment does not impact drainage, utilities or city maintenance access to public improvements.
 - b. The placement of a parking pad within the five-foot setback must be pre- approved by the City Engineer.
 - c. The adjacent property owner shall provide a written statement to the applicant/owner and the City approving the placement of the parking pad within the five-foot setback.
 - d. The applicant/owner must execute an easement agreement, with the City of Montrose, acknowledging they are responsible for restoration of the parking pad located in an easement area if it is disturbed by the City or utility companies.
 - e. The applicant/owner shall submit an application and fee, in accordance with the City's Fee Schedule, to cover the costs of the City Engineer's inspection.

^a For the purpose of this section, "parking area" shall be defined as follows; a dedicated area that fully covers the entire ground surface beneath the recreational vehicle to be stored. Impervious surface beneath just the tires shall not constitute a parking area.

^b For the purpose of this section, "accessible" shall be defined as follows; the parking area shall be located such that the recreational vehicle can use the existing driveway to access the side or rear yard where the parking area is located. The parking area is not accessible if access requires traversing any portion of the front yard that is not the designated driveway or directly from the street at a point that is not the designated driveway. If a property is a corner lot or a lot located on an improved alley then the parking area can be accessed directly via the street or alley if approved by the City Engineer.

Section 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 14th day of August 2017, by the City Council of the City of Montrose.

FIGURE NO. 1



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422
 Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

MEMORANDUM

TO: Montrose Planning Commission

FROM: Matt Brillhart

DATE: May 12, 2021

RE: Montrose City Code Chapter 50: Sidewalk Maintenance Responsibilities

NAC FILE: 21.01

Background

Planning Commission has asked that the following portion of the City Code be discussed – Chapter 50.01: General Provisions, Assessable Current Services. Specifically, the portions of the Code regarding sidewalks and the section as follows:

E) Repair of sidewalks and alleys.

1) Duty of owner. The owner of any property within the City abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the Office of the City Administrator/Clerk-Treasurer.

2) Inspections; notice.

a) The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the City are kept in repair and safe for pedestrians or vehicles.

b) If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the City will do so and that the expense thereof must be

paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

3) Repair by City. If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Administrator/Clerk-Treasurer shall report the facts to the City Council and the City Council shall by resolution order the work done by contract in accordance with law. The City Administrator/Clerk-Treasurer shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

F) Personal liability.

1) The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service.

2) As soon as the service has been completed and the cost determined, the City Administrator/Clerk-Treasurer, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Administrator/Clerk-Treasurer.

The Planning Commission has informed staff that they are concerned about whether residents should have to pay for the ongoing maintenance of the sidewalks adjacent to their property. City Code currently stipulates that the owner of the property is responsible for the upkeep and maintenance of the sidewalks.

Analysis

In reviewing the issue of sidewalk funding, in most cities funding policies for sidewalk repair falls into the following categories:

Individual Property Owner Funded

Property owners are responsible for funding the repair or reconstruction of sidewalks adjacent to the properties they own. This is the most common sidewalk repair funding model. This is the model that the City is currently using, and the Minnesota Department of Health has a guide entitled “*Sidewalk Repair Funding Guide*” and lists the following as the advantages and disadvantages of the of this model:

One advantage of the adjacent property owner funded model is that a community can directly recover construction costs as maintenance is performed. Another advantage of this model is that property owners see a direct benefit from their payments to the municipality compared to fees and taxes that enter a pool that most people do not track.

One disadvantage of the property owner funded model is the administrative costs associated with managing the program. For example, staff resources are needed to hire and manage contractors addressing the repairs, and/or to address the repairs themselves. If staff resources are limited, the inspections and contract management may become delayed. This, in turn, may delay sidewalk repairs and prolong sidewalk hazard issues. In addition, a community with limited staff resources may not be able to proactively inspect sidewalks for disrepair.

This can result in repair prioritization relying too heavily on individual repair requests, which can lead to an inaccurate reflection of where the greatest need is. Because both options put the financial responsibility on property owners, it risks inspiring resistance to new sidewalks in neighborhoods that previously did not have them. In addition, adjacent property owners are responsible for sidewalk repair costs regardless of their ability to pay. This can be a financial burden for lower-income property owners, who often pay a larger percentage of their income than higher-income property owner for the same amount of public benefit. This inequity may be further exacerbated in places where lower income residents live in older neighborhoods that often have the greatest need for repairs and the most people who rely on sidewalk access for transportation due to lower rates of car ownership.

Community-Funded Repairs

The municipality takes responsibility for repairing all sidewalks, typically using general funds or transportation funds. The sidewalk guide has the following as the advantages and disadvantages of this approach:

Community-funded repairs are an option for municipalities that aim to treat all sidewalks as community-wide assets. This usually happens via the use of general fund or transportation fund budgets. One advantage of a community-funded model is that it can ease administrative costs compared to property owner funded programs. Another advantage of a community-paid model is that it allows a community to spread the cost of sidewalk repair over the entire community, curbing disproportionate burdens on lower income property owners and ensuring a useable sidewalk network that serves the whole community.

One disadvantage of community-paid repair funding models is that they typically require funds specifically budgeted for the program Minnesota State Statute 435.44 gives municipalities the authority to use this model by allowing for the establishment of Sidewalk Improvement Districts. The community-funded repair model is currently rare in Minnesota, as most municipalities typically use a hybrid version, or cost-sharing, model.

Hybrid Approaches

A combination of the first two models. Hybrid approaches may include special districts and cost-sharing programs.

There are some hybrid approaches to sidewalk repair funding that blend community-funded and property owner funded models. They typically include special districts and cost-sharing programs, and the two strategies may be combined. For example, special districts may trigger a community to contribute a specific percentage of allotted cost-sharing funds while the city covers the rest of the costs.

Sidewalk Improvement Districts/Special Districts Sidewalk improvement districts (SIDs) are a hybrid model that assesses property owners for sidewalk repair but pools the assessments and distributes them to meet district-wide sidewalk repair goals. They help transfer the cost of sidewalk installation and repair from individual property owners to an entire district that benefits from the infrastructure. SIDs are a system where all property owners typically pay regular, annual fees for sidewalk improvements across each district. SIDs are relatively uncommon in Minnesota, where assessments are the more common model for sidewalk repair funding. However, some communities have developed provisions for the establishment of SIDs in the future.

Cost- Sharing Programs

A cost-sharing program is one strategy municipalities can use to ease the cost burden on property owners. Property owners are still assessed for adjacent sidewalk repairs, but a city may choose to pay all or a portion of the cost of the repair. For example, the city may choose to cover 100% of the costs for those below a certain income level.

Feedback

The Planning Commission and City Council will need to decide on a preferred approach to sidewalk maintenance responsibilities and any potential changes to City Ordinances. Any change will need to consider the desired type of sidewalk repair program and the funding sources that will be utilized. Planning and Engineering staff are looking for a direction in order to determine the cost and financial liabilities that the City will face with the potential change.

Pc: Jessica Bonniwell
Jared Voge

CHAPTER 50: GENERAL PROVISIONS

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50.02.	TREE DISEASES.	138
50.03.	DISPOSITION OF ABANDONED PROPERTY.	139

50.01. ASSESSABLE CURRENT SERVICES.

A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

1) CURRENT SERVICE. One or more of the following: snow, ice or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.261 as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

B) Snow, ice, dirt and rubbish.

1) Duty of owners and occupants.

- a) The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians.
- b) No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon.

2) Removal by City.

- a) The City Administrator/Clerk- Treasurer or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall.
- b) The City Administrator/Clerk- Treasurer or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

C) Public health and safety hazards. When the City removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the City Administrator/Clerk- Treasurer.

D) Installation and repair of water service lines. Whenever the City installs or repairs water service lines serving private property hereunder, the City Administrator/Clerk-Treasurer shall keep a record of the total cost of the installation or repair against the property.

E) Repair of sidewalks and alleys.

1) Duty of owner. The owner of any property within the City abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the Office of the City Administrator/Clerk-Treasurer.

2) Inspections; notice.

a) The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the City are kept in repair and safe for pedestrians or vehicles.

b) If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the City will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

3) Repair by City. If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Administrator/Clerk-Treasurer shall report the facts to the City Council and the City Council shall by resolution order the work done by contract in accordance with law. The City Administrator/Clerk-Treasurer shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

F) Personal liability.

1) The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service.

2) As soon as the service has been completed and the cost determined, the City Administrator/Clerk-Treasurer, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Administrator/Clerk-Treasurer.

G) Damage to public property.

1) Any person driving any vehicle, equipment, object or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or

moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code.

- 2) When the driver is not the owner of the vehicle, equipment, object or contrivance, but is operating, driving or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

H) Assessment.

- 1) On or before September 1 of each year, the City Administrator/Clerk-Treasurer shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section.
- 2) The City Council may then spread the charges against property benefitted as a special assessment under the authority of M.S. Chapter 429, M.S. § 366.011, § 366.012 and § 415.01 and any other authority for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

50.02. TREE DISEASES.

A) Trees constituting nuisance declared. The following are public nuisances whenever they may be found within the City:

- 1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylurgopinus Rufipes* (Marsh);
- 2) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;
- 3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;
- 4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide; and
- 5) Any other shade tree with an epidemic disease.

SIDEWALK REPAIR FUNDING GUIDE

A component of *Minnesota Walks* | May 2018



m MINNESOTA

 **Toole**DesignGroup

ship
statewide health
improvement partnership

Introduction

Sidewalks in disrepair can make walking challenging and hazardous. Through [Minnesota Walks](#), a collaborative vision for improving walking in Minnesota, residents from around the state reported that sidewalks in disrepair is one of their biggest obstacles to walking year-round.

The purpose of this guide is to provide professionals and community members across Minnesota with resources for funding sidewalk repairs. Its development was funded by the Minnesota Department of Health as a response to the strategies from Minnesota Walks, which aims to make walking safe, convenient, and desirable for all.

Importance of Sidewalk Repair Funding

Sidewalks in disrepair create dangerous situations for people with assistive mobility devices, for people with visual impairments, and for many older adults.

Having a sidewalk repair funding model that works well for your community is a critical step in addressing these challenges. This guide outlines a menu of options for sidewalk funding models and summarizes advantages and disadvantages of each.

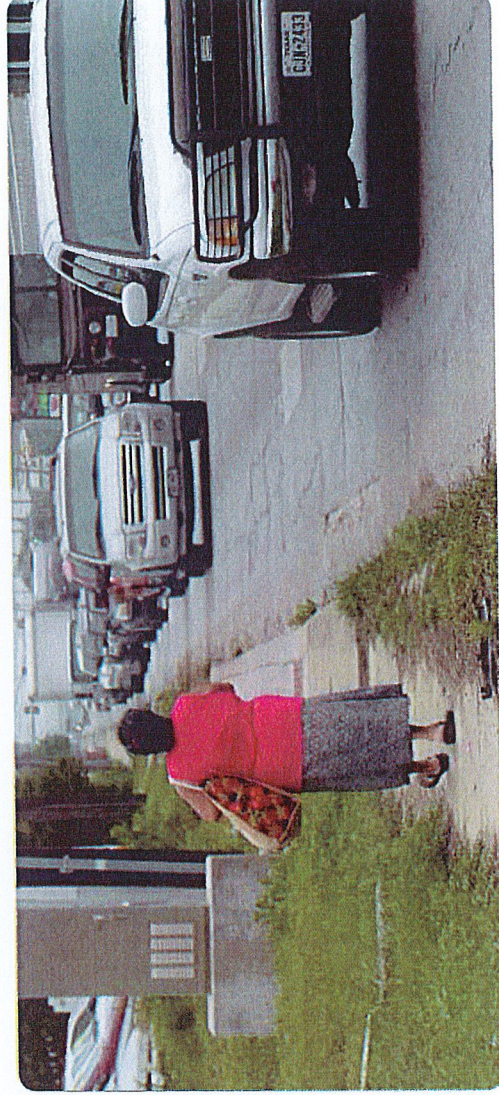
Minnesotans expressed a desire for year-round upkeep of pedestrian facilities, and *Minnesota Walks* identified goals and challenges related to pedestrian facility maintenance.

Goals:

- » Maintain year-round walking infrastructure by ensuring necessary repairs and clearing snow and ice in a timely fashion.
- » People of all ages and abilities are able to walk in their communities year-round without suffering mobility limitations from weather conditions or degraded infrastructure.

Challenges:

- » Sidewalks and pathways are not maintained in timely schedule, leading to cracks, uneven ground and other issues.
- » Sidewalks are part of the right of way, yet it is the only part of the transportation system that adjacent property owners typically need to fund and regularly maintain.
- » Cost of installation and replacement, and responsibility of sidewalk maintenance often falls on adjacent property owners.
- » Adopting a maintenance plan to decide who will pay for maintaining infrastructure can be a barrier to building sidewalks in the first place.



Funding Models

Sidewalk funding policies generally fall into three categories:

Individual Property Owner Funded

Property owners are responsible for funding the repair or reconstruction of sidewalks adjacent to the properties they own. This is the most common sidewalk repair funding model.

Community-Funded Repairs

The municipality takes responsibility for repairing all sidewalks, typically using general funds or transportation funds.

Hybrid Approaches

A combination of the first two models. Hybrid approaches may include special districts and cost-sharing programs.

Individual Property Owner Funded

Adjacent property owners are the most common funding source for sidewalk repair. In most Minnesota cities, municipal code requires that adjacent property owners¹ keep their sidewalks in good repair and safe for public travel. This usually means keeping the sidewalk clear of vegetation overgrowth and snow and ice accumulation, as well as making repairs to damaged sidewalks.

1. *Property owners are the entities that legally own the land/building. While a property owner may have tenants and a lease or contract may include stipulations about sidewalk repair, property owners themselves are ultimately responsible to the municipality regarding sidewalk repair.*

When a sidewalk needs repair, municipalities typically provide adjacent property owners with two options:

1. The municipality addresses the required repairs and bills the adjacent property owner for the cost. Costs are either assessed on their tax bill over a certain number of years, or as a lump sum payment.
2. The adjacent property owner hires an independent contractor to address the required repairs. This option is less common.

One advantage of the adjacent property-owner funded model is that a community can directly recover construction costs as maintenance is performed. Another advantage of this model is that property owners see a direct benefit from their payments to the municipality compared to fees and taxes that enter a pool that most people do not track.

One disadvantage of the property owner-funded model is the administrative costs associated with managing the program. For example, staff resources are needed to hire and manage contractors addressing the repairs, and/or to address the repairs themselves. If

staff resources are limited, the inspections and contract management may become delayed. This, in turn, may delay sidewalk repairs and prolong sidewalk hazard issues. In addition, a community with limited staff resources may not be able to proactively inspect sidewalks for disrepair. This can result in repair prioritization relying too heavily on individual repair requests, which can lead to an inaccurate reflection of where the greatest need is.

Because both options put the financial responsibility on property owners, it risks inspiring resistance to new sidewalks in neighborhoods that previously did not have them. In addition, adjacent property owners are responsible for sidewalk repair costs regardless of their ability to pay. This can be a financial burden for lower-income property owners, who often pay a larger percentage of their income than higher-income property owner for the same amount of public benefit. This inequity may be further exacerbated in places where lower income residents live in older neighborhoods that often have the greatest need for repairs and the most people who rely on sidewalk access for transportation due to lower rates of car ownership.

Tax Deduction for Sidewalk Repairs

Did you know that public sidewalk repair costs are tax deductible? [According to the IRS](#), you cannot deduct amounts you pay for local benefits that tend to increase the value of your property, such as the construction of new sidewalks. You can, however, deduct assessments (or taxes) for local benefits if they are for maintenance, repair, or interest charges related to those benefits. An example is a charge to repair an existing sidewalk and any interest included in that charge.

Case Study: Denver, CO population 682,545

At the end of 2017, the City of Denver, Colorado unveiled a [new sidewalk repair program](#) that offers homeowners loans and income-based assistance for sidewalk repairs. The program addresses damaged, sloping, and uneven sidewalks in support of the City's goal to have a better network of safe, accessible infrastructure citywide. Per City ordinance, Denver property owners are responsible for the repair and maintenance of sidewalks adjacent to their properties.

To help with the repairs, the City will offer extended repayment assistance and affordability discounts for qualified property owners based on household income. The "affordability discounts" start at a 25 percent subsidy for families earning 80 percent to 100 percent of metro Denver's area median income. Lower-income households are eligible for 50 percent and 75 percent discounts, and families earning less than 50 percent of area median income do not pay anything — the City pays the entire cost of repairs.

Denver's Public Works department has identified 11 sidewalk regions by grouping neighborhoods into roughly comparable areas, and addresses one region per year. Denver's Public Works staff will inspect sidewalk conditions and contact property owners whose sidewalks need repair. Staff provide information on repair requirements, estimated costs, extended repayment options, and affordability programs. Adjacent property owners are required to correct violations on their own or can choose to have Public Works complete the work based on a set fee schedule. The City is also authorizing two less expensive repair methods that were not previously allowed, which are patching and grinding sidewalks in disrepair.

Community-Funded Repairs

Community-funded repairs are an option for municipalities that aim to treat all sidewalks as community-wide assets. This usually happens via the use of general fund or transportation fund budgets.

One advantage of a community-funded model is that it can ease administrative costs compared to property owner-funded programs. Another advantage of a community-paid model is that it allows a community to spread the cost of sidewalk repair over the entire community, curbing disproportionate burdens on lower income property owners and

ensuring a useable sidewalk network that serves the whole community.

One disadvantage of community-paid repair funding models is that they typically require funds specifically budgeted for the program. Funding can come from a variety of sources, which are covered in more detail in the Starter Ideas section. [Minnesota State Statute 435.44](#) gives municipalities the authority to use this model by allowing for the establishment of Sidewalk Improvement Districts.

The community-funded repair model is currently rare in Minnesota, as most municipalities typically use a hybrid version, or cost-sharing, model. It is more common in other parts of the country, such as Ithaca, New York.



Case Study: Ithaca, NY population 30,756

In June 2014, Ithaca, New York started implementing a new sidewalk policy that funds sidewalk repair and construction work through annual sidewalk assessment fees. The policy divides the city into five Sidewalk Improvement Districts, and every property owner in the city contributes an annual fee to the district they are in. The new policy moves away from burdening adjacent property owners with the entire cost of sidewalk installation and maintenance, and spreads the cost of sidewalk repairs across all property owners in each district.

Properties are assessed an annual amount that is based on their classification type. One- and two-family homes are classified as “low foot traffic lots” and pay an annual maintenance fee of \$70. All other lots pay a base annual maintenance fee of \$140 plus additional fees based on a frontage fee and the square footage of all buildings on the lot. The building footprint fee is \$0.015 per square foot of building footprint, plus a frontage fee of \$30 for every 50 feet of linear lot frontage on the street. A theoretical calculation of this formula for three different properties is shown below in Table 1.

Building Type	Single-Family Home	Small Business	Big Box Commercial
Maintenance Fee	\$70 (base fee)	\$140 (base fee)	\$140 (base fee)
Frontage Fee	None	\$30 (50 ft. x \$30/50 ft.)	\$900 (1,500 ft. x \$30/50 ft.)
Square Footage Fee	None	\$15 (1,000 square ft. x \$0.015/square ft.)	\$1,500 (100,000 square ft. x \$0.015/square ft.)
Total Annual Assessment	\$70	\$185	\$2,540

Table 1: A theoretical scenario of what different property owners would pay under Ithaca’s annual sidewalk assessment program.

The funds collected from the annual assessments are dedicated to sidewalk maintenance and construction within each district. Each district’s total contribution is different because the districts vary in size and property classifications, so the funds raised between districts vary. Each district’s funds are only spent for improvements within that district, and the money raised covers all sidewalk work done in Ithaca each year. The Sidewalk Improvement District policy raises an estimated \$840,000 citywide each year for sidewalk maintenance, which replaces and exceeds the average yearly amount of citywide sidewalk work that was previously performed by both City crews and private contractors.

The objectives for Ithaca’s Sidewalk Improvement policy are to:

- » Make sidewalk costs fair and predictable for property owners.
- » Make better, faster sidewalk repairs.
- » Continue to include tax-exempt property owners in sidewalk financing.
- » Treat sidewalks as a shared resource and build more sidewalks.

The City has a special policy to credit property owners for sidewalk repair work that they have paid for in the past. If a sidewalk has been constructed or repaired at the owner’s expense in the past 20 years, the owner’s annual assessment can be reduced. For 20 years after the date of construction or repair, 1/20th of the cost of the past work may be discounted from the assessment each year. The Department of Public Works reviews these applications for reduction, and owners can appeal decisions to the Board of Public Works. The City’s previous policy was to assess individual property owners for the cost of sidewalk repair adjacent to their property. The Mayor of Ithaca formed a Sidewalk Task Force in 2013 to develop the new policy.

Case Study: La Crosse, WI population 52,109

The City of La Crosse is considering a transition to 100% community-paid sidewalk repairs. In February 2018, the City's Board of Public Works voted to eliminate the assessment. The reasoning provided by the City's traffic engineer was threefold: eliminate paperwork for municipal employees, simplify the permitting process for contractors, and address unpopular assessments for property owners. La Crosse had previously removed the cost for new sidewalk installation. The City plans to budget \$50,000 annually for sidewalk repairs.

Hybrid Approaches

There are some hybrid approaches to sidewalk repair funding that blend community-funded and property owner-funded models. They typically include special districts and cost-sharing programs, and the two strategies may be combined. For example, special districts may trigger a community to contribute a specific percentage of allotted cost-sharing funds while the city covers the rest of the costs.

Sidewalk Improvement Districts/Special Districts

Sidewalk improvement districts (SIDs) are a hybrid model that assesses property owners

for sidewalk repair but pools the assessments and distributes them to meet district-wide sidewalk repair goals. They help transfer the cost of sidewalk installation and repair from individual property owners to an entire district that benefits from the infrastructure. SIDs are a system where all property owners typically pay regular, annual fees for sidewalk improvements across each district.

SIDs are relatively uncommon in Minnesota, where assessments are the more common model for sidewalk repair funding. However, some communities have developed provisions for the establishment of SIDs in the future. One example is the City of West Saint Paul.



Minnesota Community Spotlight:

West Saint Paul
population 19,746

In 2016, staff from the City of West Saint Paul studied the creation of an assessment policy for all sidewalk and trail improvements in the City. This initiative was in response to the adoption of the City's 2014 Sidewalk and Trail Plan, which was estimated to need \$6.7 million to be implemented. The district would be city-wide, and would include assessments on property owners at annual rates ranging from \$20 to \$100 per year. The program would endure temporarily—for 5 to 10 years—until the Plan was fully implemented. Staff considered the most appropriate approach for establishing a tiered assessment level that reflected areas of higher demand for sidewalk repairs. The City Council passed resolutions allowing for the establishment of a special district, but as of 2018, one was not in place due to staff and elected official changes in West Saint Paul.

"The City Council finds that the City boundaries and all of its streets, sidewalks, trails, land and parcels within those boundaries are hereby established as the West St. Paul Sidewalk and Trail Improvement District (the "District")."

The City Council shall establish an assessment policy for all sidewalk or trail improvements or repairs within the District, as long as such assessments are applied on a uniform basis as to each classification of real estate. Where sidewalk or trail widths are wider than the standard width of a typical sidewalk or trail, the additional costs may be assessed as a direct benefit to the abutting property."

- Code of Ordinance 34.06, City of West Saint Paul

Cost-Sharing Programs

A cost-sharing program is one strategy municipalities can use to ease the cost burden on property owners. Property owners are still assessed for adjacent sidewalk repairs, but a city may choose to pay all or a portion of the cost of the repair. For example, the city may choose to cover 100% of the costs for those below a certain income level.



Minnesota Community

Spotlight:

Owatonna
population 25,773

Since 1979, Owatonna has been running a [public sidewalk replacement and repair program](#). To make the program more acceptable to its community members, the City Council decided to split the sidewalk repair cost 50/50 with adjacent property owners.

The City website describes the current policy and provides specifications on its annual inspection procedures, which are conducted by the Director of Public Works, the City Engineer, or another City employee. The inspections occur in the fall or spring prior to the year work would be conducted. The City does not inspect the entire sidewalk network each year, but rather targets particular areas one at a time. It provides residents with exact measurements of cracks and joints that would trigger a repair need (e.g. a crack or joint with a deviation or difference in elevation of 3/4 inch or more). The City is also transparent about the factors used to develop the sidewalk replacement and repair schedule. For example, it states the sidewalk location, severity of repair needs, and a history of accidents or complaints.

The City also details “special situations” and how other smaller-scale sidewalk improvements (beyond repairs) are funded. For example, the City has provisions for sidewalk gaps on blocks with partial sidewalks, which still need to be maintained according to City ordinances. If a partial sidewalk extends for 60% or more of a street segment, new sidewalk shall be constructed for the remainder of the street segment as part of the sidewalk repairs and the abutting property owners shall be assessed for 50% of the cost of the new sidewalk.

If a partial sidewalk extends less than 60% of a street segment, there is more flexibility. It may simply be repaired and left as a partial segment as long as the rest of the block along this street segment is not in the City Sidewalk Plan. However, if the partial sidewalk is on a street segment that needs sidewalk according to the City Sidewalk Plan, new sidewalk is constructed.

Case Study: Richardson, TX population 113,347

Richardson, Texas provides another example of a cost sharing model for sidewalk repairs. In this case, the City does not provide a blanket matching fund for sidewalk repairs (like Owatonna, MN does). Rather, its funding match is prioritized for sidewalk rehabilitation for the areas with the worst rated-conditions. In this case, vertical separations (trip hazards) exceeding 1" or surface spalling exceeding 40% of a panel surface are criteria needed to qualify for the sidewalk rehabilitation program funding match.

Beyond that, there are three other ways to gain assistance from the City for sidewalk repairs.

1. Pedestrians with disabilities can request assistance along non-accessible routes in the public right-of-way. Richardson evaluates each request on a case-by-case basis and assists accordingly.
2. Limited sidewalk improvements are often performed in conjunction with pavement rehabilitation and other capital improvement projects.
3. Richardson's Neighborhood Vitality Program assists residential neighborhoods with sidewalk maintenance on a regional basis as funding permits.

Ideas for Getting Started

Whether your community is exploring a cost-sharing program or a sidewalk improvement district model (or something in between), it is important to:

- » Evaluate your pedestrian network, and
- » Identify sidewalk repair priorities

Evaluate your pedestrian network

Evaluating the pedestrian network can happen as part of a pedestrian planning effort focused on pedestrian demand. This type of analysis can be agnostic of existing conditions, emphasizing where the needs are greatest. A community may choose to prioritize specific geographic areas

to be inspected before others based on higher population densities, low-income households, or proximity to land uses and transit services that may generate high levels of walking, such as schools and bus routes.

Identify sidewalk repair priorities

Through evaluating the general pedestrian network first, regardless of sidewalk conditions, the task of identifying repair needs becomes more focused on priority areas. For instance, if schools and downtowns are identified as the top pedestrian demand areas, a city can prioritize sidewalk inspections in those areas rather than trying to inspect the entire community. This helps address the challenge of limited staff

time for conducting inspections, and of maintaining updated information about sidewalk conditions. Some communities have been able to prioritize their inspection cycle as well as prioritize funding by using zones.



Case Study: Topeka, KS population 126,808

In 2016, the City of Topeka completed a Pedestrian Master Plan that piloted a 100% community-paid sidewalk repair program in select neighborhoods. The City started with a pedestrian demand analysis. The analysis combined 11 factors onto one map, illustrating where there was the highest demand for walking, such as elementary and middle schools, "intensive care" (i.e. severely distressed) neighborhoods, parks and trails, and streets with no sidewalks.

The resulting map highlighted areas with the highest demand for walking. This map was then reviewed by neighborhoods in the highest demand areas, and neighborhood representatives used their local knowledge to prioritize sections of their neighborhood for walkway infrastructure improvements. Improvements included not only sidewalk repairs, but also new sidewalks, curb ramp repairs, and crosswalk upgrades. The cost estimate for the improvements is \$6.1 million, and the City plans to implement the improvements over a period of 10 years. The City is currently funding 100% of the cost of both repairs and new sidewalks in these areas (\$600,000 per year) while using a 50/50 cost share model in other parts of the City. The City of Topeka pays for this program using General Funds.

FIGURE 5.4:
REPAIR SIDEWALKS

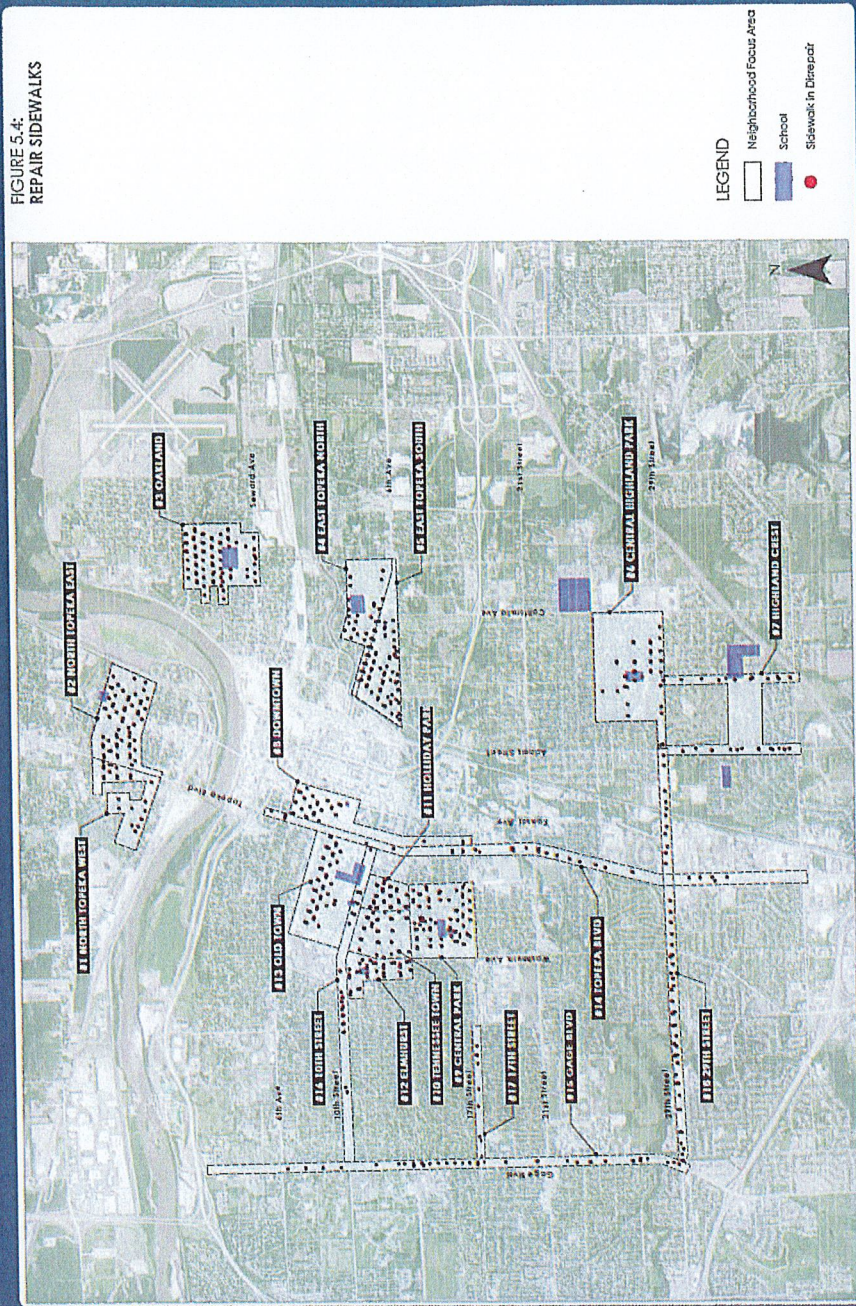


Figure 1: This map from the City of Topeka shows sidewalks that are in disrepair in neighborhood focus areas and around schools.

Funding Sources

There are many creative funding sources available for a community-funded or hybrid sidewalk repair program. These funding sources can go toward a community-wide sidewalk repair program or some version of a hybrid approach involving districts or cost-sharing with individual property owners. Some of the descriptions below have been adapted from the FHWA's *A Guide for Maintaining Pedestrian Facilities for Enhanced Safety*.

General Funds

Sidewalk repair and replacement is sometimes paid for through a City's general fund, which is typically funded by property and sales tax revenues. This is consistent with the way many agencies consider funding street repairs. Generally, sidewalk repair is considered separately from road repair and resurfacing funding. In some cases, sidewalk repair projects (typically sidewalk replacement) may be lumped together in a sidewalk repair program and included as a line item in the capital improvement program.

Special Community-wide Assessments

Some communities can target the funding of pedestrian facilities with voter-approved special assessments. Minnesota Statute allows municipalities to establish special assessments, and the assessments may be dedicated to a specific use such as sidewalk repair.

Bonds

Bonds are often used by governments to address significant funding gaps by leveraging existing revenues to pay for large capital expenditures. Communities may use bonding to fund sidewalk repair or replacement programs, usually for an entire neighborhood or large section of the community. These bonds often must be approved by residents through a referendum.

Utility Fees

Utility fees are used by some municipalities to fund street and sidewalk maintenance. Such fees are often voter-approved. Typically, the utility fee an individual household pays is relatively small, but the steady funding source enables municipalities to plan and execute maintenance activities in a systematic way. Utility fees may be specific line items, such as a sidewalk maintenance fee collected directly by the municipality, or may be a tax on electric or natural gas service collected by the utility.



Sales Tax

Many communities indirectly use sales tax revenues to fund pedestrian facility maintenance by way of the general fund. Minnesota Statutes provide authority to local municipalities or counties to impose local sales taxes. These tax revenues may be earmarked: for example, Hennepin County had a Transit Improvement Tax until September 2017. Sales tax revenue, direct or indirect, is a common source of funding for street maintenance, and there are also communities that use these revenues to fund sidewalk repair and replacement programs.

Federal Funds

Federal transportation funds are a common source of financing for pedestrian facility construction and maintenance. Such funding may be used to supplement other available financial resources, and it targets projects such as replacing large segments of sidewalks, installing ADA-compliant curb ramps, and installing and upgrading pedestrian signals.

Tax Incremental Financing (TIF)

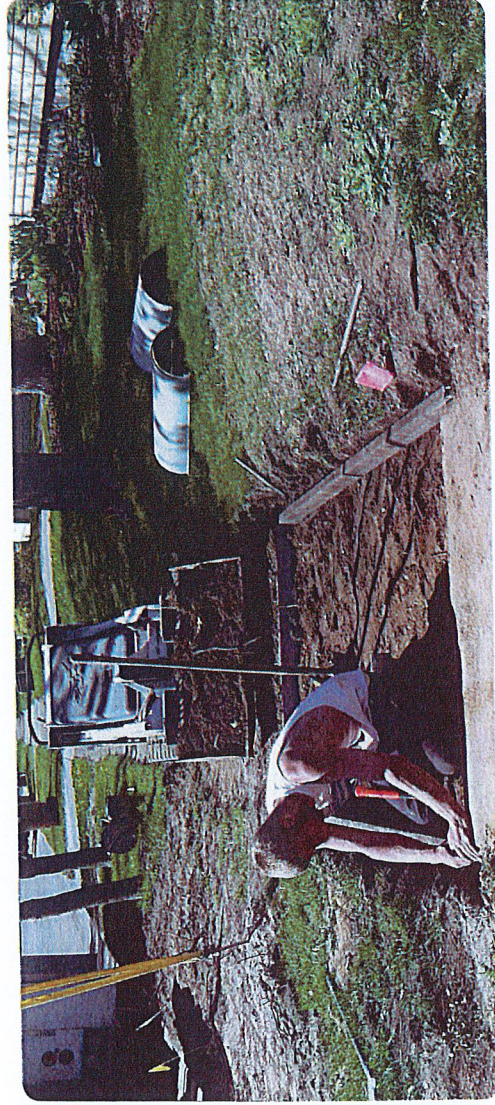
Tax incremental financing (TIF) is a method to use future expected gains in taxes to subsidize current improvements. In Minnesota, TIF is used for two main purposes: to induce development or redevelopment and to finance public infrastructure. In these cases, a developer may be required to pay for infrastructure through special assessments.

Leveraging Funding

One of the best ways to maintain sidewalks is to leverage sidewalk repair/replacement projects with other improvements within the public right-of-way. For example, a municipality may require utilities to install or replace sidewalk segments within a certain

distance of a project that involves digging up the right of way. The cost of replacing sidewalks can also be folded into large projects such as utility line replacements and street resurfacing. Also, accessibility-related improvements can also target sidewalks, curb ramps, and paths most in need of repair.





More Information

- » Minnesota Walks, 2016.
<http://www.dot.state.mn.us/peds/plan/pdf/minnesota-walks-2017-final.pdf>
- » Federal Highway Administration A Guide for Maintaining Pedestrian Facilities for Enhanced Safety, October 2013.
https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa13037/fhwasa13037.pdf
- » Shoup, Donald. Fixing Broken Sidewalks, Access Magazine, 2010.
<https://www.accessmagazine.org/wp-content/uploads/sites/7/2016/01/access-36broken sidewalks.pdf>
- » City of Owatonna Sidewalk Maintenance, Construction and Replacement Policy, 2015.
<http://ci.owatonna.mn.us/publicworks/sidewalk-maintenance-construction-replacement-policy>
- » Sidewalk Improvement Districts; Costs Split by Benefit, Minnesota State Statute, 2017.
<https://www.revisor.mn.gov/statutes/?id=435.44>
- » Sidewalk Rehabilitation Program, City of Richardson, TX, 2015.
<http://www.cor.net/departments/capital-projects-engineering/sidewalk-rehabilitation-program>
- » Sidewalk Repair Program, City of Denver, CO 2018.
<https://www.denvergov.org/content/denvergov/en/denver-pedestrians/sidewalks/neighborhood-repair.html>
- » Vian, Jourdan. La Crosse may remove assessment for damaged sidewalks. La Crosse Tribune, February 20, 2018.
http://lacrosetribune.com/news/local/la-crosse-may-remove-assessment-for-damaged-sidewalks/article_10436b92-6213-537c-a95a-0edde9241e0f.html

Acknowledgements

Special thanks to staff from communities across Minnesota who shared insight and information about sidewalk repair funding, including:

- » Ben Boike, City of West Saint Paul
- » Ross Beckwith, City of West Saint Paul
- » Michael Healy, City of Big Lake
- » Jennifer Moses, City of Duluth
- » John Kelley, City of Duluth
- » Russell Habermann, Arrowhead Regional Development Commission

Consultant:





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Minnesota Walks is a collaborative effort between the Minnesota Department of Health and the Minnesota Department of Transportation.