

## Overview

Title 28, Section 35.133 of the Code of Federal Regulations requires public agencies to maintain walkways in an accessible condition according to the Americans with Disabilities Act (ADA). The City of Rochester has a long tradition of delivering annual sidewalk reconstruction and maintenance projects to meet this commitment. The annual projects inspect, repair, and warranty approximately 5% of defective city sidewalks each year.

Historically, the annual sidewalk program was funded through a combination of tax levy and assessments on private parcels abutting the repairs. Under the authority provided in Minnesota Statute 435.44, the City Council adopted a Sidewalk Improvement District (SID) Program in 2022. The SID Program designates districts where the costs of repairing pedestrian facilities are spread across all parcels based on real estate classification. The fees can be assessed over a period of up to five years.

The Council also chose to include ADA Transition funding in the SID program. Estimates developed in 2020 determined an average of approximately \$1.66 million spent each year on pedestrian ramp updates over the first 20-year SID project cycle would accelerate Rochester's ADA Transition and likely achieve the goal of updating all existing pedestrian ramps by or before 2047. The City Council elected to fund half of this ADA Transition goal (\$831,250) in the fees calculated for each SID project for the first 20-year project cycle. Future City Councils will determine the amount of tax levy dedicated to ADA Transition efforts beyond 2023. A \$581,250 increase over the existing \$250,000 adopted in the Capital Improvement Plan (CIP) for sidewalk and ADA transition-dedicated tax levy would be required to achieve the total of \$1.66 million in annual ADA Transition funding noted above. This additional \$581,250 will be requested for approval beginning in the 2024 CIP planning process.

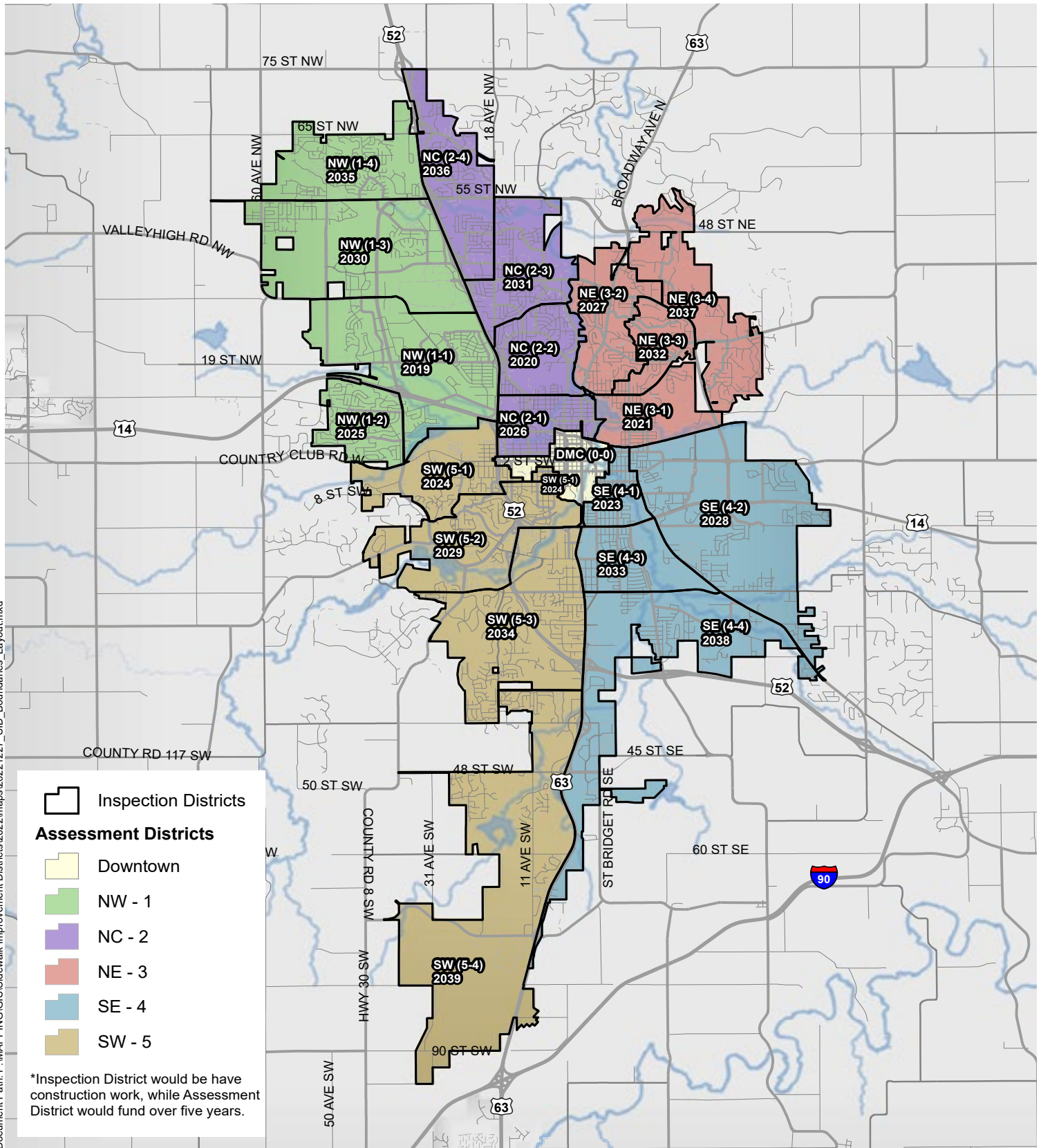
## Geographic Structure

Public Works maintains a map of Rochester, divided into 21 sidewalk project areas – 1 Downtown project area and 20 surrounding project areas. These project areas are grouped into 6 districts – 1 Downtown district with the same footprint as the Downtown project area and 5 surrounding districts containing 4 project areas. The illustration below shows the project areas and districts adopted by the council in 2022.

Due to its relatively high-volume use, the Downtown project area/district is inspected for development of a project every 5 years. Based on lower parcel counts in the NE District, the Downtown District projects are delivered concurrent with NE District projects. This approach and the structure outlined above results in a 20-year cycle to address all project areas within the City.

The program map was adopted with the initiation of the program in 2022. As the program rotates through the project area map, the City Council adopts updates to the individual project area and district maps to capture any revisions to parcel and City boundaries.

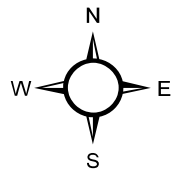
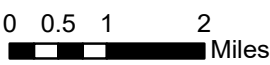
# Sidewalk Improvement Districts



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City of Rochester, MN  
Date created: 12/27/2022



Data contained has not been field verified and should be used as reference only. It is the user's responsibility for field verifying elevations, locations, dimensions, etc. to conduct detailed design.

The City of Rochester specifically disclaims all warranties, express or implied, including but not limited to implied warranties of fitness for a particular purpose, with respect to the information contained on this map. The City of Rochester shall have no liability with respect to any loss or damage directly or indirectly arising out of the use of this data.

# Project Development

## Sidewalk Defects

Sidewalks are inspected by Public Works Engineering Technicians for safety defects the year prior to the construction year designated for project areas. Substandard sidewalk sections are marked with brightly colored pink paint to alert pedestrians to safety hazards.

Inspections are also triggered by citizen complaints and reported falls. Records of these inspections are maintained in the City's sidewalk inspection database and are addressed by district as projects occur (the annual sidewalk project addresses defects within the project area designated for that year, plus any reported defects in the broader district). With this approach and depending on the timing of defect reports, defects may not be addressed for up to 5 years after initial receipt. Parcel owners abutting sidewalk defects are responsible for mitigating defects between project years in a district. At a minimum, the abutting parcel owner is responsible for refreshing paint marks from the initial City inspection until the program rotates to a project area in the same district as a defect. Abutting parcel owners may also choose to repair their sidewalks prior to the next district cycle. The City assumes no liability for falls or injuries resulting from failure to mitigate sidewalk defects between project years in a district. Public Works may elect to address severe sidewalk defects prior to a project year in a district, but this is relatively rare.

Each year, Public Works compiles a list of defects noted in that year's project area and the reported defects in the broader district. This list is used to develop an engineer's opinion of probable cost and feasibility report for the City Council to consider an authorization to bid the project. As the project is awarded to a contractor, the bid price is used to develop a project budget and resulting annual SID rates for each parcel in the district.

## Pedestrian Curb Ramps

Pedestrian curb ramps are also inspected by Public Works Engineering Technicians for compliance with ADA standards the year prior to the construction in project areas. Non-compliant and hazardous ramps within the project area are prioritized for repair or replacement within the \$831,250 in annual ADA Transition funding included in the SID Program and additional tax levy dedicated to ADA Transition efforts.

## Financial Structure

Minnesota Statute 435.44 specifies sidewalk improvements can be financed by "apportioning the district's cost to all of the parcels located in the district." The City of Rochester's SID rates are determined annually by distributing the adopted project budget across all parcels in the project's district according to the schedule in Table 1 below. Properties with no existing pedestrian facilities abutting their property pay a 50% discounted rate. Tables 2 through 5 below detail the Olmsted County Land Use Codes included in each parcel grouping.

Once an annual SID rate is adopted by the City Council, the total cost per parcel is assessed in 5 equal payments over the 5 years following completion of a project. Given the 5-year rotation through the districts described above, rates for each parcel will be revised by the City Council every 5 years. Following the first full rotation through all SID districts in 2027, all parcels will pay annual SID charges for the duration of the SID policy.

Table 1. Parcel Multipliers

<b>Grouping</b>	<b>Parcel Type</b>	<b>Parcel Multiplier</b>
Table 2	Residential <b>without</b> abutting pedestrian facilities	0.5
	Residential <b>with</b> abutting pedestrian facilities	1
Table 3	Local Public <b>without</b> abutting pedestrian facilities	0.5
	Local Public <b>with</b> abutting pedestrian facilities	1
Table 4	Non-Residential <b>without</b> abutting pedestrian facilities	3
	Non-Residential <b>with</b> abutting pedestrian facilities	6
Table 5	Non-Participating	0

Table 2. Residential Land Use Codes

<b>Land Use Code</b>	<b>SID Category</b>	<b>Approx. Parcel Count - November 2022</b>
SINGLE FAMILY	Residential	31,251
TOWNHOME	Residential	3,854
CONDOMINIUM	Residential	2,446
RESIDENTIAL VACANT LAND	Residential	1,726
DUPLEX/TRIPLEX	Residential	753
COOPERATIVE APARTMENTS	Residential	276
TWINPLEX	Residential	50
GROUP HOMES	Residential	17
AG W/BLDG <35AC	Residential	5
AG W/BLDG 35AC+	Residential	4
CONVERTED PLEX	Residential	3

Table 3. Local Public Land Use Codes

<b>Land Use Code</b>	<b>SID Category</b>	<b>Approx. Parcel Count - November 2022</b>
PARKLAND	Local Public	437
RETENTION POND/DRAIN	Local Public	228
PUBLIC MUNICIPAL	Local Public	203
FLOOD CONTROL	Local Public	129
PUBLIC SCHOOL	Local Public	61
PUBLIC COUNTY	Local Public	43
GOLF COURSE	Local Public	30

Table 4. Non-Residential Land Use Codes

<b>Land Use Code</b>	<b>SID Category</b>	<b>Approx. Parcel Count - November 2022</b>
COMMERCIAL VACANT LAND	Non-Residential	428
APT 4PLEX	Non-Residential	288
COM/IND PARKING LOT	Non-Residential	279
COMMERCIAL CONDO	Non-Residential	226
OFFICE BUILDING 1-2STY	Non-Residential	219
APT 24-99 UNITS	Non-Residential	217
INDUSTRIAL WAREHOUSE	Non-Residential	165
APT 5-11UNITS	Non-Residential	120
GENERAL RETAIL	Non-Residential	120
CHURCH/CHURCH PROPERTY	Non-Residential	118
AUTO/MACHINERY REPAIR CENTER	Non-Residential	87
APT 100+ UNITS	Non-Residential	77
APARTMENT VACANT LAND	Non-Residential	77
INDUSTRIAL VACANT LAND	Non-Residential	72
MEDICAL OTHER	Non-Residential	69
RESTAURANT AND/OR BAR	Non-Residential	65
STRIP CENTER	Non-Residential	63
COMMERCIAL SHOP	Non-Residential	57
RESIDENTIAL/COMMERCIAL	Non-Residential	55
HOTEL	Non-Residential	54
LIGHT MANUFACTURING	Non-Residential	51
MEDICAL/DENTAL CLINIC	Non-Residential	50
MINI STORAGE	Non-Residential	48
PRESCHOOL/DAY CARE	Non-Residential	44
SMALL DET RETAIL	Non-Residential	42
BANK	Non-Residential	39
QUICK SERVICE RESTAURANT	Non-Residential	38
HOSPITAL	Non-Residential	37
GAS/CONVENIENCE STORE	Non-Residential	36
AUTO/MACHINERY SALES/SVC CENTER	Non-Residential	36
APT 12-23 UNITS	Non-Residential	34

PARKING RAMP	Non-Residential	33
RURAL VACANT LAND	Non-Residential	26
SENIOR LIVING COMMUNITY	Non-Residential	22
NEIGHBORHOOD CENTER	Non-Residential	21
ROOMING HOUSE	Non-Residential	21
MOBILE HOME PARK	Non-Residential	19
STORAGE BLDG/WAREHOUSE	Non-Residential	17
SPECIAL PURPOSE COMM	Non-Residential	16
OFFICE BUILDING 3+STY	Non-Residential	16
LARGE DET RETAIL	Non-Residential	15
PRIVATE SCHOOL	Non-Residential	12
FLEX COMMERCIAL > 75% OFFICE	Non-Residential	12
CEMETERY	Non-Residential	11
MEDIUM DET RETAIL	Non-Residential	11
NURSING HOME	Non-Residential	10
FLEX INDUSTRIAL	Non-Residential	10
CAR WASH	Non-Residential	9
FUNERAL HOME	Non-Residential	9
LODGE/HALL/PRIV SOCIAL CLUB	Non-Residential	9
FOOD PROCESSING	Non-Residential	9
MOTEL	Non-Residential	8
VETERIANARY CLINIC	Non-Residential	8
HEALTH/FITNESS CENTER	Non-Residential	8
RECREATION OTHER	Non-Residential	8
BUS/TRUCK TERMINAL	Non-Residential	8
EDUCATIONAL/RELIGIOUS	Non-Residential	8
PAYMENT IN LIEU OF TAX	Non-Residential	8
RURAL PRESERVE	Non-Residential	7
APARTMENT PARKING LOT	Non-Residential	7
VACANT BUILDING	Non-Residential	6
HEAVY MANUFACTURING	Non-Residential	5
SUPERMARKET/GROCERY	Non-Residential	5
TRAVEL TRAILER LOT	Non-Residential	5
AUTOMOTIVE OTHER	Non-Residential	4
OTHER COMMERCIAL STRUCTURES	Non-Residential	4

RETAIL MALL	Non-Residential	4
MIXED RETAIL COMMERCIAL	Non-Residential	4
BOWLING ALLEY	Non-Residential	3
MOVIE THEATRE	Non-Residential	3
RECREATION CENTER	Non-Residential	3
GRAVEL/SAND PIT	Non-Residential	3
MEDIA	Non-Residential	3
OFFICE CONDO	Non-Residential	3
ANTENNA	Non-Residential	2
CEMENT PLANT	Non-Residential	2
HOTEL OVER 30 UNITS	Non-Residential	2
ANIMAL PROCESS PLANT	Non-Residential	2
MOTEL 0-20 UNITS	Non-Residential	2
RADIO TV STATION	Non-Residential	1
LUMBER YARD	Non-Residential	1
AG QUARRY WOODS	Non-Residential	1
MACHINERY DEALERSHIP	Non-Residential	1
CAMP GROUNDS	Non-Residential	1
DISCOUNT STORES	Non-Residential	1
GREEN HOUSE/NURSERY	Non-Residential	1

Table 5. Non-Participating Land Use Codes\*

<b>Land Use Code</b>	<b>SID Category</b>	<b>Approx. Parcel Count - November 2022</b>
ROW / ROADWAY	Non-Participating	1,102
MANUFACTURED HOME	Non-Participating	782
COMMON AREA	Non-Participating	484
AG BARE LAND <35AC	Non-Participating	124
AIRPORT	Non-Participating	54
RESIDENTIAL CONDO GARAGE	Non-Participating	28
AG BARE LAND 35AC+	Non-Participating	26
PUBLIC STATE	Non-Participating	16
COMMERCIAL CONDO GARAGE	Non-Participating	16
TOWNHOME GARAGE UNIT	Non-Participating	14
MHP VACANT LOT	Non-Participating	13

MN DEPT OF TRANSPORTATION	Non-Participating	11
RAILROAD	Non-Participating	9
PUBLIC FEDERAL	Non-Participating	3
POST OFFICE	Non-Participating	2
STATE ASSESSED/UTILITIES	Non-Participating	1
TAX FORFEITURE	Non-Participating	1

\* Private Road, ROW Fee, and Manufactured Home Parcel Types are non-participating, regardless of their Land Use Code.

### Rate Modifications

- **Rate Modifications for 2023 – 2027**

Parcels with recent sidewalk construction on record with the City will not be assessed in the first 5 years of the SID program (the first district cycle). Application of this modification will apply to the following circumstances:

- Parcels within the 5-year assessment period following sidewalk replacement or repair as part of a City of Rochester Annual Sidewalk Project, sidewalk gap fill project, or other Capital Improvement Plan (CIP) project.
- Parcels with sidewalk construction completed under a City of Rochester permit or City-Owner Contract within 5 years of date of adoption a project. This will include the full calendar year, 5 years prior to adoption of the project.

- **Rate Modifications after 2027**

- After 2027, only parcels within the 5-year assessment period following sidewalk replacement or repair as part of a City of Rochester Annual Sidewalk Project, sidewalk gap fill project, or other Capital Improvement Plan (CIP) project will receive a modification.

### City-Owned Parcels

Due to issues associated with the City certifying assessments to itself, City-owned parcels pay SID assessments in full prior to certification of assessments to Olmsted County.

### Parcel Changes

If parcel boundaries or tax classifications change following inclusion in a SID, the parcel will be excluded from the remaining fees in the 5-year assessment period. The resulting parcel(s) will, however, be re-included in the next SID calculation.

### Common Area Parcels

- Units owned by individual taxpayers on common area parcels will be charged half of the rate for their parcel classification.
- Common area parcels with one taxpayer will be charged on the main parcel at the full rate for their parcel classification.

### Non-Land Tax Records

- Personal Property lots will not be charged.
- Individual mobile homes will not be charged. The broader parcels will be billed at the full rate for their parcel classification.



## Interest Calculations

Interest is not calculated on annual SID assessments as with other City assessments. Instead, Public Works includes an annual inflation factor provided by the Finance Department in the recommended project budget.

## **City Council Process**

Prior to each construction season, Public Works mails a "Notice of Public Comment" to Owners of parcels within the sidewalk project's district, including the date the council will consider adoption of the annual SID project and welcoming them to speak during the Open Comment Period. At the specified meeting, the City Council considers adoption of a resolution establishing the sidewalk improvement district boundaries, establishing the rates, and awarding the construction contract.

## **Sidewalk Gap Fill Projects**

Sidewalk gaps in the City will continue to be evaluated and prioritized by Public Works, but these projects are not included in SID rate calculations. Construction of new sidewalks to fill gaps in the pedestrian network will remain at least partially funded by Special Assessments under Minnesota Statute Chapter 429.



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