

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: April 15, 2010
RE: ClareCastle Sidewalk Project



For the Agenda of April 19, 2010

Background. As reflected in other agenda items of the April 19th agenda, the City anticipates receiving a Community Development Block Grant to construct streetscape on West Fourth Street and Beech Street to enhance the ClareCastle Project. However, we likely will not receive the authorization to expend grant funds on this project until late-June at the very earliest (the environmental and historical reviews by state agencies take a minimum of sixty days to complete from the time of submission; we anticipate submitting our request the last week of April). But in the meantime, the ClareCastle Project is progressing. The developer of the ClareCastle Project is attempting to attain his goal of occupancy by July 1st. He requires an occupancy permit from the City before he can accept residents, but we cannot issue an occupancy permit until the building is compliant with the requirements of the Americans with Disabilities Act (ADA). To meet this requirement, the building must be accessible via sidewalk. But the sidewalks were removed along West Fourth Street and Beech Street contiguous to the ClareCastle Project prior to construction with the intent of having the DDA reconstruct the sidewalks and integrating them with an extended streetscape after the majority of the construction of the building was completed. Construction of the building project has progressed to the point that the sidewalks need to be reconstructed within the next three to four weeks.

The sidewalk reconstruction was included in our Notice of Intent submittal for the Community Development Block Grant for the ClareCastle Project. However, one of the mandates of the block grant is that we not expend funds on the project prior to receiving authorization to do so. Consequently, I ask the City Commission to consider authorizing the City's Sidewalk Fund to fund the construction of these sidewalks, thereby eliminating the sidewalks from the block grant while concurrently facilitating the construction of the sidewalks without affecting the developer's target date for occupancy of ClareCastle or jeopardizing the approval of the block grant.

Issues & Questions Specified. Should the City Commission authorize the expenditure of funds from the Sidewalk Replacement Fund to replace the sidewalks on West Fourth Street and Beech Street?

Alternatives.

1. Authorize the expenditure of funds for sidewalks for the ClareCastle Project.
2. Do not authorize the expenditure of funds for the needed sidewalks.
3. Set aside decision regarding this matter to a later date.

Financial Impact. The Sidewalk Replacement Fund currently has an uncommitted balance of approximately \$30K; the established target for this fund is \$10K. We proposed to the City Commission that we expend \$12K from this Fund for capital projects in the 2010/2011 budget year. Consequently, if the Commission authorized the \$8K expenditure for the ClareCastle Project now and approved the proposed \$12K capital outlay for this Fund in the 2010/2011 budget appropriation, the Fund would still retain its set target balance. The City Commission could then negotiate with or direct the DDA to reimburse the City (or not) for this expenditure upon completion of the total block grant project.

Recommendation. I recommend that the City Commission authorize the expenditure of \$8K from the Sidewalk Replacement Fund to reconstruct sidewalk on West Fourth Street and Beech Street contiguous to the ClareCastle Project by adoption of Resolution 2010-030 (*copy att'd*).

Attachment. Resolution 2010-030.

RESOLUTION 2010-030

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A SIDEWALK CAPITAL PROJECT FOR THE CLARECASTLE HOUSING PROJECT.

WHEREAS, the City sidewalks along a portion of West Fourth Street and South Beech Street in Clare were removed to facilitate the construction of a new senior housing complex and Clare County Senior Center; and

WHEREAS, the City applied for a grant to replace the sidewalks and integrate said sidewalk replacement with the construction of a streetscape project adjacent to the ClareCastle Project; and

WHEREAS, the City has been advised that its project will tentatively be one of 50 projects within the state of Michigan approved by the Michigan Economic Development Corporation; however, funds for the project cannot be expended on said project until completion of required environmental, historical, and other required administrative reviews and approvals, said reviews and approvals anticipated to take a minimum of sixty (60) days; and

WHEREAS, the developer of the Clare Castle Project requires the reconstruction of sidewalks prior to the completion of said state-level reviews and approvals; and

WHEREAS, it is not in the City's or the developer's best interest to delay occupancy of the ClareCastle Project.

NOW THEREFORE BE IT RESOLVED that the City Commission of the City of Clare hereby approves a Sidewalk Capital Project on West Fourth and Beech Streets contiguous to the ClareCastle Housing Project, the cost of said project not exceeding \$8,000 and to be funded by the City's Sidewalk Replacement Fund.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 19th day of April 2010.

Diane Schmidt, City Clerk