



**Item:** Resolution 9995, Cost Recovery for Hazardous Sidewalk, Great Falls 6<sup>th</sup> Addition, Block 569, Lot 8, (501 and 503 3<sup>rd</sup> Avenue Southwest)

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Set Public Hearing for assessing the costs incurred for the repair of dangerous sidewalk against property owner (Doug Piprude)

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission set the public hearing for October 16, 2012, on Resolution 9995, to assess the total charges of \$958.00 against the property with interest and penalties on the unpaid balance.”

2. Mayor calls for a second, discussion, public comment, and calls for the vote.

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**Staff Recommendation:** Set the public hearing for October 16, 2012

**Background:**

Significant Impacts

The City Engineering Office condemned 50 square feet of sidewalk at 501 and 503 3<sup>rd</sup> Avenue Southwest after receiving a complaint about a tripping hazard on December 7, 2011. Great Falls Municipal Code 12.28.120 and Montana Code Annotated, sections 7-14-4109, 7-14-4110, 7-12-4169 and 7-12-4181, authorize the City to condemn sidewalks that become dangerous to public safety. These codes allow for the repair and collection of repair costs from property owners.

Citizen Participation

A letter was sent December 7, 2011 to the property owner condemning the sidewalk. A certified letter was sent on May 18, 2012. That letter came back unclaimed.

Workload Impacts

City engineering staff inspected the sidewalk, issued letters to the property owner, contacted three contractors for bids to repair the sidewalk, and inspected the work done by the contractor.

Purpose

The sidewalk was condemned due to severely heaved sidewalk that posed a danger to pedestrian traffic.

Project Work Scope

A total of 50 square feet of 4 inch sidewalk was removed and replaced.

Evaluation and Selection Process

Three quotes were received to remove and replace the hazardous sidewalk. Kuglin Construction, Gregoire Construction and Electric City Concrete all submitted quotes with Kuglin Construction submitting the low quote of \$460.00.

Conclusion

City staff recommends setting the Public Hearing for assessing the costs incurred for repair of dangerous sidewalk at 501 and 503 3<sup>rd</sup> Avenue Southwest.

**Concurrences:**

Not Applicable

**Fiscal Impact:**

The attached is a list of events and actions staff took to eliminate the hazard, and the costs incurred in making the repairs. Contractor's expenses were paid from the Hazard Removal account.

**Alternatives:**

The City Commission could vote to deny setting the Public Hearing.

**Attachments/Exhibits:**

1. Events and actions by staff and list of costs incurred.
2. Resolution No. 9995.

The following is a list of events and actions Staff took to eliminate the hazard at 501 and 503 3<sup>rd</sup> Avenue Southwest:

<u>Action</u>	<u>Date</u>
• Initial complaint received by staff	December 7, 2011
• Initial inspection of property	December 7, 2011
• Photographs taken	December 7, 2011
• Initial 30-day repair notice mailed	December 7, 2011
• Doug Piprude called the office and was told the procedures by Michael Kynett and that an inspector would call him.	December 11, 2011
• Inspector John Taylor called and left a message for Mr. Piprude.	December 11, 2011
• John Taylor had the Street Dept. fill tripping hazards with asphalt cold mix to get through the winter season.	December 20, 2011
• A letter was sent informing of end of winter shutdown.	April 17, 2012
• Inspection was made, no work had been done.	May 17, 2012
• Second notice (certified) sent	May 18, 2012
• Letter came back unclaimed	June 11, 2012
• Request for bids	June 22, 2012
• Award bid to lowest bidder	June 22, 2012
• Contractor started repairs	June 25, 2012
• Final inspection for completion of work	June 25, 2012

The following is a list of costs incurred in making the repairs:

• Removal and Replacement of 50 square feet of 4" Sidewalk	\$ 460.00
• Inspector, 3 hours at \$ 45.00 per hour	\$ 112.50
• City Engineer, 2 hours at \$ 90.00 per hour	\$ 180.00
• Administrative, 3 hours at \$ 30.00 per hour	\$ 90.00
• Publishing of Legal Ad (Notice of Public Hearing)	\$ 65.00
• Driveway/Sidewalk Permit	\$ 25.00
• Recording fee, 2 pages at \$ 7.00 each	\$ 14.00
• Certified mail	\$ 11.50
Total Costs Incurred	\$ 958.00

cc: Melissa Kinzler, Fiscal Services Director  
 Angela Swingley, Risk Manager  
 Judy Burg, Fiscal Services Tax/SID

**RESOLUTION NO. 9995**

**A RESOLUTION ASSESSING THE COSTS INCURRED FOR THE REPAIR OF DANGEROUS SIDEWALK AGAINST SAID PROPERTY LOCATED AT Great Falls 6th Addition to the Townsite, Block 569, Lot 8, ADDRESSED AS 501 and 503 3<sup>rd</sup> Avenue Southwest, GREAT FALLS, CASCADE COUNTY, MONTANA.**

WHEREAS, the owners of the said property located at Great Falls 6<sup>th</sup> Addition to the Townsite Block 569 Lot 8, addressed as 501 and 503 3<sup>rd</sup> Avenue Southwest, Great Falls, Montana was issued a notice to repair sidewalk; and

WHEREAS, after due notice the property owner did not repair the sidewalk; and

WHEREAS, City staff hired a contractor to repair the sidewalk; and

WHEREAS, contractor completed removal and replacement of dangerous sidewalk; and

WHEREAS, the City Commission set October 16, 2012 for this hearing, to show cause why the property owner should not be held liable for the costs incurred in repairing of said property in keeping with MCA 7-12-4177 and MCA 7-12-4178.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, THAT:

The amount of \$958.00 for repairing sidewalk incurred in the repair of dangerous sidewalk on Great Falls 6th Addition to the Township, Block 569, Lot 8, described as 501 and 503 3<sup>rd</sup> Avenue SW, Great Falls, Cascade County, Montana, be assessed against the property itself, with interest and penalties on the unpaid balance. MCA 7-14-4109; 7-14-4110; 7-12-4169 and 7-12-4181; Chapter 12.28.120 of the Great Falls Municipal Code.

PASSED by the Commission of the City of Great Falls, Montana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT

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David L. Nielsen, Interim City Attorney

State of Montana        )  
County of Cascade:    ss.  
City of Great Falls    )

I, LISA KUNZ, City Clerk of the city of Great Falls, Montana, do hereby certify that the foregoing Resolution 9995 was placed on its final passage and adoption, and was passed and adopted by the City Commission and said City at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and approved by the Mayor of City on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)