



**Item:** Resolution 9996, Cost Recovery for Hazardous Sidewalk, Great Falls Original Townsite, Block 316. Lots 12-13, (511 Central Avenue)

**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 (Jerry Gunther)

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission set the public hearing for October 16, 2012, on Resolution 9996, to assess the total charges of \$2,198.00 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 132 square feet of sidewalk at 511 Central Avenue after receiving a complaint about a tripping hazard on October 28, 2010. 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 November 17, 2010 to the property owner condemning the sidewalk. A certified letter was sent on May 18, 2012. The signature card came back May 25, 2012.

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. Numerous contacts were made with the property owner.

Purpose

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

Project Work Scope

A total of 132 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. Royal Harpine Construction, United Materials and Concrete Doctor all submitted quotes with Royal Harpine Construction submitting the low quote of \$1,340.00.

Conclusion

City staff recommends setting the Public Hearing for assessing the costs incurred for repair of dangerous sidewalk at 511 Central Avenue.

**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, 9996.

The following is a list of events and actions Staff took to eliminate the hazard at 501 and 511 Central Avenue:

<u>Action</u>	<u>Date</u>
• Initial complaint received by staff (501 & 511 Central)	October 28, 2010
• Initial inspection of property	October 29,2010
• Photographs taken	October 29, 2010
• City Engineer and Inspector went out to look at the concrete vault under the sidewalk and assess its condition.	November 10, 2010
• Initial 30-day repair notice mailed to both owners.	November 17, 2010
• Met with Andy (maintenance); he is working with owner at 501 to get a contractor.	June 11, 2011
• Inspector John Taylor talked to Andy and he is still trying to get bids.	July 8, 2011
• John called Andy; he has a bid from Royal Harpine.	August 9, 2011
• Andy came to Engineering Office and said the contractor was ready to go but owner of 511 would not respond to his calls.	September 28, 2011
• Another letter was sent to Jerry Gunther.	September 29, 2011
• Jerry Gunther called the Engineering Office stating he did not think there was a problem with his sidewalk.	October 6, 2011
• Andy of 501 said that Jerry Gunther thinks the rain drain was causing the sidewalk settlement and he was not responsible and the old owner should pay for it. He finally agreed to pay for the sidewalk replacement on his property.	October 6, 2011
• Andy, Jerry Gunther and Inspector Cal Keith talked in the office.	October 10, 2011
• Cal Keith talked to Jerry Gunther and gave him Royal Harpine's phone number and asked him to call.	October 12, 2012
• Called Royal Harpine, he had not heard from Jerry.	October 13, 2011
• John tried to contact Jerry Gunther; was unsuccessful.	October 14, 2011
• John contacted Jerry Gunther, he was out of state. He again wanted us to look at the rain drain at 501. He again was given Royal Harpines number.	October 17, 2011
• Andy called to say they repaired the rain drain at 501 Central. John called Jerry Gunther to let him know, and Jerry said he would call Royal to get started.	October 26, 2011
• Another letter was sent to owner of 511 Central Avenue.	April 17, 2012
• Letter came back with forwarding address and was sent out to new address.	April 25, 2012
• Inspection was made and no repairs had been made.	May 17, 2012
• A certified condemnation letter was sent out.	May 18, 2012
• The certified mail signature card was received back.	May 25, 2012
• Received bids from Harpine Construction, United Materials and Concrete Doctor. Harpine was low bidder.	June 4, 2012
• City Engineer Dave Dobbs sent a letter with a check for	June 7, 2012

\$500.00 back that Mr. Gunther had dropped off at the Civic Center, as time had elapsed for him to complete the work.

- Royal Harpine completed removal and replacement of sidewalk June 13, 2012 at both properties.

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

• Removal and Replacement of 132 square feet of 4" Sidewalk	\$ 1,340.00
• Inspector, 8.5 hours at \$ 45.00 per hour	\$ 382.50
• City Engineer, 3 hours at \$ 90.00 per hour	\$ 270.00
• 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	 \$ 2,198.00

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

**RESOLUTION NO. 9996**

**A RESOLUTION ASSESSING THE COSTS INCURRED FOR THE REPAIR OF DANGEROUS SIDEWALK AGAINST SAID PROPERTY LOCATED AT Great Falls Original Townsite, Block 316, Lots 12-13, ADDRESSED AS 511 Central Avenue, GREAT FALLS, CASCADE COUNTY, MONTANA.**

WHEREAS, the owners of the said property located at Great Falls Original Townsite, Block 316, Lots 12-13, addressed as 511 Central Avenue, 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 \$2,198.00 for repairing sidewalk incurred in the repair of dangerous sidewalk on Great Falls Original Township, Block 316, Lots 12-13, described at 511 Central Avenue, 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   9996   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)