



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

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Conduct Public Hearing and Adopt Resolution 9995

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (Adopt / Deny) Resolution 9995, to assess the total charges of \$958.00 against the property with interest and penalties on the unpaid balance for removal and replacement of hazardous sidewalk at 501 and 503 3rd Avenue Southwest.”

2. Mayor calls for a second, discussion, and calls for the vote.
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Staff Recommendation: Conduct Public Hearing and adopt Resolution 9995.

Background:

Significant Impacts

The City Engineering Office condemned 50 square feet of sidewalk at 501 and 503 3rd 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. On October 3, 2012 a "Notice of Public Hearing" scheduled for October 16, 2012 was sent Certified Mail to the property owner, Doug Piprude.

Workload Impacts

City engineering staff inspected the sidewalk, issued letters to 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 adopting Resolution 9995 for assessing the costs incurred for repair of dangerous sidewalk at 501 and 503 3rd 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 adopting Resolution 9995.

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 3rd 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 9995

A RESOLUTION ESTABLISHING THE AMOUNT INCURRED FOR THE REPAIR OF THE SIDEWALK ADJACENT TO LOT 8, BLOCK 569 OF GREAT FALLS 6TH ADDITION TO THE TOWNSITE, ADDRESSED AS 501 AND 503 3RD AVENUE SOUTHWEST, AND DECLARING A LIEN FOR SAID AMOUNT

* * * * *

WHEREAS, the public sidewalk adjacent to Lot 8, Block 569 of Great Falls 6th Addition to the Townsite, Great Falls, Cascade County Montana, addressed as 501 and 503 3rd Avenue Southwest, Great Falls, Montana (“Property”), was broken, defective or unsafe and in need of repair or replacement as required by §12.28.140, Great Falls Municipal Code; and

WHEREAS, pursuant to §12.28.120, Great Falls Municipal Code, the sidewalk was condemned by the Director of Public Works, City of Great Falls, as being dangerous to public safety; and

WHEREAS, the record owner of Property was served by mail with a letter notice to repair sidewalk within thirty days of date of notice; and

WHEREAS, after expiration of the thirty days, the record property owner did not repair or replace the unsafe portions of the dangerous sidewalk; and

WHEREAS, pursuant to §7-14-4122, MCA, the City contracted for the needed repair of the sidewalk; and

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

WHEREAS, the amount of the repair and necessary costs is Nine Hundred Fifty-Eight and no/100 Dollars (\$958.00); and

WHEREAS, record owner has not reimbursed the City for the amount of the repair of the sidewalk and necessary costs; and

WHEREAS, pursuant to §7-14-4122, MCA, the amount of the repair is a lien upon the Property.

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

1. That in accordance with §7-14-4122, MCA, and §12.28.120, Great Falls Municipal Code, the amount of Nine Hundred Fifty-Eight and no/100 Dollars (\$958.00) for costs incurred in the repair of dangerous sidewalk is declared to be a lien upon Lot 8, Block 569 of Great Falls 6th Addition to the Townsite, Great Falls, Cascade County Montana, addressed as 501 and 503 3rd Avenue Southwest, Great Falls, Montana.

2. That the City Manager is authorized to enforce the lien and recover the amount from the record owner by all legal means.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 16th day October, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim City Attorney