



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: Conduct Public Hearing and Adopt Resolution 9996

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 9996, to assess the total charges of \$2,198.00 against the property with interest and penalties on the unpaid balance for removal and replacement of hazardous sidewalk at 511 Central Avenue.”

2. Mayor calls for a second, discussion, and calls for the vote.
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Staff Recommendation: Conduct Public Hearing and adopt Resolution 9996.

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 on May 25, 2012. On October 3, 2012 a "Notice of Public Hearing" scheduled for October 16, 2012 was sent Certified Mail to the property owner, Jerry Gunther.

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 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 adopting Resolution 9996 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 adopting Resolution 9996.

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 9996

A RESOLUTION ESTABLISHING THE AMOUNT INCURRED FOR THE REPAIR OF THE SIDEWALK ADJACENT TO LOTS 12-13, BLOCK 316 OF GREAT FALLS ORIGINAL TOWNSITE, ADDRESSED AS 511 CENTRAL AVENUE, AND DECLARING A LIEN FOR SAID AMOUNT

* * * * *

WHEREAS, the public sidewalk adjacent to Lots 12-13, Block 316 of Great Falls Original Townsite, Great Falls, Cascade County Montana, addressed as 511 Central Avenue, 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 Two Thousand One Hundred Ninety-Eight and no/100 Dollars (\$2,198.00); 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 Two Thousand One Hundred Ninety-Eight and no/100 Dollars (\$2,198.00) for costs incurred in the repair of dangerous sidewalk is declared to be a lien upon Lots 12-13, Block 316 of Great Falls Original Townsite, Great Falls, Cascade County Montana, addressed as 511 Central Avenue, 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