

AGENDA REPORT

DATE December 3, 2002

ITEM: RESOLUTION 9271, COST RECOVERY FOR HAZARDOUS SIDEWALK, LOT 2, BLOCK 169, GREAT FALLS 4<sup>TH</sup> ADDITION (2204 6<sup>TH</sup> AVENUE NORTH)

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: ADOPT RESOLUTION 9271

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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**RECOMMENDATION:** It is recommended that the City Commission adopt Resolution 9271, to assess the total charges of \$1,819.00 against the property with interest and penalties on the unpaid balance.

**MOTION:** "I move the City Commission adopt Resolution 9271".

**SYNOPSIS:** Chapter 12.28.120 of the Great Falls Municipal Code authorizes the City to condemn sidewalks that become dangerous to public safety, and allows for the repair and collection of repair costs. On November 19, 2002, the City Commission set a December 3, 2002 public hearing date to hear anyone wishing to speak for or against assessing the property owners for the repairs.

**BACKGROUND:** On August 7, 2002, a complaint was received by the Engineering Division from a person who said she had stumbled and fallen on a sidewalk located at 2204 6<sup>th</sup> Avenue North. A subsequent inspection found 266 square feet of sidewalk adjacent to this property to be in an advanced state of deterioration. Several slabs were heaved, creating tripping hazards. The concrete was generally cracked up and crumbling, with sections of it reverting to grass. This caused a tilted, uneven walking surface.

The owner of the property was notified of the hazardous situation. In a telephone conversation towards the end of the time period allowed to make the repairs, the owner refused to have the required repairs made. Staff then contracted with a construction firm, and the repairs were made. The purpose of this action is to recover the cost of the repairs.

The following is a list of actions and events Staff took to eliminate the hazard:

- | <u>Action</u>                                       | <u>Date</u>    |
|---|----------------|
| • Initial complaint received by staff               | August 7, 2002 |
| • Initial inspection of property, photographs taken | August 9, 2002 |
- (continued)

<u>Action</u> (continued)	<u>Date</u>
• Initial 30-day repair notice mailed	August 12, 2002
• 30-day follow-up inspection (no repairs made)	September 13, 2002
• Second notice sent that repairs will be made and billed to property owner within 30 days after receiving 2 <sup>nd</sup> notice (certified mail)	September 24, 2002
• Signed confirmation received	October 5, 2002
• Request for bids	October 11, 2002
• Conversation with owner; owner unwilling to make repairs	October 15, 2002
• Award bid to lowest bidder	October 16, 2002
• Contractor started repairs	October 23, 2002
• Contractor finish repairs	October 25, 2002
• Final inspection for completion of work	October 28, 2002

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

• Remove and replace 266 square feet of sidewalk	\$1,330.00
• Inspector, 4 hours at \$45.00 per hour	180.00
• City Engineer, 4 hours at \$65.00 per hour	260.00
• Publishing of Legal Ad (Notice of Public Hearing)	25.00
• Recording fee, 4 pages at \$6 each	<u>24.00</u>
Total Costs Incurred	\$1,819.00

Attachments: Resolution 9271

cc: Coleen Balzarini, City Controller  
Kelly Audet, Risk Manager  
Judy Burg, Fiscal Services Tax/SID

File: Swestrec2