

PUBLIC WORKS & UTILITIES COMMITTEE

11-0368R

RESOLUTION ORDERING THE REPAIR OF A SIDEWALK VAULT  
LOCATED AT 114 WEST FOURTH STREET AT AN ESTIMATED COST  
OF \$14,000.

CITY PROPOSAL:

RESOLVED, that it is deemed necessary for public safety and it is hereby ordered that the sidewalk vault located at 114 West Fourth Street (city project no. 0878TR) be repaired.

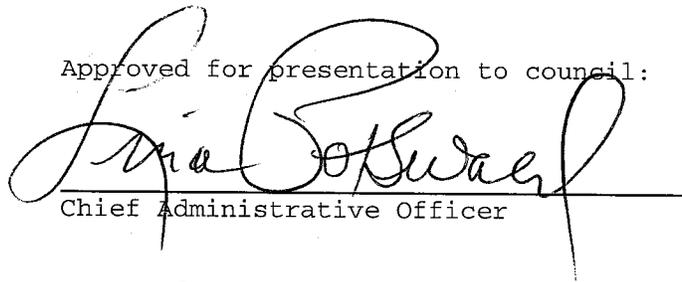
FURTHER RESOLVED, that said work be done by contract and that the estimated cost of said project as estimated by the city engineer is \$14,000, payable from Special Assessment Fund 410.

FURTHER RESOLVED, that 100% of the project cost shall be levied as an assessment upon the land benefitting, Parcel 1000-00440, Easterly 46 Feet of Lot 24, Duluth Proper First Division West Fourth Street (Kurt Peters, 4440 Carey Road, Duluth, MN 55803) and may be paid in 15 annual installments at municipal bond index fund rate plus 1.5 per cent interest.

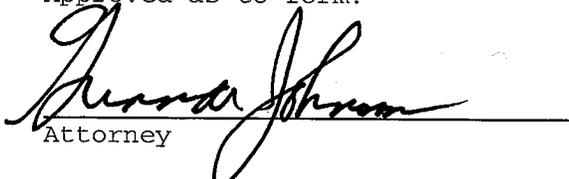
Approved:

  
Department Director

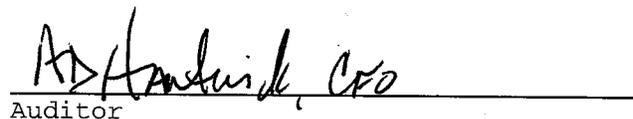
Approved for presentation to council:

  
Chief Administrative Officer

Approved as to form:

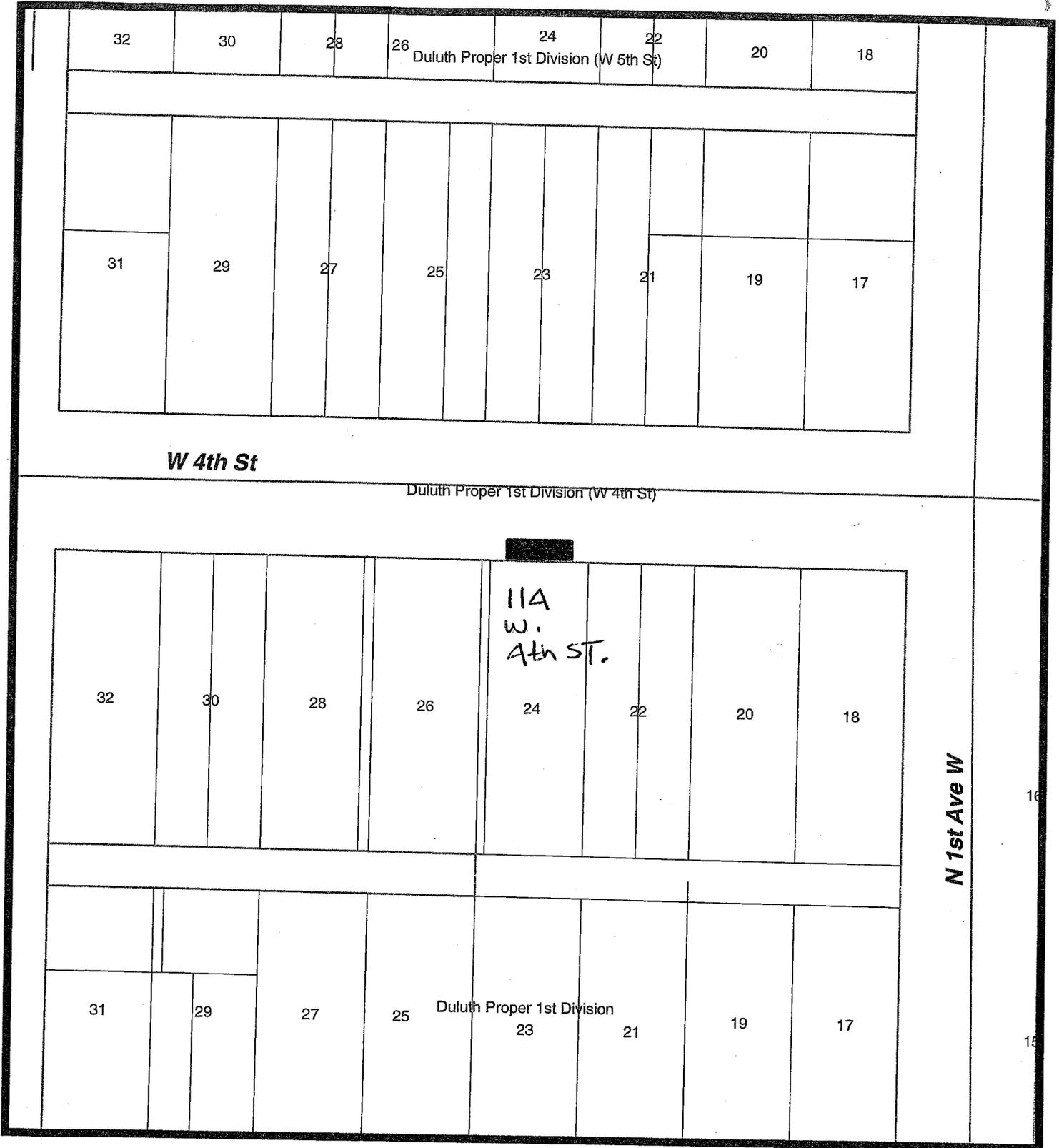
  
Attorney

Approved:

  
Auditor

ENG GS:jn 6/29/2011

STATEMENT OF PURPOSE: This resolution will order in assessable improvements to a sidewalk vault located at 114 West Fourth Street. As provided for in Section 61 of the City Charter, the process can be commenced either by petition or by action of the city council itself. The latter route is being used in this case as there is a public safety issue in the right of way.



**Sidewalk Vault**  
114 W 4th Street



Jan 25, 2011

1 inch = 65 feet



## MEMORANDUM

**TO:** City Council Members

**CC:** Special Assessment Board

**FROM:** Dave Montgomery  
730-5039

**DATE:** June 28, 2011

**RE: Fourth Street Sidewalk Vault Repair Public Hearing**

Pursuant to Section 61 of the Duluth City Charter, upon completion of the public hearing, the SAB "...shall transmit to the council the plans, specifications and estimates filed with it and shall report to the council its findings as to the necessity of the proposed public improvement and its recommendation therefore, and its recommendations as to the assessment, if any, of the cost thereof."

Attached are the minutes of the public hearing on the project.

Plans and specifications are available for review at the office of the City Engineer.

At a Public Hearing held on June 28, 2011, the Special Assessment Board voted to recommend this project to the city council. The estimated total project cost is \$12,000, all of which will be assessed to the property owner.

This repair is necessary due to the safety hazards created by the collapse of the sidewalk vault at 114 West Fourth Street.

**PUBLIC HEARING OF THE SPECIAL ASSESSMENT BOARD**  
**4<sup>th</sup> Street Vault Repair (City Project No. 0878)**  
**Plat 1000, Parcel 00440 (Duluth Proper 1<sup>st</sup> Division West Fourth Street, 114 West Fourth Street)**  
**June 28, 2011**

Transmitted herewith for your consideration is the report of the Public hearing, findings and recommendations of the Special Assessment Board for the above.

The hearing was called to order at 1:07 PM by David Montgomery, Chair of the Special Assessment Board.

**MEMBERS PRESENT:** John Gellatly, City Assessor; Cindy Voigt, City Engineer; Jim Benning, Director of Public Works & Utilities; and Dave Montgomery, Chief Administrative Officer.

**STAFF PRESENT:** Bob Asleson, City Attorney's Office; Greg Stoewer, Engineering; Councilor Sharla Gardner.

**OTHERS PRESENT:** None.

Under consideration was the repair of a collapsing sidewalk vault at 114 West Fourth Street. The owner, Kurt Peters, has indicated that he is unable to finance the repair. City ordinance has been changed to allow such vaults in the public right of way to be eligible for improvement via the special assessment process. The vault in question could be either repaired or filled. A conservative estimate is \$12,000 for the work plus \$1,000 for consulting engineering fees. Mr. Peters has not acknowledged recent letters from the city engineer, but certified mail sent to his home has been signed for by relatives.

In order to perform the needed work, city staff will need to determine the location of the building's water service. City code allows city staff to enter the basement to locate the water service. Mr. Peters will first be given the opportunity to respond to a request for basement access.

The special assessment process was reviewed. The city council would vote on the project at the July 11 meeting. The project would then be advertised for bid. A resolution authorizing a contract with the apparent low bidder would go to the council, and the contractor would have at least 30 days to complete the work.

Councilor Gardner commented that this damaged vault has been an issue in this neighborhood for a couple of years now. Once again the barriers placed by the city are missing and vehicles are being parked in that spot. She feels that something more substantial, such as jersey barriers, should be placed there until the work can take place.

Dave Montgomery added that initially Mr. Peters was cooperative, but has not been heard from since learning of the estimated cost of the project.

Cindy Voigt moved to recommend the project to the city council at an estimated cost of \$13,000. John Gellatly seconded. The motion carried unanimously.

Hearing adjourned at 1:30 PM.

Respectfully submitted,

Dave Montgomery  
Chair, Special Assessment Board

Jeanne Horn  
Board Secretary