PUBLIC WORKS & UTILITIES COMMITTEE

12-0260R

RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 265 FEET OF SANITARY SEWER IN LIVINGSTON AVENUE AND SPEAR AVENUE AT AN ESTIMATED COST OF $25,404.

CITY PROPOSAL:

RESOLVED, that for recorded agreement reasons and by Resolution of Intent numbered 12-0217R the council did request the administration to prepare plans and specifications for the construction of approximately 265 feet of sanitary sewer in Livingston Avenue and Spear Avenue (city project no. 0439TR). It is hereby ordered that said sanitary sewer be improved.

FURTHER RESOLVED, that said work be done by contract, and that the estimated total of said improvement as estimated by the city engineer is $25,404, assessable to benefitting properties and payable from Special Assessment Fund 410, Agency 038 (Special Assessment Contracts), Object 5530 (Improvements Other Than Buildings), city project no. 0439TR.

FURTHER RESOLVED, that assessments shall be levied upon lands benefitting per the preliminary assessment roll and may be paid in 15 annual installments at the municipal bond index plus 1.50 per cent.

Approved:

For

Department Director

Approved as to form:

Attorney

ENG GWS:jh 5/16/2012

Approved for presentation to council:

Chief Administrative Officer

Approved:

Auditor

STATEMENT OF PURPOSE: This resolution orders the construction of sanitary sewer to serve parcels 3870-01580, 3870-01590 and 3870-01160. Subject project was initiated by action of the city council due to recorded agreements to replace temporary connections with public sanitary sewer main.

City of Duluth
DEPARTMENT OF PUBLIC WORKS/UTILITIES
Engineering Division
211 City Hall • Duluth MN 55802
(218) 730-5200 Fax: (218) 730-5907

May 15, 2012

ASSESSMENT LISTING

Livingston Sanitary Sewer
City project 0439TR

Tom Zelman
2331 Livingston Avenue
Duluth MN 55803
Parcel 3870 01160
Total Cost $8,468

Joan Johnson
2319 Livingston Avenue
Duluth MN 55803
Parcel 3870 01590
Total Cost $8,468

Robyn Christianson
2315 Livingston Avenue
Duluth MN 55803
Parcel 3870 01580
Total Cost $8,468

MEMORANDUM

TO: City Council Members

CC: Special Assessment Board

FROM: Greg Stoewer, Project Engineer
730-5109

DATE: May 16, 2012

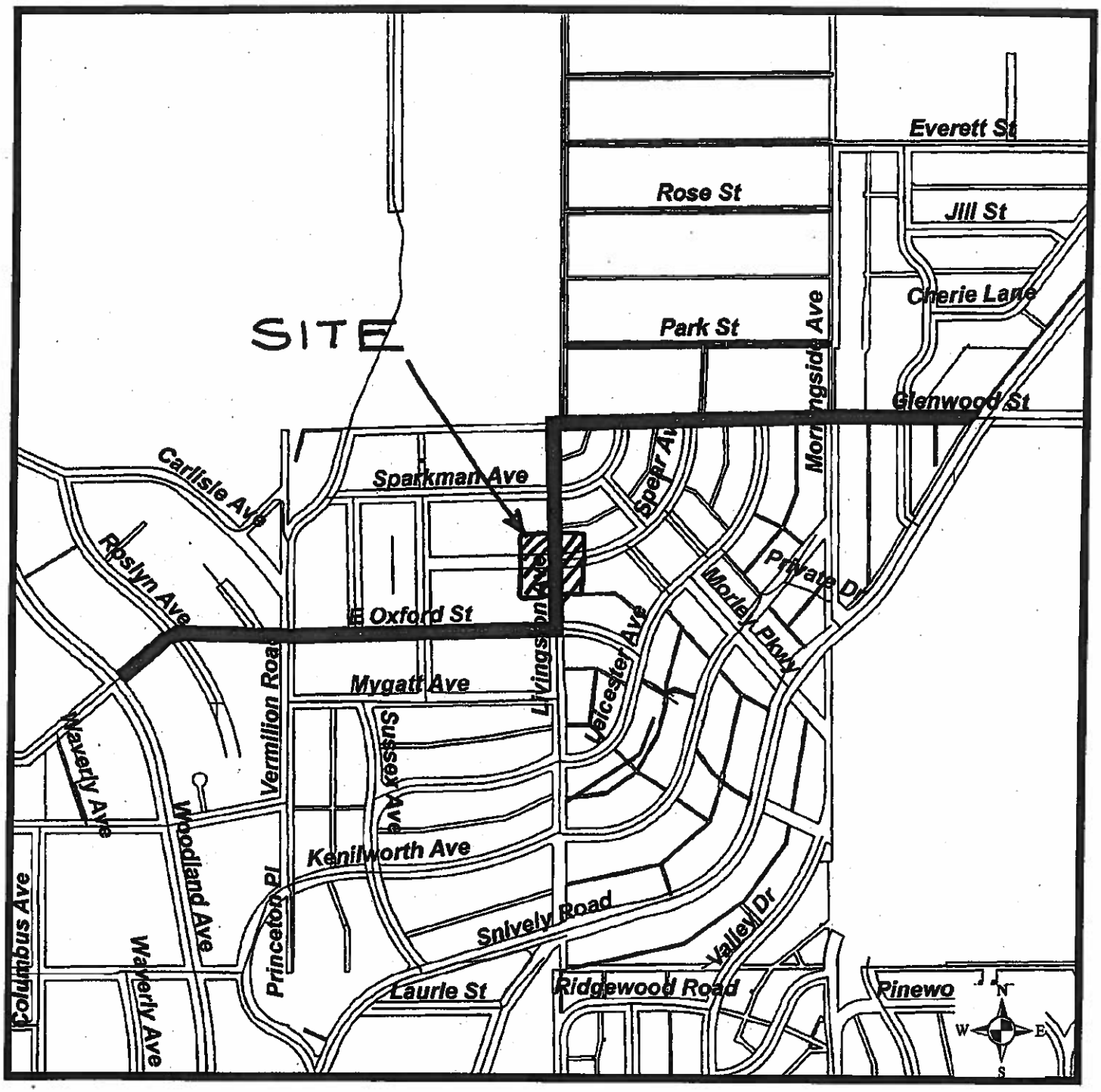
RE: **Livingston Avenue Sanitary Sewer Public Hearing**
City Project No. 0439TR

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 for the project.

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

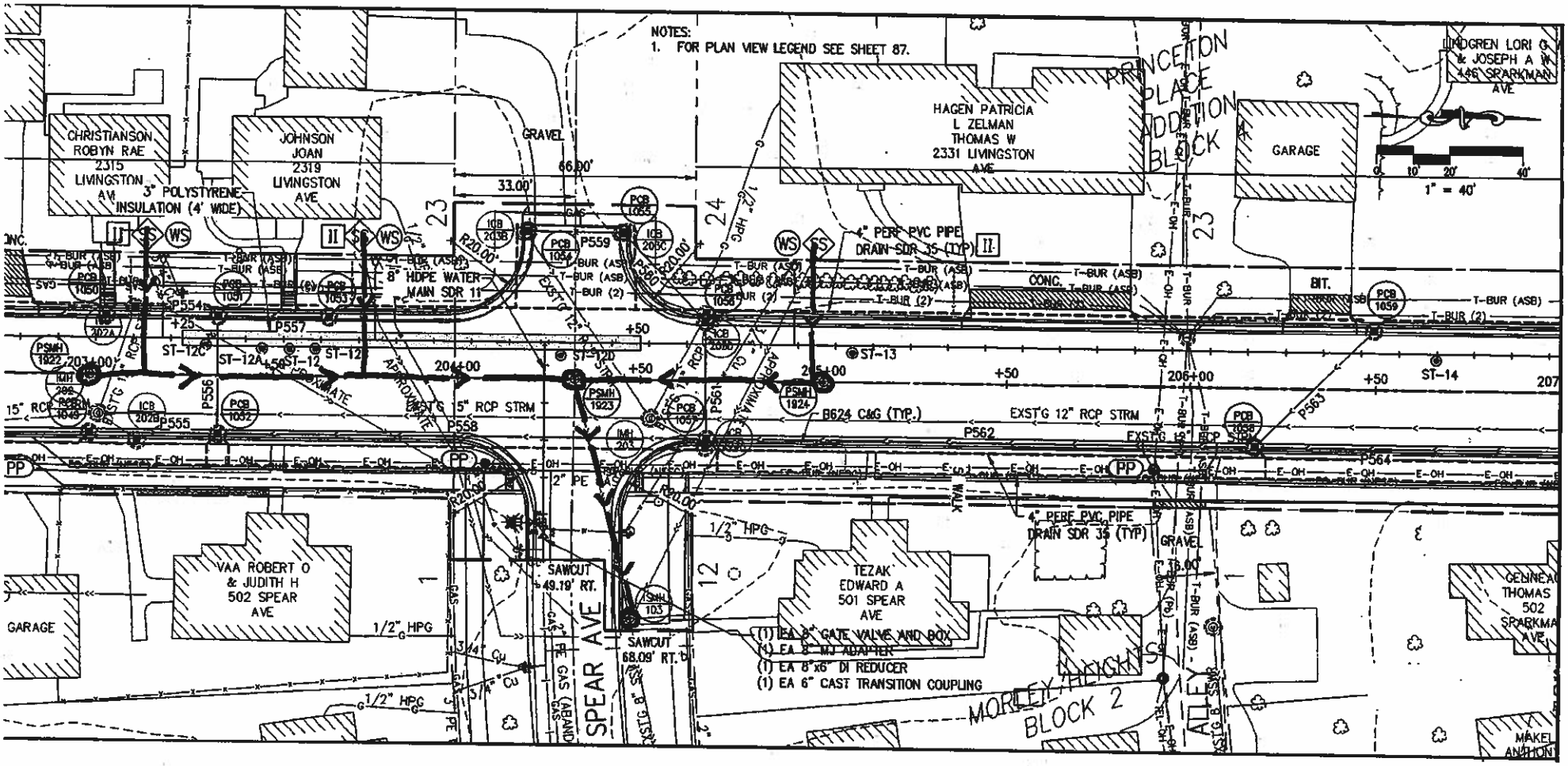
A public hearing was held in Room 106A, City Hall, on May 8, 2012 with the Special Assessment Board. Minutes of the hearing are attached. The three parties did not appear. There was discussion of the previous meetings and correspondence with the three parties. The three parties have recorded Agreements that obligate them to join in a petition for the construction of a sanitary sewer. The Special Assessment Board then recommended that an ordering-in resolution for the Livingston Avenue sanitary sewer be on the agenda for the May 29, 2012 council meeting.



Oxford St, Livingston Ave, and Glenwood St
from Woodland Ave to Jean Duluth Rd
0439TR

May 18, 2011

1 inch = 654 feet



PROPOSED PUBLIC SEWER MAIN

PUBLIC HEARING OF THE SPECIAL ASSESSMENT BOARD
Livingston Avenue Sanitary Sewer Extension
2315 Livingston Avenue (plat 3870, parcel 01580, Block 5, South ½ of lots 20, 21, 22 and 23, Princeton Place Addition to Duluth), 2319 Livingston Avenue (Plat 3870, Parcel 01590, Block 5, North ½ of Lots 20, 21, 22 and 23, Princeton Place Addition to Duluth), and 2331 Livingston Avenue (Plat 3870, Parcel 1160, Block 4, Lots 24 through 32, Princeton Place Addition to Duluth)
May 8, 2012

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 2:00 PM by David Montgomery, Chair of the Special Assessment Board.

MEMBERS PRESENT: Gregg Swartwoudt, City Assessor; Cindy Voigt, City Engineer; Jim Benning, Director of Public Works & Utilities; David Montgomery, Chief Administrative Officer; and Keith Hamre, Community Development Manager.

STAFF PRESENT: Linda Brophy, Assessor's Office; Bob Asleson, City Attorney's Office; Greg Stoewer and Cari Pedersen, Engineering.

OTHERS PRESENT: None.

Under consideration was the construction of a new public sanitary sewer to serve the properties in question. These three properties have private undersized sanitary sewer services connected to the main in Spear Avenue that were installed when the houses were built in the 1950s. None of the properties has ever been assessed for sewer. Permits for all three indicate that the services are "temporary" and that the owners would eventually need to petition for connection to public mains. Two of the owners have agreed to the new connections and assessments. The third owner has been out of the country and can only be reached via email. Greg Stoewer said that because the city has the proper disclaimers and agreements, the board can proceed with the ordering-in resolution. This work will take place during the reconstruction of East Oxford Street, Livingston Avenue and upper Glenwood Street, which bids on May 17.

It was agreed that because the city does have the necessary agreements in place it would be easier for the board to move ahead now and that a special meeting can be called later if necessary. Jim Benning added that the third owner also has the option of appearing before the city council. Greg said he is confident in the estimation of the construction costs for this project.

Hearing adjourned at 2:15 PM.

Respectfully submitted,

Dave Montgomery
Chair, Special Assessment Board

Jeanne Horn
Board Secretary