



Minneapolis
City of Lakes

Finance Department

Risk Management & Claims
330 2nd Avenue South - Room 550
Minneapolis, MN 55401-2213

Office 612 673-2023

Fax 612 673-2775

TTY 612 673-7295

July 14, 2015

Larry Kutzler
1418 Adams St NE
Minneapolis, MN 55413

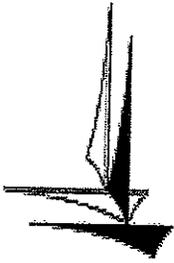
Dear: Mr. Kutzler

Your claim against the City of Minneapolis has been reviewed by the Staff Claims Committee. We have found no evidence of negligence with respect to the City or its staff. In the absence of negligence, we are unable to recommend payment of your claim. If you dispute this finding, you may request an appeal to the Council Claims Committee by calling Bonnie at (612) 673-2061 or you may file a court action depending on the nature of your claim.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie J".

Bonnie J
Claims Specialist



Minneapolis
City of Lakes

Finance and Property Services
Risk Management & Claims
330 2nd Avenue South – Room 550
Minneapolis, MN 55401-2213

Office 612 673-2023
Fax 612 673-2775
TTY 612 673-7295

April 9, 2015

LARRY KUTZLER
1418 ADAMS ST NE
MINNEAPOLIS MN 55413

RE: City of Minneapolis

Date/Incident: 2/23/2015
Our File No.: GC2015043320

Dear LARRY KUTZLER

We have concluded our investigation of your claim against the City of Minneapolis. The City of Minneapolis Staff Claims Committee has determined no negligence rests with the City of Minneapolis or its staff.

If you dispute this finding, you may appeal directly to the City of Minneapolis Staff Claims Committee. Please contact the City of Minneapolis Risk Management & Claims Division at (612) 673-2061 if you wish to schedule a time for an appeal.

Sincerely,


Rico

Investigator: Rico Rogers
Claimant: Larry Kutzler
1418 Adams St NE
Minneapolis, MN 55413

Date of Loss: 2/23/15

Date Filed: 2/26/15

Date Recommended: 3/6/15

Department: PW - Sidewalks

Cause: Property Damage

Amount claimed: ???

Evaluation: The claimant (Larry Kutzler) has filed a claim for property damage. In 2009 city contractors replaced and installed sidewalk panels at the claimant's residence. The claimant has indicated the concrete was poorly installed as there is a spalling issue on his sidewalk and other properties in the neighborhood. Location: 1418 Adams St NE. I contacted Public Works and was informed the warranty for this work has expired. The contract specification for this work includes a two year warranty period.

Notes: Pictures are available. Public Works staff has indicated there is no structural issue with the sidewalk panels that were installed.

Is the city liable: No

Recommendation: Deny

SIDEWALK INSPECTION OFFICE REPAIR NOTICE INFORMATION

Background Information:

Private sidewalk contractors are hired by the City through a competitive bidding process to do sidewalk repair work. Because of the large volume of work these contractors bid on, their prices are usually about half the cost compared to a property owner hiring a qualified private sidewalk contractor to perform the work.

Your Options: *City Hired Contractor:*

Most property owners who receive this Sidewalk Repair Notice choose to use the City hired contractor because of the lower cost.

Privately Hired Contractor:

To hire your own private sidewalk contractor, please call 311; they can provide you a list of contractors. The contractor you hire must obtain a Sidewalk Construction Permit from the Sidewalk Inspections office within 15 days of the date appearing on this Sidewalk Repair Notice Letter. If the private sidewalk contractor you hire has not obtained a Sidewalk Construction Permit before the City's hired contractor begins work in your area, the Sidewalk Inspector will direct the City contractor to proceed with the work at your address.

Payment Options:

When the City hired contractor performs the necessary work, you will receive a bill from the City (Sidewalk Inspections office). A one time 10% administrative charge, not to exceed \$50, will be added to the bill. You have the choice of paying the City's bill in full within 30 days, or you may choose to have this cost assessed to your property taxes as a special assessment, according to the City Charter, Chapter 8, sections 12 and 13 (copy enclosed). Assessments of less than \$150 are collected in one payment. Assessments of \$150 to \$1500 are collected in five equal annual installments. Assessments above \$1500 are collected in 10 equal annual installments. For all assessments, there is an interest charge of approximately 2 to 4% per year on the remaining principal balance to be paid.

How the work will proceed:

In most cases, the contractor will remove a 4 to 6 inch wide area of grass and soil along both sides of the defective sidewalk. This is necessary in order to install the construction forms for the new sidewalk. If you have any special landscaping, shrubs, fences, retaining walls or other structures that may be within the area affected by the work, you should contact 311 with questions concerning these items. Once the installation is complete, the construction materials will be cleaned up and the space will be filled in with black dirt and grass seed. The property owner is responsible for watering and maintaining the new grass seed.

Lawn sprinkler systems:

If you have a lawn or landscaping sprinkler system installed in the area where sidewalk work is to be performed, it is your responsibility to locate and mark out the system both before, and during, the sidewalk construction work. The City hired sidewalk contractor will take every precaution to avoid causing damage to your system. However, if your system is damaged, the cost to repair any damages will be your responsibility.

Sidewalk damage caused by tree root growth:

Sidewalks may become defective and require repair due to the growth of tree roots. Property owners are responsible for these repairs. The contractor may be directed to create a "ring" in the sidewalk around the base of the tree in order to allow room for future tree root growth. The contractor may also be required to remove some tree roots and relocate any boulevard walks away from the base of the tree in order to allow for tree root growth.

Boulevard (carriage) walks:

If the repair of a boulevard walk is part of your estimate, you have the option of removing and not replacing the boulevard walk. The cost of removing the boulevard walk and boulevard restoration would still be your responsibility.

Seniors or Disabled:

If the cost of this work creates a financial hardship please call 311 and ask for an assessment deferment.

While sidewalk repairs may cause some temporary inconvenience, the new sidewalks will not only be safer but will also enhance the appearance of your property. Your patience, understanding and cooperation are appreciated!

Sincerely,
Dan Bauer, Supervisor
Public Works Sidewalk Inspections

Subscribe to Ward 1 E-Mail Updates [HERE](#)

From: larry kutzler [<mailto:larrykutzler@gmail.com>]
Sent: Wednesday, January 28, 2015 3:53 PM
To: Reich, Kevin A.
Subject: Re: Logan Park Sidewalk Evaluation

Kevin,

Thank you for doing due diligence in this matter, but this response from public works insults the neighborhood. The sidewalks in our neighborhood is the result of "Spalling" and it is **damaged concrete, that was poorly installed.**

Spalling concrete is concrete that has broken up, flaked, or become pitted. This is usually the result of a combination of poor installation and environmental factors that stress the concrete, causing it to become damaged. On a low level, it can be purely cosmetic in nature, but it can also result in structural damage.

So, regardless of the explanation given by the public works department, there is still a problem. There are over 80 residences that we have documented with pictures of these "spalling" problems, and I am curious to see how they will respond as tax payers.

Thank you,

K.

Larry Kutzler
larrykutzler@gmail.com
612-860-0258

On Jan 28, 2015, at 3:12 PM, Reich, Kevin A. <Kevin.Reich@minneapolismn.gov> wrote:

I have had conversations with both a director and a manager in Public Works after my visit with you and was briefed this week on their extensive follow-up. Below are their activities and findings on investigating this matter further:

Review of the existing conditions of the concrete sidewalk panels on Adams Street NE and the surface distress which can be observed on some of the sidewalk panels. This area was condemned in 2009 by the City's sidewalk contractor. The surface distress is pitting of the concrete sidewalk surface. This can be caused by a number of reasons. Deleterious aggregates which have water absorptive properties, or poor curing techniques of the concrete surface are the two main reasons. Concrete testing for sidewalk inspections was done on a random basis or test samples are routinely taken randomly to insure compliance to the contract specifications. So direct testing was not performed on the materials place in this location, but tests were performed on the identical materials place in this same area during this time period. The testing results show the following:

1. Concrete ready mix used was from Marshall Ready Mix, which is a MNDOT

approved ready mix plant manufacturing Minnesota State Certified ready mix. This mix and materials are plant tested and plant certified to meet the specified requirements of state concrete mix. In short the ready mix used on this contract is a high quality inspected ready mix.

2. Review of the testing reports show that the concrete used exceeded the break strength by 20% in most tests, or the concrete was above the required strength.
3. All of the certified tickets also showed the contract was using straight Portland concrete without fly ash added for secondary cementitious strength. In general the addition of fly ash slows the strength gain of Portland concrete; the benefit of stronger initial compressive strength versus the secondary cementitious nature of the Portland matrix is often debated.
4. High Range Water Reducing (HRWR) admixture was used as a water to cement ratio enhancer from the BASF Chemical Company. In all cases the addition of HRWR is a positive enhancer to the ready mix.
5. Calcium Chloride and Air Entraining Admixtures were also added in many of the ready mix batches.
6. In tickets review, no water was added at the job site, so the mix was discharged without site added water, which is typical when using HRWR which has the effect of losing up the slump by 1.0 inches.
7. Air temperatures at time of pour is noted at 62-70 F, which will have a benefit of improved placement of concrete, all things being equal, versus a 85 F air temperature.
8. Water to cement (W/C) ratios were in the 0.43-0.45 range which is the correct W/C ratio for this type of ready mix.

The only other potential for this type of surface is application of concrete cure in a timely manner. In walking this area I notice that the surface distresses were inconsistent, with some sidewalk panels showing no distress and others showing distress. These panels which were reviewed were placed in the same year by the same contractor. It is unlikely that there would be an inconsistent application of concrete cure.

Finally, anecdotally, there are panels of older sidewalk on Adams Street NE showing the same surface distress, which demonstrates that this issue is not new to this area. And by the obvious fact that these sidewalk panels continue to remain in service shows that the surface distresses are not to the point of replacement.

In summary, random panels of concrete sidewalk show signs of surface distress in the Adams Street NE area. Tests conducted do not show any evidence of poor ready mix, and in all cases the overall strength of the Portland concrete is higher than specified. There are other older panels of sidewalk in this area which show similar signs of surface distress, but the distress only went to a certain level and then stopped.

Thankfully, it seems that there's not a structural issue here. Public Works will continue to monitor the situation. I appreciate your attention to our community's infrastructure.

Regards,
Kevin Reich

Kevin Reich

Kevin Reich

Council Member, Ward One

City of Minneapolis

350 S. 5th Street, Room 307

Minneapolis, MN 55415-1383

Kevin.reich@minneapolismn.gov

612-673-2201

Subscribe to Ward 1 E-Mail Updates [HERE](#)

EV2015047413
 2015043320

RJR
 CITY OF MINNEAPOLIS CLAIM FORM

COMPLETE APPLICABLE ITEMS ON THIS FORM AND SEND TO:

Send Claims against the City to *Risk Management & Claims, 330 2nd Avenue South, Suite 550, Minneapolis, MN 55401*
 Send Claims against the Park Board to the *Minneapolis Park & Recreation Board, 2117 West River Road, Minneapolis, MN 55411-2227*

INSTRUCTIONS

1. The claim must be filed within 180 days of the occurrence.
2. Your claims must be based on the fault or liability of the City or its employees.
3. Attach copies of bills, estimates or other documents.
4. Your claim will be investigated by Risk Management & Claims Division
5. If more space is needed use reverse side.
6. For further information, call 673-2969

NAME <i>LARRY KUTZLER</i>	WORK PHONE NUMBER <i>612-860-</i>	HOME PHONE NUMBER <i>0258</i>
STREET ADDRESS <i>1418 ADAMS ST NW</i>	CITY <i>UMPS</i>	STATE <i>MIN</i>
		ZIP CODE <i>55413</i>

CLAIM IS FOR TOWING		CLAIM IS FOR VEHICLE OR PROPERTY DAMAGE		CLAIM IS FOR INJURY	
DATE	TIME <input type="checkbox"/> AM <input type="checkbox"/> PM	DATE <i>2/23/15</i>	TIME <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	DATE	TIME <input type="checkbox"/> AM <input type="checkbox"/> PM
LICENSE PLATE NUMBER		ATTACH TWO ESTIMATES OF THE COST OF THE REPAIRS \$ _____ \$ _____		TYPE OF INJURY	
COMPENSATION REQUESTED \$ _____		COMPENSATION REQUESTED <i>REPLACEMENT OF SIDEWALK</i>		COMPENSATION REQUESTED	

LOCATION OF INCIDENT

Be specific. Give street address, intersection, direction traveling, side of street, number of feet, direction from curb, etc. Include diagram on another sheet if necessary

SIDEWALKS PUT IN BY CITY OF UMPS CONTRACTORS DEFECTIVE.

CIRCUMSTANCES (DETAILS OF HOW THE INCIDENT OCCURRED AND HOW THE CITY IS INVOLVED)

CITY REPLACED SIDEWALKS AND THEY ARE DEFECTIVE. CONCRETE IS SPALLING AND WILL CONTINUE TO ERODE.

WITNESSES

NAME <i>LARRY KUTZLER</i>	ADDRESS <i>1418 ADAMS ST NW UMPS MN</i>	TELEPHONE NUMBER <i>612-860-0258</i>
NAME	ADDRESS	TELEPHONE NUMBER
NAME	ADDRESS	TELEPHONE NUMBER

MN Statutes 60A.955 "A person who files a claim with intent to defraud or helps commit a fraud against an insurer is guilty of a crime."

Signature 	Date <i>2/23/15</i>
---------------	------------------------

If you need this form in another format it is available on the City of Minneapolis Risk Management webpage at <http://www.minneapolismn.gov/finance/risk/claims>

