

**COUNCIL ACTION FORM**

**SUBJECT: NUISANCE ASSESSMENTS – SNOW AND ICE REMOVAL**

**BACKGROUND:**

After a snowfall, abutting property owners have the responsibility of removing snow and ice accumulations from the sidewalks. According to the *Municipal Code*, owners must remove these accumulations within ten daylight hours after the storm has stopped. If, after that time, sidewalks remain uncleared, the City may remove accumulations and assess the actual cost of the removal to the property owner.

This code section is enforced on a complaint basis. Once a complaint has been received, notice is given to the abutting property owner that the City, will clear the sidewalks if the owner has not done so within 24 hours of that notice.

In accordance with this process, City staff had the snow and/or ice removed at the properties listed below. Also shown are the names and addresses of the property owners and the costs associated with the snow/ice removal. After the work was completed, bills were mailed to these individuals. To date, the bills have not been paid. The City's final recourse is to assess the cost of abating these nuisances to the benefitted properties, which will allow the City to recover these costs through property tax assessments. In accordance with state law, a certified notice of this hearing has been mailed to each of these property owners.

R.G. Properties (c/o James Gunning) 119 Hickory Drive Snow/ice removal for property located at 2917 Wood Street Notice posted on December 30, 2009	\$210.00
R.G. Properties (c/o James Gunning) 119 Hickory Drive Snow/ice removal for property located at 2613 Hunt Street Notice posted on December 31, 2009	\$110.00
R.G. Properties (c/o James Gunning) 119 Hickory Drive Snow/ice removal for property located at 2621 Hunt Street Notice posted on December 31, 2009	\$110.00
R.G. Properties (c/o James Gunning) 119 Hickory Drive Snow/ice removal for property located at 511 Northwestern Avenue Notice posted on December 30, 2009	\$110.00

Julia Kiefer 2802 Brookside Drive, Iowa City, Iowa 52245 Snow/ice removal for property located at 1222 Burnett Avenue Notice posted on January 6, 2010	\$150.00
Julia Kiefer 2802 Brookside Drive, Iowa City, Iowa 52245 Snow/ice removal for property located at 1222 Burnett Avenue (2 <sup>nd</sup> time) Notice posted on February 25, 2010	\$198.00
Sandra Kay Larson 1909 Coolidge Drive Snow/ice removal for property located at 211-213 N. Hazel Avenue Notice posted on January 13, 2010	\$125.00
Sandra Kay Larson 1909 Coolidge Drive Snow/ice removal for property located at 211-213 N. Hazel Avenue (2 <sup>nd</sup> time) Notice posted on February 24, 2010	\$223.00
Grant Tjernagel 2414 N.W. Ashland Parkway, Ankeny, Iowa 50023 Snow/ice removal for property located at 2109-3111 Diamond Notice posted on February 19, 2010	\$223.00
Scott Davis 504 Ash Avenue Snow/ice removal for property located at 504 Ash Avenue Notice posted on January 18, 2010	\$170.00
Eric Cooper 902 Burnett Avenue Snow/ice removal for property located at 902 Burnett Avenue Notice posted on January 28, 2010	\$298.00
Duane & Ronella Lundy and Cory & Jenny Templeton 514 Northwestern Avenue Snow/ice removal for property located at 514 Northwestern Avenue Notice posted on December 30, 2009	\$145.00
Duane & Ronella Lundy and Cory & Jenny Templeton 514 Northwestern Avenue Snow/ice removal for property located at 514 Northwestern Avenue (2 <sup>nd</sup> time) Notice posted on February 19, 2010	\$173.00
Sonja Ann Scigliano 510 Northwestern Avenue Snow/ice removal for property located at 510 Northwestern Avenue Notice posted on December 30, 2009	\$145.00
Sonja Ann Scigliano 510 Northwestern Avenue Snow/ice removal for property located at 510 Northwestern Avenue (2 <sup>nd</sup> time) Notice posted on February 19, 2010	\$223.00

PEC, LLC 212 Duff Avenue Snow/ice removal for property located at 212 Duff Avenue Notice posted on February 9, 2010	\$188.67
PEC, LLC 212 Duff Avenue Snow/ice removal for property located at 216 Duff Avenue Notice posted on February 9, 2010	\$188.67
PEC, LLC 212 Duff Avenue Snow/ice removal for property located at 222 Duff Avenue Notice posted on February 9, 2010	\$188.66
Melanie Smith 1420 N.W. 23 <sup>rd</sup> Lane, Ankeny, Iowa 50023 Snow/ice removal for property located at 3702 Jewel Drive Notice posted on January 20, 2010	\$150.00
Joseph Carter 523 Northwestern Avenue Snow/ice removal for property located at 523-525 Northwestern Avenue Notice posted on February 24, 2010	\$348.00
Madhusudan and Usha Goswami 1126 Rachel Street, Waterloo, Iowa 50701 Snow/ice removal for property located at 215 South Maple Avenue Notice posted on February 22, 2010	\$198.00
Todd Herriott and Michael York 685 Massachusetts Ave., Apt. 2, Boston, Massachusetts 02118 Snow/ice removal for property located at 207 South Maple Avenue Notice posted on February 18, 2010	\$223.00
Dylan Nelson 1114 North 4 <sup>th</sup> Street Snow/ice removal for property located at 1114 North 4 <sup>th</sup> Street Notice posted on February 18, 2010	\$298.00
Dan and Jun Zhu 900 Vermont Circle Snow/ice removal for property located at 900 Vermont Circle Notice posted on February 19, 2010 <b>(The property owners are contesting the costs associated with the removal of snow/ice at this property – see attachment.)</b>	\$223.00

### **ALTERNATIVES:**

1. The City Council can adopt a resolution assessing the costs of the snow/ice removal to the property owners shown on the above list. The Finance Director will then prepare a spread sheet on these assessments, and the City Clerk's Office will file the assessments with the Story County Treasurer for collection in the same manner as property taxes as provided for by the *Code of Iowa*.

2. The City Council can choose not to certify these costs to the County Treasurer and, instead, absorb the costs.

**MANAGER'S RECOMMENDED ACTION:**

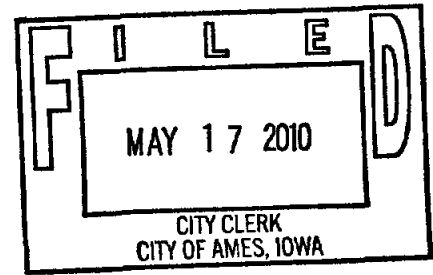
These property owners failed to clear the sidewalks abutting their properties even after receiving notice to do so, and have failed to pay the costs incurred by the City in making their sidewalks safe for public use. Rather than have property owners city-wide cover these expenses, the Code of Iowa allows the City to recover these costs through individual property assessments.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby assessing the costs of the snow/ice removal to the property owners shown above.

To: **Mayor and Ames City Council**

From: **Dana Zhu, and our two young children, Andy and Enya**  
**(Ames residents living in 900 Vermont Circle)**

Re: **Snow removal charge/fine during the winter**



**Dear Ames City Council members:**

We have recently received your notice about the upcoming hearing on May 25. Unfortunately we will be out of the country to visit our elderly grandparents. We do have some questions and concerns regarding the fine. We would like to dispute the charges through this mail with the following reasons:

- 1). My husband has taken a job in Nebraska. I (a short, small and weak oriental woman), and the two young kids have worked really hard to remove the snow as much as we can. Jerry (My husband) would shovel the snow whenever he could (came back to visit us occasionally). We did our best to clean the way for some 'brave' walkers (even under -10F degree still could not hold their activity).
- 2). We have never received the so called two "advanced notices". We only received one warning attached to our door knob and we cleaned the road again immediately. Within a couple of days, we saw the snow removal truck came. I approached them and pointed out that the road was cleared. They agreed and said they were hired and they had to do the job (so-called 'grass-to-grass' rule). They left shortly afterward.
- 3). Even after their service, the walking path was still covered with ice (see attached photo), and it was actually more dangerous for the walkers. (our cleaned path(though not grass-to-grass wide) with slight snow on top might be less slippery)
- 4) The fee for the snow removal was almost tripled as it was usually being charged by local snow removal service. While we were out of town, we paid a snow removal service to come to our house to clean the road. That charge was only \$50 for a lot heavier snow condition (including the drive way).

In summary, we believe this charge is inappropriate. We hope you can remove this charge for this time. We will try our best to make sure the snow will be removed in the future. We are sorry we can't be at the hearing due to our prior travel arrangement. We hope our absence will not put ourselves in a disadvantageous position.

Thank you for your time. We look forward to hearing from you soon!

Sincerely,

*Dana Zhu, Andy Zhu, Enya Zhu*

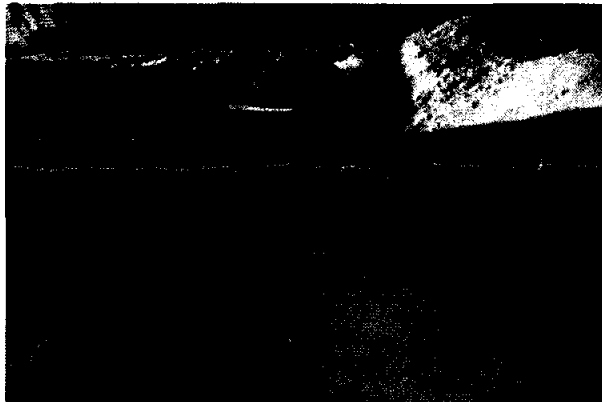
Citizens, Dana Zhu, and two young kids, Andy and Enya

900 Vermont Circle, Ames, Iowa

The check paid to Ames Snow Removal Service during the winter

Pay to the order of		DO NOT USE FOR REORDERING	
Pay to the order of	Amount	Pay to the order of	Amount
Matthew Stephenson	50.00		
for fifty			
Here's How:			
• Cash balance forward			
• Check type of expense			
• Auto deduction on monthly bill			
• Return duplicate in Please Check box			
Memo: Snow removal (Ames Snow Removal Service)			
NOT NEGOTIABLE			

Before your called service (we did)



After your called service

