

ITEM #: 35  
DATE: 06-11-24  
DEPT: FIRE

**COUNCIL ACTION FORM**

**SUBJECT: NUISANCE ASSESSMENT - SIDEWALK REPAIR LOCATED AT 2412  
CAMDEN DRIVE**

**BACKGROUND:**

Property owners are required by law to maintain the sidewalks abutting their properties. When unsafe conditions are brought to the City's attention, the property owner is notified of the need to repair or replace the unsafe section. If the sidewalk safety issue is still not addressed, the City arranges for the sidewalk to be repaired or replaced. The cost of that work is then assessed to the property owner.

In this instance, a certified letter was sent, and the resident signed for it. The City notified Ms. Bauman in April and June 2023 that the sidewalk needed to be replaced. The City then hired a company in November 2023 to replace the sidewalk. Bills for this work have been mailed to the respective property owner and, to date, the bills have not been paid.

Because of non-payment of the bill, a decision was made by staff to proceed with assessing the charges as a nuisance assessment under *Iowa Code* Section 5.403(2)(g). The process for nuisance assessments is followed in most cases when the City incurs expenses for maintenance of private property.

A certified notice of this hearing has been mailed to the property owner.

Betsy Bauman                      \$2,300.00  
2412 Camden Drive  
Ames, IA 50010

- Sidewalk replacement/repair for property located at 2412 Camden Drive for work performed November 2023

**Because this assessment amount is higher than the typical nuisance abatement assessment amount, the City Attorney has advised that the Council assess costs in a similar manner as street or utility improvements and allow the property owner to pay for the work performed over time. Staff is proposing that the assessment costs be paid over a term of 10 years, with an annual interest rate equal to the yield on a 10-year U.S. Treasury (4.29%).**

**ALTERNATIVES:**

1. The City Council can adopt a resolution assessing the costs to the property owner in accordance with the terms shown above. The Finance Director will then prepare a spread sheet on the assessment, and the City Clerk's Office will file the assessment 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, have the City absorb the cost.

**CITY MANAGER'S RECOMMENDED ACTION:**

The City's longstanding policy is to require abutting property owners to maintain sidewalks adjacent to their properties. When that is not done, the City maintains safe public passage by carrying out the repairs or replacement and then assessing those costs to the respective property owners. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby assessing the costs of the sidewalk repair/replacement to the property owner shown above.