

ITEM #: 34
DATE: 09-24-24
DEPT: PW

COUNCIL ACTION FORM

SUBJECT: ASSESSMENTS FOR SIDEWALK REPAIR/REPLACEMENT

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(s). 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.

During the spring and summer of 2023, the City notified property owners that the sidewalks abutting their properties needed to be replaced and provided deadlines for the owners to complete the replacement. After the deadlines passed without replacement of the sidewalks, the City hired a company in October 2023 to replace the sidewalks at the City's expense. The respective property owners were then billed for the work and, to date, the bills have not been paid.

Because of non-payment of the bills, a decision was made to proceed with assessing the charges as provided in Iowa Code section 364.12. Courtesy notices of this hearing were sent by certified mailed and regular mail to the property owners, though some did not acknowledge their letter.

- Lance & Lauren Lohse \$4,604.53
 - 213 7th Street
 - Ames, IA 50010
 - Replacement/repair of sidewalk abutting property located at 213 7th Street
Date of Service October 2023

- John & Gretta Hubert \$4,349.00
 - 3416 West Street
 - Ames, IA 50010
 - Replacement/repair of sidewalk abutting property located at 3416 West Street
Date of Service October 2023

- Chamberlain Holdings, LLC/Compendium Property \$6,302.00
 - 15516 Viking Crusader Ct
 - Westfield, IN 46074
 - Replacement/repair of sidewalk abutting property located at 2514 Chamberlain Street
Date of Service October 2023

- Thomas & Kelsie Olsen \$7,790.58
 - 923 Kellogg Ave
 - Ames, IA 50010
 - Replacement/repair of sidewalk abutting property located at 923 Kellogg Ave
Date of Service October 2023

Because these assessment amounts are higher than the typical assessment amounts, the City Attorney has advised that the Council may 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 Note (3.63%).

ALTERNATIVES:

1. Adopt a resolution assessing the costs to the property owner in accordance with the terms shown above. The Finance Director will then prepare a spreadsheet 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. Do not 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 owners shown above.