Council Communication

Department: Community Development	Resolution _____	City Council: 12-17-18

Subject/Title

Resolution authorizing the City Clerk to certify assessments against properties to the Pottawattamie County Treasurer for unreimbursed costs incurred by the City for the removal of nuisances upon said properties and directing them to be collected in the same manner as a property tax.

Background/Discussion

This item is a resolution assessing $2,084.00 in unpaid costs of solid waste abatement against these properties. It is recommended that Council pass this resolution.

The properties were inspected by personnel of the Building Division and found to contain a nuisance of solid waste on private property or on public right-of-way, as specified in Municipal Code 10.02.040 and/or 4.12.140. The title-holder of record was notified by posting notice on the property and given 48 hours to remove materials from public right-of-way and 3 days to remove materials from private property.

Or, in the case of a nuisance deemed an emergency, Municipal Code 10.02.060 states that the "City may perform any action required by this chapter without prior notice to the abutting property owner, and assess the costs and administrative charges in the same fashion as set out in 10.02.040."

Upon failure of the owner to abate the problems, the property was referred to the City contractor who abated the nuisance. The City was billed for this work and has paid the contractor. We have in turn sent a statement to the titleholder of record requesting payment of this amount plus the cost to the City for enforcing the ordinance. To date, payment has not been received and at least ten (10) days have elapsed from the date of billing.

City ordinance states that these unpaid costs "may be assessed against the property for collection in the same manner as a property tax, pursuant to the provisions of Section 364.12 of the Code of Iowa. An additional administrative fee shall be added to each delinquent account if it is certified for collection by the county auditor."

1. Take no action: The cost of the abatement at these properties will be paid from the general fund. The cost will be spread among all taxpayers including the vast majority who care for their property, keeping it free of solid waste.

2. Assess the costs to the specific property: The responsible property owner will bear the cost of failing to comply with City ordinance (unless they choose not to pay the taxes). In addition to all costs incurred, an additional $5.00 has been added to each amount to help pay for the extra work involved in the assessment process.

Recommendation
Brandon Garrett, Director of the Community Development Department is recommending that the Council adopt alternative 2: Assessment of all costs against the properties. This resolution accomplishes this alternative.
Attachments
1. 2018 - Quarter 4 - Solid Waste Abatements

Submitted by: Cindy Clark, Administrative Secretary
Approved by: Brandon Garrett, Director