



**Michael Beimer, City Administrator**  
**Doug Shannon, Chief of Police**

**Jim Moore, Mayor**

**Council:**

**Jamie Hampton**  
**Marianne Taylor**  
**Francesca Thompson**  
**Eric Roudabush**  
**Paul Tuerler**

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***Public Works Report November 16, 2015***

***EAB update***

City staff surveyed our ash trees. In August of 2014 the city injected ash trees with Tree-äge to combat the emerald ash borer. The results to date are very positive. I would say our ash trees are in great health. The plan would be to again treat the 280 trees in the spring of 2017. The cost to treat the trees in 2014 was around \$24,000 dollars. I anticipate the cost being similar.

***City ROW Trees***

Currently under code the trees in city right of way are the responsibility of the home owner. We did assessment on the ROW trees in March of this year at that time over 275 properties were out of code. This creates a safety concern for city staff along with residents. The other issue is clearance for our trucks and street sweeper. Last winter season we replaced 2 review mirrors on the 2014 dump truck. This creates down time for the truck while we wait for parts and repair. The fear is we will eventually do major damage to a plow truck. My question is what would council like to do with code? Would you like to send out letters to residents and request they trim trees to code? We would give residents maybe a 6 month window and if they didn't trim the trees to code then we assess them. My one fear with this is the city never brought the trees to code before they were given to the home owners.

***5<sup>th</sup> Avenue Project***

While installing new storm sewer on 5<sup>th</sup> Avenue the contractor found a lead service line feeding a house on the corner of 5<sup>th</sup> Avenue and 1<sup>st</sup> Street. If found then legally we are required to fix it. We asked the contractor for a price and they wanted \$3500 to \$4500 dollars to repair 10 feet of ¾ lead water line. After discussion with Mr. Beimer we decided city staff would repair the water line. City crews were able to replace the lead service in about 9 hours. I think Mr. Beimer made the right decision.

***Trail Springville Road***

The city has acquired fill dirt and clay from the 5<sup>th</sup> Avenue project. The dirt stock piled was supposed to be black dirt, what we received was a clay rocky mix. So instead of paying someone to haul the dirt off I wanted to know if we could start hauling and filling in the shoulder on Springville Road. This would allow us a short haul from the Ambulance Building to the dump site along with a possible use for this clay.



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Mount Vernon, Iowa Code of Ordinances

135.10 MAINTENANCE OF PARKING OR TERRACE.

It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

(Code of Iowa, Sec. 364.12[2c])

Mount Vernon, Iowa Code of Ordinances

151.05 FELLING OR TRIMMING OF TREES.

1. No tree shall be removed from the parking or public right-of-way without prior written approval of the City Administrator or designee. Written approval must address the need for traffic control, if any, when a tree will be felled or trimmed onto any street. Trees or branches which are felled or trimmed onto public property must be removed immediately.

2. Any person or entity felling or trimming a tree shall agree to indemnify and hold the City harmless for any personal injury, property damage or attorney fees.



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151.06 OBSTRUCTION.

1. Trees on public or private property bordering on any street shall be trimmed to sufficient height to allow free passage of pedestrians and vehicular travel and so they will not obstruct or shade the street lights, the vision of traffic signs or the view of any street intersections. The minimum clearance of any overhanging portion of such trees shall be nine (9) feet over sidewalks and eighteen (18) feet over all streets.

2. Public Property. The City Administrator or designee may cause the trees on public property to be trimmed by the abutting property owner to the requirements set out above. The maintenance of the parking or terrace shall conform with this Section and Section 135.10.

3. Private Property. When the City Administrator or designee shall find it necessary to order obstructing trees on private property to be trimmed, the City Administrator or designee shall cause written notice to be served on the property owner requiring such trees to be trimmed to the minimum heights set out above within thirty (30) days after receipt of the said notice. The notice required herein shall be served by mailing a copy of the notice to the last known address of the property owner by certified mail. If the City Administrator or designee is unable to secure notice on the property owner, said written notice may be served on the occupant or person in charge of the property in the same manner as set out herein.

4. Failure to Comply. When a person to whom such notice is directed shall fail to comply within the specified time, the City Administrator or designee shall cause the trees to be trimmed and the exact cost of such work shall be certified by the City Administrator or designee to the County Treasurer to be collected with and in the same manner as general property taxes.



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151.07            DISEASE CONTROL.

Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance. The City Administrator or designee shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the City Administrator or designee may cause such condition to be corrected by treatment or removal. The City Administrator or designee may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Clerk shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the City Administrator or designee may cause the condition to be corrected and the cost assessed against the property.



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151.08 INTERFERENCE WITH CLERK.

No person shall hinder, prevent, delay or interfere with the City Administrator or designee or any of the City Administrator or designee's assistants while they are engaged in carrying out the execution or enforcement of this chapter; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.