

NUISANCE WEED AD HOC COMMITTEE

January 10, 2017

Page 1

Committee Members Present:

Stephan Podrygula, Shaun Sipma, Miranda Schuler, Sandy Horob

Members Absent

Lauren Tiffany

Others Present:

City Attorney, Assistant City Attorney, City Clerk, Lacey McCarten, Assistant Public Works Director, City Engineer, City Planner, Jill Schramm, Park District, Treasurer

Alderman Podrygula brought the meeting to order at 12:01 pm.

Approval of Minutes from December 20, 2016 meeting

Alderman Schuler moved the committee approve the minutes from the December 20, 2016 committee meeting. Motion seconded by Alderman Sipma and carried unanimously.

Introduction and Initial Perspectives of Staff

a. County Weed Control

Alderman Podrygula explained that Derrill Fick, of the County Weed Board, will give his presentation during the next meeting as he is currently attending a conference in Bismarck. The committee discussed options they would like to explore. Alderman Sipma and Alderman Schuler expressed interest in working more closely with the County Weed Board instead of creating a City Weed Board. The reasoning being, the County Weed Board already has the fundamental tools in place and information on the correct way to maintain weeds, especially along river banks.

The Committee would like to see what the cost would be if the City created its own weed board compared to what residents already pay toward weed control with the County through taxes. Alderman Sipma asked if there is a possibility the City and the County could share costs. There was discussion on jurisdiction for certain areas, particularly just outside city limits, where the County Weed Board can cover areas the city cannot. Committee Member Horob expressed interest in pursuing contracting services and believes working with the experts we already have is a good idea.

Alderman Podrygula requested the Public Works Director and Treasurer talk with the County Weed Board to find out how much property owners contribute to taxes for weeds and how much the County receives.

b. Finance

The City Treasurer discussed special assessments with the committee. She explained, weeds fall

NUISANCE WEED AD HOC COMMITTEE

January 10, 2017

Page 2

under the Nuisance ordinance and due to its specific guidelines, affects how the City assesses and collects money. A suggestion was made to look into the ordinance in order to address the issue of abatement and the amount of time it takes to receive payment after the nuisance has been abated. Alderman Schuler showed apprehension in having the City accumulating a large amount of special assessments because the City pays up front, creating more debt for the City until the money is paid back by the property owners.

Upon questioning by Ms. Horob, the City Treasurer stated, in 2016 the city assessed over \$10,000 but under \$20,000. After abatement of property by the City, the cost is assessed against the property. No later than September 30th, the City Auditor prepares a list of the assessments made for abated nuisances during the twelve months prior to July 31 for example, August 1st, 2015 through July 31st, 2016. From this list, a notice is sent to each property owner outlining the assessment information and it is published in the newspaper. The list of assessments are then submitted by November 1st to the County in order to be applied to the property owner's taxes for that years December tax notice. Payment of December's tax notice is requested by February. Any abatement done after July 31st will be held for special assessment until after July 31st of the next year. For example, if a property was abated in August, 2015, it will not be special assessed for taxes until after July 31, 2016. In December, 2016, the tax notice will be sent and payment will be due in February, 2017. Upon questioning by Alderman Schuler, the City Treasurer stated, if the special assessment is not paid in full, any outstanding taxes and special assessments will stay with the property and goes to the owner of record. Alderman Podrygula requested for next meeting an actual number of what the City bills and has received back.

c. Legal

The City Attorney recapped what was discussed in her presentation during the last meeting. She continued with her presentation by discussing other remedies, such as obtaining an injunction requiring the abatement of the nuisance. The City can initiate a criminal violation as well, for each day an individual harbors or maintains a nuisance in city limits:

Maximum Criminal Penalties (punishable pursuant to Sec. 1-8, class B Misdemeanor):

- 30 days in Ward County Jail
- \$1,500 fine
- Court costs
- Any sentencing alternatives (restitution; order to abate etc.)

The end of the presentation reviewed weed removal procedures for Fargo, Grand Forks and Bismarck. The City Attorney went over a rough draft of the flow chart which was requested at the previous meeting and will have the final draft next meeting.

Alderman Sipma questioned the City Attorney on possible liability issues using non staff or service clubs to help in the abatement process, with or without the permission of the property owner. The City Attorney replied by saying, the City does not represent private citizens and wouldn't be able to give legal advice but if someone was injured while helping with an

NUISANCE WEED AD HOC COMMITTEE

January 10, 2017

Page 3

abatement of property, the City would not be able to provide legal aid. She offered to look at other cities and how they approach service clubs to help with cleanup. She then mentioned there is a City Cleanup Day where the community can be involved in cleaning the city and suggested looking into a program like Adopt a Highway.

Alderman Podrygula reminded the City Attorney to add “piles of dirt” and “piles of trees” to the new list for specific nuisances in the ordinance. The committee discussed adding a section about undeveloped land, to specify that lots over a certain size in acreage have bigger consequences and fees for allowing a nuisance to exist.

Alderman Sipma suggested developers could temporarily have the option to change their zoning to agricultural, to use the land for haying until ready to develop or finish development. He asked the Planning Director if it would be possible, to which Mr. Davis responded by saying, it is a good idea to repurpose land until it is developed, however could be a zoning issue. He said he may be able to look at an urban agricultural zoning code. Alderman Podrygula asked the Planning Director to research what other cities have done and bring some ideas on the suggestion, to the next meeting.

The committee discussed the order in which abated properties are mowed. The Assistant Public Works Director stated, it is first come first serve. The City owned properties are mowed systematically on a weekly rotation and the properties for abatement are placed within that schedule. The City tries to keep their lots below 8” year round, which makes maintaining them easier. Alderman Schuler stated, she would like to see if the City can organize the properties into zones to streamline the order they are mowed and to cut down on jumping around from different sections of the city for properties needing abated. The City Engineer notified the committee, the Public Works and Engineering departments are demoing some new software. This software will use a tablet to help see everything electronically and schedule what needs to be done and when. Departments will be able to track processes and it may help with streamlining activities. Mr. Meyer said, he will keep the committee posted if it is decided to purchase this software.

Alderman Podrygula proposed creating a Frequently Asked Questions page for the website to explain to the public our processes and keep them informed. He referenced the Razor Tracker which has been helpful in tracking garbage collection and city plows.

Adjournment

Before adjourning, Alderman Podrygula stated, the committee will hear from the County Weed Board next week and he would like to start discussing the specific direction the Committee would like to take.

The next meeting will be Tuesday, January 17th, 2017 at 12:00 pm.

There being no further business, the meeting was adjourned at 1:05 p.m.

Respectfully Submitted,
Lacey McCarten
Administrative Clerk