

## **NUISANCE WEED AD HOC COMMITTEE**

**January 31, 2017**

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### Committee Members Present:

Stephan Podrygula, Shaun Sipma, Lauren Tiffany

### Members Absent

Miranda Schuler, Sandy Horob

### Others Present:

City Attorney, City Clerk, Lacey McCarten, Assistant Public Works Director, City Engineer, Principal Planner, Jill Schramm, City Treasurer, City Finance Director, Public Information Officer, Derrill Fick

Alderman Podrygula brought the meeting to order at 12:02 pm.

### **Approval of Minutes from January 24, 2017 meeting**

Alderman Sipma moved the committee approve the minutes from the January 24, 2017 committee meeting. Motion seconded by Committee member Tiffany and carried unanimously.

### **Discussion of Goals and Plan of Work**

Alderman Podrygula went over a few notes given to him from Alderman Schuler and Ms. Horob who were unable to attend the meeting. Alderman Schuler requested to see better use of the existing Weed Board instead of creating a new one and having to fund two. Ms. Horob's suggestions were to consider more aggressive enforcement of current policies and to supply more resources for Public Works. Alderman Podrygula relayed the City Manager's comments, to be mindful that city staff, available funds and equipment are limited and will need to be prioritized. Alderman Podrygula read the correspondence between the Mayor and KLJ, discussing a large piece of land which was the source of an infestation of foxtail barley last fall. In the letter, a representative from KLJ said they had hired someone locally to farm hay on the property.

Alderman Sipma continued to discuss his ideas, which included implementing a flat administrative fee to add on top of the fee for abatement to cover wear and tear on machines and administrative time. The City Attorney stated, it is already written in the ordinances section 22.5 that if the city abates a nuisance, the City Manager has the authority to set a fee. It states, "there shall be assessed against the property the costs of abatement, including a fee fixed by the city manager. The manager shall fix the fee upon any reasonable basis designed to compensate the city for its overhead costs and staff salaries attributable to the nuisance abatement enforcement program of the City, as such costs relate proportionately to the property in question. The fee may be assessed either on a fixed fee basis or a case-by-case basis." Alderman Sipma said, he would like a set administrative fee in addition to the fees for abatement. Upon questioning by Alderman Podrygula, the City Attorney stated, the City of Bismarck has an administrative fee of \$40.00 they can apply. The cost of that fee must relate to overhead and staff salary cost and could not be set arbitrarily as a fine.

Upon questioning by Alderman Podrygula as to the adequacy of the current abatement fees, the Assistant Public Works Director stated, the fees are analyzed every year and they are in line with today's rates. During the discussion, the City Attorney stated, there is not currently an administrative fee as it is optional and is not currently being done.

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Alderman Sipma made a motion to direct the Public Works Department to define an administrative cost associated with abating nuisances. Motion seconded by Ms. Tiffany and carried unanimously.

Alderman Sipma's last suggestion is for zoning staff to look at an interim use for haying on residential property. The Principal Planner came forward and stated, there is an established protocol in the ordinance to allow interim uses that require a permit. A permit is issued by City Council and can have conditions attached to it. There is a \$250.00 application fee and a \$1,200 review fee. The review fee is to cover administrative costs and postage for mailing notices, though the final review cost is not usually that high and any money not needed to cover those expenses is refunded back to the applicant. Currently, the Zoning Supplement lists allowable uses, conditional uses and interim uses. The list of interim uses is not very extensive and the Council may need to add language to make it appropriate to address issues of haying. He added, it would be up to the landowner to pay for the permit. At the request of Alderman Podrygula, the Principal Planner will bring examples of what the average cost of the permits has been with the administrative fee. The Committee discussed the need for interim use permits on smaller pieces of residential property to be used for gardens, but decided it would only be necessary for larger tracts of land.

Alderman Sipma made a motion to direct the Planning Department to identify and define the interim uses to fit within the rezoned but not developed tracts of land until such time they are developed. Motion seconded by Ms. Tiffany and carried unanimously.

Committee Member Tiffany said, her concerns are with the timeliness of abating a nuisance once it is reported. The Assistant Public Works Director stated, they will use the bidding process to hire a contractor to help with larger lots, which should help cut down the time it takes to abate nuisances. The City Attorney explained, there have been several internal meetings discussing the issues and it was decided all departments dealing with nuisances will be use the same form to ensure consistency.

The Committee discussed the notification process which alerts the public about yard maintenance policies. Alderman Podrygula suggested using less newspaper ads and more social media and website releases in order to cut costs and reach more citizens.

Alderman Podrygula asked about the role of the Health Department when it comes to nuisance weeds, to which the City Attorney stated, the Health Department notifies the City when there is an issue and the City abates the problem. The Health Department works under State law so the City can refer to them for review of a property but cannot direct them to do anything.

Upon questioning about blighted properties, the City Engineer stated, there are about 40 abandoned structures, but they are properly boarded up and secured for safety. Alderman Sipma asked, when the City can demolish those properties, to which the City Engineer explained, there has to be a danger to the public and/or health issue. There is no ordinance against "ugly", therefore the current abandoned buildings do not qualify for demolition. He said, the public can always call to report concerns about a specific building and it can be reviewed for possible demolition.

Alderman Podrygula reviewed his concerns and stated, most of them have been covered throughout their conversations. He then listed a few points he'd like to see addressed. He said he would like to see the City

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reimbursed for abatement as soon as possible and wants to find a way to expedite payment under City law. He would also like to see if the costs can be included in a property owners taxes rather than a special assessment, which people have avoided paying. The City Attorney stated, she would have to find out if that is possible. Alderman Podrygula stated, he like to see the future City Council deny requests from citizens who wish to reduce or remove the abatement costs from their assessments.

Upon questioning from Alderman Podrygula, the Principal Planner discussed landscape ordinances and how they are used, however, the landscape ordinances apply to projects upon completion rather than projects in progress. He stated, they can look at some tools they already have in place regarding the requirements for ground cover and the timeframe it is applicable.

### **Adjournment**

Before adjourning, Alderman Podrygula said, the committee will continue with member suggestions during the next meeting by reviewing Alderman Schuler's and Committee Member Horob's ideas.

The next meeting will be Tuesday, February 7<sup>th</sup>, 2017 at 12:00 pm.

There being no further business, the meeting was adjourned at 1:06 p.m.

Respectfully Submitted,  
Lacey McCarten  
Administrative Clerk