



Item: Resolution 9963, To Levy and Assess the Cost of Removal and Disposal of Nuisance Weeds on property located at Lot 10A, Block 10, Community Hall Addition to Great Falls Townsite, addressed as 1418 3rd Avenue Southwest, Great Falls, MT

From: Judy Burg, Taxes and Assessments

Initiated By: 7-22-4101 Montana Code Annotated (MCA)

Presented By: Melissa Kinzler, Fiscal Services Director

Action Requested: Adoption of Resolution 9963

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9963.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: Staff recommends adoption of Resolution 9963, to levy and assess the costs of nuisance weed removal and disposal.

Background: The Nuisance Weed Program, through the Public Works Department, investigates and notifies property owners of complaints received for unmaintained weeds and grasses in alleys, boulevards, vacant lots, yards, etc. within the City limits. After receipt of a complaint, the investigation process involves an on-site inspection followed by notification letters of violations to the legal owner of the offending properties.

In accordance with City Code 8.44.040, owners are given seven business days from the date of the notification to comply with the weed ordinance. After the allotted time has expired, properties are again inspected for compliance. Properties found still in violation are scheduled for cutting by City staff. Photographs are taken before and after cutting for verification. The costs for cutting the weeds are then billed monthly to the property owners.

On 6/16/2011, and again on 9/8/2011 the City was notified of nuisance weeds at 1418 3rd Avenue Southwest. An initial inspection determined violation of the ordinance and notification was sent to the property owner. Upon re-inspection, the property was still in violation, and the

weeds were cut by City staff on 7/13/2011 and 9/21/2011. The property owner has been billed monthly for these charges beginning 8/1/2011 through present.

Fiscal Services has been notified of a pending Trustee's Sale on this property, scheduled for June 25, 2012. In the event the property is sold, a new owner is not held responsible for the charges, and the City would not receive reimbursement for expenses incurred and not yet approved as a property lien.

In normal circumstances, and in accordance with 7-22-4101 MCA, the costs of removal and disposal of nuisance weeds which the City incurs and the costs remain unpaid by the property owners, are levied and assessed during the annual assessment process in August of each year. Due to the notification of the pending Trustee Sale, and to insure the City is reimbursed accordingly, it is necessary to lien the assessment to the property prior to the sale.

Concurrences: Public Works staff is responsible for the operational duties of the Nuisance Weed Program, and Fiscal Services staff is responsible for billing, assessing and collecting the funds.

Fiscal Impact: Nuisance weeds on this property were cut by City staff on two separate occasions, at a rate of \$200/per hour (minimum of one hour), for a total of \$1,800. This resolution will allow the City to be reimbursed for expenses from the proceeds of the sale.

Alternatives: The City Commission could deny adopting Resolution 9963; however the City will not be reimbursed for expenses related to the work.

Attachments/Exhibits: Resolution 9963

Cc: Debbie Kimball, Program Specialist

RESOLUTION 9963

A RESOLUTION LEVYING AND ASSESSING THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS ON THE PROPERTY LOCATED AT LOT 10A, BLOCK 10, COMMUNITY HALL ADDITION, GREAT FALLS, MONTANA, ADDRESSED AS 1418 3RD AVENUE SOUTHWEST AGAINST SAID PROPERTY

WHEREAS, Tammi Lundin, owner of the property located on Lot 10A, Block 10, Community Hall Addition, Great Falls, Montana, 1418 3rd Avenue Southwest was issued a notice of weed violation;

WHEREAS, the City Commission of the City of Great Falls declares after due notice and re-inspection, the weeds had not been removed and were subsequently cut by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

1. The cost of said weed removal and disposal are hereby assessed upon the aforementioned property in accordance with City of Great Falls Municipal Code 8.44.040 and Section 7-22-4101, MCA.
2. The legal description of the lot or parcel of land is: Lot 10A, Block 10, Community Hall Addition, addressed as 1418 3rd Avenue Southwest, Great Falls, Montana, hereby levied upon and assessed, with the name of the owner, the amount of \$1,800.00 for the assessment.

PASSED by the Commission of the City of Great Falls, Montana, on this 20th day of March, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney