



Item: Resolution 9966, To Levy and Assess the Cost of Removal and Disposal of Nuisance Weeds on Three Properties located within the City Limits of 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 9966

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9966.”

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

Staff Recommendation: Staff recommends adoption of Resolution 9966, 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.

The City was notified of nuisance weeds at the following properties: 3120 Central Avenue, 2716 1st Ave. S. and 4244 Lewis Avenue. An initial inspection of the properties determined violation of the ordinance and notification was sent to the property owners. Upon re-inspection, the properties were still in violation, and the weeds were cut by City staff. The property owners have been billed monthly for these charges beginning 7/1/2011 through present.

Fiscal Services has been notified of pending Tax Deed Sales on these properties, scheduled for July 20, 2012. In the event the properties are sold, the 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 Tax Deed Sales, and to insure the City is reimbursed accordingly, it is necessary to lien the assessment to the properties 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 these properties were cut by City staff at a rate of \$200/per hour (minimum of one hour), for a total of \$1,000. This resolution will allow the City to be reimbursed for expenses from the proceeds of the sales.

Alternatives: The City Commission could deny adopting Resolution 9966; however the City will not be reimbursed for expenses related to the work.

Attachments/Exhibits: Resolution 9966

Cc: Debbie Kimball, Program Specialist

RESOLUTION 9966

A RESOLUTION LEVYING AND ASSESSING THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS ON THE PROPERTIES LOCATED WITHIN THE CITY LIMITS OF GREAT FALLS, MONTANA

WHEREAS, Statewide Mortgage Loan Trust 2006 1, owner of the property located on Lot 6, Block 7, Black Eagle Falls Addition, Great Falls, Montana, 3120 Central Avenue was issued a notice of weed violation;

WHEREAS, Rita F. Heldt, owner of the property located on Lot 5, Block 12, Black Eagle Falls Addition, Great Falls, Montana, 2716 1st Avenue South was issued a notice of weed violation, and;

WHEREAS, Joshua M. Bryant, owner of the property located on Lot 12, Block 2, Lewis & Clark 3rd Addition, Great Falls, Montana, 4244 Lewis Avenue 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 properties in accordance with City of Great Falls Municipal Code 8.44.040 and Section 7-22-4101, MCA.
2. The legal descriptions of the lot or parcels of land are:
 - a. Lot 6, Block 7, Black Eagle Addition, addressed as 3120 Central Avenue,

Great Falls, Montana, hereby levied upon and assessed, with the name of the owner, the amount of \$600.00 for the assessment

- b. Lot 5, Block 12, Black Eagle Addition, addressed as 2716 1st Avenue South, Great Falls, Montana, hereby levied upon and assessed, with the name of the owner, the amount of \$200.00 for the assessment
- c. Lot 12, Block 2, Lewis & Clark 3rd Addition, addressed as 4244 Lewis Avenue, Great Falls, Montana, hereby levied upon and assessed, with the name of the owner, the amount of \$200.00 for the assessment.

PASSED by the Commission of the City of Great Falls, Montana, on this 5th day of June, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney