

**A G E N D A**  
**CITY-COUNTY COMMON MEETING**  
**Monday, August 5, 2002 - 8:00 a.m.**  
**County-City Building - Room 113**

- I.**                                   **MINUTES** - Common Budget Hearings on July 9, 2002
  
- II.**       **8:00 a.m.**               **CITY WEED ABATEMENT ORDINANCE** - Russ Shultz, Noxious Weed Superintendent
  
- III.**       **8:30 a.m.**               **LOCAL EMERGENCY OPERATIONS PLAN** - Doug Ahlberg, Emergency Management Director
  
- IV.**       **8:40 a.m.**               **DISCUSSION ON TELEVISIONING COMMON MEETINGS** - Terry Werner, City Council
  
- V.**        **8:50 a.m.**               **SET SEPTEMBER MEETING DATE**
  
- VI.**                               **ADJOURNMENT**

**MINUTES**  
**CITY-COUNTY COMMON**  
**Monday, August 5, 2002 - 8:00 a.m.**  
**County-City Building, Room 113**

**County Commissioners Present:** Bernie Heier, Common Chair; Kathy Campbell and Bob Workman

**County Commissioner Absent:** Larry Hudkins and Ray Stevens

**City Council Members Present:** Jon Camp, Ken Svoboda, Glenn Friendt, Annette McRoy, Coleen Seng and Terry Werner

**City Council Member Absent:** Jonathan Cook

**Others Present:** Mayor Don Wesely; Mark Bowen, Mayor's Office; Trish Owen, Deputy County Clerk; Gary Bergman, County Extension; Darrell Podany, City Council Aide and Cori Beattie, County Board Secretary

**MINUTES**

**Camp moved approval of the minutes of the July 9, 2002 Common meeting; seconded by Campbell. Roll call vote. Ayes: Wesely, Campbell, Camp, Werner, Heier, Friendt, McRoy, Seng, Svoboda and Workman. Nays: None. Motion passed 10-0.**

**CITY WEED ABATEMENT ORDINANCE**

Russ Shultz, Noxious Weed Superintendent, distributed copies of his response to Brent Luetchens' letter (previously distributed) along with reasons to change the weed height requirement. **(See Exhibit A)** Shultz said Luetchens suggested the weed abatement ordinance be changed to allow for a system of warnings and fines. He added the present ordinance does include a fine provision, although, as far as he knew it has not been used. Basically, an individual can be issued a fine-type notice with a penalty of up to \$100 per day of violation. It was noted the fine process would require court action.

Camp asked Shultz for his recommendations. Shultz stated the fine approach does not necessarily get weeds cut, but the five-day notice isn't getting things done either.

McRoy said Cook sent over a request for information regarding weeds on Pace Blvd. She noted the response from Weed Control stated for the last three years staff has had to go out to that property and order a contractor to cut the weeds. McRoy asked if a fine would have worked in this instance where enforced compliance has occurred yearly.

Shultz said it is hard to train frequent violators to change their behaviors and didn't know if fines would have any effect whatsoever. He made previous proposals in other towns whereby property owners would receive one notice for the season. At the time of the notice, owners would be asked to assure that weeds on their property would be cut for the rest of the year. If the property owner did not comply, the city would cut the weeds at the owner's expense, although, this becomes a question of due process. Friendt disagreed with Shultz about changing people's behaviors as many have changed since the parking fines were raised to \$10.

Camp questioned current administrative costs if the City has to force cut weeds. Shultz said property owners are billed for the cost of the contractor plus a \$60 administration fee. Camp said \$60 seemed low and wondered if there was a way, within reason, to have a higher administrative fee which would essentially tell people "if you don't keep your weeds cut, the City will do it but it will be expensive (for the property owner)." Shultz said this approach would be simpler. He noted the \$60 fee was set three years ago and could be reviewed. Camp asked if anything would prevent officials from setting a minimum administration fee of \$500. Friendt suggested the Law Department respond to this question, though, he feels there should be some connection between the administrative fee and actual overhead. If a fine is desired then it should be noted in the ordinance as such rather than an administrative cost.

Friendt said there should be a simple fine process whereby violators would be ticketed for failure to comply. He believes those constituents who wait every year to cut weeds until after somebody contacts them are not displaying good citizenship and this type of behavior shouldn't go unchallenged. McRoy said a fine process exists, though the City evidently doesn't use it. Friendt said the process should be changed so the courts do not have to be involved. Svoboda agreed and suggested the City and County Attorneys draft changes to the ordinance which would allow Weed Control to issue tickets as opposed to going through the courts.

In response to Seng's inquiry, Shultz said he has not spoken with Mr. Luetchens. Seng noted a response regarding weed violations was received some time ago from Don Taute of the City Attorney's Office stating, "...the process would be the same as is utilized for all other code violations such as zoning code violation, building code violations, etc. The penalty simply cannot be imposed without the violating party having the opportunity to contest the violation because the alleged violator's still entitled to due process of law."

**Friendt moved to have the City Attorney's Office change the fine structure to better match weed violations to existing code policies; seconded by Seng. Roll call vote. Ayes: Campbell, Camp, Werner, Heier, Friendt, McRoy, Seng, Svoboda, Workman and Wesely. Nays: None. Motion passed 10-0.**

With regard to weed height requirements, Shultz suggested the height be raised from 6" to 12". He outlined six reasons as indicated in Exhibit A. This Spring, 60% of inspections had vegetation less than 12". Had the height requirement been 12", it would have reduced his staff's workload, thus, enabling them to concentrate on major violators. Wesely said increasing the height requirement to 12" and combining it with a fine should really make an impact.

McRoy commented that years ago, some property owners who chose to plant native grasses (generally taller than 6") were accused of being in violation of the weed ordinance. Seng indicated these people will be very happy if the height requirement is increased. Heier noted some public libraries currently grow native grasses in excess of the 6" maximum height requirements. Camp said there would need to be exceptions for native grasses. Shultz

reminded officials that alternative plants are fine but they still get weeds and, if not properly cared for, they can pose problems.

**Camp moved to change the weed ordinance to reflect a 12" height with the exception of native grasses; seconded by Seng. Roll call vote. Ayes: Camp, Werner, Heier, Friendt, McRoy, Seng, Svoboda, Workman, Wesely and Campbell. Nays: None. Motion passed 10-0.**

### **LOCAL EMERGENCY OPERATIONS PLAN**

Doug Ahlberg, Emergency Management Director, said Lancaster County had an obligation to complete its Local Emergency Operations Plan by 2004. This document will be used by the County and City in the event of a catastrophe. He happily reported that the plan was finished on July 2, 2002.

Ahlberg noted the Lancaster County Board has already approved the plan, as have most of the village boards. A total of 167 copies will be distributed throughout the County with each village and city in the County being obligated to sign a similar resolution. He stated all department heads throughout the City and County have reviewed, approved and signed off on their annexes. He planned to forward a resolution to the City Council and Mayor for adoption. Seng suggested Ahlberg contact City Attorney Dana Roper to have the item placed on the City Council's agenda.

### **SET SEPTEMBER MEETING DATE**

The next City-County Common Meeting was scheduled for Tuesday, September 3, 2002 at 8:00 a.m., in the County-City Building, Room 113.

### **DISCUSSION ON TELEVISING COMMON MEETINGS**

Werner said televising the Common meetings would promote open government. He felt the Common meetings are very positive and people should see what goes on at these meetings.

Workman inquired about the cost. Werner said his half-hour show costs \$15. Beattie noted the Board is charged \$30/hour for the County Connections show, plus the cost of the tape.

Friendt added the Common meeting is open to the public - anyone can attend the meetings. He said officials need to decide at what point to stop televising. Werner felt all meetings should be televised since the ability and the mechanism exist to do so.

Campbell noted the County Board has been going back and forth about whether to televise staff meetings simply because they are so incredibly long and some issues are not too interesting. She agreed with Werner that the Common meetings be televised as the community would definitely benefit when issues such as the beltway, comprehensive plan, etc., were discussed. She wondered if there would be a way to choose which Common meetings to televise as some agendas are fairly routine.

McRoy added this is the only time the City and the County formally meet. Since sometimes motions are made, she felt it would be good to televise these meetings. It would also give people a chance to observe the strong working relationship between the bodies. Svoboda agreed that while he has similar concerns as Friendt regarding where to draw the line on televising meetings, the Common should be broadcast. Seng added the whole purpose of having a studio in this building was to utilize television coverage. Heier said his concern has always been that cable channel 5 is not currently available county-wide, although, he is not objected to televising Common meetings.

Seng stated it would be helpful if Common agendas were posted so people have some idea of upcoming issues. (Note: Common agendas are posted on the Interlinc and sent to the media.)

With regard to cost, Campbell recommended the expense alternate with the Chair to help simplify the billing process.

**Werner moved to televise future City-County Common meetings with the expense alternating annually with the Chair; seconded by Seng. Roll call vote. Ayes: Werner, Heier, Friendt, McRoy, Seng, Svoboda, Workman, Wesely, Campbell and Camp. Nays: None. Motion passed 10-0.**

There being no further business, the meeting adjourned at 8:40 a.m.

Submitted by,

Cori R. Beattie  
County Board Secretary