



WEED BOARD MEETING

**117 South Main Street, Monticello, Utah 84535. Commission Chambers
October 06, 2022 at 7:00 AM**

AGENDA

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Consideration and Approval of Weed Board Minutes from September 1st, 2022

CITIZEN COMMENTS

BUSINESS/ACTION

WEED SUPERVISORS REPORT

2. Consideration and Approval of October Weed Supervisors Report

NEXT MEETING

ADJOURN

****In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice****



Weed Board
Meeting Minutes
September 1st, 2022

1) Call To Order

Cade Lewis began the meeting of the San Juan County Weed Board at 7:22 am on September 1st 2022

2) Roll Call

The following people were present: Cade Lewis, Dennis Gines, Blake Peterson, Todd Adair, Don Andrews, Kyle Fullmer and Frank Smith

3) Approval of Agenda

Dennis Gines made a motion to approve the agenda. Blake Peterson seconded the motion and the motion was approved by all board members.

4) Approval of Minutes

Dennis Gines made a motion to approve the minutes. Cade Lewis seconded the motion and the motion was approved by all board members.

5) Citizens Comments

Kyle Fullmer expressed his concerns about continuing weed issues on several CRP and agriculture fields East of Monticello. He also mentioned on going issues with the CRP programs lack of enforcement of weed issues as required by CRP. He mentioned several specific persons with issues and Frank took note and will follow up with researching CRP rules and communicating and working with Doug Christensen on specific issues.

6) Supervisor Report

Frank reported success in continued weed control at the Hideout Golf Course. He reported that Monticello City has agreed to help with herbicide cost. He reported that we have seen a significant decrease in the amount of camelthorn present in the San Juan Hill area due to our ongoing control efforts. He reported that he spoke with Aaron Eager about submitting a grant for the control of jointed goat grass. Aaron respond favorably to the idea. Frank indicated that the San Juan River project would be a priority for the rest of the season. Frank stated that he believes that base pay will need to be increased for us to find seasonal employees in the future.

7) Business/Action

8) Next Meeting

Oct.6th, 2022

9) Adjourn

Cade Lewis made a motion to adjourn and Charlie Tracy seconded and the board adjourned with approval from all members.

Weed Department Report
Weed Board Meeting
October 6th, 2022

- For review by the board I have submitted the enforcement rules from Utah Code 4-17-1 and Utah Admin. Code R-68-9. Using this statute as a basis I intend to write a standard operating procedure (SOP) listing detailed steps for the identification, documentation and implementation of control efforts in the county. I will submit this for the approval of the board in an upcoming meeting. Once the board votes to approve or modifies the procedure to the board's acceptance I will submit this document to the county attorney for legal review. I believe this will give a solid basis for enforcement that will hold up upon appeal by a landowner with a serious noxious weed problem. The aforementioned documentation is submitted as part of this report.

- We have begun our yearly effort to control vegetation on road delineators, guard rails and cattle guards. We are also spraying areas that were recently mowed by the road crew. Our main focus is mowed rabbit brush. This will help during snow plowing in the winter and will increase delineator visibility.

- We intend to keep Don Andrews on board as long as winter weather will allow. We have plans to spend as many days as possible at sites along the river. Unfortunately our much needed and appreciated recent rains have made this goal difficult but without heavy snow and a full freeze we can still get out and spray.

- I plan to seek 3 grants this year including one for the control of jointed goat grass on ROW's board farmland throughout the country. This project idea was well received as an idea in a discussion with Aaron Eager who is the state noxious weed coordinator and UDAF ISM grant coordinator (aka. the grant guy). I will once again look for increased total grant awards this year but as we know from this year we cannot rely on getting the entire amount requested.

- This year I will seek for an increased amount of revenue for the weed department from the county commission. With Todd Adair approval I intend to lobby the weed board more directly through e-mail, phone calls and perhaps even direct comment in person or in writing at a commission meeting.

- (c) consult and advise upon matters pertaining to the best and most practical method of noxious weed control and prevention;
- (d) render assistance and direction for the most effective control and prevention;
- (e) investigate violations of this chapter;
- (f) enforce noxious weed controls within the county; and
- (g) perform any other duties required by the county weed control board.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-109 Notice of noxious weeds to be published annually in county -- Notice to particular property owners to control noxious weeds -- Methods of prevention or control specified -- Failure to control noxious weeds considered public nuisance.

- (1) Each county weed control board before May 1 of each year shall post a general notice of the noxious weeds within the county in at least three public places within the county and publish the same notice on:
 - (a) at least three occasions in a newspaper or other publication of general circulation within the county; and
 - (b) as required in Section 45-1-101.

- (2)
 - (a) If the county weed control board determines that particular property within the county requires prompt and definite attention to prevent or control noxious weeds, the county weed control board shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action is required to be taken on the property.
 - (b) Methods of prevention or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock.
- (3) An owner or person in possession of property who fails to take action to control or prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-110 Noxious weeds -- Failure to control after notice of nuisance -- Notice and hearing -- Control at county expense -- Owner liable for county costs -- Charges lien against property.

- (1) If the owner or person in possession of the property fails to take action to control or prevent the spread of noxious weeds within five working days after the property is declared a public nuisance, the county may, after reasonable notification, enter the property, without the consent of the owner or the person in possession, and perform any work necessary, consistent with sound weed prevention and control practices, to control the weeds.

- (2)
 - (a) If the county controls weeds on a piece of property, as described in Subsection (1), and seeks reimbursement from the property owner of record or the person in possession of the property, the county shall send the property owner or person in possession of the property a documented description of the expense and a demand for payment within 30 days of the day on which the weed control took place.
 - (b) The property owner of record or the person in possession of the property, as the case may be, shall reimburse the county for the county's expense within 90 days after receipt of the demand for payment, as described in Subsection (2)(a).

- (c) If the demand for payment is not paid within 90 days after receipt, the charges become a lien against the property and are collectible by the county treasurer at the time general property taxes are collected.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-111 Hearing before county weed control board -- Appeal of decision to the county legislative body -- Judicial review.

- (1) Any person served with notice to control noxious weeds may request a hearing to appeal the terms of the notice before the county weed control board within 10 days of receipt of such notice and may appeal the decision of the county weed control board to the county legislative body.
- (2) Any person served with notice to control noxious weeds who has had a hearing before both the county weed control board and the county legislative body may further appeal the decision of the county legislative body by filing written notice of appeal with a court of competent jurisdiction.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-112 Jurisdiction of state and local agencies to control weeds.

The departments or agencies of state and local governments shall develop, implement, and pursue an effective program for the control and containment of noxious weeds on all lands under the department's or agency's control or jurisdiction, including highways, roadways, rights-of-way, easements, game management areas, and state parks and recreation areas.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-113 County noxious weed control fund authorized.

A commission may establish and maintain a noxious weed control fund in each county for use in the administration of this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-114 Invasive Species Mitigation Account created.

- (1)
- (a) As used in this section, "project" means an undertaking that:
 - (i) rehabilitates or treats an area infested with, or threatened by, an invasive species; or
 - (ii) conducts research related to invasive species.
 - (b) As used in this section, "project" includes items and processes required prior to the implementation of an undertaking described in Subsection (1)(a).
- (2)
- (a) There is created a restricted account within the General Fund known as the "Invasive Species Mitigation Account."
 - (b) The restricted account shall consist of:
 - (i) money appropriated by the Legislature;
 - (ii) grants from the federal government; and
 - (iii) grants or donations from a person.
- (3)

R68-9-6. Notices.

A. General and individual notices pertaining to the control and prevention of noxious and invasive weeds shall be substantially of the types prescribed herein; namely, General Notice to Control Noxious Weeds, Individual Notice to Control Noxious Weeds, and Notification of Noxious Weed Lien Assessment.

1. General Notice To Control Noxious Weeds.

A general public notice shall be posted by the County Weed Board in at least three public places within the county and be published in one or more newspapers of general circulation throughout the county, on or before May 1 of each year and at any other times the County Weed Board determines. Such public notice shall state that it is the duty of every property owner to control and prevent the spread of noxious weeds on any land in his possession, or under his control, and shall serve as a warning that if he fails to comply with this notice, enforced weed control measures may be imposed at the direction of county authorities. Such general notice shall also include a list of weeds declared noxious for the State of Utah and for said county, if any.

2. Individual Notice to Control Noxious Weeds.

Following publication of a general notice, if a County Weed Board determines that definite weed control measures are required to control noxious weeds on a particular property, the Board shall cause an individual notice to be served upon the owner or the person in possession of said property, giving specific instructions concerning when and how the noxious weeds are to be controlled within a specified period of time. The individual notice shall also inform the property owner or operator of legal action which may be taken against him if he fails to comply with said notice.

3. Notification of Noxious Weed Lien Assessment.

If it is deemed advisable, the Board of County Commissioners may cause noxious weeds to be controlled on a particular property and any expenses incurred by the county shall be paid by the owner of record or the person in possession of the property. A notice shall be provided such person, showing an itemized cost statement of the labor and materials necessarily used in the work of said control measures. This notice shall also state that the expense constitutes a lien against the property and shall be added to the general taxes unless payment is made to the County Treasurer within 90 days.

KEY: noxious weeds, weed classifications, weed control

Date of Enactment or Last Substantive Amendment: February 2, 2016

Notice of Continuation: June 1, 2018

Authorizing, and Implemented or Interpreted Law: 4-2-2; 4-17-3