

WEED BOARD MEETING

117 South Main Street, Monticello, Utah 84535. Commission Chambers August 15, 2024 at 7:00 AM

AGENDA

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Consideration and approval of Weed Board Minutes from June 6th, 2024

CITIZEN COMMENTS

BUSINESS/ACTION

- Consideration and Review of Draft Weed Enforcement Letters (Drafted by Deputy County Attorney Mitchell Maughan)
- 3. Consideration and Review of proposed Noxious weed ordinance changes (Drafted by Deputy County Attorney Mitchell Maughan)

WEED SUPERVISORS REPORT

4. Consideration and approval of August 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 June 6th, 2024

1) Call To Order

Cade Lewis began the meeting of the San Juan County Weed Board at 7:18 am on June 6th, 2024.

2) Roll Call

The following people were present: Dennis Gines, Cade Lewis, Blake Peterson, Erin Pettit 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 present.

4) Approval of Minutes

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

5) Citizens Comments

No Citizen comments were presented.

6) Supervisor Report

Frank Smith reported that we were awarded a new \$15,000 annual contract with the BLM. This contract includes 4 option years beyond this year. Frank reported that we distributed over 2000 gallons of pre-mix herbicide at this years "Spray Day" event. Frank relayed details of a recent meeting with the BLM in which he requested UTV access to spray weeds along the petroglyph trail on the East side of Sand Island campground/ Cultural site. The BLM iterated they would discuss this and provide an answer at a later date. Frank reported that he has sent 20 general, no action needed, reminders to previous weed issue letter recipients explaining that they have a responsibility to control weeds deemed noxious under Utah State Law.

7) Business/Action

Cade Lewis Reported a significant presence of Jointed Goat Grass on the right-of-ways of county road 188 (Dodge road).

8) Next Meeting

August 15th, 2024 (Scheduling modified due to availability of board members for the July meeting))

9) Adjourn

Cade Lewis made a motion to adjourn and Blake Peterson seconded and the board adjourned with approval from all members present.

NOTICE OF ACTION (Pursuant to Utah Code Annotated, §4-17-101, et. seq.)

COUNTY OF SAN JUAN, STATE OF UTAH

DATE: xx/xx/2024

Re: Property located in San Juan County, State of Utah, and described as follows:

(PROPERTY DESCRIPTION - SEE ATTACHED EXHIBIT)

To: [] Property Owner [] Party in Possession

Dear: XXXX

Upon inspection of your property the San Juan County Weed Control District (SJCWCD has determined that you have **not** controlled your noxious weeds from going to seed. Pursuant to §4-17-109, Utah Code Annotated, you have **FIVE (5)** working days to control or prevent the spread of noxious weeds on your property as set forth herein. If you fails to do so, you will be maintaining a Public Nuisance and you will be subject to additional action/sanctions as set forth herein.

THE FOLLOWING ACTION NEEDS TO BE TAKEN:

TO DESTROY OR CONTROL WITHIN FIVE (5) WORKING DAYS FROM THE DATE HEREIN ALL NOXIOUS WEEDS FOUND UPON YOUR PROPERTY AND TO PREVENT THEM FROM GOING TO SEED. METHODS OF PREVENTION OR CONTROL INCLUDE DEFINITE SYSTEMS OF TILLAGE, CROPPING, USE OF CHEMICALS, AND USE OF LIVESTOCK AS MAY BE ACCEPTABLE TO THE COUNTY.

KIND OF WEEDS: (Example: Canada Thistle & Field Bindweed)

HOW TO DESTROY OR ERADICATE:

Spraying (we recommend Tordon/2,4-D,Curtail) (Milestone for Thistles).

Mowing: This option is also possible if a future management plan is made.

The Weed District can spray for \$XX.00/hr plus chemicals of Tordon and 2, 4-D. We can offer a spray mix with Curtail and 2,4-D for a lower price on Thistles.

The SJCWCD will need to see chemical receipts for spraying done by owners.

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NOTICE OF ACTION (Pursuant to Utah Code Annotated, §4-17-101, et. seq.)

PURSUANT TO §4-17-110, Utah Code Annotated, If you fail 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 your consent and perform any work necessary to control the weeds, consistent with sound weed prevention and control practices.

If the County controls weeds on your property, the County can seek reimbursement from you the property owner of record or the person in possession of the property. In that event, the County shall send you a documented description of the expense and a demand for payment within 30 days of the day on which the weed control took place.

You will be required to reimburse the County for the County's expense within 90 days after receipt of the demand for payment.

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.

A copy of this notice may be sent to the FSA Office for CRP land.

If you have any questions or need assistance, call the San Juan County Weed Control District at (435) 587-3223 or email at ABC.org and ask for XXX.

San Juan County, Utah Weed Control District:

XX XXX, County Weed Inspector

NOTICE OF APPEAL RIGHTS

PURSUANT TO § 4-17-111, Utah Code Annotated: (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 San Juan County Appeal Authority; (2) Any person served with notice to control noxious weeds who has had a hearing before both the county weed control board and the San Juan County Appeal Authority may further appeal the decision of said Appeal Authority by filing written notice of appeal with a court of competent jurisdiction.

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NOTICE OF ACTION (Pursuant to Utah Code Annotated, §4-17-101, et. seq.)

CERTIFICATE OF SERVICE

I HEREBY AFFIRM AND SWEAR THAT I delivered this Notice of Action to the following people, I believe to be the owners of the herein described property and/or the party in possession on **XX/XX/202X**, by the following methods:

	[] hand delivering a copy to the [] property owner []party in possession		
EILE	Name:		;		
	[] mailing a copy by certified mail, via the United States Postal Service to, at the following address,				
		SERV	ER:		
		 Namo	e.		

NOTICE OF PUBLIC NUISANCE (Pursuant to Utah Code Annotated, §4-17-109)

COUNTY OF SAN JUAN, STATE OF UTAH

DATE: xx/xx/2024

Re: Property located in San Juan County, State of Utah, and described as follows:

(PROPERTY DESCRIPTION – SEE ATTACHED EXHIBIT)

To: [] Property Owner [] Party in Possession

Dear: XXXX

FIVE (5) WORKING DAYS HAVE PASSED SINCE THIS OFFICE MAILED OR DELIVERED TO YOU A NOTICE OF ACTION REQUIRING YOU TO TAKE ACTION TO CONTROL NOXIOUS WEEDS AND TO PREVENT THE WEEDS FROM GOING TO SEED ON THE PROPERTY DESCRIBED HEREIN.

YOU HAVE FAILED TO TAKE THE REQUISITE ACTION AS OUTLINED IN THE NOTICE OF ACTION WITHIN THE AUTHORIZED TIME PERIOD AND YOUR PROPERTY IS HEREBY DECLARED A PUBLIC NUISANCE PURSUANT TO §4-17-109, UTAH CODE ANNOTATED.

PLEASE BE ADVISED THAT YOU HAVE FIVE (5) WORKING DAYS FROM THE DATE HEREIN TO TAKE THE NECESSARY ACTION TO CONTROL THE NOXIOUS WEEDS AND TO CONTROL THEM FROM GOING TO SEED AS OUTLINED IN THE NOTICE OF ACTION OR THE COUNTY AFTER REASONABLE NOTICE, WILL ENTER THE PROPERTY, WITHOUT YOUR CONSENT AND PERFORM ANY WORK NECESSARY TO CONTROL THE WEEDS, CONSISTENT WITH SOUND WEED PREVENTION AND CONTROL PRACTICES.

IN THE EVENT THAT THE COUNTY IS REQUIRED TO CONTROLS WEEDS ON YOUR PROPERTY, THE COUNTY MAY SEEK REIMBURSEMENT FROM YOU THE PROPERTY OWNER OF RECORD OR THE PERSON IN POSSESSION OF THE PROPERTY. IN THAT EVENT, THE COUNTY SHALL SEND YOU A DOCUMENTED DESCRIPTION OF THE EXPENSE FOR LABOR AND MATERIALS SPENT TO BRING THE PROPERTY INTO COMPLIANCE AND A DEMAND FOR PAYMENT WITHIN 30 DAYS OF THE DAY ON WHICH THE WEED CONTROL TOOK PLACE.

YOU WILL BE REQUIRED TO REIMBURSE THE COUNTY FOR THE COUNTY'S EXPENSE WITHIN 90 DAYS AFTER RECEIPT OF THE DEMAND FOR PAYMENT.

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.





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THE FOLLOWING ACTION NEEDS TO BE TAKEN:

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KIND OF WEEDS: (Example: Canada Thistle & Field Bindweed)

HOW TO DESTROY OR ERADICATE:

Spraying (we recommend Tordon/2,4-D,Curtail) (Milestone for Thistles).

Mowing: This option is also possible if a future management plan is made.

The Weed District can spray for \$XX.00/hr plus chemicals of Tordon and 2, 4-D. We can offer a spray mix with Curtail and 2,4-D for a lower price on Thistles.

The SJCWCD will need to see chemical receipts for spraying done by owners. Acopy of this notice may be sent to the FSA Office for CRP land.

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San Juan County, Utah Weed Control District:

XX XXX,

County Weed Inspector



NOTICE OF APPEAL RIGHTS

PURSUANT TO § 4-17-111, Utah Code Annotated: (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 San Juan County Appeal Authority; (2) Any person served with notice to control noxious weeds who has had a hearing before both the county weed control board and the San Juan County Appeal Authority may further appeal the decision of said Appeal Authority by filing written notice of appeal with a court of competent jurisdiction.

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Item 2.

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THEREBY AFFIRM AND SWEAR THAT I delivered this Notice of Public Nuisance to the following	1
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[] hand delivering a copy to the [] property owner [] party in possession					
Na	ame:					
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	SERVER:					

Noxious Weeds

90.001 Definitions

90.002 Violation

90.003 Enforcement; abatement; notice of complaint

90.004 Right to a hearing

90.005 Weed Control Board; authority

NOXIOUS WEEDS

§ 90.001 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABATEMENT. The removal and stoppage of the spread of such noxious weeds, as defined under the state's Noxious Weed Act, UCA Title 4, Ch. 17, as amended, the administrative rules promulgated under that code, or any noxious weed as defined by the County's Weed Control Board, consistent with UCA Title 4, Ch. 17, § 107.

NOXIOUS WEED. Any such noxious weed, as defined under the state's Noxious Weed Act, UCA Title 4, Ch. 17, as amended, the administrative rules promulgated under that code, or any noxious weed as defined by the County's Weed Control Board, consistent with UCA Title 4, Ch. 17, § 107.

NUISANCE. The presence of any such noxious weed, as defined under the state's Noxious Weed Act, UCA Title 4, Ch.17, as amended, the administrative rules promulgated under that code, or any noxious weed as defined by the County's Weed Control Board, consistent with UCA Title 4, Ch. 17, § 107.

OCCUPANT. Any person who has, or has a right to, the physical occupancy or use of property.

OWNER. The person, firm or corporation in whose name property is listed in the records of the County Recorder's office.

PERSON. An individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission or political subdivision of a state.

PROPERTY. Any real property, premises or location on which noxious weeds are alleged to exist located in San Juan County, Utah..

§ 90.002 VIOLATION.

- (A) Any person, whether as Owner or Occupant, who creates, maintains, allows or aids in creating, maintaining or allowing, or otherwise contributes to, the nuisance of the presence of any noxious weed, is in violation of this subchapter.
- (B) A violation of any provision in this Subchapter is a Class B Misdemeanor and upon conviction, the Owner or Occupant are subject to the fines, imprisonment or other penalties that apply to a conviction of a Class B misdemeanor.
- (C) A separate violation shall be deemed committed upon each day during which a violation occurs or continues.
- (D) If a penalty for a violation of an ordinance includes any possibility of imprisonment, the County shall, under UCA § 78B-22-301, provide for indigent defense services, as that term is defined in UCA § 78B-22-102. (Ord. 07, passed 4-7-2020) Penalty, see § 10.999

§ 90.003 ENFORCEMENT; ABATEMENT; NOTICE OF COMPLAINT.

- (A) Upon the receipt of any complaint received by the Weed Control Board regarding the existence of a nuisance caused by presence of any noxious weed upon a property in the County, the Weed Control Board, will provide notice to the Owner and Occupant and inspect the property for the presence of a noxious weed.
- (B) If the presence of a noxious weed is confirmed in accordance with UCA Title 4, Ch. 17, § 108, the County, through the Weed Control Board, will provide written notice to the Owner and Occupant that if the noxious weeds are not removed and abated to the satisfaction of the Weed Control board, within five (5) working days, the County will designate and declare the Property a Public Nuisance, consistent with §4-17-109, Utah Code Annotated.
- (C) If the Public Nuisance is not removed within five working days after the Property is declared a Public Nuisance, the County after providing reasonable notice may enter the property, without the consent of the Owner or Occupant, and perform any work necessary, consistent with sound weed prevention and control practices, to control the weeds on the Property, consistent with §4-17-110, Utah Code Annotated.
- (D) In the event that the County is required to controls weeds on the Property, the County may seek reimbursement from the Property Owner of record or the Occupant of the property. In that event, the County shall send a documented description of the expense for labor and materials spent to bring the property into compliance and a demand for payment within 30 days of the day on which the weed control took place, consistent with §4-17-110, Utah Code Annotated.
- (E) The Property Owner or the Occupant will be required to reimburse the County for the County's expense within 90 days after receipt of the demand for payment, consistent with §4-17-110, Utah Code Annotated.
- (F) 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, consistent with §4-17-110, Utah Code Annotated.

§ 90.004 RIGHT TO A HEARING.

- (A) Any person served with notice to control noxious weeds may appeal the terms of the notice before the County Weed Control Board by filing a Notice of Appeal within 10 days of being served with the Notice. The Notice of Appeal shall be filed with the County Clerk of San Juan County with a copy delivered to the County Attorney's Office.
- (B) Any person may appeal the decision of the County Weed Control Board to the San Juan County Appeal Authority by filing a Notice of Appeal within 10 days after the date of receipt of the decision of the County Weed Control Board. The Notice of Appeal shall be filed with the County Clerk of San Juan County with a copy delivered to the County Attorney's Office.
- (C) 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.
- (D) Consistent with UCA Title 4, Ch. 17, § 111, any person receiving notice of a complaint may request a hearing to the Weed Control Board (or to the Administrative Law Judge, if there is not a standing Weed Control Board) by filing a request, in writing, with the County Administrator within ten days of receiving notice of the complaint from the county. Appeals from a decision from the Weed Control Board shall be consistent with UCA Title 4, Ch. 17, § 111. (Ord. 07, passed 4-7-2020; Ord. 2023-03, passed 5-16-2023)

§ 90.005 WEED CONTROL BOARD; AUTHORITY.

In accordance with UCA Title 4, Ch. 17, § 107, the County authorizes the Weed Control Board to administer the Weed Control Program for the County, consistent with the duties, powers and limitation of UCA Title 4, Ch. 17. (Ord. 07, passed 4-7-2020)

CHAPTER 90: HEALTH AND SANITATION; NUISANCES

Section

Noxious Weeds

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PROPERTY. Any real property, premises or location on which noxious weeds are alleged to exist.

(Ord. 07, passed 4-7-2020)

§ 90.002 VIOLATION.

Any person, whether as owner or occupant, who creates, maintains, allows or aids in creating, maintaining or allowing, or otherwise contributes to, the nuisance of the presence of any noxious weed, is in violation of this subchapter.

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Item 3.

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- (2) If the presence of a noxious weed is confirmed in accordance with UCA Title 4, Ch. 17, § 108, the county, through the Weed Control Board, will provide written notice to the owner and occupant that, within five days, the nuisance shall be removed from the property by the owner or occupant.
- (B) If the nuisance is not removed within five days, consistent with UCA Title 4, Ch. 17, § 110, the county will provide reasonable notice that the county will remove the noxious weed(s) from the property, at the owner or occupant's expense, and that the county will provide a bill for reimbursement within 30 days of the removal of the nuisance. Any such bill shall be paid by the owner or occupant within 90 days.
- (C) If payment is not received within 90 days, a lien for payment against the property, on behalf of the county, will be attached to the property and the outstanding amount owed will be collected through property taxation.

(Ord. 07, passed 4-7-2020)

§ 90.004 RIGHT TO A HEARING.

Consistent with UCA Title 4, Ch. 17, § 111, any person receiving notice of a complaint may request a hearing to the Weed Control Board (or to the Administrative Law Judge, if there is not a standing Weed Control Board) by filing a request, in writing, with the County Administrator within ten days of receiving notice of the complaint from the county. Appeals from a decision from the Weed Control Board shall be consistent with UCA Title 4, Ch. 17, § 111.

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In accordance with UCA Title 4, Ch. 17, § 107, the county authorizes the Weed Control Board to administer the Weed Control Program for the county, consistent with the duties, powers and limitation of UCA Title 4, Ch. 17.

(Ord. 07, passed 4-7-2020)

Weed Department Report Weed Board Meeting

August 15th, 2024

• The July 16th commissioners meeting Public Comment session was attended by multiple people who expressed concerns about the weed issues in San Juan County. The following is a summary of the persons who spoke and what they expressed. This text is copied from the posted minutes of that meeting:

Mack presented the Public Comment portion of the meeting to the online and in-person audience which comprised of residents from throughout the county, USDA Farm Agency, Colorado State University (CSU) extension agent, and the Dolores County Weed Board.

Johnathan Wright, county property owner, introduced many of the farmers in attendance. He spoke about weeds and how the weeds are flourishing throughout the county. Johnathan stated the morning glory, Russian nap weeds are causing the most problems. Wants the county to declare a noxious weed emergency for the farming community. The farmers need to maintain their organic wheat farming capabilities.

Gus Summer, CSU Extension employee, gave a history of the miscellaneous weed programs conducted in Dolores County. He encourages landowners to receive mandatory weed education and to develop consistent weed enforcement.

Legend Gines, a local wheat farmer, representing Johnson Farms, asked the commission to consider giving educational resources to the farmers.

Kyle Fullmer, a wheat farmer from Monticello, stated that weed control is a passion for him. He states that enforcement throughout the county has declined in the past few years. He feels the government (BLM, Forest Service, and Sitla) are the 1st entities that need to improve.

Kurt Lewis, farmer from Monticello, states that the farmers are losing the weed battle and feels that if we follow the Dolores County Weed Control Board procedures it would greatly improve the farmers ability to control weeds. He wants more enforcement throughout the county, particularly from the Department of Natural Resources (DNR).

Dennis Gines, wheat farmer from Monticello, states that the weed problem is hurting the local farmers and wants disinterested landowners to be forced to keep the weed control laws. He stated the weed problem is cyclical.

Monty Perkins, Blanding resident and former county weed manager, is concerned about the weeds and their proliferation throughout the county. He believes that the county residents need more education and weed control enforcement. He is supportive of the emergency weed declaration

Will Murray, USDA Natural Resource Local Director, spoke of the different programs offered by the Federal Agency. They have grants, herbicides, and education to extend to the farmers.

Erin Pettit, USDA CRP program manager, expressed her support to the farmers.

Oma Fleming, Director of the Dolores County Weed District, spoke about the program and the strong support she receives from the Dolores County leadership. She recommends using the tax statements to educate the public and to keep the information in front of the public.

Commissioner Adams spoke about the landowners who are working hard at addressing weed control issues. He mentioned that many farmers may not be so inclined to fight the weed control battle. He mentioned that creating a weed district with taxing authority might be a long-term solution to the weeds.

- At the August 6th County Commissioners Work Session Meeting Deputy County Attorney Mitchell Maughan presented 2 draft weed enforcement letters that were created using the guidelines set forth in the Utah Code Annotated 4-17 (Utah Weed Act) and the San Juan County weed ordinance. Copies of these draft letters are submitted for your consideration and review under the "Business/Action" portion of the meeting agenda. He also discussed the counties current weed ordinance and provided an updated draft ordinance. A copy of the current ordinance and the draft ordinance are also included for your review and input as part of the Business/Action portion of the meeting agenda.
- On July 26th I sent six weed control letters to who I believe have some of the worst current weed infestations. The recipients were Redd Investment Corp., Wilson Farm & Ranch, TC Investment Holdings, LLC, Eric Halls, Monticello Development Corporation and David Adams. The only response I have received is from David Adams who indicated he will employ the spraying services of Lewis Farms as soon as the harvest is complete.
- Two of our current seasonal employees will finish their seasons in the next 2 weeks. Kaylin Jones will complete her season on August 15th and Cami Lewis will finish on August 22nd.