



**SHERMAN COUNTY COURT
SPECIAL SESSION**

HEARINGS ROOM

Court Agenda

July 10, 2018

Additions to Agenda

1.0 Appointment Schedule

1.1 10:00 a.m. Weed Ordinance Violation



**SHERMAN COUNTY COURT
SPECIAL SESSION
SHERMAN COUNTY HEARINGS ROOM**

MINUTES

July 10, 2018

Opened Court: 10:00 a.m.

Present: Judge Gary Thompson, Commissioner Tom McCoy, Commissioner Joe Dabulskis, Administrative Assistant Kayla von Borstel

A quorum was present. No news media was present.

Additions to Agenda

1.0 Appointment Schedule

1.1 10:00 a.m. Weed Ordinance Violation

Present: Rod Asher, Les Raurk, Robert Olsen, Brad Lohrey, Sarah Stelzer, Nathanael Stelzer, Nathan Stelzer, Michelle Stelzer, Daniel Stelzer, Sandra Larson, Gary Larson

Rod Asher, Weed District, stated he was informed a week prior by an individual who saw Canadian Thistle growing in a wheat field near Moro. Rod called the landowner and gave a deadline of one week to take action. Rod spoke with Commissioner McCoy, to update the Court on the situation after the complaint was made. Action by the owner was taken in a timely manner as the weed was mowed; at this time the issue had been resolved. Judge Thompson pointed out the Court does not want to target specific individuals as he has seen this issue all over Sherman County. Rod responded the difference with the current issue was it was located in a wheat field which is scarcely seen; noxious weeds are generally found on non-crop ground.

Many times it can be controlled using Biologic Controls, which this landowner uses; however, it was agreed upon last year, Biologic Controls in crop were not acceptable. Thistle needs to go through a full life cycle before the Biologic Controls take effect, as the insect eats the seed. Seed production flowing in the wind is unacceptable. It was asked if the seed is destroyed, will the insects also be destroyed. To Rod's knowledge, if the host plant is destroyed the insect will leave and establish itself in another patch of thistle unless destroyed along with the host, due to mechanical means, etc. When Rod talked to the landowner, he asked permission to enter the property to check the progress and type of Biologic Controls; permission was denied at that time without an escort as they were unavailable.

Nathan Stelzer, landowner, stated Rod spoke to him on the issue and he was unavailable until the following week; his understanding was Rod was not interested in Biologic Controls. Nathan did not

want to make a special trip if Rod was uninterested. Commissioner McCoy reported we should be monitoring Biologic Controls as we may be able to make it acceptable in crop with enough supporting data. Rod mentioned community acceptance of letting weeds go to seed in crop in order to use Biologic Controls will not be high; it is more accepted in non-crop, hard to reach locations (canyons), as they do seem to be effective. County Court asked what percentage of seeds are killed by the Biologic Controls; Rod did not know. Nathan stated from what he has seen, it depends on the patch, and nutrients seem to make the insects more successful; he has seen patches with 100% control. Rod stated from his experience, weeds will never be completely eliminated. Robert Olsen, Community Member, stated weeds do not always spread by seed, some spread by the roots. County Court inquired on the size of the noxious weed patch; Rod responded he estimated 0.5-1.0 acre in size. Rod wanted to reemphasize, Stelzers took action on the issue within his designated timeframe.

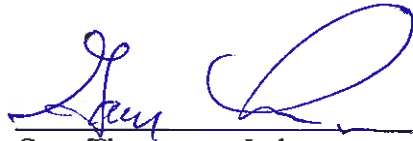
Rod spoke with Ruben Cleavland, County Counsel, on weed violation protocols in regards to all Sherman County landowners. Weed Inspectors, as stated in the State statute and County Weed Ordinance, can control action when necessary when in pursuit of noxious weeds, which could be by survey or treatment. The issue that had arisen was Rod was unable to have access to identify the type of insect on the plants, and he felt he could not wait until the landowner was available; the patch needed to be taken care of immediately. Most Sherman County landowners are accepting of him stepping into their fields a short ways and flagging weeds he sees. Ruben stated as per State statute and County ordinance, as long as Rod follows the procedure by notifying landowners and giving them a proper deadline etc., he is within his right to do his job if access is denied, and the landowner does not comply within the given timeframe. This relates strictly to fields, pastures, and so forth; this does not allow him access into community member's yards.

Brad Lohrey, Sheriff, noted he would be careful entering private property without consent as that is a gray area. Commissioner McCoy stated per the County Ordinance, Rod would be allowed access to all property within the District, and if action were to be taken, in this case cutting and bagging the weeds, it would need to be approved by County Court first. If he believed to see weeds in a field not right off the road, and wished to walk and survey the field, he should contact the landowner for an escorted tour; if that is not possible, then he has the right to do so on his own. Some concern was mentioned on what was considered a timely manner, as Azure was given a week to comply. Rod stated the normal process once a weed is seen and identified, is to send a certified letter to the property owner, not the operator, and give them 14 days from the date they sign signifying they have received the letter. With Stelzer's, Rod has had some issues with sending letters in the past as the land is owned by the church, instead a personal conversation via phone takes place which has worked great. The shortened timeline was given to them on the current issue as the weeds were flowering, and they should have never been allowed to get to that point. County Court agreed that a 14 day time frame to comply was adequate. It was also noted the landowners of weed violations should be included in the discussion with the Court, when seeking treatment approval. Rod stated he would be sending letters out to violators after the session.

Discussion held on the State statute, as it had been amended to remove the involvement of the District Attorney, and was also reclassified, after the County Ordinance was adopted. Rod will update the ordinance this winter for re-approval.

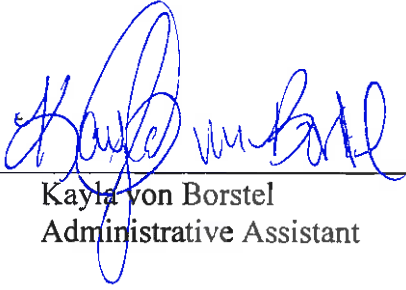
Being no further business before the Court, the meeting was adjourned at 10:36 a.m.

Sherman County Court



Gary Thompson, Judge

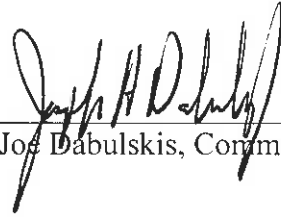
Attest:



Kayla von Borstel
Administrative Assistant



Tom McCoy, Commissioner



Joe Dabulskis, Commissioner