

Approved

4-8-87

Date

*Ivan Sand*

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative Ivan Sand at  
Chairperson

1:30 ~~XXX~~ a.m./p.m. on March 25, 1987 in room 521-S of the Capitol.

All members were present except:

Committee staff present:

Bill Edds, Revisor of Statutes' Office  
Sharon Green, Committee Secretary

Conferees appearing before the committee:

Marla Howard, City of Wichita, Public Affairs Officer  
William Sam Clester, Clester Communications, Belle Plaine, Kansas - submitted  
written testimony on a proposed amendment to SB 245.

Chairman Sand called the meeting to order.

Marla Howard testified in support of <sup>171</sup>SB ~~172~~, stating that this bill provides that the city may designate another agency other than the city clerk to receive the nuisance complaint. The bill also permits the notification of property owners of the necessity to abate the nuisance by either restricted mail or by personal service on the owner or agent. She also stated that these changes will reduce expenses and improve the response time needed to eliminate these hazards, saving the city of Wichita approximately \$17,000. (Attachment 1)

Motion was made by Representative Baker and seconded by Representative Kennard to favorably pass SB 171. The motion carried.

Motion was made by Representative Baker and seconded by Representative Kennard to favorably pass SB 155. The motion carried.

Testimony was submitted by Representative Schauf from the Clester Communications news media regarding a proposed amendment to SB 245. (Attachment 2) (See minutes of March 16, 1987.)

The minutes of March 23 were approved as presented.

Meeting adjourned.

# THE CITY OF WICHITA



DEPARTMENT OF  
OPERATIONS AND MAINTENANCE

OFFICE OF THE DIRECTOR  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1685  
(316) 268-4497

March 24, 1987

TO: Chairman Sand and Members of the House Local Government Committee

FROM: Steve Lackey, P.E., Director of Operations and Maintenance  
CITY OF WICHITA -- PRESENTED BY MARLA HOWARD

RE: S.B. No. 171 NUISANCE ABATEMENT

Chairman Sand and Members of the Committee:

The City of Wichita wishes to express its support of Senate Bill No. 171 to amend the certification and notification procedure for weed/grass abatement.

In the past cities were allowed to publish a general notice of weed/grass limitations and mail notices to property owners advising them that the vegetation on their property exceeded the limits and would be mowed by the City. Costs were billed or assessed to the property if the problem was not resolved within the specified period of time. This system worked well for the City of Wichita, balancing due process with the need for timely and cost-efficient elimination of the vegetation.

Currently K.S.A. 12-1617e establishes a process that increases the time and expense required to eliminate the health, fire, and visual hazard that overgrown vegetation represents by requiring that property owners or occupants be notified by personal delivery. The City of Wichita issues approximately thirty-five hundred overgrown vegetation notices each season. About 70 percent of these notices are personally delivered at a cost of \$24,500 (\$10 per notice). We are required to use restricted mail for notices to non-resident owners at a cost of \$2.92 per notice. Although cities are now allowed to charge property owners for the expense of notification, the administrative cost to recover that expense makes it economically infeasible to do so unless we also bill that property for mowing by the City. About half of our notified property owners resolve the nuisance themselves.

In addition K.S.A. 12-1617e requires our joint Board of Health to certify in writing that the rank vegetation is a menace and dangerous to the health of the community. However, as with many other cities, the actual mowing is

*Attachment 1*  
*3-25-87*

Re: S.B. #171 Nuisance Abatement

done by a different department - in our case Operations and Maintenance Department - because they have the personnel and equipment to do the job. Thus, Health Department employees must certify each site exceeding the vegetation limits and then notify Operations and Maintenance to begin the abatement procedure. Operations and Maintenance employees are already working throughout the community and could add monitoring of overgrown vegetation to their responsibilities without additional staff support, while allowing us to emphasize more complicated health matters with Health Department employees.

~~The City of Wichita requests your support of Senate Bill No. 171 to allow governing bodies the option to notify owners or agents by certified mail or personal notification. We feel that certified mail, requiring the recipient's signature for receipt of notice, protects property owners' due process rights, yet allows us to reduce notification expenditures and response time. Related to that, we ask that SB No. 171 be amended to delete the word "clerk" from line #41 so that the City can specify which department will actually send out the notices, and substitute "certified" for "restricted" mail on line #50.~~

Not  
to  
be  
included  
in  
testimony  
As per  
Ms. Howard

The City further requests your support of the provisions of this bill to allow governing bodies to define by ordinance the circumstances or conditions that constitute an overgrown vegetation health hazard, and to designate an agency to certify when vegetation exceeds those limits. Current statute allows governing bodies to do this with noxious weeds and to also use either restricted mail or personal delivery of notices. The City of Wichita supports extending this authority for the removal of overgrown vegetation to save administrative time and expense and improve the response time to eliminate the hazard.

STATE OF KANSAS

DEBARA K. SCHAUF  
REPRESENTATIVE, EIGHTY-FIRST DISTRICT  
SEDGWICK AND SUMNER COUNTIES  
P.O. BOX 68  
MULVANE, KANSAS 67110  
(316) 777-4608



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: GOVERNMENTAL ORGANIZATION  
LOCAL GOVERNMENT  
INSURANCE

## Clester Communications

431 Merchant Street • P. O. Box 128 • Belle Plaine, Kansas 67013 • (316) 488-2234

March 23, 1987

Debara K. Schauf  
Representative, Eighty-First District  
P.O. Box 68  
Mulvane, Ks. 67110

Dear Debbie:

Thank you for the information you sent me concerning S.B. #245 and the proposed amendment to it.

After studying the proposed amendment, I can see no benefit to it. I do feel it does contain some negative aspects. For example we frequently receive legal publications that are of high enough quality that we can reproduce them photographically rather than re-setting the type. When we do this we bill the customer at our lower display advertising rate because we can reproduce it cheaper than resetting all the type and charging our lowest classified rate based on the point size and column width per our rate card filed in accordance to K.S.A. 28-137(c).

The amendment seems to serve publishers who would rather set all legals and charge the higher rate than reproduce them photographically and pass the savings on to the requesting agency. Under this amendment this could still be done but the savings would be forfeited because of the cost incurred preparing detailed explanations and revenue losses from customers not paying because they don't accept the (detailed) explanation.

Please don't let this counter productive amendment become part of the law.

Kindest Regards,

CLESTER COMMUNICATIONS

A handwritten signature in black ink, appearing to read "Sam Clester".

Wm. Sam Clester

WSC:kh

Publishers of: The Andover Advocate, The Belle Plaine News, The Cheney Sentinel,  
The Clearwater Times, The Oxford Register, The West Sedgwick County Sentinel

CENTRAL PRINTING PLANT

Custom printing provided on high speed web offset press.

Attachment 2

3-25-87