

Manti City Council Work Meeting

MINUTES

OCTOBER 11, 2023

3:00 PM

MANTI CITY BUILDING

50 SOUTH MAIN STREET

MEETING CALLED BY	Mayor Alfred C. Bigelow
TYPE OF MEETING	City Council Work Meeting
ATTENDEES	Mayor: Alfred C. Bigelow Councilmembers: Mary L. Wintch, Jeff Killian, Darren Dyreng, Jason Vernon and Gary Chidester City Manager: Kent Barton City Recorder: JoAnn Otten
ABSENT	
WELCOME	Mayor Bigelow

Work Meeting

ITEM 1	Discussion relative to proposed changes in the Nuisance Ordinance.
<p>Mayor Bigelow stated that this meeting is to address the draft changes and additional language to ordinance <i>8.28.140 Nuisances on Property</i>.</p> <p>Councilmember Wintch referenced the Highland City nuisance ordinance noting the section regarding abandoned, wrecked or junk vehicles. This section states that “<i>two or less such vehicles may be stored on the premises if placed behind an opaque screening fence.</i>” This would include vehicles that are inoperable and non-registered.</p> <p>Councilmember Killian said that he liked the section <i>Attracted Nuisance</i> and felt this would reduce the liability of Manti City.</p> <p>Councilmember Dyreng said that he had an automobile on his property that is not registered but he uses it. What has been proposed puts his property out of compliance. He did state that he had the resources to place this auto in a shed but most people do not.</p>	

Discussion ensued noting that many people have cars that are being repaired or restored and it was questioned if non-registered, non-operable cars being restored should be required to have a permit for same. Councilmember Wintch said that Clearfield City requires cars that are being restored to be covered with a car cover, not just a tarp, when they are not being worked on.

Councilmember Dyreng made the statement that if this ordinance cannot be enforced then they should not do it and Councilmember Wintch questioned what the willingness of the Council is to enforce. Additional discussion ensued.

The Mayor and Council then discussed enforcement of the proposed ordinance and Mayor Bigelow said that resources should be provided to citizens to help them cleanup, such as community groups or church groups.

Councilmember Wintch made inquiry regarding a fee schedule and if this should be listed in the ordinance. City Manager said fees should be adopted as an escalating fee schedule in the ordinance and the actual fees adopted in the fee schedule. He also said that prior to any adoption of the ordinance, the language needs to be developed.

City Manager Barton then stated that there is not an unwillingness of the staff to enforce the nuisance ordinance, as there is an ordinance in place that they have been working under. It is a matter of not having enough staff to work on nuisances and complete their other duties too.

He then stated that it would be helpful if the Mayor and City Council would express their expectations and requested each member drive down each street in Manti and make note of every property that is not in compliance. It seems that everyone has a different definition of what the expectation is for enforcement.

Councilmember Wintch stated that she had spent many hours riding her bicycle around town taking photos and there are many that are not in compliance.

Mayor Bigelow agreed with the City Manager to drive around Manti and make a list of properties that are non-compliant. This would help the City Council come to a common ground and consensus as to what they want the ordinance to read.

It was also noted that if enforcement of the nuisance ordinance is desired, then they must be consistent across the board.

Mayor Bigelow said that once the ordinance is finalized a public hearing should be scheduled. He then recognized Public Works Director Cory Hatch

Mr. Hatch said that a week ago he had taken the day to hand deliver noncompliance notices to 10-homes and they were given until October 18th to correct the problem noted on the form. As of this date, none of the individuals have tried to correct the infractions - not a single item has been moved. He said that enforcing noncompliance on private property is extremely difficult.

City Manager Barton stated that Mr. Hatch was treated very badly while delivering the non-compliance notices and this is very concerning. He said that our country is in a place where people are angry and Manti City cannot send staff to enforce without some type of protection.

Barton continued by stating that he felt the Council is moving too fast and this concerns and troubles him.

Mayor Bigelow said that he agreed that approaching individuals could be very dangerous and law enforcement may need to be in attendance to keep everyone calm. He said that he would contact Sheriff Buchanan and see if they would be able to help with this and the cost for same.

Councilmember Killian stated that Manti City can no longer wait to update the nuisance ordinance - we can be sensitive but doing nothing is not good.


Councilmember Dyreng said that "attractive nuisance" needs to be defined if it is to be enforced and also needs to be specific.

Mayor Bigelow then questioned Councilmember Chidester if he had any comments and Chidester said he was not prepared to comment.

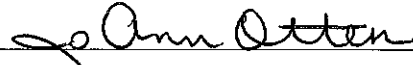
Mayor Bigelow said that it is very important for staff to be safe and encouraged all to be ready to discuss this item on November 1st. He also requested a public hearing be scheduled for the meeting of November 1st.

A draft of the proposed ordinance #8.28.140 is attached to and made part of the minutes.

ADJOURNED	4:15 P.M.
NEXT MEETING DATE	Regular Council Meeting – October 18, 2023



Alfred Bigelow, Mayor



JoAnn Otten, City Recorder

Additional language to consider for our Code (highlighted in red):

Manti Municipal Code

8.28.140 Nuisances On Property

A. Definition of Nuisance. For the purpose of this section the term "nuisance" means any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, **or an attractive nuisance likely to cause damage to small children**, which includes, but is not limited to keeping or depositing on, or scattering over the premises any of the following:

1. Lumber, junk, trash, or debris.
2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.

B. Duty of Maintenance of Private Property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

C. Storage of Personal Property. Unsheltered storage of old, unused, stripped and junked machinery, implements, **dismantled, wrecked or inoperable motor vehicles**, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) within this municipality, is declared to be a nuisance and dangerous to the public safety. **A vehicle shall be considered inoperable if it is not currently registered and licensed in this state or another state.**

D. Abatement of Nuisances by Owner. The owner, owners, tenants, lessees or occupants of any lot within this municipality on which such storage as defined in subsection C of this section is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes, or otherwise to remove such property from the municipality.

(The language in red was taken from the language found in citations on the following page.)