

MINUTES
MANTI CITY COUNCIL MEETING
February 1st, 2017
6:30 P.M.

Mayor Korry Soper in chair and presiding. The roll call showed Council Members Gary Chidester, Darren Dyreng, Jason Maylett, Vaun Mickelsen and Jason Vernon present along with City Administrator Kent Barton. The Mayor invited all present to stand and join him in reciting the “Pledge of Allegiance”.

The Mayor then invited Dale Nielson, Public Works Director, to make his report to the Council. Nielson reported on the following:

- Snow removal has taken a lot of extra hours the past couple of month to keep city streets and the airport runway and taxi areas clear.
- Several burials during the past month.
- Winter maintenance projects.
- Update on repairs of garbage truck, which he expects to be back in service in a few weeks.

Mayor Soper thanked Dale for his work, and invited Cory Hatch, Water and Sewer Supervisor, to make his report. Hatch then reported the following:

- With the return of Sister Spring flows to the culinary system, he doubts we will need to supplement the system with well water this year.
- Year-end samples from the spring were submitted as part of the increased sampling process required due to the redevelopment of the spring.
- NPA tests will be required for the spring in 2017 and 2018 during high runoff periods in order to monitor for possible surface influence.
- Plans to attend water conference later in the month and will be working on additional certifications.
- Moving water to lagoons two and three in order to maximize seepage and evaporation in the coming season.
- Significant repair required today on lateral sewer line near 250 west Union Street. A tree root growing alongside the line had overtime, squeezed it almost completely off. The root was removed and a section of pipe replaced.
- Efforts on the sprinkler design at the Sports Complex.

The Mayor thanked Hatch for his report and his good work.

The Mayor then asked that discussion turn to consideration proposed changes to the city’s dog ordinance, which were discussed at the previous council meeting. The first proposed change to section 6.08.060 (definitions) was presented as follows:

Current Ordinance states: *"Vicious dog" means a dog that has bitten a person without provocation or a dog that has a known propensity to attack or bite human beings or other domestic animals.*

The proposed change states: *"Vicious dog" means a dog that has attacked a human or other domestic animal without provocation or a dog that has a known propensity to attack or bite human beings or other domestic animals.*

After reading the change in definition of "vicious dog" some discussion ensued. Gary Chidester asked if the word attacked, which replaced bitten meant that a bite was no longer required in order for a dog to be considered vicious. After additional discussion and a review of previous complaints from citizens regarding threatening confrontations with dogs, it was the consensus of the Council that an actual bite was not necessarily required for a dog to be considered vicious. After reaching consensus, the second proposed change dealing with section 6.08.020 (H) was presented as follows:

Current ordinance states: *Anyone owning, keeping, harboring, or maintaining more than two dogs over the age of three months shall be considered operating a dog kennel and shall be required to pay an annual kennel license fee of cause by said one hundred dollars (\$100.00) per year, provided business license application for such kennel is approved by the city council and provided that the location of said kennel is in conformance with the zoning ordinance. Each such person having more than three dogs shall be required to post a one thousand dollar (\$1,000.00) bond or show proof of liability insurance covering any damaged dogs.*

The proposed change was to remove this section due to ambiguity with Section 6.16 (Kennels). As the consensus was in agreement with the change, discussion turned to the 3rd proposed change from 6.08.110 (A) – Vicious Animals. The current ordinance states:

A. It is unlawful for any person to own and possess a vicious dog within the municipality. Whenever a prosecution for this offense is commenced under this section, the dog so involved may not be redeemed, pursuant to the provisions of this chapter, while awaiting final decision of the court as to the disposition to be made of such dog.

The proposed change is the addition of a reference to the definition of a vicious dog as follows:

A. It is unlawful for any person to own and possess a vicious dog within the municipality. Whenever a prosecution for this offense is commenced under this section, the dog so involved may not be redeemed, pursuant to the provisions of this chapter, while awaiting final decision of the court as to the disposition to be made of such dog. (See definitions 6.08.010).

Seeing that there was no opposition to the change, the Mayor asked that the next proposed change from Section 6.08.120 (B) – titled “Dog Bites” be reviewed.

The current ordinance States:

B. It is unlawful for any person to keep, own, harbor or have the control of any fierce or dangerous dog. It is prima facie evidence that a dog is a fierce or dangerous dog if it bites or attacks a person or domestic animal. Any police officer or animal control officer may apprehend such dog and may cause it to be impounded at the animal shelter.

The proposed change was that a dog that has bitten another domestic animal or person may be apprehended and placed under quarantine at the dog pound. After discussion it was determined that the wording should state that such dog *shall* be apprehended rather than *may* be apprehended. The final consensus on the change is as follows:

B. “It is unlawful for any person to keep, own, harbor or have the control of any fierce or dangerous dog. It is prima facie evidence that a dog is a fierce or dangerous dog if it bites or attacks a person or domestic animal. Any police officer or animal control officer shall apprehend such dog to be impounded under quarantine at the pound.”

The final change was then reviewed from section 6.08.160 – titled “Quarantine of Dogs”
The current ordinance was read as follows:

Whenever any dog attacks or bites a person, the owner of the dog shall immediately notify the police department, which shall cause the dog to be impounded or otherwise quarantined for a period of ten days. At the end of the ten-day quarantine period, the dog may be released from quarantine, upon a veterinarian's examination that such dog is free from rabies. The expenses incurred in the inspection of such dog shall be paid by the owner or person in control of such dog, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the dog. If the dog dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.

The proposed changes, which provide clarity to responsibilities and procedures to be followed when a dog has attacked or bitten a person were then read as follows:

“Whenever any dog attacks or bites a person, the owner of the dog shall immediately notify the city and / or the Sanpete County Sheriff’s Department, which shall cause the dog to be impounded or otherwise quarantined for a period of not less than ten days. Until such time that: 1) a veterinarian’s examination has concluded that the dog is free from rabies, and 2) the judge has ruled that the dog is of a disposition to be released. (See 6.08.110 Vicious Animals). The expenses incurred in the inspection of such dog shall be paid by the owner or person in control of such dog, in addition to any other fines or

charges due. All such expenses shall be paid prior to the release of the dog. If the dog dies before a veterinarian can determine that it may have rabies, its brain shall be sent to the State Department of Health for examination for rabies.”

After discussion it was determined that there was strong support among the Council for making the described changes. Mayor Soper then called for a motion to make the 5 changes to section 6.08 of the dog ordinance as described and discussed. Darren Dyreng made the motion, which was seconded by Vaun Mickelsen. Councilmembers voting “aye”: Gary Chidester, Darren Dyreng, Jason Maylett, Vaun Mickelsen and Jason Vernon. Councilmembers voting “nay”: none.

Administrator Barton said he would follow the requirements to officially change the ordinance as passed by the Council.

Mayor Soper then directed that discussion turn to proposed changes regarding the fee schedule for violation of the dog ordinance. The changes were then reviewed as follows:

Dogs running at large 1st offense be increased from \$35 to \$50.

Dogs running at large 2nd offense be increased from \$70 to \$100.

Dogs running at large 3rd offense be increased from \$140 to \$200.

Dogs running at large subsequent offenses be set at \$250.

An impound fee be created of \$25 per occurrence.

The daily boarding fee of \$10 remain unchanged.

A minimum fee of \$100 be established for a dog attack. The dog attack fee may be increased as determined by the justice court judge.

After discussion, the Mayor called for a motion to adopt a resolution, #2017-02-01, to adjust the fee scheduled for dog ordinance violations as discussed and described. Jason Maylett made the motion, which was seconded by Gary Chidester. Councilmembers voting “aye”: Gary Chidester, Darren Dyreng, Jason Maylett, Vaun Mickelsen and Jason Vernon. Councilmembers voting “nay”: none.

Mayor Soper then directed the Council to Agenda item #5: Discussion and possible action to ratify and confirm the vacation of a public non-thru street (100 East Street north of 400 North to Highway 89), and to sell the street (100 East Street north of 400 North to Highway 89) to the adjacent property owner, and invited comment from members of the

Council. Councilmember Vernon stated that he appreciated the public's participation and attendance at the hearings. He said there were passionate arguments on both sides of the issue, which was good to hear. Mayor Soper agreed. Councilmember Dyreng then said that we had recently held 2 different hearings on this issue, which was an opportunity to hear some good feedback on both sides of the argument as well as provide time to consider the arguments. He said he had done the best he could to consider all arguments and viewpoint stated, with the primary opposition to the sale of the street being infringement on 1st amendment rights. He stated that he doesn't see how the sale would affect those rights as 400 North Street remains immediately adjacent to the area to be sold and to the temple property and would remain open as a public forum. Dyreng went on to say that since the LDS Church owns all property adjacent to the dead end street that it makes no sense for the city to continue to maintain the street and for the citizens of Manti to carry that financial burden. Councilmember Chidester remarked that he thought the biggest complaint and concern against selling the street had to do with limiting free speech. Chidester said he doesn't believe selling the street will encumber free speech, as the public forum boundary would simply move be concentrated onto other public streets immediately adjacent to the pageant and that the public forum will still be available. Chidester said that in essence the street is functioning as a driveway for the benefit of LDS Church at the expense of the citizens. Chidester said that we have received a very good offer for the property, which would be directed, to a project that would benefit the community. In addition, we would relieve the city of the on-going expenses relating to the maintenance of the street including chip sealing and snow plowing. Councilmember Maylett added that he agreed with Chidester's thoughts. He said he believes we have been presented a great opportunity to unload a burden that is of no use to the city. Speaking of the street he said, "we don't use it, we don't need it and we've got a great opportunity to sell it". He said from a financial standpoint and looking out for what's best for the city that it make sense to sell the street. Vaun Mickelsen expressed agreement. Mayor Soper then stated agreement. He said the street had served its purpose but could now benefit the community in another way as we have an opportunity to relieve ourselves of the ongoing maintenance of the street and everything that comes along with that. He also said that the area to be sold was just a part of the public forum area, and that there remains plenty of space in the immediate area for those purposes. Mayor Soper also recognized that the overwhelming majority of the comments from community were in favor of selling the street. He then asked the Council if there was any additional discussion desired. Seeing there was none, the Mayor called for a motion to ratify and confirm the vacation of a public non-through street, 100 East Street, north of 400 North to Highway 89 as illustrated on the map, (the Mayor then invited Administrator Kent Barton to display the map and continued with the motion) and to sell the street, 100 East Street, north of 400 North to Highway 89, to the adjacent property owner, The Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, for the sum of \$160,000 dollars. Jason Vernon made the motion, which was seconded by Gary Chidester. Councilmembers voting "aye": Gary Chidester, Darren Dyreng, Jason Maylett, Vaun Mickelsen and Jason Vernon. Councilmembers voting "nay": none.

Seeing there was no continuing business, Mayor Soper asked if there were any reports from members of the Council.

Councilmember Mickelsen reported that the Arbor Committee had met earlier in the week and that they were currently working on the annual renewal requirements for the Tree City USA designation. Mickelsen also said that the committee is operating with a skeleton crew and new members are being solicited, inviting recommendation from other councilmembers.

Darren Dyreng then made reference to one of the early ordinances passed by the Manti City Council during the city's formative years was that ever citizen in the community be required to plant 2 trees. The comment invited discussion, which soon turned to the need to replace the aged trees on the east border of the cemetery. There was a consensus that we should move forward with a plan to replace the trees as soon as possible. Dyreng then reported that he had talked with David Hall, the first customer of the city's net-metering program. Dyreng said that Hall had requested to be "grandfathered" from paying the monthly \$3 per kilowatt capacity charge for net-metering systems as he, (Hall) was not made aware that a fee was under study when he signed up for the program. Some discussion ensued. Kent Barton said that it is true that Hall was not advised that a charge may be coming because he was the first user on the program and there had been no discussion at the city level or the UMPA level at the time our program was initiated and Hall signed up. More discussion ensued during which time Councilmember Vernon and Kent Barton reported on the recent meeting they attended with the net-metering concerned citizens group, which included Shannon Miller and Edward England and Kevin Garlick of UMPA. It was mentioned during that discussion the group was told that UMPA and Manti City looked at several different options for creating the monthly service fee and that if the group felt there was a better or fairer solution to bring it up with the city. The discussion ended without any further reference to Hall's request.

Jason Vernon then reported that he had spoken with the owners' of Fred's Sports Grill who had expressed agreement with the city's decision to move the food court away from the temple ground and in to the business district. Vernon went on to say that their hope was that the food court would be moved to the south end of the commercial district in order to increase foot traffic nearer to their establishment.

Gary Chidester then reported on a recent library board meeting and said they are currently conducting interviews for a part time employee to work at the circulation desk.

Mayor Soper then reported on the following:

- Reception at State Capitol on February 14th from 4:30 – 7:00 pm with lawmakers and those concerned with electricity issues.
- UMPA annual meeting scheduled for April 21 & 22 in Midway.

- UMPA Reserve Service Fund balance currently at \$7 million.
- UMPA looking at the possible purchase of a hydro plant in Provo Canyon.
- UMPA has started construction on new building in Spanish Fork near the City Building.

Gary Chidester asked how all was going with the West Valley gas-generated power plant. The Mayor reported that all was going well with the plant and that the agency is selling off excess power at a good profit.

Mayor Soper then asked if there was anyone present who desired to make public comment. Ned Funnell of Manti came to the podium and expressed great disappointment at the city's decision to sell the section of 100 East Street. Funnell said that a public forum which had become an important venue for free speech and the exchange of ideas would be forever changed. He also expressed that we lived in a time where more public discourse is needed and more exchange of ideas. He encouraged the city leaders consider this in future decisions. Mayor Soper thanked Funnell for his comments.

Mayor Soper then asked if there were any changes noted for the draft version of the minutes from the previous Council Meeting. Several typographical changes were noted and corrected, after which the Mayor called for a motion to accept the minutes of the Council Meeting held on January 18th, 2017 as corrected. Jason Maylett made the motion, which was seconded by Gary Chidester. Councilmembers voting "aye": Gary Chidester, Darren Dyreng, Jason Maylett, Vaun Mickelsen and Jason Vernon. Councilmembers voting "nay": none.

Mayor Soper asked if there were any changes noted for the draft version of the minutes from the Public Hearing held last week. Seeing none, the Mayor called for a motion to accept the minutes of the Public Hearing held on January 26th, 2017 as presented. Darren Dyreng made the motion, which was seconded by Jason Maylett. Councilmembers voting "aye": Gary Chidester, Darren Dyreng, Jason Maylett, Vaun Mickelsen and Jason Vernon. Councilmembers voting "nay": none.

Administrator Kent Barton then reported on the following:

- Referred Councilmembers to a letter in the packet to local Forest Ranger Kyle Beagley dealing with the city's special use permit for work required in the settling basin on city creek.
- Referred to an article in packet dealing with community planning in Utah.
- Advised Councilmembers of upcoming spring conferences specifically:
 - Rural Water Annual Conference – March 1st thru 3rd in St. George
 - Utah League of Cities & Towns – April 5th thru 7th in St. George
 - UMPA – April 20th & 21st at the Zermatt in Midway
- I-four Media given go ahead on city building signage – now in process

- UDOT to roto-mill and resurface Main Street this summer. Working with project schedulers to make sure they avoid pageant dates
- Stated that he has items dealing with property negotiation, personnel and possible litigation for discussion in closed session.

At 7:45 p.m., Mayor Soper called for a motion to move into closed session to discuss an issues dealing with personnel and possible litigation. Gary Chidester made the motion, which was seconded by Jason Maylett. Councilmembers voting “aye”: Gary Chidester, Darren Dyreng, Jason Maylett, Vaun Mickelsen and Jason Vernon. Councilmembers voting “nay”: none.

RETURNED TO REGULAR SESSION FOLLOWING CLOSED SESSION

The bills were presented for payment. Following review by the Mayor and Council, Darren Dyreng made the motion to pay the bills and adjourn. Jason Vernon seconded. Councilmembers voting “aye”: Gary Chidester, Darren Dyreng, Jason Maylett, Vaun Mickelsen and Jason Vernon. Councilmembers voting “nay”: none.

The meeting adjourned at 8:45 p.m.

General Account

Austin Lunt	\$18.50
-------------	---------

Korry L. Soper, Mayor

Kent Barton, Recorder/Administrator