MONROE CITY COUNCIL SPECIAL MEETING
JULY 2, 2019
MINUTES

7:00 p.m.

1. The special meeting of the Monroe City Council was called to order by Mayor Parsons at 7:00 p.m.

2. The Pledge of Allegiance was led by Councilmember Payne. A prayer was offered by Councilmember Anderson.

3. Roll Call

Mayor Johnny Parsons
Councilmembers:
   Janet Cartwright
   Perry Payne
   Fran Washburn
   Michael Mathie
   Joseph Anderson

Public Works Director Devin Magleby
City Recorder Allison Leavitt
Utility Clerk Marisa Mathie
Planning Commission Chair Bart Lee

4. Work Meeting:

   a. Consider Nuisance and Property Maintenance Ordinance

Mayor Parsons thanked everyone for coming to this special meeting tonight. Mayor Parsons explained items on the agenda could have waited for the next regular scheduled Council meeting, but he wanted all Councilmembers to be in attendance and Councilmember Cartwright will be out of town for the next Council meeting.

Mayor Parsons explained that he had concerns before, during and after our Council meeting held on June 25, 2019 about the direction the Council was moving in enforcing City ordinances. Mayor Parsons stated that Keith Cartwrights comment during the discussion concerning enforcing the proposed water policy made him start thinking outside the box about ordinances.
Mayor Parsons would like to share his thoughts on the nuisance ordinance now that he has read through it and critique it. He would also like each Councilmember to share their thoughts on the nuisance ordinance and where we are going with it, so that we can understand what each other is thinking, because he feels we are not at that point right now.

Mayor Parsons began by stating that many years ago the Planning Commission was asked to review the City’s nuisance ordinance and put some teeth in the enforcement portion of the ordinance. Mayor Parsons stated as he remembers the Council was not going to go around and pick and choose who they enforced it on but that it would be based off if there was a fire or health danger, or a citizen made a formal complaint. The teeth in the ordinance was for if it had to go to court the judge would see what the City’s ordinance outlined as the penalty.

Mayor Parsons stated that he was in Ephraim over the weekend and in between softball games he drove around the town. Ephraim and Manti and many other cities are no different than Monroe, they all have their issues. Mayor Parsons feels as he has read the ordinance, especially where it refers to weeds, Monroe City itself is in violation along with nearly 80% of our residents. Mayor Parsons is not saying we don’t have this ordinance he is saying every situation is different. The first line of the ordinance states the purpose is to encourage Monroe City property owners to maintain their property. Mayor Parsons idea of encouraging means to visit with property owners and give encouragement to clean up their property. The other problem Mayor Parsons stated is that we have some property owners that are very particular about their property and no matter how hard we push most yards are not going to be up to this standard. So, Mayor Parsons question to the Council is when is cleaned up good enough and who makes that decision, a judge or Monroe City.

Mayor Parsons stated that thinking Code Enforcement Officer Charles Billingsley is going to take care of all our problems is incorrect. Mayor Parsons explained his thought was that Mr. Billingsley would take care of the ones that did not comply with what the City has asked them to do. Mr. Billingsley feels we need to address all violators in the city at one time. Mayor Parsons stated he does not see how we can do this because after reviewing the ordinance, we have a lot of violators.

Mayor Parsons explained that after reviewing the ordinance it states the time limit for violators to comply must be no less that ten days, but no maximum amount of time is stated. If the Council chooses, we could give someone up to two years to comply. Mayor Parsons used Shane Greenwood encroachment of the right of way as an example; explaining that Mr. Greenwood was given 30 days to comply with the ordinance, after 30 days he had not complied so the Mayor went and spoke to him and granted him an additional 30 days to comply, which he did. Mike Ginsburg was also given 60 days during a Council meeting to comply. Mayor Parsons explained he does not have a problem with this, this is how he thinks it should be handled.

Mayor Parsons recognized that there is a difference between a car on the road in comparison to property such as Jerry Julander’s, but he has a hard time on who is going to say what is good enough whether it’s Mr. Billingsley or Public Works Director Devin Magleby, who is going to decide.
Mayor Parsons stated he does not have a problem with the City right of way, if something is on the right of way it needs to be moved, but with the personal property he would like to a written letter to the Council or a person comes before the Council to express that they feel like the conditions of a property is a health or fire problem and then the Council will act depending on the situation.

Mayor Parsons explained that he feels right now the Council is not all on the same page as far as the nuisance ordinance and he thinks they need to get on the same page to make things work. He explained that he respects everyone’s opinion and it’s okay to disagree, but with this ordinance he feels the Council all needs to be on the same page.

Councilmember Cartwright stated that this problem has come about in part from our last Council meeting, and she has given it a lot of thought also. She stated that she is glad to have this work meeting and wishes we would have had a work meeting before the meeting without the public pressure that was experienced at the meeting.

Councilmember Cartwright stated that she does not think as a Mayor and Council that there is the trust of what each other is going to do because we do not know each other well enough. Councilmember Cartwright feels that if the Council could have met and discussed some of the issues presented during the previous Council meeting emotions and hurt feelings could have been avoided.

Councilmember Cartwright clarified that Ms. Kelly Gleave was incorrect is saying that she said anything negative about Ms. Markell Gleave because she did not. Councilmember Cartwright explained that she was with the understanding that she was representing the Mayor and Council when she delivered the letter requesting that they move their business out of the right of way. Councilmember Cartwright explained that she even offered that the Council would help them find a place to relocate if needed, and there was no attack by the Council on Ms. Markell Gleave character as some of those in attendance insinuated. Councilmember Cartwright wishes someone would have spoken up and explained to those in attendance that this was not an attack on Ms. Markell Gleave, this was an ordinance issues and it just so happen that they owned the building.

Councilmember Cartwright would like to see the Council work together on getting to know each other better so that a trust can be developed between them so that when there is an issue an open conversation can be had to reach a decision. Councilmember Cartwright stated that she’s upset that we had such a conflict over a sno-cone shack, when there have been much more important issues on the agenda no one from the public has even attended the Council meetings.

Councilmember Cartwright stated her viewpoint on issues are; is it legal and is Monroe City liable if something happens. Councilmember Cartwrights agrees with the Mayor that we are going to have to look at each situation individually and stated that if we are going to enforce things, even if they have a different timeline, we need to enforce them fairly.
Mayor Parsons stated that as a Councilmember we need to do what we think is right and that’s the best we can do.

Councilmember Cartwright requested that when it appears there might be a controversial issue that the Council meet and have a work meeting to discuss the issues.

Councilmember Cartwright stated that the reason she voted no to the time extension for the sno-shack was because Monroe City could be liable if something happens there.

Councilmember Cartwright stated that she thinks the nuisance ordinance should be enforced when a property devalues other property in the area, if emergency vehicles cannot access the property, if there are items that would entice children to enter into an unsafe area, and if it encourages animals, such as feral cats, to inhabitate the area.

Mayor Parsons question to the Council again was when is enough, enough and who decides when the property is cleaned up. Mayor Parsons feels the ordinance should be enforced when it is a drastic hazard health issue and it goes to court and the judge and lawyers fight over our ordinance.

Councilmember Payne stated as we have talked about the nuisance ordinances, we’ve had the City Councilmembers go look at the property’s in question, and this is really hard. Councilmember Payne has a neighbor that has caused people to move from the area because of the condition of their yards, and personally it has never bothered him, but a house with high weeds does bother him. Councilmember Payne stated this is tough because he cannot answer the question when is enough, enough either.

Regarding Councilmember Cartwright comment about devaluing property values he disagrees with because what one person’s likes and what he likes is not the same, and he understands that some yards are not pretty, but they are not a hazard.

Councilmember Anderson stated he feels like it’s a good idea to take these on a case by case basis and starting with the worse ones first because we cannot handle doing all of them at once.

Councilmember Anderson explained that he feels like if a property owner is making an improvement then this is enough, and the Council should continue to work with them and allow more time for them to come into compliance.

Councilmember Anderson likes the ordinance and feels we need to have the ordinance with some teeth in it or things would be like the wild west, however he feels the Council can work with property owners and allow them the time needed to become compliant with the ordinance.

Councilmember Anderson explained that the reason he voted to allow the Gleave’s additional time was because he equated it to if Mr. Julander was to come in and ask the Council for additional time, he
would vote yes to that also. Councilmember Anderson stated that he feels we need the ordinance, but we also need to review them on a case by case situation.

Councilmember Washburn stated that he wanted to apologize for the comment he made in reference to the Council using their power, he did not mean to offend anyone. What he meant by the word power was for the Council to have the ability to look at property’s and work with the property owner to remedy the problem.

Councilmember Washburn stated he was not in attendance during the time the nuisance ordinance was adopted, or he would have given his opinion then. He stated that he is in favor of having the nuisance ordinance and he was years ago when he first came onto the Council, however his understanding for the having more teeth in the ordinance was for dealing with the Pavilion. Councilmember Washburn also stated that Charles Billingsley is alright if we get to the point that we need him, but until then we can put him to bed and not even call him. Councilmember Washburn stated where do we start and where do we stop. He feels that people should be able to determine how they want to manage their property, and if we start trying to impose this ordinance on them, we are taking away their agency and ability to manage their own property.

Councilmember Anderson asked Councilmember Washburn if he feels this way in every yard and every situation. Councilmember Washburn replied that we are a rural community and we are not different than many of the communities in our area, we all have these problems. When the Council selected the five properties to send them letters of non-compliance he was upset, and had he attended the meeting he would have spoken up then.

Councilmember Washburn stated again that his concern is where do we start and where do we stop, and the use of the word power was directed to the enforcement of the nuisance ordinance not the situation with the sno-shack.

Mayor Parsons stated he thinks we are all in agreement that if it is a dangerous, health or safety issue we need to enforce the nuisance ordinance. Councilmember Anderson asked how the Council is supposed to know if someone has something in their backyard that is toxic. Mayor Parsons stated he thinks the Council can only do the best they can with the information that they have.

Councilmember Cartwright referred to the Fire Marshall stating to Mayor Parsons, during the fire call at Mystic Hot Springs, that the property was a fire danger and needed to be cleaned up. Mayor Parsons replied that with the statement from the Fire Marshall he has something to work on in that situation, however he feels it is still a fine line and goes back to what is one person’s treasure is another’s junk.

Councilmember Mathie wanted to clarify the sno-shack situation was not an enforcement of the nuisance ordinance and that during the previous meeting it appeared that it was a discretionary decision on the Council’s part. The meeting then became an emotional mess with citizens stating that it appeared the Council was picking on this seventeen-year-old entrepreneur, which Councilmember Mathie feels
like he took the brunt of the comments because he had brought up the enforcement of the right of way violation.

Councilmember Mathie stated that he sat patiently through the meeting to let the citizens have their say and then when he had a chance to speak, he was cut off. He stated that no one wanted to hear that this was not a nuisance ordinance issue and he thinks that clarity of this might have helped the meeting had it been known, but we let everyone state their emotional things and he was not able to explain why he brought it up in the first place.

Councilmember Mathie expressed great frustration in that nothing was said in the meeting that clarified or changed the issue from the meeting held two weeks prior. He stated that when he first brought up the right of way violation it was not a big push on his behalf nor did he try to convince other Councilmembers that something needed to been done immediately, however it was an unanimous decision by the Council to send the Gleave’s a letter of non-compliance.

Councilmember Mathie continued with stating he felt like he had been sand bagged by the meeting because no one had notified him the Gleave’s were upset and were on the meeting agenda to discuss the issue, and he feels like this is a problem, and as Councilmember Cartwright stated earlier, we need to be able to have trust amongst each other to communicate with one another. He stated this is not a fair way to govern.

Councilmember Mathie feels like there is now a prejudice against him because he is the one who instigated the issue. He stated that he only had forty-five seconds to speak of a forty-five minute discussion because someone in the crowd got upset, therefore he was not able to explain his position on the matter.

Mayor Parsons explained that he had decided that before the meeting started that if things go out of hand, he was going to shut the meeting down and this is what he did. Councilmember Mathie stated that Mayor Parsons should have asked the person who was upset to leave rather than not allow him to continue to speak.

Councilmember Mathie stated again that he is upset that because of an emotional display the Council appeared to be swayed from the decision they made in the previous meeting. Councilmember Mathie reminded Mayor Parsons that he had stated earlier in this meeting that he did not have a problem with the right of way enforcement. The Gleave’s have a structure in the right of way which is against state law and he had copies for everyone to read in the previous meeting but was not allowed to distribute them.

There was some discussion that the item on the agenda was listed as a nuisance ordinance issue, which was incorrect, and City Recorder Allison Leavitt should have listed differently. Councilmember Mathie feels if he had had time to address this, maybe it would not have been dealt with as a nuisance ordinance.

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Councilmember Mathie stated he is extremely frustrated that we used our power in the wrong way.

Mayor Parsons asked Councilmember Mathie if he feels the Council is misusing their power on enforcement of the nuisance ordinance. Councilmember Mathie stated the distinct difference between the two is that public property has a clear state law which states you shall not do these things.

Councilmember Mathie explained that the nuisance ordinance does have a great deal of discretion in the time limits and enforcement. The items in the ordinance refer to safety, welfare and the general good of the public. If it is harder to sell a house because your neighbor’s property is to the extreme, he feels the Council has an obligation to enforce the ordinance.

Councilmember Mathie explained that the beginning enforcement of an ordinance or law is the hardest because we do not know for sure how it’s going to play out, and this is why we brought in Mr. Billingsley because he has done this before with the backing of the County Attorney.

Councilmember Mathie feels what the Council has done so far with the enforcement of the nuisance ordinance has been very cautious, considerate and not heavy handed at all. Councilmember Mathie complimented Mayor Parsons on his willingness to go talk to the property owner on a one on one basis. He feels very comfortable in how we have approached enforcement of the nuisance ordinance so far. He reminded the Council that they all agreed unanimously that the properties in question met the criteria of non-compliance with the ordinance. He also stated that if any of them voted on the ordinance before completely reading and understanding the ordinance that was their own fault.

Councilmember Mathie explained that there is not a problem with some Councilmembers voting for and others voting against items; it does not always have to be a unanimous vote. He feels a diverse Council that can compromise will get more done and get along better than a Council that just rubber stamps everything.

Mayor Parsons stated sometimes we make decisions when we do not have all the facts, and this is something to work on. Councilmember Mathie used the example of when Public Works Director Devin Magleby asked about employees using City equipment for personal use and the proposed water ordinance, there were a lot of unanswered questions so these items were tabled until the Council could obtain further information.

Councilmember Mathie stated he likes the nuisance ordinance and how it is written. He feels this is a bare bone ordinance that only addresses public safety and the effect on other property owners.

Mayor Parsons explained he feels that if the Council enforces the ordinance to the end degree it’s going to cost the City a lot of money and cause hurt feelings. His question to the Council is at whose discretion is good enough good enough.
Councilmember Cartwright feels that the Council makes the decision upon what they have agreed upon. She feels like so far what we have agreed upon has been perfect. She stated that we are working on the worse ones not in a heavy-handed way, in fact we have offered to help some of them.

Mayor Parsons stated that we have not reached the 30-day mark on any of them yet but what do we do when the 30-days are up. Councilmember Cartwright stated that the Council has commented that if the property owner is making progress the Council will continue to encourage them to keep progressing.

Councilmember Cartwright also stated that she thinks Monroe is a small enough town and each property can be looked at individually and then the Council agree upon the action to be taken. She encouraged each Councilmember to drive around before each Council meeting and inspect the properties to see if they are making progress or if further action needs to take place, and then as a Council they can agree on what needs to be done.

Councilmember Mathie explained that we need to continue to treat similar situations the same, and he stated again this is the hardest part is to start the initial enforcement.

Councilmember Mathie also feels that as property owners realize that the Council is working on enforcement of the nuisance ordinance, they will look at their yards and begin cleaning them up so that they are in compliance of the ordinance, which in turn will make Monroe look better.

Mayor Parsons stated the problem he sees now that the Council has started enforcing the nuisance ordinance is at what standard does everybody from the bottom to the top meet. Mayor Parsons referenced Jerry Julander’s, he has made great progress so does this mean he is done. Councilmember Mathie explained, in his opinion, as an elected official it is their obligation to decide. He stated that if the majority of the comments from the general public to him state that they are satisfied with the efforts a property owner has made, this would probably affect the way he would vote when the Council was voting on the next step. Councilmember Mathie stated that he believes their job as a Councilmember is to take what we know, what we believe, and at our discretion along with the public influence vote accordingly.

Planning Commission Chairperson Bart Lee stated that the Planning Commission has worked on the nuisance ordinance three times while he has been on the commission and every time it is because we are seeing that Monroe is not what it was forty-years ago. He stated that from the outside looking in he feels the Council has made more progress in the last ninety-days than he has seen in over the thirteen years he has been on the Planning Commission. He feels that the Council may be acting a little premature in worrying about where do we stop, let it go on for a bit and see what happens. Chair Lee explained that he feels a lot of property owners were going downhill and therefore the Commission was asked to put more teeth in the ordinance, but he feels now the pendulum is going in the right direction.

Councilmember Mathie stated that the Council will have to make the decision of when a property is complying to the best of their ability. If it comes to a point where the courts are going to have to settle it.
then it becomes the County Attorney’s decision on if the case will hold up in court. He feels our goal is to keep the pendulum as close to the middle as possible.

Mayor Parsons explained that one of the reasons he has called this meeting tonight was because we are nearing the thirty-day point on the first letters being delivered and he wants the Council opinion on how to move forward.

The Council seemed to be in agreement that those property owners that responded in a positive manner be given more time, and the ones that have not responded be turned over to Code Enforcement Officer Charles Billingsley.

Councilmember Andersons stated that he feels the Council is doing a great job, because we are doing them exactly like it was discussed in an earlier Council meeting, with each property being looked at as case by case. He stated that the Council identified the ones which were more serious, and we now have a good relationship with the property owners. We want the property owner to be able to solve the problem and not spend the City’s resources to do it.

Councilmember Mathie stated that if the Council were to inspect one of the properties they identified as non-compliant and it was voted three out of five in favor that they were now in compliance, he believes the Council has done their job, as what they believe is necessary under the ordinance.

Councilmember Mathie stated that at the very beginning of this issue Mayor Parsons stated that he wanted the Council to take ownership of enforcing the ordinance and he feels with the current process in place that is what is happening.

Councilmember Payne asked are we mainly concerned about how it looks from the front yard unless we can see that there is a major safety hazard in the backyard. Councilmember Mathie explained his understanding of the ordinance was the front yard does have a different standard then the backyard. The front yard does have the visibility where the backyard is more about affecting public health.

Mayor Parsons asked the Council if they were still good with the properties voted on at their earlier meeting, and to continue to work with those that have started cleaning their yards and refer the one that hasn’t to Mr. Billingsley. Council agreed to this.

Councilmember Mathie suggested that at each thirty-day interval the Council should inspect the properties and then decide during Council meeting to give them additional time or take the next step on enforcement.

Mr. Lee and Public Works Directory Devin Magleby stated that when a property is going to be discussed during Council the property owner should be notified so if they want to address the Council they can. Mayor Parsons stated this is a good idea and from now on they will be notified.
Mayor Parsons stated he did not feel good about how the last Council meeting ended and does not feel like it was a win for anybody, and this is why he called this meeting tonight.

Councilmember Mathie likes how we have done the nuisance ordinance so far. He likes how it is written with the discretion of the Council, so they vote on it and must take ownership of it. The key to him is that we treat similar situations with the same treatment.

Councilmember Cartwright asked Councilmember Mathie to clarify what City Attorney David Church had stated about the sno-shack in the City right of way. Councilmember Mathie explained that he said if the building is in the right of way it should be moved, if the Council chose to let it stay there then should be a indemnification agreement stating the business will accept all liability for all activities in the right of way and carry an insurance policy that names the City as a third party insured for its protection. By allowing the business to remain in the right of way with not providing those items the City is liable.

Public Works Director Devin Magleby questioned this because it is the City’s responsibility to maintain the sidewalk, but it is not the City’s property it is UDOT’s property. He stated he was very surprised when Josh Peterson, UDOT, came over and told City Recorder Allison Leavitt that because the building was not permanent UDOT did not have a problem with it being on the sidewalk. Ms. Leavitt stated that maybe Mr. Peterson did not understand the situation caused by the sno-shack being there because there were no customers at the time, he was looking at it.

Councilmember Mathie stated again we just need to be consistent in our enforcement of City ordinances.

b. Consider proposed Water Ordinance.

Mayor Parsons would like to recommend that the City not pursue the funding package from the Utah Division of Water Resources to purchase water meters. The terms of the loan include changing our water policy to enforce penalties to property owners watering between the hours of 10:00 a.m. – 6:00 p.m. Mayor Parsons realizes that it is important for our customers to conserve water and would like to take more time to educate our customers before penalizing them.

Mayor Parsons suggested that the Water Department combine the yearly meter budget amount of $15,000 and the $18,000 that was going to be the payment on the new loan for a total of $33,000 to purchase water meters. This amount would allow the Water Department to purchase roughly 120 meters a year.

The Council discussed items that needed to be completed if the City does not pursue this funding. First that non reading meters should be read every other month by part time employees to save costs and ensure customers are being charged fairly, second that Utility Clerk Marisa Miles will prepare and maintain a prioritized meter replacement list, and articles will be included in upcoming newsletter to educate customers on the importance of wise watering practices.
Councilmember Mathie expressed his concerns on spending funds for an employee to read meters when the funds may be better spent on an additional employee for the parks or cemetery if the City were to accept the loan. Mayor Parsons explained that his main concern is that the loan comes with conditions that our users must comply with and he would like to hold off for a year and see if this new plan will work.

Councilmember Washburn made a motion to not amend the Water Ordinance nor pursue funding from the Utah Division of Water Resources for water meter replacements due to conditions of the loan. Motion was seconded by Councilmember Payne. A roll call vote was called. Voting yes: Councilmember Mathie, Washburn, Anderson, Payne and Cartwright. Vote was unanimous. Motion carried. 5-0

c. Approval of Resolution 6 06 2019 amending Monroe City Water Policy connection fees.

Councilmember Washburn made a motion to adopt Resolution 6 06 2019 amending Monroe City Water Policy connection fees. Motion was seconded by Councilmember Mathie. A roll call vote was called. Voting yes: Councilmember Mathie, Washburn, Anderson, Payne and Cartwright. Vote was unanimous. Motion carried. 5-0

5. Other Business:

Mayor Parsons:

*Informed Council that Dave Jensen is requesting 20 BBQ tickets for the volunteers who redid the City’s BBQ pit. The Council understood this to be an Eagle Scout project and they do appreciate the volunteers work however do not feel like we can justify giving them BBQ tickets for volunteer work in conjunction with an Eagle project.

Councilmember Mathie:

*Would like to thank Park Superintendent Bob Lee and City employee Shad Lee for their assistance with the baseball tournament and splash pad fund raiser.

*Hired Hayden Payne to prep the baseball fields in between games during the recent baseball tournament.

*Received a lot of compliments from out of the area participants on how nice our baseball facility is.

*Councilmember Payne commented on the overnight camping in the City parking lot during the baseball tournament. Councilmember Mathie stated this is a common thing during these type of tournaments.
They parked on the east end of the parking lot as to not interfere with parking of other participants.

Council discussed the possibility of creating a policy concerning overnight parking.

*Councilmember Mathie stated he believes the baseball tournament participants supported business located in Monroe during the tournament.

*Utility Clerk Marisa Mathie reported on the splash pad water day fundraiser. Ms. Mathie stated that nearly $1000.00 was raised and due to problems with the big water slide the owner of the water slide has agreed to allow a one-day free rental of the slide. Ms. Mathie plans to talk with the splash pad committee about holding another water day when we can use the splash pad, the large water slide and the slip and slide.

The South Sevier Football team offered their assistance with the water day as a service project. Ms. Mathie stated they were a great help with helping little kids in and out the bounce house, played on the slip and slide with the kids, and organized a touch football game for the kids.

The committee plans on selling raffle tickets for the big bull elk hunt donated by the Ekker’s at GG’s and Lin’s grocery stores.

6. Adjournment

There being no further business to come before the Council for consideration, Councilmember Mathie moved the Regular Council Meeting adjourn at 9:00 p.m. The motion was seconded by Councilmember Payne. The vote was unanimous. The motion carried. 5-0

The next regular City Council meeting is scheduled to be held on Tuesday, July 16 2019, starting at 7:00 p.m. at Monroe City Office.

Approved this 13th day of August, 2019

Allison Leavitt
Monroe City Recorder