Town of Portage Council Meeting

Wednesday, July 10, 2019,

Portage Town Hall

25880 N 9000 W Portage, Utah

Minutes

Attendance: Mayor Tree, Council Member Martina John, Council Member Tyson Nelson, Treasurer Debbie Lucas, Clerk/Recorder Katherine Munns, Council Member Lesley Smith, Sargent Bennett, Council Member Tyson Nielson

Absent:

Visiting: Amanda Loftis, Glen Jacobson, Robert Barrow, Norma Lasa, Grant Smith, Ed Rogers, Denton John, Chelsie Nelson.

Call to Order: 6:00 PM

Opening Ceremony- Pledge of Allegiance: Tyson Nelson. Prayer: Tyson Nielson.

1. Review minutes from June 12, June 24 2019. A couple grammar, and spelling errors were fixed.

Motion to approve Minutes from June 12, and June 24 with the corrections by Member John, seconded by Member Smith. All aye. Motion passed.

2. Review of Bills. Motion to approve June 13- July 10 2019 by Member Nelson, seconded by Member Nielson. All aye. Motion passed.

3. All financial, reconciliations, water adjustments or write offs were signed.

Public Comments:

Grant Smith- since we have extra water coming down the ditch is there a way to flood the park?

Mayor Tree- That is a good comment and we will have Tyson Nelson look into it.

Denton John- How much has the town paid in legal expenses the last two years?

Clerk Munns - Roughly $30,000 from the town directly and the insurance has paid out an additional $25,000. But this has all been since I have been here. I don’t know the number from the past couple years.

Grant Smith- Is there a way to get some of that back?

Member Nelson - The chance of getting that back is very slim. Our lawyers said that only a couple of cases a year actually get money back from a case like ours.

Grant Smith - is there anyone from the county or state to help? I know that it was talked about trying to get their help?

Mayor Tree- We have been talking to different people but it doesn’t look like we will. Most of the expense has been litigation but it looks like we might be in an actual lawsuit.

Denton John- Does the community know who has filed the lawsuit?

Mayor Tree- It is public record.

Denton John- How many lawsuits are against the town?

Mayor Tree - Right now we have one claim against the town and we have 60 days to respond or it will go to court. And that is from NWRE.

Denton John - I would like to address this issue. About 4 years ago they wanted to close the portage road into the canyon. A petition was passed around about who was against closing that road. I talked to the county commissioners before the road was closed and they said that they had talked to the Mayor of Portage and they said that he was very ambiguous about closing that canyon road. So that’s why the road was closed because they weren’t given a defiant answer. If that road had not be closed the town would not be having these legal issues. The reason they wanted that road closed is because they wanted to do whatever they wanted and no one would be able to see it. And so when that was closed that was exactly what happened. I just want to point out that when you talk to politicians you have to be direct or upfront. You can’t be ambiguous in any way. With 128 signatures on that petition opposing it and it should have not been closed.

Member John - When we had that meeting I questioned Bill Gilson on that and he said on the recording that the county doesn’t care as long as someone pays for that center line survey. And when we went to that meeting where they let us say or two bits, it was already a done deal because someone had already paid for the survey.

Denton John - when I went to that meeting and moved down the aisle to go speak

one of the town council members tripped me as I went out to the aisle and the sheriff that was sitting on that isle, afterwards asked me if I wanted to press assault charges. I told him no.

Member John - I remember that.

Denton John - There is something going on up there that is illegal. You cannot do something for one group of people that you are not willing to do for everybody, that is discrimination. There are solar panels on the inside of the town enclosure right now on the springs. Those are illegal and the town should never approved that. If you can get that approved maybe someone can go up there and get the approval to put up a used car lot. Now there is more than that going on up there besides the solar panels. They have taken generators up there and I saw 3 five-gallon gas cans in that enclosure that they were using to fill with gas to pump water up to animals. This is something that cannot be allowed to happen. I would suggest you get the solar panel out of there and the generators out of there and keep other businesses out of there and don’t let cattle run up there. Protect that water source like it should be. There have been too many problems that can take you back to not giving the county commissioners a defiant answer of no. When they closed that road they took away the right of the community to access that road that has been a right since early 1870s. The county has maintained that road, it was never a private road. People have tried different times to close that road all along the canyon. One time a cowboy strung a wire across the road that it almost took someone’s head off. These are liability issues that we wouldn’t have if we had obeyed they law and if things were done the way they should have been done. Sometimes it takes guts to stand up and do what is right.

Mayor Tree - Ok thanks Denton. To add to that there are 2 things. 1- When we had that meeting here to talk about the road there were a lot of people that were for keeping the road open and when I was contacted I told the county that the people wanted it open and I voted to keep it open because that’s what the people wanted. And 2 with the solar panels, with this lawsuit we are working to an agreement to make everything fair. But with the lawsuit that is all I can say right now.

Member Nelson - Both parties have generators up there and they are not in the Town’s enclosure.

Mayor Tree - And if the engineers in 2005 had done things correctly then we wouldn’t be in this lawsuit. Because things were not properly documented.

Member Nelson - There has been things said that people outside of the town council has keys to the spring and the beginning of last year that is no longer true. I took one of my personal locks up there so now the only ones that have access is Me, Mayor Tree and Cyndi Tree.

Denton John- the road should be opened back up.

Mayor Tree - County Commissioners are the ones that can change that. Contact them. Let’s move on to departments.

Review of Departments:

1. Water- Tyson Nelson

Nothing to discuss.

1. Roads- Lesley Smith
2. Discuss and vote on swathing the lane and trading the Samaria pipe for that service.

Member Smith - I want to point out that Denton and Bob John have swathed the lane and I think that they should get the Samaria pipe.

**Motion to approve giving Denton John the large Samaria pipe in trade for mowing the lane by Member Smith, seconded by Member John. All aye. Motion passed.**

1. Discussion of 8800 W, Work that still needs to be accomplished to finish. The town should mow the barrow pits by Oct.

Member Smith - The dust is gone. The shoulders on each side will be widened by the county by 2 feet with gravel, he hopes that this will start on Monday. What we need to work on is there have been a few problems with mailboxes. Bill is suggesting that they move them back a little. The owners are responsible to move them. The post office is aware. The town could discuss about paying for the new mailboxes. Go look at the cemetery road and see how good those look.

Member John thanked Darrell Bell for his great work at the cemetery .

Member Smith - Also the drive ways will be done next week and they will be smooth. Some people have complained that the pipes are over big but I have been telling them that the professionals are taking care of it. Its better to have overkill then not. I keep telling people to be patient. They are cleaning out the barrow pits and deepening them. That should be done in Sept. I do need to let everyone know that there have been some overages and the town will probably have to come up with another $25,000 for those. I do have it in the budget. There are some bumps and Bill will have LaGrand Johnson come out and smooth those out.

1. Member Smith I will check with Mike John to see if there are any repairs to the truck or snowplow before winter and see if he wants to plow.

Mayor Tree- he always does a great job.

1. Member Smith -Does the town have any plans for Portage Days this year?

Mayor Tree - We won’t be doing it but we are going to try to do little activities like Katherine did last year.

Member Smith - Well I just wanted to let you all know that I know a country gospel band and they said that if we feed them they will come. I think it would be neat to have them come sometime.

1. The book “Portage Then and Now” sales- Member Smith- We have about 30 books on the pre-order list. We will also have a few more stories to add.

Mayor Tree - When are we getting them?

Member Smith - I still have to order them.

5. Planning and Zoning- Martina John

* 1. Discuss and approve the variance for Ed Rodgers.

Member John - Ed Rogers would like a letter just like Lesli Hinzs got because of the size of their lots. Katherine and I have been working on this letter. First she just copied Hinzs letter and then I made a few changes. The lot in question is in commercial and you only need 1/4 of an acre. But it is also in rural residential.

Norma Lasa - I think that section 111 would apply to this because it will be a betterment to the community to have a nice home and kept yard compared to what it looks like now.

Member John - I got looking at this and I think that instead of a variance we can do a conditional use.

Mayor Tree - That’s great because that’s what Zac was concerned about. Because what you give one person you must be prepared to give it to others.

Member Nelson - So would the best way to approach this is to re-zone that area into residential?

Mayor Tree - that’s what Zac was thinking.

Member Nelson - the problem is that you can’t build a residential on commercial. We should re-zone the whole thing and only leave the machine shop as commercial.

Member Smith - who is Zac?

Mayor Tree - From BRAG and he helped with the Master Plan. We could have the meeting and change the zones in September. We can talk to Zac and make sure it is completely legal and not giving favors.

Grant Smith - is there a problem re-zoning and adding more residential blocks?

Member Nelson - that was discussed and it was decided no because it was felt that there were plenty of lots in the 16 blocks.

Mayor Tree- We are going to do it right and we will work with Zac. Give us a month and I think that most people will agree to have a new home on this lot.

Ed Rogers- Bottom line is yes I would like to build a home but you have to think about how it will be and affect the future.

**No motion on this**

6. Parks-Tyson Nielson

Nothing to discuss.

7. Fire Department - Fire Chief Robert Barrow

Nothing to discuss

Sgt. Bennett- Call out report

Not much but still having car and house burglaries. Please lock your house and cars.

**Motion to adjourn by Member Nelson and seconded by Member Nielson. All aye. Motion passed**

Adjournment; 6:55 pm

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Katherine Munns: Clerk/Recorder. Nic Tree: Mayor