**Portage Town Council Meeting**

Wednesday January 8, 2020

Portage Town Hall

25880 N 9000 W Portage, Utah 84331

Town Minutes

**Attendance**: Mayor Nic Tree (arrived at 6:15), Council Member Tyson Nelson, Council Member Tyson Nielson, Council Member Martina John, Council Member Lesley Smith, Clerk Katherine Munns, Treasurer Debbie Lucas, Fire Chief Robert Borrow (arrived at 6:15), Sergeant Bennett

**Visiting**: Amanda Loftiss, Norma Lasa, and Mariah Huggins

Mayor pro tem Tyson Nelson: called to order the January 8, 2020 Town Council meeting at 6:00 P.M.

 **Opening Ceremony**

**Prayer:** Council Member Smith **Pledge**: Council Member Nielson

 **1.** Review of November 13, 2019 and December 11, 2019 Town Council Minutes. The council talked about continuing to improve the minutes. Council Member John shared a document that outlined how the minutes should be done and what it involved. Council Member John summarized what the document stated.

**Council Member John**: Minutes are presented as a draft. Then you note your changes, then you make the changes and then we vote on the amended minutes. That’s a biggie, because then we will get a copy of the corrected minutes ~~,~~ and we will know corrections have been made and what is going to be posted , because we don’t see it unless we go to the government website. We also need to keep the recordings of all our meetings forever.

**Council Member Smith**: What I found interesting out of the Cities and Towns was that it says it doesn’t need to be word by word you conscious it except the motions. You do the motion and then do the motion that was made, but the rest of it does not need to be in it. Just a summary.

The council talked about making sure to keep the recordings forever. It was also agreed upon, that if a number down to the penny is stated it needs to be recorded and anyone has the right to say that they would like their statement to be recorded in the minutes.

**Motion to accept minutes from November 13, 2019 for Town of Portage Council Meeting by Council Member Smith. Seconded by Council Member Nielson. All aye. Motion passed.**

**Motion to approve the minutes from December 11, 2019 Town Council Meeting by Council Member Nielson. Seconded by Council Member John with the exception of a couple little fixes. 1-Motions be bolded 2- Sergeant is spelled wrong on the first and last page 3- Newspaper~~s~~ with an (s) 4-Bold the numbers on the item. All aye. Motion passed.**

**Member John** asked if we we’re going to implement the rules now. Mayor pro tem Nelson said that he thought we all needed to review them first.

**2 & 3.** Review and approve of December 12, 2019- January 8, 2020 Bill/Payroll and review financial report, bank reconciliations and water adjustments or write-offs.

**Mayor Tree**; arrived at meeting.

**Motion to accept and pay the bills of December 11, 2019 by Council Member John. Seconded by Council Member Nielson. All aye. Motion passed.**

**4.** Swear in Council Members John and Nielson as new 4 year Council Members by Clerk Munns.

**5.** Review and vote of the Wildfire Plan. The plan has already been approved but Council Member John has been working on changes. She was able go through the maps and verbiage and got the score lower for the Town of Portage and also added Clerk Munns name. Member John will get the couple other changes Mayor Tree mentioned to Scott.

**Motion to accept and approve the Community Wildfire Preparedness plan for the Wildland Urban Interface for the Town of Portage, with the changes that they havemade by Council Member John. Seconded by Council Member Nielson. All aye. Motion passed.**

**6.** Discussion and vote on ~~of~~ meeting times and days for Town Council and Planning and Zoning. The Planning and Zoning meetings will be held on the first Wednesday of every month at 6 P.M. The Town Council meetings will be held on the second Wednesday of every month at 6 P.M.

 If a Holiday falls on a scheduled meeting date; a notice will be sent out to the Town of Portage residents 1 month in advance.

All Town Council members’ duties will remain the same.

**Motion made on January 8th 2020, to have Planning and Zoning meetings will be held on the first Wednesday of every month at 6 P.M. held at the Portage Town Hall and the Town Council meeting will be held on the second Wednesday of every month at 6 P.M. at the Portage Town Hall by Council Member John. Seconded by Council Member Nelson. All aye. Motion passed.**

**Mayor Tree: asked if we (member John and Nielson) looked at our job descriptions so that we could just review it, because he didn’t know if Clerk Munns got that out.**

**We are not going to change anybodies department they are in it will stay the same.**

 **Clerk Munns stated she couldn’t find them yet.**

**7.** Vote on a Town Leader newspaper subscription. A yearly subscription is $45 and the paper would come every Wednesday.

**Council Member Smith** noted that she might be able to get a discount on it because she works for the Leader.

**Motion to take a yearly subscription to The Leader for roughly $45 per year by Council Member Nelson. Seconded by Council Member Smith. All aye. Motion passed.**

**Public Comments-** none

**Water- Tyson Nelson**

Review of Water Ordinance changes in 2020 notice. It will be sent out this month and the changes will be voted on 2/12/2020. Documents were read over and discussed. A couple of changes were made before it was sent out. Those changes are, 1-Bold the current and proposed headlines to be able to see them better 2-Take out the underlined 3- Change a to the in section 14 and 15. See copy of the notice and changes below.

**January Mayors note. Notice of Water Ordinance changes 2020. Changes will be voted on 2/12/2020**

**8. Current:** SECTION 33: FIRE HYDRANTS.

 Water for fire hydrants will be furnished free of charge by the Town. Installation of additional hydrants ~~when requested or required~~ will be at the expense of the developer or contractor/property owner and shall be deemed to be and remain the property of the Town. ~~Repairs on such hydrants shall be at the expense of the Town and shall be made under the direction of the Town. All users shall grant the Town, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the Town concludes that hydrants shall be so installed for the protection of the residents of the Town.~~

**Proposed: SECTION 33: FIRE HYDRANTS**

 Water for fire hydrants will be furnished free of charge by the Town. Maintenance and repairs on hydrants shall also be at the expense of the Town and shall only be made under the direction of the Town.

 Installation of additional fire hydrants will be at the expense of the developer or contractor/property owner and shall be deemed to be and remain the property of the Town.

 All new residential homes require a fire hydrant to be installed within 750 feet, by way of road. New fire hydrants shall be installed only on Town property, unless agreed upon by the Town and the land owner.

 Final location of install must be approved by the Town prior to installation. All new fire hydrant make and model shall be approved by the Town prior to installation.

 All users shall grant the Town right-of-way to maintain hydrants on their property as needed.

**11. Current:** SECTION 17: PERIOD FOR VISITORS.

Individuals visiting the premises of an authorized user in a recreational vehicle or trailer, not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period. The visitation period shall not exceed ~~thirty-one (31)~~ days. Continued use thereafter shall be deemed unauthorized use, and will therefore be deemed a violation of the provisions of this part relating to separate connections and unauthorized use.

**Proposed: SECTION 17: PERIOD FOR VISITORS**

 Individuals visiting the premises of an authorized user in a recreational vehicle or trailer, not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period.

  **The visitation period shall not exceed one hundred and twenty (120) days total for the year. Consisting of a single visitor or a combination of multiple visitors.**

 Continued use thereafter shall be deemed unauthorized use, and will therefore be deemed a violation of the provisions of this part relating to separate connections and unauthorized use.

**9.** Current: SECTION 14: SEPARATE CONNECTIONS.

It shall be unlawful for one user to receive service for a residence and a ~~separalte~~, detached and independent commercial business, or for two or more families or service users to be supplied from the same service pipe, connection, water outlet or discharge unless special permission for such combination usage has been granted by the Town Council, ~~and the premises served are owned by the same owner~~. In all such cases, a failure on the part of anyone of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made. The property owner shall, in all cases, be primarily liable to the Town for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the Town to require separate pipes or connections at a subsequent time. The prohibition herein provided shall not apply in those instances where the joint residential and business use are in existence at the time of the adoption of this Ordinance. If and when such use is discontinued, or if there is a change of ownership, or a severance of ownership between the residence and the business, then the "grandfather" protection afforded by this section shall terminate.

**Proposed: SECTION 14: SEPARATE CONNECTIONS**

It shall be unlawful for one user to receive service for a residence and a separate, detached and independent commercial business, or for two or more families or service users to be supplied from the same service pipe, connection, water outlet or discharge unless special permission for such combination usage has been granted by the Town Council.

**With the exception of RVs (recreational vehicles) that may temporarily use said water for a duration of one hundred and twenty (120) days total for the year. Consisting of a single visitor or a combination of multiple visitors.**

 In all such cases, a failure on the part of anyone of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made. The property owner shall, in all cases, be primarily liable to the Town for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the Town to require separate pipes or connections at a subsequent time.

The prohibition herein provided shall not apply in those instances where the joint residential and business use are in existence at the time of the adoption of this Ordinance. If and when such use is discontinued, or if there is a change of ownership, or a severance of ownership between the residence and the business, then the "grandfather" protection afforded by this section shall terminate.

**10.** Current: SECTION 15: UNAUTHORIZED USERS.

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water service regularly from his premises or water facilities, whether such use or acquisition is outside or inside the water service user’s premises.

 **Proposed: SECTION 15: UNAUTHORIZED USERS**

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water service regularly from his premises or water facilities, whether such use or acquisition is outside or inside the water service user’s premises.

**With the exception of RVs (recreational vehicles) that may temporarily use said water for aduration of one hundred and twenty (120) days total for the year. Consisting of a single visitor or a combination of multiple visitors.**

**Member John: asked Member Nelson if he thought “the” sounded better than “a” in front of duration. Member Nelson and other members said yes.**

**TOWN OF PORTAGE**

**RESOLUTION 2020 – 05: Recreational Vehicles**

**Will be voted on the February 12, 2020 council meeting**

Resolution 2020-05 establishes rules and regulations governing the placement of and requirements for occupying Recreational vehicles placed on lots located in the Town of Portage.

 Key elements of this resolution include:

• Length **of stay:**

1. One hundred twenty (120) days total for the year occupied, consisting of a single visitor or a combination of multiple visitors. There are no restrictions for unoccupied except parking.
2. Recreational vehicle/vehicles are allowed for part-time occupancy only and are not intended for permanent or semi-permanent residency.
3. The following exception shall apply; recreational vehicle may be used as temporary living quarters while building a home.
4. Provided proper utility connections are installed on the same lot as the new home is being constructed. See utility connections.
5. See section 115 land use charts in the Town of Portage codes/ordinances.

• **Utility connections:**

1. **Power:** A dedicated circuit sufficient for the RVs electrical requirements must be used.
2. **Sewage:** All sewage must be carried out or disposed of in a proper sanitary sewer system.
3. **Water:** Section 17 in the Town of Portage water ordinance.

Individual’s visiting the premises of an authorized water user in a recreational vehicle (this does not include mobile homes) and continues to live therein during the period of visitation, may receive water service from the service pipes or facilities of the host during the visitation period.

 The visitation period shall not exceed one hundred twenty (120) days total for the year. Consisting of a single visitor or a combination of multiple visitors.

 Continued use thereafter shall be deemed unauthorized use and will therefore be deemed a violation of the provisions of this part relating to separate connections and unauthorized use. Also see sections 14 & 15 of the Town of Portage water ordinance.

• **Parking:** All recreational vehicles shall be parked on personal property and may not be parked on Town property whether they are occupied or not in use.

• **Lots** occupied by recreational vehicles will be required to meet the same standards for cleanliness and fire safety as all other lots in the Town of Portage, both as presently stated and when future modifications are made.

**Roads- Lesley Smith**

**12** Discussion of the road projects. We owe the county $42,000 for this year and then next year we will have to allot another $40,000. These are the numbers Council Member Smith has put together.

Budget $350,000 Trans Corridor Grant & $25,000 Portage Town funds plus $11,000 FEMA

Total $389,000

Contech Pipe (Pipes) $37,124.56

Portage Lane Pipe County Work $16, 613.06

8800 West Gravel Work & Pipe $130,246.11

Shouldering $17, 125.26

Legrand Johnson/Kilgore Asphalt $233,395.43

Legrand Johnson/Kilgore Shoulder Gravel $11,855.00

Total $446,359.42

We will ask for a 25% discount on the 8800 West gravel work, because of the extenuating circumstances of the rain and wet conditions, we needed to double the road base estimated to build a sufficient road and we had to haul the material farther.

We owe the county $42,000 for this year and we will pay the rest next year.

There was discussion on the roads account and budget amounts, to try to clarify where the money will come from to pay the County for the road. Mayor Tree went over some number to further clarify amounts and available funds.

**Member John** brought up the mowing on the roads and how important it is for the protection of the Town and that it is in our Fire plan. Member Smith said that she has a plan for the barrow pits for next year.

**Council Member Smith:** brought up the recent crash with a minor on a snowmobile. Minors should not be driving on the public roads.

**Sergeant Bennett:** explained in depth the laws on ATVs including; registering, required equipment, driving on public roads as well as private lands and roads and said to visit the: Utah dnr all terrain vehicle laws website.

 **Mayor Tree**: asked to put a reminder in the Mayor notes for the month and to also add the website.

**13.** Not discussed

**Planning and Zoning- Martina John**

**15.** Approval of Mariah Huggins building permit. Mariah presented her documents that have been approved by the Planning and Zoning, to the Town Council including, setbacks, septic approval from the health department and etc..

**Motion to approve Mariah Huggins building permit by Council Member John. Seconded by Council Member Smith. All aye. Motion passed.**

**14.** Approval of Ben Gudmunsen (renovation) building permit. Council Member John has been in contact with the county they have given verbal approval and stated that they will be doing all the inspections on the work being done on the home.

She has also received from the health department: written approval for the septic as well as a septic permit and was advised to issue a building permit as they would not be issuing an occupancy permit until everything has been inspected and approved.

Member John also presented the building inspection and meth test that Ben had done on the home to the council.

**Motion to accept Ben Gudmunsen’s remodel/repair building permit of the property at ( 8850 W 25900 N ) by Council Member John. Seconded by Council Member Nielson. All aye. Motion passed.**

**16.** Review RV resolution change (see above discussed in Water number 16)

**17.** Discussion of ordinance violation letter. Council Member John brought the idea up to ~~right~~ write up a letter to address the problems when the public makes formal complaint. She quoted section 103, asked the council what they wanted to do about the verbal complaints that everyone receives such as barking and aggressive dogs, over grown yards that are fire dangers and etc.

After a lengthy discussion about formal letters from complainants, they feel that: yes a letter is what they need. The complainants’ anonymity will be kept.

Member John also stated that she felt it would be in the best interest of the Town to issue a letter to the violators even though we cannot up hold our own ordinances; however we would have a record of the written notification of violation that was sent out.

 Mayor Tree is going to try and find the old letter or if the county has something to put together, he likes the idea to get letters out.

**Amanda Loftiss:** asked about dogs acting aggressive toward humans and attacking animals. There was a lengthy discussion about what to do.

**Sergeant Bennett:** asked that the person involved please call them and inform them about their actions and/or the incident.

**Parks- Tyson Nielson-** None

**Fire Department- Chief Robert Borrow-**None

**Call Out Report- Sergeant Bennett** Burglaries and theft is happening a lot. Please don’t leave your keys in your cars and recreation vehicles. Please, please lock you stuff up. Also please, when you see something strange call immediately. Don’t wait to call.

**Motion to adjourn at 7:30 by Council Member Nelson. Seconded by Council Member Smith. All aye. Motion passed.**

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Katherine Munns:Portage Clerk Nicolas Tree:Portage Mayor