**Town of Portage Council Meeting**

**Wednesday November 13, 2019**

**Portage Town Hall**

**25880 N 9000 W Portage, Utah 84331**

**Minutes**

**Attendance:** Mayor Nic Tree, Council Member Tyson V Nielson, Council Member Lesley Smith, Council Member Martina John, Council Member Tyson C. Nelson (arrived at 6:15), Sgt. Bennett, Clerk Katherine Munns, Fire Chief Robert Borrow (arrived at 6:10) Treasure Debbie Lucas.

**Absent:**

**Visiting:** Amanda Loftiss, Norma Lasa, Cyndi Tree, Glen Jacobsen, Sheryl Wadman, Ken Theis, and Blain Hamp (both Ken and Blane left at 6:31)

**Opening Ceremony**

**Pledge:** Council Member Martina John **Prayer:** Council Member Tyson Nielson

Mayor Tree stated that he and Martina John are the chairmen of different meetings and that they are going to try to stay on task as to make the minutes easier to do, and not get offended if they say only one person at a time.

1. Review of October 9, 2019 Town Council Meeting. Council Member John pointed out on page 4 there was a typo.

**Motion** to approve minutes from October 9, 2019 with a couple small changes by Council Member John, second by Council Member Tyson Nielson. All aye.

**Motion Passed**

1. Review of October 9- November 13, 2019 Bills/Payroll. Mayor Tree brought up he had a bill from EMS Conference that the Fire Dept went to for their hours.

**Member Smith**: We need to have the Rocky Mountain Power bill on there.

**Mayor Tree**: Asked what this was for.

**Member Smith**: Stated for the light on 9200.

**Mayor Tree**: Said let’s move on this right now.

**10.** **Jumped to #10** Roads

**Member Smith**: Funding for the light on 9200 west. Rocky Mountain Power can put a new light in for $488.20. Need to have this signed so that the check and the paper work can get sent in a.s.a.p. It will come out of roads and I do have enough money to do it.

**Member John**: I feel that we haven’t been able to get our barrow pits taken care of. Our town looks like crap, why should we put a light out there.

**Motion** to approve that we pass the Rocky Mountain Power lighting on 9200 for $488.20 by Council Member Smith, second by Council Member Nielson. All aye with the exception of a nay from Council Member John.

**Motion Passed**

**2. Continued.** Review of Oct 9- Nov 13 2019 bills/payroll.

**Member John**: So from 11/13. What is that from Box Elder County?

**Member Smith**: They came through and patched and sealed all the holes in town, they did it twice, so that's why it was $800.

**Member John**: and Peterson Plumbing was?

**Clerk Munns**: It was for spare parts and a meter.

**Motion** that we accept and pay the bills by Member John, seconded by Member smith. All ayes.

**Motion Passed**

**3.** Review of Financial Report, Bank Reconciliations, and Water adjustments or write offs. Council **Member John** was asked to make sure to look over them. She asked for instructions. Mayor Tree and Clerk Munns explained how to do the reconciliations Bank Reconciliations were signed and approved.

**5. Jumped to #5 Mayor Tree:** Ken is with us from the DNR we met with a committee about this plan on October 24, 2019. He is going to present what the committee came up with and how it went.

**Ken Theis:** My name is Ken Theis and I am with (DFFSL) Division of Forestry and State Lands. I am the Wildlife Land Interface Coordinator for the Northern Region. This is Blain Hamp area manager. He is here to help answer questions about the participation commitment of the wildfire system that you have opted into as a community. As a result of that, Part of that involves your participation of preparing a Community Wildfire Preparedness Plan (CWPP). Box Elder County retained a Bear River Area Council of Governments to assist prepare the CWPP in various counties in Box Elder County. Portage is one of the communities that fell under that contract with Box Elder County. Scott McComb with BRAG has been working with the mayor and the committee to develop the CWPP. It started back in September when we had a couple of meetings. The latest meeting was in October where we as a group sat down with your committee and input info into the document to develop the preparation preparedness prevention and mitigation measures that we felt, or you felt, would be appropriate to address you fire risk and hazards. So what I have here tonight is several copies of the draft CWPP for your consideration. We are kind of sitting in for Scott on this. I don’t know how much advance notice you have had to review the draft but if I can just circulate this and pass it to the appropriate committee members to look it over. It maybe preliminary at this point to have you approve this until you have thoroughly reviewed it. There are a couple of things I did want to point out. As far as the CWPP goes, and it is on page 6 I believe, actually page 9, there is a discussion of the project area which is the Portage Town, private lands within the town, and the lands controlled by the city. The plan only applies to the private lands; the surrounding lands outside the boundaries that maybe subjected to other agency administrations are not covered necessarily by this plan. So you are not required to do mitigation or prevention preparedness on their areas.

**Council Member John:** So you know how we have our fire district, is that what he is talking about right?

**Mayor Tree:** Yes so what we are talking about in the city and then that is where we would do our mitigation then outside would be the county.

**Council Member John:** Ok, so just in the city limits

**Mayor Tree**: Yes just in our block area.

**Ken Theis:** Yes, not that you are not influenced by the fire risk by the outside the community.

**Mayor Tree:** Yes, just in our little block area. Because we could help the county out because it is our area too.

**Ken Theis:** The community has been adversely affected by the fire that certainly came right up to the boundaries of the town. One of the concerns we always have is would the fire risk models show that the community itself is pretty low risk, you are still at risk from embers blowing in from nearby lands and they came pretty close. Being aware of that, it behooves the community to address the various potential mitigation measures that you can do that will prevent, or not necessarily prevent, but reduce the chances of wildfire impacts through the community. Those are summarized on page 9. Where we have talked about maintaining the current level of preparedness where the community is already conducting the mowing, fuel reduction, those efforts that are ongoing. Those are certainly worthwhile and help quite a bit on cutting down risks to the community. Also mowing around the hydrants and making sure the water pressure is adequate and those types of things that are ongoing with the fire department. I think we have the Fire Chief here (Robert Borrow). So we talked about some of those measures there and are you comfortable with those?

**Robert Borrow:** Yes

**Ken Theis:** One of the other areas we talked about were, there probably could be some improvements for the community at large, is the education component and working with the community by perhaps having an open house with the community to discuss the measures that individuals can do. We can provide brochures for the community to do that and with advance notice possibly have a rep from FFSL here at the open house to help put those on.

**Council Member John:** I think that is a good idea.

**Mayor Tree:** Let’s get Smoky the Bear out here.

**Ken Theis:** It helps to have a cookout or something.

**Council Member Smith:** It would get more people aware.

**Ken Theis:** We also talked about the bulletin board that you can post fire info and keep that updated throughout the fire season. That would be pretty beneficial to the community. One of the concerns that the fire committee had was the fire fuels around the area outside the boundaries adjoining and on the private lands. Some of that area is enrolled in CRP administered by the Natural Resource Conservation Service. We have a change here that says that National would make those changes in the final copy where that’s appropriate. But that’s an area that NRCS can work with the community and private land owners to conduct mitigation. Which in general usually involves mowing those areas to create a mown full break adjoining the property boundaries with the city could help quite a bit. So there will be opportunities to discuss those kinds of measures with the NRCS and those private land owners that are enrolled.

**Council Member John:** Do you know if they allow that? We really have of that around town. Mostly up middle canyon. I think Denton and Bob pulled theirs a couple of years ago I believe. So I don’t know if we have any right around our town. Most of it is regular farmland.

**Mayor Tree:** I think that was a point Val was concerned about because he still thought that Bob still had some.

**Council Member John:** I think this is the second year they cut wheat out there.

**Mayor Tree:** Good to know.

**Council Member John:** Is it ok to do fire breaks around their CRP?

**Ken Theis:** Those kinds of things are things that would be discussed with the NRCS.

**Blaine Hemp:** So if you were doing a fire break around CRP to protect your town, I would allow that into the program. Would USDA? Or do they require manipulation?

**Mayor Tree:** But like you said you would have to have that communication with all the people involved.

**Blaine Hemp:** A simple phone call I would think.

**Ken Theis:** It would involve that private land owner. It’s a measure that has been conducted in other areas to, so this isn’t unusual. I think that would fit their parameters as well as appropriate conservation measures. We filled out the bulk of the forms of the plans of that meeting so there isn’t a whole lot there that needs to be revisited at this time. One of the things, Bear River area council of governments did do was they took the foot print of the community and overlaid the community and the county plan with the fire risk and the fire threat maps that we use as models to determine where, for example, you can see the outline of the community and obviously everyone that lives here knows where the fire risks and threats on the West side from the vegetative hillsides. Now a lot of that has burned off. It’s in tall grass, that’s a different fuel type but can still burn. It has a different effect than it would have before it burned. A lot of the juniper trees that are highly flammable and would cause problems in throwing embers, those are pretty well gone but it is the flashier fuel now. The fire threat is still there but it is a little bit different than it was before the fires of 2016 I believe. What I did want to point out was the BRAG over laid the fire risk maps with the community general plan and came up with some recommendations. Those are towards the back in the appendix of where you can see the wild fire hazards again, primarily on the Northwest and the Southwest corners of the community. Being aware of that, the next map is the sensitive lands analysis where they over laid the info with the community assets and came up with what they call the sensitive lands analysis, which is primarily a guideline for consideration by the council for the types of development that might be allowed to go into these various areas. That is a feature that I think might be useful to the commission in considering further developments and things of that nature going forward.

**Council Member John:** These are in our maps. We are adding that section to our ordinance but it is in our master plan that we worked on.

**Mayor Tree:** It’s nice that we have those that we can go to.

**Ken Theis:** We think that would be a pretty helpful aspect to add to ~~of~~ the plan. What we are asking for you to do tonight is to consider this and conceptually approve it. We’ll make the changes as we’ve noted, even a few minor changes in the plan. The signature page unfortunately says Draft on the top so we can conceptually request your approval of this, but at this point we will get you a fresh copy with the signature pages finalized. I can bring that back or Scott can mail it over and you can have your committee members sign that. It usually involves the 6 members that were on the fire committee as well as any members of the commission. Usually the members of the commissions are involved in signing these.

**Mayor Tree:** How often will we update this?

**Ken Theis:** The status is to be updated every 5 years and it is pretty easy to do once the basic document is in place. It’s all electronic and can be updated anytime. It is encouraged that you look at it every year and if there is anything that changes in the community to consider other ideas that you might have for the projects. Primarily, the reason being occasionally there are other opportunities to get federal funding usually to do major mitigation projects and almost every time there is a grant opportunity first thing they ask if that project included in the CWPP. When it is in there it ties in what the intent and purpose of that grant.

**Council Member John:** Will this help with your CDBG grant?

**Mayor Tree:** Maybe not as much, but what this does help is if we do have a big issue, FEMA we will make sure we have this so I like anything else we will be able to say yes we have this and FEMA will kick in and help.

**Ken Theis:** FEMA has been involved in other CWPP and it is a natural connection because they are concerned about sensitive lands, and besides flooding, any natural hazards or issues that relate to what they normally involve also include fire.

**Mayor Tree:** I know when you go for a lot of certain grants they ask if you have this or that. I am sure this will be on there. It is an essential thing we would want to have. One thing I would like to say is I think it went really good on the 24th with the committee and you guys that came out. I appreciate you and the committee. We saw a big gap that we want to meet with the public more and let them see what we have. That was a big thing we go out of it. We need to do more things with the public.

**Ken Theis:** It is to Portage’s credit that you assembled a group of citizens and do this as a collective group rather than just have one person do it. Usually, a fire chief or the county fire warden sometimes get stuck doing it. It is much more meaningful when you have community input in the process.

**Mayor Tree:** I would like if we feel good about it. Definitely read it and we can change it right now we will make the motion with the changes we can always come back to it though. But I think it is something good. Ken is aware of the changes and we can always re-motion on the contingency that we know that now.

Motion to accept the community Wildlife Preparedness Plan for the Wildland Urban interface for Portage, Utah with the few changes by Council Member John. Second by Council Member Nelson. All aye.

**Motion Passed**

**4.** Review the Sell/Trade of the old pipes from the burn pile. Council Member Smith found 3 people who would like to take them. Sheryl Wadman, Steve Huggins, and Council Member John. A notice was sent out to the community in the water bill and notices around town. They were told they could just have the pipes for free. Each person pick a card to decide which pipes they got. High card won the pipe. Glen Jacbsen (for Steve Huggins) and Martina John drew a card for pipe 7. Sheryl Wadman received pipes 1, 2, 3, and 4. Steve Huggins received pipes 7 and 8. The rest of the pipes went to Council Member John with the exception of the big pipe is Denton Johns.

**6.** Discussion of the Christmas party. Wednesday December 11, 2019 at 7pm was decided. Motion to approve the Christmas party on December 11, 2019 at 7pm with the town providing the meat by Council Member Nielson, second by Council Member Smith. All aye.

**Motion Passed**

**Public Comments-** there were no public comments.

**Water- Council Member Tyson Nelson**

1. Discussion to vote on water ordinance section 33 change on fire hydrant.

**Mayor Tree**: Where is the ordinance? Now that it went out to the public we should have one here and then vote on it.

**Member John**: You know I have a question on that, I sent out an email as soon as I saw it. It was advertised incorrectly.

**Member Nelson**: There was formatting that didn’t transfer in an email.

**Member John**: Even on the government website it should look like this, because we changed this in 2012 all the red was changed.

**Member Nelson**: So I had all of that on there and it was supposed to be all crossed out.

**Member Nelson and Member John**: Agree it was the wrong one.

**Mayor Tree**: So with that being said it feels like we might not be ready and we need to repost it then. If it wasn’t accurate then the public could come back to us.

After a bit more discussion it was agreed to redo section 33 again. It will be re-advertised correctly and move to January so that we have the new ordinance ready with the signature lines.

1. Discussion of the water protection zone around the town well.

There was a lot of work gone into what the proper distant is. Member Nelson worked with Steve Huggins’ son Mathew and his wife Mariah on distances for their property to place their septic tank from the town water well. In the end they ran into an issue with state records and county records. Member Nelson sent to the Health Department and said that they could now release Huggins permit for the septic. The Health Department will not release the permit until they have a letter from the town stating that the Huggins know the distance and that the Town will check that.

**Mayor Tree**: Do we have a letter saying both parties are aware or what it is?

**Member Nelson**: It’s usually just us telling the Health Department that they are good to proceed with it and that they (Huggins) are meeting the setbacks of whatever it is for the wellhead because it’s going to vary all the way around it. Member Nelson then went over some more measurements and the numbers and said that it is based upon the State Department that does this. Mark from the Health Department and myself had to meet with the State Department to get this updated because the example for the wellhead was at the wrong location and ect. They got this fixed.

**Member John** would like to get with BRAG to update everything and so also make sure it goes in the town ordinances.

**Mayor Tree:** Let’s get with Zac from BRAGG.

**Member John**: I will get with him about this.

**Member Nelson**: Mark Rees has approved their building permit based upon me going and sitting there and laying this out with him so that they meet those requirements.

The Town will get all the documentation taken care of and get it to the health department and the Huggins already have their permit.

**Roads- Council Member Lesley Smith**

1. Discussion on the 8800 project. Council Member Smith met with Bill to discuss the money and how they are going about it.

**Member Smith**: But what is going to happen is we as a Town are going to pay $32,000-$35,000 for this year and also FEMA paid us $11,000 and that will cover for this year, what is owed to the county this year. I just want to have this perfect when I present it to you guys so you will know exactly what we did, how we did it and why.

**Council Member Smith**: What we are going to do to it this year is put more shoulder out toward the state line. Bill has some vertical signs for the short shoulders that he is going to put out there. The shoulder is short so that will be covered out there for the slick roads. The borrow pits are another matter because they are so steep to be able to cut those down and we didn’t have the equipment to do it. I also didn’t have the money but we are just going figure out something else but it will have to stand as it is for now. I am not ready to present because I wanted Bill to be here and I wanted everything to be perfect.

**Mayor Tree:** Like you said there will be more on that and we are interested to see where it goes and how the budget is going. And we are not giving up on getting for funding from the Mayor grant.

**10**. Discussed above (see after #2)

**Planning and Zoning- Council Member Martina John**

**11.** Discussion on Mariah Huggins subdivision. Council Member John noticed that we motion on a building permit instead of a subdivision in a previous meeting.

Her building permit motion will be void and when she gets the correct paper work (which was lost) turn in to be sign it will be re-motioned.

Mayor Tree: Suggested to cover us to just make a motion for the subdivision and then we will come back.

Motion to approve Mariah and Matthew Huggins subdivision by Council Member John, second by Council Member Nielson. All aye.

**Motion Passed**

1. Discussion on the water ordinance 14, 15, 17 and RV resolution 2019-05.

**Member John**: So this one we know (referring to section 17 RV resolution) just needs to change to 120 days. But on sections 14 and 15 I was wondering if you want to add the 120 days, take the time to look them over. Because both of these sections discuss outside water users and I feel they need to be addressed and change to 120 days also.

**Mayor Tree**: We can review it in January and make sure we like it and then send it out in January.

**Member John**: the reason is that the RV resolution references all of these.

1. Discussion on adding footers and page numbers to the town documents.

**Mayor Tree**: stated he liked the changes to the minutes and that they look nice and anything that would make it easier on us.

**Member John**: Stated that if we have the footers on all the documents it will help. For example some documents that were requested had a page that had a date and nothing about or for so therefore it was useless.

**Mayor Tree**: I will say this, back in the day the two positions where separate and now Katherine is doing all of this, I mean she has zoning and town council and that’s a lot of minutes. So we were thinking of other venues to help her out with that too.

**Member John**: In the ordinances it says that I’m supposed to do the minutes. She asked the clerk if it had to be her.

**Clerk Munns**: It can be but doesn’t have to be.

**Member John**: If it’s too much on her I will gladly do the minutes for zoning.

**Mayor Tree**: That’s something that the two of you can work out. If Member John does the minutes Clerk Munns will review them.

**Member John:** To clarify in the State of Utah it says that the Clerk does them but in our ordinances it does not.

**Parks-Council Member Tyson Nielson**

**Member Nielson:** I have nothing.

**Fire Department- Sgt. Bennett call out report**

**Sgt. Bennett:** This last month we had 13 cases up here, nothing real important. I guess with hunting season we had a hunter get a little cranky with one of the farmers. This time of year we do have a lot of theft coming up. I don’t know what it is, lock your stuff up. We encourage you if you see something suspicious please call us as it is happening. We are getting a lot of calls “well we saw a suspicious person 3 days ago.” Other than that October was boring.

**Mayor Tree:** I know that this is not on the agenda but that grant Cyndi and I had a meeting today about the formats for the CBDG grant. We don’t have to go and do a survey because we have already done that in 2017 for the income. But next month there is a short step by step process Katherine that we have to follow. That’s what we have to do next month.

Motion to adjourn by Council Member Nielson, second by Council Member Nelson. All aye.

**Motion Passed**

**Adjournment at 7:15**

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/S/Katherine Munns:Portage Town Clerk/Recorder /S/Nicolas Tree: Portage Town Mayor