**Portage Town Council Meeting**

Wednesday February 12, 2020

Portage Town Hall

25880 N 9000 W Portage, Utah 84331

Town Minutes

**Attendance:** Mayor Nic Tree, Council Member Tyson Nelson (arrived 6:05, Council Member Tyson Nielson, Council Member Martina John, Council Member Lesley Smith, Clerk Katherine Munns, Sgt. Bennett and Fire Chief Robert Borrow (arrived 6:05)

**Visitors:** Amanda Loftiss, Norma Lasa, Chelsie Nelson, Ed Rodgers, Eli Wolf, and Brittany Wolf

**Opening Ceremony**

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

**1.** Review and approval of minutes from January 8, 2020 Town Council Meeting.

**Motion to accept minutes from January 8, 2020 Portage Town Council Meeting by Council Member Nelson. Seconded by Council Member Smith. 4 ayes and a nay from Council Member John. Motion passed.**

Council Member John voted nay because the RV notes were typed wrong. It was discussed later in the meeting (see #10).
**2.** Review and approve of January 9, 2020 - February 12, 2020 Bills/Payroll.

It was asked about the Blue stakes, Cache Valley Publishing, and Miller’s Gas. Blue stakes total was combined with the $50 is the membership and then little amounts for small jobs. Clerk Munns has the breakdown for each job. Cache Valley Publishing was used to send out the announcements for the meeting. The Leader is included in the publishing group. Miller’s Gas was used twice so that is why the amount was higher.

**Motion to pay the bills from January 9, 2020 - February 12, 2020 by Council Member Nelson. Seconded by Council Member Nielson. All aye. Motion passed.**

**3.** Review of Financial Report, Bank Reconciliations, and Water adjustments or write-offs.

**Mayor Tree**: I encouraged you in your departments to take this home and look at it and see how you are doing. We did do out audit and we are doing fine, just keep an eye and it. Then if you do have questions we can come back.

**Clerk Munns:** They did send something back for the audit. We had too much money in our reserve, so Kyle had to help me write a letter and make our account say this money is spent (for the roads project) we just haven’t received the bill for it yet. They accepted that letter explanation.

**Accepted and Signed**

**Jumped to #6**

**Motion to open the public hearing by Council Member John**

**6.** Public Hearing for the Water Ordinance 2020-01 section 33: Fire Hydrant

**Council Member Smith:** Why is the fire hydrant distant set back 750 instead of 550?

**Council Member Nelson:** Due to the nature of our town, the water availability as far as pressure, limitations of our hoses, and hydrants and that type of stuff. We changed it to 750 to better suit our needs what we were using or not using. We have never had anything or done anything previously with it. We have talked about it but never really had a footage.

**Mayor Tree:** This doesn’t mean that in a year or two we can’t change it. Right now we are ok but if the pressure drops we will be in trouble. It can be changed though. This will give us something now so when people come ask us.

**7.** Public Hearing for the Water Ordinance 2020-02 section 14: Separate Connections

**8.** Public Hearing for the Water Ordinance 2020-03 section 15: Unauthenticated Users

**9.** Public Hearing for the Water Ordinance 2020-04 section 17: Period for Visitors

**Motion to close the Public Hearing by Council Member Nelson. Seconded by Council Member Nielson. All aye. Motion passed.**

**Jumped to #13**

**Water- Tyson Nelson**

**13.** Vote on Water Ordinance 2020-01 section 33: Fire Hydrant

**Motion to pass Water Ordinance 2020-01 section 33: Fire Hydrant by Council Member Nelson. Roll call vote. All aye. Motion passed.**

**14.** Vote on Water Ordinance 2020-02 section 14: Separate Connections

**Motion to pass Water Ordinance 2020-02 section 14: Separate Connections by Council Member Nelson. Roll call vote. All aye. Motion passed.**

**15.** Vote on Water Ordinance 2020-03 section 15: Unauthenticated Users

**Motion to pass Water Ordinance 2020-03 section 15: Unauthorized Users by Council Member Nelson. Roll call vote. All aye. Motion passed.**

**16.** Vote on Water Ordinance 2020-04 section 17: Period for Visitors

**Motion to pass Water Ordinance 2020-04 section 17: Period for Visitors by Council Member Nelson. Roll call vote. All aye. Motion passed.**

**Jumped to #10**

**10.** Discuss and vote on RV Resolution.

**Council Member John: (**Presented the three different RV resolutions that have been used) my issue is. This is what we were handed last month. This is what Tyson read, the light gray stuff was in red that is exactly how Tyson read it verbatim. In the minutes again its’ the wrong one, and then when it went out in the water bill it was sent out as that so it has been advertised incorrectly. And if anyone wants to listen to the minutes, Tyson read that exactly word for word at minute 36 .Clerk Munns was talking in the background. Member John said: listen to the minutes I am not going argue its’ in the minutes at minute 36 its’ wrong. I have sent out emails and text messages that it is not a problem but it got made a problem with the text messages. I have no problem like I stated before but I will have an issue if there are any more arguments and text messages are sent making decisions on the RV Resolution because it is a wrong.

**Mayor Tree:** The good thing is that it is just a resolution. It is a lot easier to fix than an ordinance. We will look at it and put it back out for next month.

**This will be moved and discussed in March.**

**4.** Discuss and approve acquisition of Ogden’s used fire engine

Mayor Tree and Fire Chief Borrow went down to Ogden to look at a 1996 closed cab fire engine that is for sale. They are asking $10,000 and the mayor wants to propose an offer of $7,500.

**Mayor Tree:** It is looking pretty good that they might accept our offer so we just want to go for it. Where our squad did get hit, we got about $5,200 and we are going to try and sell this engine. So really the fire department will only have to put out $2,000 out for it. Now with that being said we are still going after the grant one too. The other engine that will be better for structure and wildland.

**Motion to put in an offer for $7,500 for Ogden’s used fire engine (year 1996) by Council Member John. Seconded by Council Member Smith. All aye. Motion passed.**

**5.** Discuss and approve buyer for old GMC fire engine

Mayor Tree has found a buyer for the old GMC fire engine for $500.

**Motion to accept the offer of $500 for the old GMC fire engine by Council Member Nelson. Seconded by Council Member John. All aye. Motion passed.**

**Public Comments**

**Tyson Nelson-** I am being public. I just wanted to share something that has happened at my house that we have talked about previously in town council that has to do with the stray dogs. Not going to tell people whose they were or nothing, but we had an incident at my house a couple weeks ago where some dogs came down and I got them on video and they attacked my daughter’s cat. You can see in grabbing a hold of it and shaking it to death, pretty much broke its back. We had to put it down but very viciously, the cats trying to get away, tried climbing up the pole and it fell down and you can see the cat fall right into that dog’s mouth and instantly goes to town. So I know we have talked in the past about stray dogs roaming around and this is a result of that. So I worked with the fabulous Sgt. Bennett and he did issue a citation. We felt that if anything for the town’s sake since we have struggled to do in the past. For us to proceed with as much as we could to try to get some people to realize in this town that they can’t just have loose dogs roaming around.

**Norma Lasa-** I would like to share my experience of the nightly visit by these marauding dogs for over a two week period. And they finally wound up killing the cutest little kitten you’ve ever seen with long hair and a little calico, and my cat that I have had for 8 years that I raised from a baby, plus others. Also one of them was in with my goats. It didn’t appear they hurt them but it was in my pasture. It was a nightly nightmare of these dogs. A brown dog and a border collie (Tyson Nelson agreed they were the same dogs he had the problem with).

**Ed Rodgers-** Is it legal to protect your property, say with a non-fire arm air rifle? Because I mean if these animals are killing your pets what to say they are not going to attack your goats or children.

**Sgt. Bennett-** So property no. If they are going after your animals, absolutely.

**Ed Rodgers**- Ok how about a fire arm?

**Sgt. Bennett**- Absolutely. As long as you can do it safely and if you do end up shooting the dog, please call us, because somebody is going to and we would rather hear it from you then have to track it down.

**Mayor Tree**- If an animal does attack you or your family members you have the right to protect yourself.

**Tyson Nelson**- So the same night they were actually going after Norma Lasa’s, I went outside thinking that if I scared them enough they would go away and I took a couple of shots at them with a thirty-thirty. So if anybody heard on the 13th a couple rounds, I think I shot 4 rounds at them. That was me at about 11 pm. It was an intentional miss but I wish I wouldn’t have missed.

**Sgt. Bennett**- The citations that I issue were based under the state law. You have to understand that state law unfortunately requires that an animal be injured or killed for me to be able to cite under that.

**Tyson Nelson**- And we had very good video evidence of that.

**Sgt. Bennett**- The other thing we run into is being able to identify. In this one case we had good video to identify the dogs. Without the video, I’ll be honest, unless you see them and can identify them yourself, it would be very tough. If you can identify then call us.

**Ed Rodgers**- What is the pain of the citation?

**Sgt. Bennett-** It is a class B misdemeanor so maximum penalty is $2000 and 6 months in jail.

**Roads- Lesley Smith**

Council Member Smith wanted everyone to know that there are some potholes in town and that they will be fixed soon.

**Planning and Zoning- Martina John**

**17.** Approve Eli and Brittany Wolf’s building permit

Wolf’s have been working with planning and zoning on their setbacks and Council Member Nelson has been working with them on water. They brought their lot layout for everyone to see. Eli will have to run power underneath the road (gravel part) so there was discussion on who to talk to. He is using Grover’s for the water and he was asked to let the town know when they hot tap the water so the town will know, just in case something happens. The council asked about how they are going to do his driveway, in relation to using culverts and the rules on how big they need to be. The council was going to figure out how big it needs to be. Eli is going to look into his water fee and he knows the town provides some parts.

**Motion to approve Eli and Brittany Wolf’s building permit for their home that will be at 25505 N 8800 W in Portage, Utah including their water fees. Seconded by Nielson. All aye. Motion passed.**

**18.** Discuss and vote on Violation letter.

Council Member John found a letter and it is a really great base letter. Mayor Tree asked everyone to look it over and make changes they feel necessary and get them back to Clerk Munns. Then next month the council will go over the changes and make a new violation letter.

**Parks- Tyson Nielson**

**19.** Discuss bathroom doors

Council Member Nielson has put new door handles on the doors in the bathrooms. He will have the keys after this weekend. Council Member John asked who was going to have a key and wondered who was going to open them when someone has rented the space.

**Council Member Nielson-** I would imagine the mayor, the clerk, myself (Tyson Nielson), and the cleaner of the building.

**Fire Department- Robert Borrow**

**Sgt. Bennett-Call out report**

Last month we had 15 calls last month. Two were related to the cat issue. Other than it has been pretty slow. But if you have an issue with dogs getting to your cats please call us while it is happening instead of two weeks later.

**Adjournment**

**Motion to adjourn by Council Member Nielson. Seconded by Council Member Nelson. All aye. Motion passed at 6:50 pm.**

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**Katherine Munns: Portage Clerk/Recorder Nicolas Tree: Portage Mayor**