

**Paragonah Town Board
Regular Meeting
44 North 100 West, Paragonah Town Hall
February 13, 2019 – 7:00 p.m.**

Attendance/board members: Marge Cipkar, Mike Abbott, Todd Robinson (Mayor), Mark Barton, Earl Olsen

Others in attendance: Jim Kirkpatrick, Pat Kirkpatrick, Eric Walker, Dale Robinson, Justin Wayment (Town Attorney), Rob Dotson, Jayne Stones (Town Clerk). Planning and Zoning members in attendance: Jessica Stewart, Robert Valenzuela, Randy Robinson, Kevin Guyton.

1. **Call meeting to order:** Mayor Todd Robinson called the meeting to order.
2. **Declaration of conflict of interest:** None declared.
3. **Adopt Agenda:** Marge Cipkar moved to adopt the agenda as presented. Mike Abbott seconded the motion. All in favor. Motion carried.
4. **Approve minutes of January 9, 2019, regular meeting:** Todd Robinson moved to approve the minutes of the January 9, 2019, regular meeting with one correction: Item 7 under Mayors Report should read, "It will cost \$162000 to purchase property to do a road in the subdivision." Mark Barton seconded the motion. All in favor. Motion carried.
5. **Discuss and make decision concerning Interlocal Disaster Agreement with Iron County:** Town Board members discussed the Interlocal Disaster Agreement with Iron County. The Town has signed this agreement before. It basically states in a disaster the County will help Paragonah as needed and Paragonah will help the County as needed. Justin Wayment asked if he could review the agreement. He said in the agreement they want Paragonah to reimburse them for any disaster relief given to them by the County which could result in hundreds and thousands of dollars. He advised the town not to sign it until he looks into seeing if the wording can be changed. He said he is working with Parowan on this very same issue. Town Board members agreed to table this issue.
6. **Approval of plat map for Barton family and Jesse Robb property:** Town Board members discussed the plat map showing the lot line adjustment for the Barton family and Jesse Robb property. Todd Robinson said if the Board did not have any issues with it, a motion to approve the map needs to be made.

Earl Olsen moved to approve the plat map of the Barton family and Jesse Robb property as presented. Mark Barton seconded the motion. All in favor. Motion carried.

7. Discuss results of town survey concerning lot size and building moratorium:

Todd Robinson reported the results of the recent town survey concerning lot size and the building moratorium as follows: 1. Should the building lot size requirement be changed from 1 acre to ½ acre? 44 votes – Yes, 93 votes – No. 2. Should the number of building permits continue to be limited to 2 homes per year? 93 votes – Yes, 44 votes – No. Some of the reasons given for not wanting to increase lot sizes include the concern over being forced to go to a sewer system due to septic tank saturation and lack of water. People also commented they moved to Paragonah because it is small and they would like to keep growth at a minimal pace. Todd Robinson said this was just a survey to get a feel for what people want. He wants to make sure the town basis all of its decisions on factual information.

13. Training on open meeting laws: Justin Wayment reviewed open meeting laws. The 14th Amendment says no State shall deprive any person of life liberty or property, without due process of law. Decisions made in public meetings affect individual property. All legislative bodies of an entity including Planning and Zoning, Board of Adjustment, etc. are subject to these rules. It is important to follow the rules to avoid being sued. People do not sue for damages but to get towns/cities to do what they are supposed to do. If the court finds in favor of the person suing, the town is required to pay all attorney fees. An agenda should be posted within 24 hours of each meeting and must include the time, date, place, and reasons for the meeting. The exception to this rule is if there is an emergency such as a fire, flood, etc. then reasonable notice must be given. It must be posted at the principal office of the public body or at the building where the meeting is to be held, and a copy must be provided to at least one newspaper of general circulation of the public body. The public needs to be able to tell from the agenda exactly what will be discussed and approved. No action can be taken on items not on the agenda. One of the first items on the agenda should be declaration of conflict of interest. It is also important to include open discussion to give the public a chance for their voice to be heard. A time limit for comments may be used if necessary. The definition of a meeting does not include a chance meeting of board members, or a social meeting. A quorum must be present in order to qualify for a meeting. Board members should never discuss in private with other board members on how they are going to vote or how they should vote on public issues. All meetings should be public and may only be closed for one of the following reasons: To discuss the character, professional competence, or physical or mental health of an individual; collective bargaining; to discuss imminent litigation; to discuss the purchase, exchange or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction; or, discuss the sale of real property. Motions can not be

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made in a closed meeting and the only topic that can be discussed is the reason for closing the meeting. All meetings must be recorded. Written minutes of meetings are permanent and recorded minutes must be kept for 1 year. The chairman of a meeting has the right to remove someone who is being disruptive. Justin suggested the town have extra agendas, minutes, and any other documents that are in the Town Board folders to give to the public at each meeting.

8. Mayor's report: Todd Robinson reported on the Iron County Coordinating Council meeting he attended. They discussed legislative issues including the requirement for secondary water to be metered. This bill has been shifted around to several different committees. If it passes it will affect the Canal Company. Other issues discussed were surplus water and making it so that out-of-town hook-ups can't not be charged at a higher rate than residents, and short-term rental agreement policies and bed and breakfasts. If Paragonah starts getting people who want to do this, we need to make sure we have ordinances in place to control them. He suggested this is something the Planning and Zoning committee could review. Affordable Housing was also discussed but Paragonah is exempt from this.

Todd said he talked to Reed Erickson about septic tanks. He said the State has recommended but never forced anyone to go to a sewer system due to having too many septic tanks. The real concern would be the possibility of wells becoming contaminated. He also talked to Paul Wright with the health department and he said the town is a long way from having to be concerned about having too many septic tanks. There are several places that have more than double of what the town has. They don't have a set number of septic tanks that are allowed because the soil is not the same in all areas and a study would need to be done. Jayne said she was told by the health department the town could do a water quality study and possibly qualify for funding. He is still waiting to hear back from Sunrise Engineering concerning the updated Water Master Plan. Todd commented that it seems to him that the people who have lived in town for many generations are in favor of changing the lot size requirement and those who are moving in are the ones who are against it.

Discussion took place concerning providing training for the Planning and Zoning Committee. Reed Erickson does not do this anymore, but he suggested we talk to the League of Cities and Towns. Todd said when he was on the committee they met monthly and had training sessions. He said it was very helpful.

9. Water report: Mike Abbott reported there is a water leak by Dwight Stones' that Dan Burgett is fixing. He has it isolated and shut off. He is also fixing the meter by Frank Listers. Comment was made that someone is living in a trailer on the property that Frank Lister sold. The Town needs to look into this.

Discussion took place concerning meter access. Jessica Stewart said there are several meters she can not read because of locked gates and dogs. Some of the people with dogs call their meter reading in each month but those that don't are estimated. She makes note of it every month on her meter reading list. Todd Robinson said it is the law that the Town must have access to all meters. People should not be allowed to call in their readings. Suggestion was made to send a letter to these people and let them know we must have access to their meters.

10. Power/Fire department reports: Mark Barton asked if the Town receives tax revenue from Questar. He was told some of the other municipalities do. Jayne Stones said we do not, but she will find out why. Mark said Dan Burgett needed a front tire for the backhoe and he told him to go ahead and get one from Fads. It cost \$400. The people building Garth Jones house keep piling up dirt along the roadway. They need to push it out of the way. There was one issue with the power but it ended up being a problem on the homeowners side. The Fire Department reviewed scheduled training with Parowan and Brian Head.

11. Cemetery/Planning & Zoning reports: Discussion took place concerning getting the cemetery fertilized and sprayed. Todd Robinson said he thought he gave the bid from Supreme Green to Marge. Marge said she will check and see if she has it.

12. Roads/Park/Building reports:

a) Discuss problems with speeding on 300 South and the possibility of moving the speed limit signs down closer to 300 South and 300 West: Jayne Stones reported there was an accident on 300 West and 300 South. Someone took the turn too fast and ended up hitting Garth Jones contractor's truck. Garth Jones asked if the Town could move the speed limit sign down further on that street. Mike Abbott commented the sign is already down at the end of 300 South. Suggestion was made to check with the County about putting in a reduced speed sign. Also, we can ask the Parowan Police to patrol it more.

14. Open discussion: Discussion took place concerning Amy Merrell's trailer. Marge Cipkar said she feels it is very important to have a written agreement stating they will remove all of the utilities off of their property when they move. Todd Robinson said they

also need to submit a map showing the property has been combined with Cami Clarke's property.

15. Adjourn meeting /review financial statements/approve bills: Mark Barton moved to adjourn meeting, review financial statements and approve bills. Mike Abbott seconded the motion. All in favor. Motion carried.