

Wellington City Meeting
Meeting held Wednesday November 28, 2018
at the Wellington City Hall
Located at 150 West Main Street, Wellington, Utah
at 6:20 P.M.

City Council Present:

Mayor Powell, Councilmember Tatton. Councilmember Rich, Councilmember Willson,
Councilmember Wells,

City Council Absent:

Councilmember Noyes

City Staff Present:

Glenna Etzel – City Recorder

Kory Moosman – Public Works Supervisor

Attendees:

Karl Houskeeper

Joyce Houskeeper

Agenda Item 1. Public Comment Period

Mayor Powell opened the meeting by inviting any attendees not listed on the agenda to come before the City Council for the Public Comment Period. Karl Houskeeper, a resident and former City Mayor approached the City Council. Houskeeper began first with acknowledging Councilmember Tatton's recent letter of resignation and thanked him, and all of the council, for their years of service.

Houskeeper addressed the council regarding concerns over the placement of Joni Boren's shed. Minutes from previous meetings were obtained by Houskeeper via the Utah Public Notice Website, and used to chronologically review his grievances. As per the City Council Minutes from June 27, 2018 the council discussed Agenda Item 10, the placement of Joni Boren's storage shed at 690 W Main Street, Zoned R-1-43. Houskeeper read aloud that portion of those minutes as follows:

Wellington City Council Meeting Minutes June 27, 2018 - Agenda Item 6. Joni Boren – Variance Committee Follow Up

Joni Boren, who resides at 690 W Main Street, approached the City Council to discuss placing a storage shed on the back northwest corner of her property. Boren explained that a previous shed once stood on the location, and she is simply replacing it. Unfortunately, due to being a corner lot and its zoning, Boren should place the shed further away than the prior placement of the old shed. Councilmembers received Boren's input and agreed to place her on the upcoming Planning and Zoning meeting, as that is her first course of action in requesting a conditional use permit to place the shed closer to her property lines.

Councilmember Tatton briefly reviewed that particular meeting, and noted that the intent of the written exchange was to convey that Boren should not be placing the new shed in the same location as her prior shed.

Houskeeper discussed his initial complaint regarding the shed placement, officially filed on June 20, 2018. A variance committee meeting, which was attended by both Houskeeper and Boren, was held on August 29th. Councilmember Tatton previously provided Houskeeper with the Variance Committee's Findings.

At the regularly scheduled City Council meeting on September 12, 2018 Councilmember Tatton provided a follow up on the Variance Committee Review for Joni Boren for Agenda Item 6. Houskeeper also read aloud the minutes from that meeting as follows:

**Wellington City Council Meeting Minutes September 12, 2018 - Agenda Item 6.
Joni Boren – Variance Committee Follow Up**

Councilmember Tatton provided a recap of the Variance Committee meeting held on August 29, 2018 as per requested by Joni Boren. Tatton explained that it is the Committee's recommendation that a Variance not be granted for Boren. The committee was formed to discuss whether or not a variance should be given to Boren for the placement of a shed. The proposed placement of the permanent structure would not follow the zoning. Tatton explained that Boren's next course of action is to request to meet with the Board of Adjustment.

As per Houskeeper, on November 26, 2018 Joni Boren resumed the building of a shed on her property. Boren did not move the location of the structure. Houskeeper contacted Mayor Powell, Councilmember Tatton, and Councilmember Wells to file a new complaint.

Following his recap, Houskeeper asked if during the interim period Wellington City had given Joni Boren permission to resume building the shed. More specifically, Houskeeper questioned whether or not a City Employee gave Boren permission. The City Recorder responded by stating that none of the employees in the administrative offices, i.e. the City Recorder and/or City Treasurer, gave Boren permission to resume building the shed. Councilmember Tatton and Mayor Powell also stated that the council never gave permission for Boren to resume building the shed.

Next Houskeeper questioned why Wellington City is not enforcing its ordinances and stopping the construction of Boren's shed. One of his concerns is that Wellington City plans to allow the shed to stand in its current location. Councilmember Tatton responded by explaining that Boren obtained outside legal assistance. Houskeeper requested contact information for Boren's legal counsel; however Wellington City cannot provide that information. The Mayor did explain that Wellington City has spoken to its City Attorney, who is reviewing the conflict.

Mayor Powell also explained that Wellington City has created a Board of Adjustment should someone request it. Councilmember Tatton mentioned that had Wellington City Council initially voted on the issue, instead of moving it to Planning and Zoning, then Boren and/or Houskeeper would need to file a civil claim with District Court.

Houskeeper asked for clarification on the format of the Board of Adjustments. Houskeeper wanted to know if it is a Quasi Informational Board that does not receive information prior to meetings. Councilmember Tatton stated that the board cannot have any pre-meetings to review the cases, and that the meeting is held in accordance with the Utah Public and Open Meetings Act.

To summarize, Houskeeper asked if Wellington City planned to issue a stop order, or if one had already been issued. Mayor Powell explained that a meeting was held prior to City Council to discuss the conflict. Attendees of that meeting were the City Recorder, Councilmember Tatton, and the City Attorney. Following that meeting the attorney is reviewing the case, and then will provide his recommendation for the city.

Tatton reinforced that Boren moved forward in resuming construction without the City's permission.

Houskeeper ended by noting that he had filed a GRAMA Request with the City Recorder to obtain all written documents pertaining to Joni Boren's shed. The City Recorder explained that as he already obtained all written minutes online. The only nonpublic information was the recording from the Variance Committee meeting. To obtain those records the City Recorder asked Houskeeper to bring in a new, unopened USB Flash Drive. Houskeeper acknowledged the City Recorder's request.

Agenda Item 2. Pledge of Allegiance, Roll Call, and Approval of Previous City Council Minutes

Mayor Powell noted that the City Council meeting started late and that Councilmember Noyes was absent; then asked everyone present to please stand for the Pledge of Allegiance.

Councilmember Tatton moved to approve the Work Session Minutes from October 24, 2018 as written. Councilmember Rich seconded the motion, and the motion carried with Tatton, Rich, Willson, and Wells in favor.

Councilmember Tatton moved to approve the City Council Minutes from October 24, 2018 as written. Councilmember Rich seconded the motion, and the motion carried with Tatton, Rich, Willson, and Wells in favor.

Agenda Item 3. Board of Adjustment Appointments

Mayor Powell reviewed the need for a Board of Adjustments. Wellington City has not, in the past, had a need for such a meeting. With the conflict pertaining to Joni Boren's shed placement, the need arose and the City realized the need for a board. Councilmember Rich questioned why the board was comprised of individuals outside of Wellington City. It was explained that the policy allows for the City to bring in outside individuals who have experiences with possible land use code concerns and or violations. The board of adjustment is as follows:

Michael Bryant (Chair) – Southeastern Utah Local Governments Association

Tom Hat – Helper City

Todd Thorne – Carbon County Director of Building/Zoning/Planning

Nick Tatton – City Manager for Price City

Spencer Loveless – Dustless Technologies Business Owner

Councilmember Tatton moved to accept Mayor Powell's appointments for the Board of Adjustments. Councilmember Rich seconded the motion, and the motion carried with Tatton, Rich, Willson, and Wells in favor.

Agenda Item 4. 2018 F150 4X4 S/C – Approval of Purchase Order #19 for new fleet vehicle for Wellington Public Works Department

The City Recorder presented Purchase Order #19, a 2018 150 4X4 S/C. The new fleet vehicle is for the Public Works Department. Kory Moosman, the Public Works Supervisor obtained state bids for four different trucks. The second to lowest bid was agreed upon by councilmembers during the previous City Council Work Session.

Councilmember Tatton moved to approve Purchase Order #19, the purchase of a 2018 F150 4X4 S/C as a new fleet vehicle for the Wellington City Public Works Department. Councilmember Wells seconded the motion, and the motion carried with Tatton, Willson, and Wells in favor and Councilmember Rich against.

Agenda Item 5. Poinsettia of Love

Mayor Powell presented her request to participate in the KOAL Radio's annual Poinsettia of Love advertisement. Councilmembers argued that the funds could be better spent, and questioned what residents in Wellington City actually receive the poinsettias. It was recommended by councilmembers that Mayor Powell not participate in the Poinsettia of Love Program.

Agenda Item 7. Adjourn

Prior to adjourning councilmembers briefly provided Council updates.

Councilmember Tatton reviewed the most recent Price River Water Improvement District (PRWID) Board meeting. Tatton explained that PRWID will also have to raise its rates for similar Sewer Infrastructure improvement projects. One option for Wellington City when moving forward with its project is to see what PRWID's new rates are and how it affects the city's ability to obtain grants instead of loans.

Mayor Powell mentioned that Councilmember Rich has offered to take over on the PRWID board and that she is considering his request.

Councilmember Tatton also briefly reviewed his and the City Recorder's discussions with the Wellington City Attorney about the conflict over Joni Boren's shed placement. The City Attorney wanted to speak with both parties before making any recommendations. Mayor Powell stated that she will try to have a stop order imposed on the building of the shed. The next reasonable step is for one of the parties to request a review with the Board of Adjustments.

Councilmember Wells mentioned that one of the new individuals on the Water Conservancy District is Keith Cox. Wells did not know who the other appointment was as the name was not familiar.

Councilmember Wells moved to adjourn. Councilmember Tatton seconded the motion, and the motion carried with Tatton, Rich, Willson, and Wells in favor.

Meeting adjourned at 7:05 P.M.

Next meeting is scheduled for December 12, 2018 at 6:00 P.M. at the Wellington City Hall.

Minutes approved by City Council on January 9, 2018

Joan Powell, Mayor

Glenna Etzel, City Recorder