

WELLINGTON CITY ORDINANCE 2020-03

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR FILLING AND TERMINATING EMPLOYEES APPOINTED BY WELLINGTON CITY

WHEREAS, the City Council has been discussing the procedure for filling and termination of certain City employees who are necessary to the functioning of the City; and

WHEREAS, stability as to these employees is necessary concerning the functioning of City business; and

WHEREAS, it is in the best interest of Wellington City and its residents to ensure proper functioning of City government.

NOW THEREFORE, BE IT ORDANED, by the City Council of Wellington City, Utah as follows:

1. This Ordinance is made and determined to establish a procedure for filling and terminating the following positions:
 - a. City Recorder
 - b. City Treasurer
 - c. Police Chief
 - d. Fire Chief
 - e. City Attorney
 - f. Judge for Wellington Justice Court
2. The Wellington City Council does hereby endorse, ratify, and confirm the employment of the individuals presently holding the positions referenced in paragraph 1
3. Henceforth, when a vacancy occurs in any of these positions, the City will properly advertise for applicants to fill the vacated position. After receiving applications, the City will conduct interviews of applicants. Said interviews will be conducted by a panel of individuals determined by the City Council including, but not limited to, the Mayor and otherwise constituted as agreed upon by the City Council.

Said procedure will be performed according to applicable Utah law.

4. Said panel will reach an agreement as to the appropriate candidate to fill the vacated position. That person's name will be submitted to the City Council for consideration. If approved by a majority vote of the city Council, that person will be hired. If the panel is not able to reach a consensus, the panel will nominate at least 2 individuals for consideration by the City Council. The person receiving the majority vote of the City Council will be offered the position.

If neither applicant receives a majority vote, the panel will conduct further interviews of initial applicants and any applicants in addition to the initial applicants. Again, if the panel is not in agreement as to the appropriate candidate, the panel will submit 2 names to the City Council for consideration and review.

Ultimately, the successful applicant must receive a majority vote from the City Council.

5. The position will be filled by the individual receiving a majority vote of the then constituted City Council in a meeting where a quorum is present.
6. In the event the Mayor believes any person occupying any of the positions indicated herein should be terminated, the Mayor must bring the issue before the full City Council. The individual will be terminated only upon a majority vote of the full City Council and not just a quorum.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect on September 3 , 2020 on day after Legal Notice has been published in a matter that complies with Utah State Code.

PASSED AND ADOPTED by the Wellington City Council at a regularly scheduled City Council meeting held on the 26th day of August 2020.

Voting:

Bethany Perea	Yea ___ Nay ___
Rory Bradley	Yea ___ Nay ___
Derk Bradley	Yea ___ Nay ___
Glen Wells	Yea ___ Nay ___
Paula Noyes	Yea ___ Nay ___

By _____
Mayor

ATTEST:

Glenna Nelson, City Recorder



WELLINGTON CITY PUBLIC NOTICE

Notice is hereby given that a vacancy has occurred for the Wellington City Mayor. A vacancy of a Mayor half-way through the term is filled by appointment of the city council. The appointment is until January following the next municipal election (1.5-year term). This vacancy will be filled during the regular City Council Meeting scheduled for Wednesday, August 12, 2020 at 6:00 p.m. in the Wellington City Hall located at 150 East Main, Wellington, Utah.

Anyone interested in applying for the position of mayor must complete and submit the application for appointment as city mayor to the City Recorder during regular business hours (9:00 AM to 5:00PM) on or before July 23, 2020 no later than 5:00 p.m. The person appointed to fill the vacancy must meet the qualifications for office and be a registered voter residing within the municipality.

Dated this 14th day of July 2020

Glenna Nelson
City Recorder

Locations of Notice on Wednesday July 14, 2020: Posted at the Wellington City Post Office, Wellington Utah; Wellington City Hall, Wellington, Utah; The Utah Public Meeting Notice Website; Published in ETV 10 News on Wednesday July 15, 2020 and July 22, 2020.

**WELLINGTON CITY, UTAH
PARAMETERS RESOLUTION
AUGUST 12, 2020**

RESOLUTION NO. 2020-15

A RESOLUTION OF WELLINGTON CITY, CARBON COUNTY, UTAH (THE "CITY"), APPROVING THE ADOPTION BY THE LOCAL BUILDING AUTHORITY OF WELLINGTON CITY, UTAH, OF A PARAMETERS RESOLUTION AUTHORIZING NOT MORE THAN \$265,000 LEASE REVENUE BONDS FOR THE ACQUISITION OF A FIRE TRUCK, AND RELATED IMPROVEMENTS.

WHEREAS, Wellington City, Carbon County, Utah (the "City") previously adopted a resolution (the "Creating Resolution") authorizing the creation of the Local Building Authority of Wellington City, Utah (the "Authority") including, in particular, the provisions of the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended (the "Nonprofit Corporation Act") and the Utah Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended, and its predecessor Act (the "Utah Local Building Authority Act" and collectively with the Nonprofit Corporation Act, the "Acts"); and

WHEREAS, the City intends to authorize the Authority for financing, in part, the acquisition and lease of a fire truck (equipment), and related improvements for the benefit of the City (the "Project"); and

WHEREAS, the City now desires to authorize the Authority to adopt a resolution to call a public hearing and provide notice of bonds to be issued and establish the parameters for issuance of its Lease Revenue Bonds for the financing of the Project.

NOW, THEREFORE, it is hereby resolved by the City Council (the "City Council") of Wellington City, Carbon County, Utah, as follows:

Section 1. The Authority is hereby authorized to adopt a resolution setting the parameters for the issuance of its Lease Revenue Bonds pursuant to a parameters resolution, the form of which is attached hereto as Exhibit A and made a part hereof by reference.

Section 2. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

Section 3. The City Recorder is directed to complete the attached Record of Proceedings to officially record the proceedings at which this Parameters Resolution was considered for adoption.

APPROVED AND ADOPTED this August 12, 2020

Mayor

ATTEST:

City Recorder

(CITY S E A L)

RECORD OF PROCEEDINGS

I, Glenna Nelson, the City Recorder for Wellington City, Carbon County, Utah (the “City”), certify that the City Council of the City (the “City Council”) met in public session at its regular meeting place at the Council Chambers located at 150 W. Main Street, Wellington, Utah on August 12, 2020 (the “Meeting”) at 6:00 p.m., or as soon thereafter as feasible. There were present at that meeting the following members:

Paula Noyes
Glen Wells
Rory Bradley
Derk Bradley
Bethany Perea

Mayor
Councilmember
Councilmember
Councilmember
Councilmember

Also present:

Glenna Nelson

City Recorder

Absent:

which constituted all the members thereof.

After the Meeting had been duly called to order and after other matters were discussed, the foregoing resolution (the “Resolution”) was introduced in written form and fully discussed.

A motion to adopt the Resolution was then duly made by Councilmember _____ and seconded by Councilmember _____, and the Resolution was put to a vote and carried, the vote being as follows:

Those voting YEA:

Those voting NAY:

Those Abstaining:

Other business not pertinent to the Resolution appears in the minutes of the Meeting. Upon the conclusion of all business on the Agenda and motion duly made and carried, the Meeting was adjourned.

CERTIFICATE OF CITY RECORDER

I, Glenna Nelson, the duly appointed and qualified City Recorder for Wellington City, Carbon County, Utah (the "City"), do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the City Council of the City at a public meeting duly held on August 12, 2020 (the "Meeting"). The Meeting was called and noticed as required by law as is evidenced by the attached Meeting Notice and Certificate of Compliance with Open Meeting Law. The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on August 12, 2020, and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the City this August 12, 2020.

City Recorder

(C I T Y S E A L)

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Glenna Nelson, the City Recorder for Wellington City, Carbon County, Utah (the "City"), certify according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the August 12, 2020, public meeting held by the City Council of the City (the "Meeting") as follows:

(a) By causing a Meeting Notice, in the form attached, to be posted at the City's principal offices at least 24 hours prior to the convening of the Meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the Meeting;

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the City at least 24 hours prior to the convening of the Meeting; and

(c) By causing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least 24 hours prior to the convening of the Meeting; and

(d) By causing a copy of the Meeting Notice to be delivered to each member of the City Council of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 12, 2020.

City Recorder

(CITY S E A L)

(Attach Meeting Notice and proof of posting of same on the Utah Public Notice Website)

EXHIBIT A

AUTHORITY PARAMETERS RESOLUTION
(See Transcript Document No. __)

4834-9089-5555, v. 1

4834-9089-5555/WE003-004

**LOCAL BUILDING AUTHORITY
OF WELLINGTON CITY, UTAH
PARAMETERS RESOLUTION
AUGUST 12, 2020**

RESOLUTION NO. 2020-14

A RESOLUTION OF THE LOCAL BUILDING AUTHORITY OF WELLINGTON CITY, UTAH, CALLING A PUBLIC HEARING AND AUTHORIZING NOTICE OF INTENTION TO ISSUE NOT MORE THAN \$265,000 OF LEASE REVENUE BONDS FOR THE ACQUISITION OF A FIRE TRUCK, AND RELATED IMPROVEMENTS; FIXING THE MAXIMUM INTEREST RATE, MATURITY AND DISCOUNT OF THE BONDS; AND RELATED MATTERS.

WHEREAS, by resolution adopted by the City Council of Wellington City, Carbon County, Utah (the “City Council” and “City,” respectively), the City authorized, approved and directed, the creation of the Local Building Authority of Wellington City, Carbon County, Utah (the “Authority”), and is organized and existing as a nonprofit corporation by virtue of the provisions of the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended (the “Nonprofit Corporation Act”) and the Utah Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended, and its predecessor Act (the “Utah Local Building Authority Act” and collectively with the Nonprofit Corporation Act, the “Acts”), for the purpose of accomplishing the public purposes for which the City exists by acquiring, improving or extending one or more projects, as defined in the Act, and financing their costs on behalf of the City; and

WHEREAS, pursuant to the provisions of the Act, the Governing Board of the Authority (the “Authority Board”) has authority to issue lease revenue bonds in one or more series for the purpose of financing certain local improvements for and on behalf of the City; and

WHEREAS, the Authority and the City desire to finance, in part, the acquisition and lease of a fire truck (equipment), and related improvements for the benefit of the City (the “Project”), and to finance the Project with the proceeds of Lease Revenue Bonds (the “Bonds”), in one or more series, in the maximum aggregate principal amount of \$265,000, to bear interest at a rate or rates not to exceed one percent (1.0%) per annum, to be issued by the Authority; and

WHEREAS, the Act requires the Authority to call a public hearing and provides for the publication of a Notice of Public Hearing and Bonds to be Issued, and the Authority desires to call such hearing and publish such a notice at this time in compliance with the Act with respect to the Bonds.

NOW, THEREFORE, it is hereby resolved by the Authority Board of the Local Building Authority of Wellington City, Utah, as follows:

Section 1. The Authority Board hereby finds and determines that it is in the best interest of the Authority, the City and its residents for the Authority to issue not more than \$265,000 aggregate principal amount of its Lease Revenue Bonds, in one or more series (the “Bonds”), to bear interest at a rate or rates not to exceed one percent (1.0%) per annum, to mature in not more than twenty (20) years from their date or dates, and to be sold at a discount of not less than 99% of the total principal amount thereof for the purpose of financing, in part, (i) the acquisition and lease of a fire truck (the “Equipment”), and related improvements for the benefit of the City (the “Project”) and related improvements (the “Project”), and (ii) paying the costs of issuing the Bonds, all pursuant to this Resolution, one or more Authorizing Resolutions, and one or more Master Resolutions to be adopted and approved by the Authority Board authorizing and confirming the issuance and sale of the Bonds in substantially the forms attached hereto as Exhibit A (referred to herein collectively as the “Bond Resolutions”), and the Authority hereby declares its intention to issue the Bonds according to the provisions of this Resolution and the Bond Resolutions, when adopted, and to sell the Bonds.

Section 2. The Authority hereby authorizes and approves the issuance and sale of the Bonds, pursuant to the provisions of this Resolution and the Bond Resolutions to be adopted by the Authority Board authorizing and confirming the issuance and sale of the Bonds, with such changes thereto as shall be approved by the Authority Board upon the adoption of the Bond Resolutions, provided the terms of the Bonds fall within the parameters set forth herein in Section 1.

Section 3. The Authority calls a public hearing for August 26, 2020, at 6:00 p.m., or as soon thereafter as feasible, to receive public input on the issuance of the Bonds and on the economic impact of the proposed Project on the private sector.

Section 4. In accordance with the provisions of the Act, the Secretary of the Authority shall cause a “Notice of Public Hearing and Bonds to be Issued,” substantially in the form attached hereto as Exhibit B, to be (1) published once each week for two consecutive weeks in a newspaper of general circulation in the Authority and (2) posted on the Utah Public Notice Website, at least 14 days before the Public Hearing, and shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the office of the Authority’s Secretary in Wellington, Utah, for public examination during the regular business hours of the Secretary for at least 30 days from and after the first date of publication of the above referenced notice.

Section 5. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 6. The Issuer hereby declares its intention and it reasonably expects to reimburse expenditures with bond proceeds in accordance with Tres. Reg. § 1.150-2.

Section 7. The Issuer hereby retains Eric Todd Johnson with Blaisdell, Church & Johnson, LLC as bond counsel.

Section 8. The Secretary of the Issuer is further directed to post the Notice of Public Hearing and Bonds to be Issued on the Utah Public Notice Website created under 63F-1-701 no less than 14 days before the public hearing called herein.

Section 9. The Secretary of the Authority is directed to complete the attached Record of Proceedings to officially record the proceedings at which this Resolution was considered for adoption.

Section 10. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this August 12, 2020.

Chair

ATTEST AND COUNTERSIGN:

Secretary

(L B A S E A L)

RECORD OF PROCEEDINGS

The Authority Board of the Local Building Authority of Wellington City, Carbon County, Utah (the “Authority”) met in public session at its regular meeting place, located at 150 W Main, Wellington, Utah, on August 12, 2020 (the “Meeting”), at 6:00 p.m., or as soon thereafter as feasible, with the following members of the Board being present:

Paula Noyes	Chair
Glen Wells	Member
Rory Bradley	Member
Derk Bradley	Member
Bethany Perea	Member

Also present:

Glenna Nelson	Secretary
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Absent:

which constituted all the members thereof.

After the Meeting had been duly called to order and after other matters were discussed, the foregoing resolution (the “Resolution”) was introduced in written form and fully discussed.

A motion to adopt the Resolution was then duly made by Board Member _____ and seconded by Board Member _____, and the Resolution was put to a vote and carried, the vote being as follows:

Those voting YEA:

Those voting NAY:

Those Abstaining:

Other business not pertinent to the Resolution appears in the minutes of the Meeting. Upon the conclusion of all business on the Agenda and motion duly made and carried, the Meeting was adjourned.

CERTIFICATE OF AUTHORITY SECRETARY

I, Glenna Nelson, the duly appointed and qualified Secretary of the Local Building Authority of Wellington City, Utah (the “Authority”), do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the Authority Board of the Authority at a public meeting duly held on August 12, 2020 (the “Meeting”). The Meeting was called and noticed as required by law as is evidenced by the attached Meeting Notice and Certificate of Compliance with Open Meeting Law. The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on August 12, 2020, and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Authority, this August 12, 2020.

Secretary

(L B A S E A L)

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Glenna Nelson, the undersigned Secretary of the Local Building Authority of Wellington City, Utah (the “Authority”) do hereby certify, according to the records of the Authority in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the August 12, 2020, public meeting held by the Authority (the “Meeting”) as follows:

(a) By causing a “Meeting Notice,” in the form attached, to be posted at the principal office of the Authority at least 24 hours prior to the convening of the Meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Authority at least 24 hours prior to the convening of the Meeting;

(c) By causing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least 24 hours prior to the convening of the Meeting; and

(d) By causing notice of the Meeting to be personally provided to each and every member of the Authority Board of the Authority at least 24 hours prior to the convening of the Meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 12, 2020.

Secretary

(L B A S E A L)

(Attach the Meeting Notice and proof of posting thereof on the Utah Public Notice Website)

EXHIBIT A

BOND RESOLUTIONS

(See Transcript Documents Nos. __ and __)

EXHIBIT B

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

PUBLIC NOTICE IS HEREBY GIVEN THAT the governing board of the Local Building Authority of Wellington City, Utah (the “Authority Board” and the “Authority,” respectively) adopted a resolution (the “Resolution”) declaring its intention to issue lease revenue bonds (the “Bonds”) pursuant to the Utah Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended, and calling the public hearing described below.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Authority shall hold a public hearing on August 26, 2020, at 6:00 p.m., or as soon thereafter as feasible. The location of the public hearing is at the Council Chambers located at 150 W. Main, Wellington, Utah. The purpose of the public hearing is to receive input from the public with respect to the issuance of the Bonds and the potential economic impact that the improvement, facility, or property for which the Bonds will pay all or part of the cost will have on the private sector. All members of the public are invited to attend and participate.

PARAMETERS OF THE BONDS

The Authority intends to issue the Bonds as Lease Revenue Bonds in an aggregate principal amount of not to exceed \$265,000, to bear interest at the rate or rates of not to exceed 1.0% per annum, to mature in not more than twenty (20) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof, plus accrued interest to the date of delivery. The security of the Bonds will be the fire truck and related improvements to be acquired. If Bonds are issued in the full amount above, and carried to maximum maturity, at the maximum interest rate, then the amount to be repaid will be approximately \$292,493. However, the City and Authority have obtained a funding commitment from the State of Utah Permanent Community Impact Fund Board (the “CIB”) for a loan in the amount of \$218,000 at an interest rate of not more than 1.0% per annum, to be repaid over 15 years, in which event the amount to be repaid will be approximately \$235,720. The Issuer has obtained a grant commitment in the amount of \$217,000 for the Project from the CIB, none of which will need to be repaid. No taxes will be pledged for the repayment of the Bonds.

PURPOSE FOR ISSUING BONDS

The Bonds will be issued pursuant to the Resolution, and an Authorizing Resolution and Master Resolution (collectively, the “Bond Resolutions”) to be adopted by the Authority Board authorizing and confirming the sale of the Bonds for the purpose of financing, in part, (i) the acquisition and lease of a fire truck (the

Equipment”), and related improvements for the benefit of the City (the “Project”) for the benefit of Wellington City, Carbon County, Utah (the “City”); and (ii) paying the costs of issuing the Bonds.

A draft of the Bond Resolutions in substantially final form were before the Authority Board and were part of the Resolution at the time of the adoption of the Resolution by the Authority Board. The Bond Resolutions will be adopted by the Authority Board in such form and with such changes thereto as shall be approved by the Authority Board upon the adoption thereof; provided that the principal amount, interest rate, maturity and discount of the Bonds will not exceed the maximums set forth above.

Copies of the Parameters Resolutions and the Bond Resolutions are on file in the office of the Secretary of the Issuer at the City offices where they may be examined Mondays through Fridays from 9:00 a.m. to 5:00 p.m., for a period of at least thirty (30) days from and after the last date of publication of this notice.

NOTICE IS FURTHER GIVEN that, for a period of thirty (30) days from and after the first date of the publication of this notice (the “30-day Period”), any person in interest shall have the right to contest the legality of the Bond Resolutions, the Bonds, or any provision made for the security and payment of the Bonds by filing a verified written complaint in the district court of the county in which he or she resides, and that after the 30-day period, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause for any reason, and (ii) registered voters within Wellington City may sign a written petition requesting an election to authorize the issuance of the Bonds. If written petitions which have been signed by at least 20% of the registered voters of Wellington City are filed with the Issuer during the 30-day Period, the Issuer shall be required to hold an election to obtain voter authorization prior to the issuance of the Bonds. If fewer than 20% of the registered voters of Wellington City file a written petition during the 30-day Period, then absent a referendum the Issuer may proceed to issue the Bonds without an election.

/s/ Glenna Nelson
Secretary
Local Building Authority of Wellington City, Utah



Planning and Zoning Meeting Staff Report

Date of Meeting: August 12, 2020
Name of Project/Business: J Curtis Meats, LLP
Name of Applicant: Jesse Curtis
Agenda Item: Zone Map Amendment
Location of Item: 3515 S Hwy 6
Zoning Designation: R-1-43
Parcel Number: [1B-0276-0000](#)
Item #:

Background:

J Curtis Meats, LLP is owned and operated by Jesse Curtis. The entity is recognized by the state of Utah as active and current. The owner is wishing to build a shop to expand his current business to include the slaughtering, butchering, and packing of livestock. Presently the owner butchers and packages game. The current zone is R-1-43, and the request to change it to Manufacturing. Business has already received a favorable recommendation for a Non-Exempt Home Occupation License, however the owner would like to have the ability to operate as a business.

Land Use Summary

- Lot Size: 9.04 Acres
- [R-1-43](#)

Analysis:

- **Access:** Patrons of the Home Occupation would access the property by turning onto 3540 south.
- **Utilities:** Property Owner will need to obtain Utilities from Price River Water Improvement District. If Culinary Water is obtained, it is recommended that individual enter a similar contract as surrounding neighbors who have utilities outside of the City.
- **Fire Hydrant:** Location should have an established Fire Hydrant Access
- **Fire Inspection:** Property owner will need to obtain a Fire and Building Inspection before an Permits are issued by Wellington City.
- **Engineering/Road:** N/A

- **Plat/Survey Review**: Individual may need a Plat/Survey Review depending on the amount of property they intend to purchase from Emily Martson (1B-0276-0000)

Findings:

The Wellington City Land Use Code (Title 12-4-4) and the Utah State Code does allow for Wellington City to make changes to the official zoning map.

Chapter 10 of the Wellington City Land Use Code (Title 12-10-3) specifies the provisions of the Manufacturing Zone (M1).

Although not included in this request it is recommended that Wellington City review the parcel north of 1B-0276-0000, which is 1B-0274-0000 and belongs to Carbon County. Wellington City Council as expressed the desire for remaining parcels in that area to stay R-1-43.

**Planning and Zoning Commission Meeting Staff Report for
City Council Supplemental Information**

Agenda Item – Jesse Curtis – Zone Map Amendment at 1B-0276-0000 from R-1-43 to M1

Review of Planning and Zoning Decision

A Public Hearing for the Zone Map Amendment was held on July 15, 2020 at 5:30 PM. No one attended the meeting to provide input on the change. Jesse Curtis was also unable to attend the meeting due to an oversight on his part. Planning and Zoning therefore agreed to table the decision until August 5, 2020.

Jesse Curtis met with Planning and Zoning on August 5, 2020 to review his request. Essentially Curtis would like to be able to move forward with having a business rather than a Home Occupation at this location. Under the current zone of R-1-43 only a Home Occupation, either exempt or non-exempt is permitted at this location. A full outline of the Home Occupation Requirements is available in the Land Use Code under [Title 12-5-4 Home Occupation Requirements](#).

The proposed location is 9.04 Acres in size. If approved, it is recommended that under the Community Development Board Wellington City consider changing the neighboring parcels 1B-0274-0000 and 1B-0273-0001 to a M1 Zone, or create a new zone for this area as Carbon County and Valley Asphalt currently or have historically accessed it for gravel pits.

The Planning and Zoning Board requested clarification on the location of nearby fire hydrants and water/sewer access for the location. Commissioner Cha provided the request with a favorable recommendation and Commissioner Willson seconded the recommendation. All commissioners agreed with the recommendation.

Possible Actions:

1. Recommendation of Approval: This action may be taken if the City Council feels the proposal complies with the requirements of the Land Use Code and General Plan.
 - a. List accepted findings
 - b. Place standards as needed
2. Table: This action may be taken if the City Council feels that there are unresolved issues.
 - a. List accepted findings
 - b. Reasons of tabling
 - i. Unresolved issues that must be addressed
 - c. Date when the item will be heard again
3. Recommendation of Denial: This action may be taken if the City Council feels that the request does not meet the intent of the Land Use Code and General Plan.
 - a. List accepted findings
 - b. Reasons for denial



Application for Zone Change (Zone Map Amendment)

Applicant and Property Owner Information

Applicant

Last Name: Curtis First Name: Jesse
Mailing Address: PO Box 491 Price, UT 84501
Email Address: jcurtismeats@gmail.com, curtis_melinda@hotmail.com
Phone Number: 801-580-8751, 801-971-7291 Cell Phone: 801-580-8751

Owner

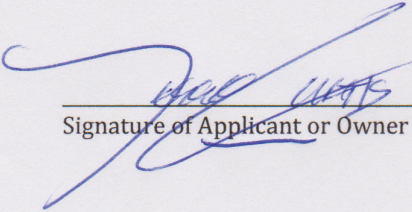
Last Name: Marston First Name: Emily
Mailing Address: PO Box 2473 Sandy, UT 84091
Email Address: _____
Phone Number: _____ Cell Phone: 801-673-3473

Property Information

Property Address or Addresses: 3515 S Hwy 6
Price, UT 84501
Parcel Number(s): 1B-0276-0000 Lot Size (acres): 9.04
Present Zone Classification of the area: Agricultural
Proposed Zone Classification of the area: Commercial
Legal Description:
See attached.

What changed or changing conditions make the proposed amend reasonable and/or necessary to the promotion of the purpose of the Wellington City General Plan and Land Use Code.

Intend to use land for commercial purpose. Surrounding area owned by and utilized for commercial business.

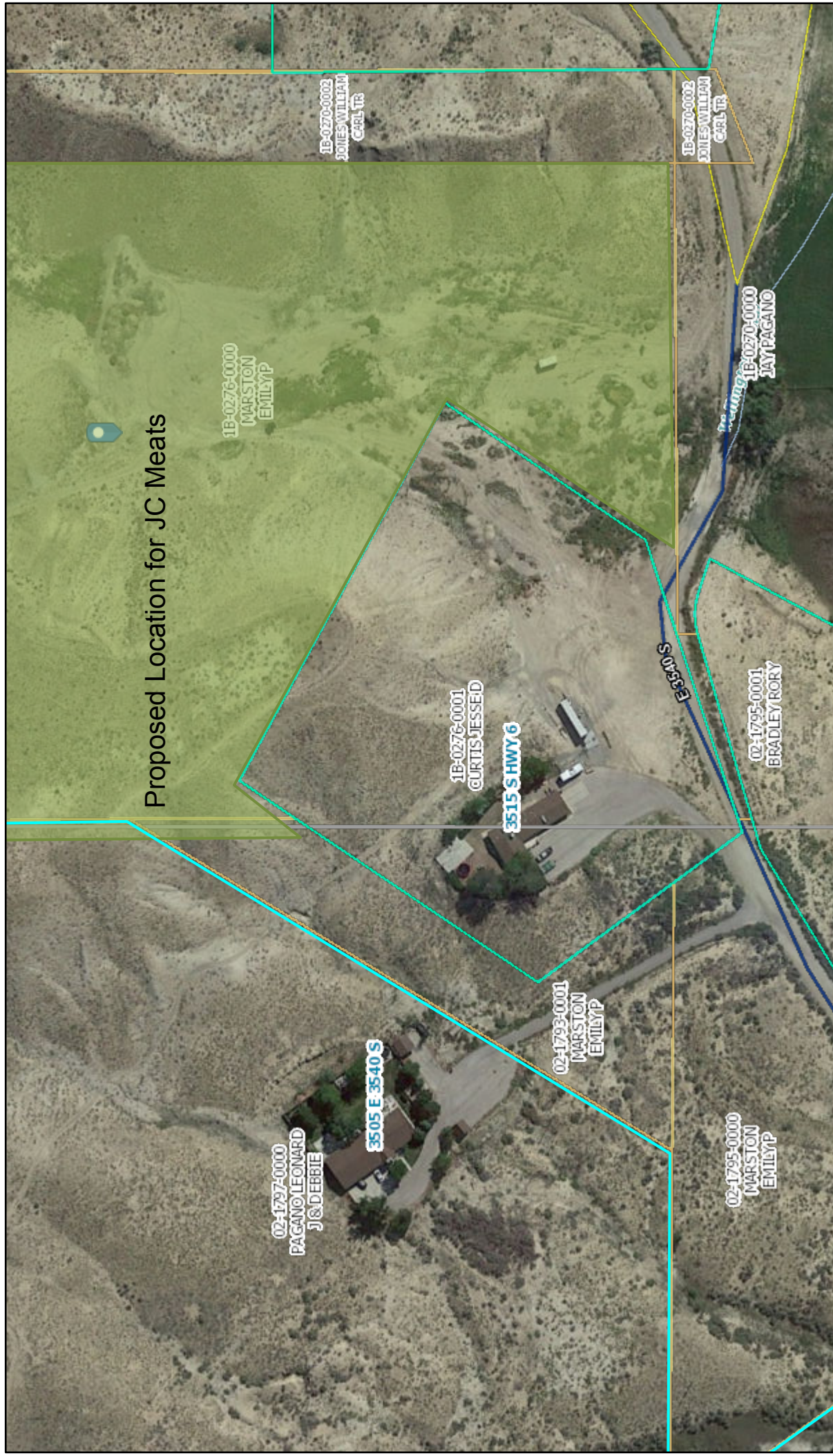


Signature of Applicant or Owner

07/07/2020

Date

Carbon County General Map



6/30/2020, 5:10:59 PM

- Parcel Master
- Subdivisions
- Address Points
- Roads
- County Road (B)
- City Road
- County Boundary
- Sections
- TownRange
- Watercourses



WELLINGTON CITY PLANNING AND ZONING PUBLIC HEARING – ZONE MAP AMENDMENT

The Wellington City Planning and Zoning board will hold a special public hearing on July 15, 2020 at 5:30 PM to consider the following: A request for a zone change from R-1-43 to Manufacturing Zone – M1 for property located at 3515 S Highway 6 Main (1B-0276-0000). Interested persons are encouraged to attend the public hearings to be held in the City Hall Council Chambers at 150 West Main, Wellington, UT 84542 or present their views in writing at least one day prior to the meeting

To participate electronically in the public hearing interested person can contact the City Recorder at gnelson@wellingtonutah.us or 435-637-5213 ext. 2 to receive instructions.

Dated this 17th day of June 2020

Glenna Nelson
City Recorder

Locations of Notice on Wednesday July 8, 2020: Posted at the Wellington City Post Office, Wellington Utah; Wellington City Hall, Wellington, Utah; Miller's Travel Center, 2195 E Main St. Wellington, Utah; The Cowboy Club 31 E Main St. Wellington, UT; The Utah Public Meeting Notice Website; and on the City's Website.

In compliance with the Americans with Disabilities Act, persons needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify Glenna Nelson at 150 West Main, PO Box 559, Wellington UT 84542 at least three days prior to the hearing. Individuals with speech and/or hearing impairments may call Relay Utah by dialing 711. Spanish Relay Utah: 1.888.346.316

LEGAL DESCRIPTION

BEG 370 FT N OF SW COR NE4 SEC 1, T15S, R10E, SLB&M; N 03°31' E 950 FT; S 89°43'25" E 818.67 FT; S 750 FT; N 89°43'25" W 618.67 FT; S 0°03'31" W 200 FT; N 89°43'25" W 200 FT; N 0°03'31" E 200 FT M/L TO BEG. (15.00 AC) LESS: PORTION (3.53 AC) LYING WITHIN CURTIS ACRES SUBDIVISION. 11.47 AC. LESS PORTION (0.71 AC) LYING WITHIN BRADLEY SUBDIVISION. 10.76. LESS BEG PT NE4 COR OF 1B-0276-0000, SAID PT BEG 828.88 FT N89°15'09"E ALONG SEC LINE AND S 1334.19 FT N4 COR SEC 1, T15S, R10E, SLB&M; S 00°53'53"E 750 FT TO SE COR OF 1B-0276-0000; S 89°22'42" W 100 FT; N 00° 53'53"W 749.52 FT; N 89°06'07"E 100 FT TO BEG. 9.04 AC



Planning and Zoning Meeting Staff Report

Date of Meeting: August 5, 2020
Name of Project/Business: GBK Clothing Company, LLC
Name of Applicant: Kelsey Austin
Agenda Item: Exempt Home Occupation License
Location of Item: 1457 E Main Street
Zoning Designation: R-1-43
Parcel Number: [1B-0126-0001](#)
Item #:

Background:

GBK Clothing Company, LLC is an online handmade children clothing retailer.

Land Use Summary

- Lot Size: .20 Acres
- [R-1-43](#)

Analysis:

- **Access:** No patrons of the Home Occupation would access the property.
-
- **Utilities:** Property Owner has proper utilities
- **Fire Hydrant:** Location should have an established Fire Hydrant Access
- **Fire Inspection:** Wellington City does not require a fire inspection for exempt home occupations.
- **Engineering/Road:** N/A
- **Plat/Survey Review:** N/A

Findings:

The proposed use of the location is considered a Conditional Use as described in Title 12-5-3 and Title 12-9-3-3.

The proposed Conditional Use is an Exempt Home Occupation as described in Title 12-5-4. The individual can produce custom dresses and sewing on the premises.

The Business Owner will need to follow advertising guidelines as stated in Title 12-5-3.

Although this will not change the home occupation request, Wellington City needs to identify and amend the zone of this parcel. The property is non-conforming and should fall into a different zone.

Planning and Zoning Commission Meeting Staff Report for
City Council Supplemental Information

Agenda Item – Exempt Home Occupation License for GBK Clothing Company, LLC at 1457 E Main, Zoned R-1-43

Review of Planning and Zoning Decision

Kelsey Austin attended Planning and Zoning on August 5, 2020 to present her plan for her online business GBK Clothing. This proposed business would sell handmade clothing online. Austin explained that most of her packages are received and shipped at the Post Office. It is unlikely GBK Clothing would have little, if any, impact to the surrounding properties.

Commissioner Moosman moved to provide GBK Clothing Company, LLC with a favorable recommendation to move forward to City Council to request an Exempt Home Occupation License at 1457 E Main. Commissioner Cha seconded the motion. All commissioners agreed with the recommendation.

Possible Actions:

1. Recommendation of Approval: This action may be taken if the City Council feels the proposal complies with the requirements of the Land Use Code and General Plan.
 - a. List accepted findings
 - b. Place standards as needed
2. Table: This action may be taken if the City Council feels that there are unresolved issues.
 - a. List accepted findings
 - b. Reasons of tabling
 - i. Unresolved issues that must be addressed
 - c. Date when the item will be heard again
3. Recommendation of Denial: This action may be taken if the City Council feels that the request does not meet the intent of the Land Use Code and General Plan.
 - a. List accepted findings
 - b. Reasons for denial



BUSINESS LICENSE APPLICATION – FOR MEETING PURPOSES

☐ New Business ☒ Home Business
☐ Conditional Use ☐ License Renewal

Business Name GBK Clothing Company, LLC

Business Address 1457 E Main Street Wellington UT 84542

Mailing Address _____

Business Phone 435-630-7895

Nature of Business Handmade Clothing for Children

Are you legally authorized for employment in the United States of America? Yes

Please describe required uniform for employee None

Is any service/item provided sexually oriented? No

Owner(s) Name Kelsey Austin

*Form amended from original application to protect applicant's personal information.

**All Business Licenses *EXPIRE ON DECEMBER 31st* of the Year Issued!
No Refund of license fees after issuance of business license.**

Application Fee: \$15.00

Date Paid 7/9/2020

New Business License Fee (Upon Approval): \$50.00

Date Paid _____

New Business Inspection Fee (Building & Fire): \$50.00

Date Paid _____

Annual Renewal Fee – Formula as Follows:

- | | |
|--|----------------|
| 1. *Gross Revenue for Prior Year | _____ |
| 2. License Fee Based Upon \$0.40 Per Thousand | <u>X 0.004</u> |
| 3. Amount of Renewal Fee if Greater than \$15.00 | _____ |

Minimum License Fee = \$50.00

Minimum License Fee = \$300.00

*Gross Revenue shall include **all revenue** done by the business except that from the sale of gasoline, diesel fuel and alcoholic beverages. **NO** expense of conducting business shall be deducted in computing gross revenue.

For Administrative Staff Only

	Approved	Disapproved	Date
City Zoning	_____	_____	_____
City Council	_____	_____	_____



Planning and Zoning Meeting Staff Report

Date of Meeting: August 5, 2020
Name of Project/Business: Unique Fabric Design
Name of Applicant: Sherry Bean
Agenda Item: Conditional Use Permit –Exempt Home Occupation
Location of Item: 290 Cemetery Rd
Zoning Designation: R-1-10
Parcel Number: [1B-0275-0001](#)
Item #:

Background:

Unique Fabric Design plans to operate as an online business selling fabric.

Land Use Summary

- Lot Size: 8.47 AC
- [R-1-10](#)

Analysis:

- **Access:** Patrons would not visit the property as this is an online commerce.
- **Utilities:** Property Owner has established water and sewer connections.
- **Fire Hydrant:** Location should have an established Fire Hydrant Access
- **Fire Inspection:** N/A
- **Engineering/Road:** N/A
- **Plat/Survey Review:** N/A

Findings:

The proposed use of the location is considered a Conditional Use as described in Title 12-5-3 and Title 12-9-3-3.

The proposed Conditional Use is an Exempt Home Occupation as described in Title 12-5-4.

The Business Owner will need to follow advertising guidelines as stated in Title 12-5-3.

Planning and Zoning Commission Meeting Staff Report for
City Council Supplemental Information

Agenda Item – Exempt Home Occupation License for Unique Fabric Design at 290 Cemetery Rd Zoned R-1-10

Review of Planning and Zoning Decision

Sherry Bean met with the Planning and Zoning Commission on August 5, 2020 to present her business plan for Unique Fabric Design. Bean explained that she plans to resell fabric that she has not or will not use online. There is little to no anticipate impact to the surrounding area.

Commissioner Moosman moved to provide Unique Fabric Design with a favorable recommendation to move forward to City Council to request an Exempt Home Occupation License at 290 Cemetery Rd. Commissioner Willson seconded the motion. All commissioners present agreed.

Possible Actions:

1. Recommendation of Approval: This action may be taken if the City Council feels the proposal complies with the requirements of the Land Use Code and General Plan.
 - a. List accepted findings
 - b. Place standards as needed
2. Table: This action may be taken if the City Council feels that there are unresolved issues.
 - a. List accepted findings
 - b. Reasons of tabling
 - i. Unresolved issues that must be addressed
 - c. Date when the item will be heard again
3. Recommendation of Denial: This action may be taken if the City Council feels that the request does not meet the intent of the Land Use Code and General Plan.
 - a. List accepted findings
 - b. Reasons for denial



BUSINESS LICENSE APPLICATION – FOR MEETING PURPOSES

() New Business (✓) Home Business
() Conditional Use () License Renewal

Business Name Unique Fabric Design

Business Address 290 West Cemetery RD

Mailing Address PO Box 704

Business Phone 435-637-5802

Nature of Business Selling Fabric

Are you legally authorized for employment in the United States of America? Yes

Please describe required uniform for employee None

Is any service/item provided sexually oriented? No

Owner(s) Name Sherry Been

*Form amended from original application to protect applicant's personal information.

**All Business Licenses EXPIRE ON DECEMBER 31st of the Year Issued!
No Refund of license fees after issuance of business license.**

Application Fee: \$15.00 Date Paid 8/3/2020

New Business License Fee (Upon Approval): \$50.00 Date Paid _____

New Business Inspection Fee (Building & Fire): \$50.00 Date Paid _____

Annual Renewal Fee – Formula as Follows:

1. *Gross Revenue for Prior Year _____
2. License Fee Based Upon \$0.40 Per Thousand X 0.004
3. Amount of Renewal Fee if Greater than \$15.00 _____

Minimum License Fee = \$50.00

Minimum License Fee = \$300.00

*Gross Revenue shall include **all revenue** done by the business except that from the sale of gasoline, diesel fuel and alcoholic beverages. **NO** expense of conducting business shall be deducted in computing gross revenue.

For Administrative Staff Only

	Approved	Disapproved	Date
City Zoning	_____	_____	_____
City Council	_____	_____	_____

Carbon County General Map



8/4/2020, 3:23:42 PM

- Wellington Zoning

MH

R-1-10
- Parcel Master

Subdivisions

Address Points
- Roads

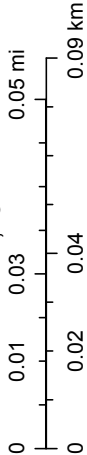
City Road
- Watercourses

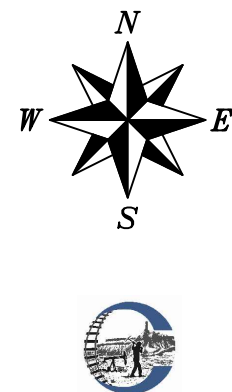
Sections

County Boundary

TownRange

1:2,257



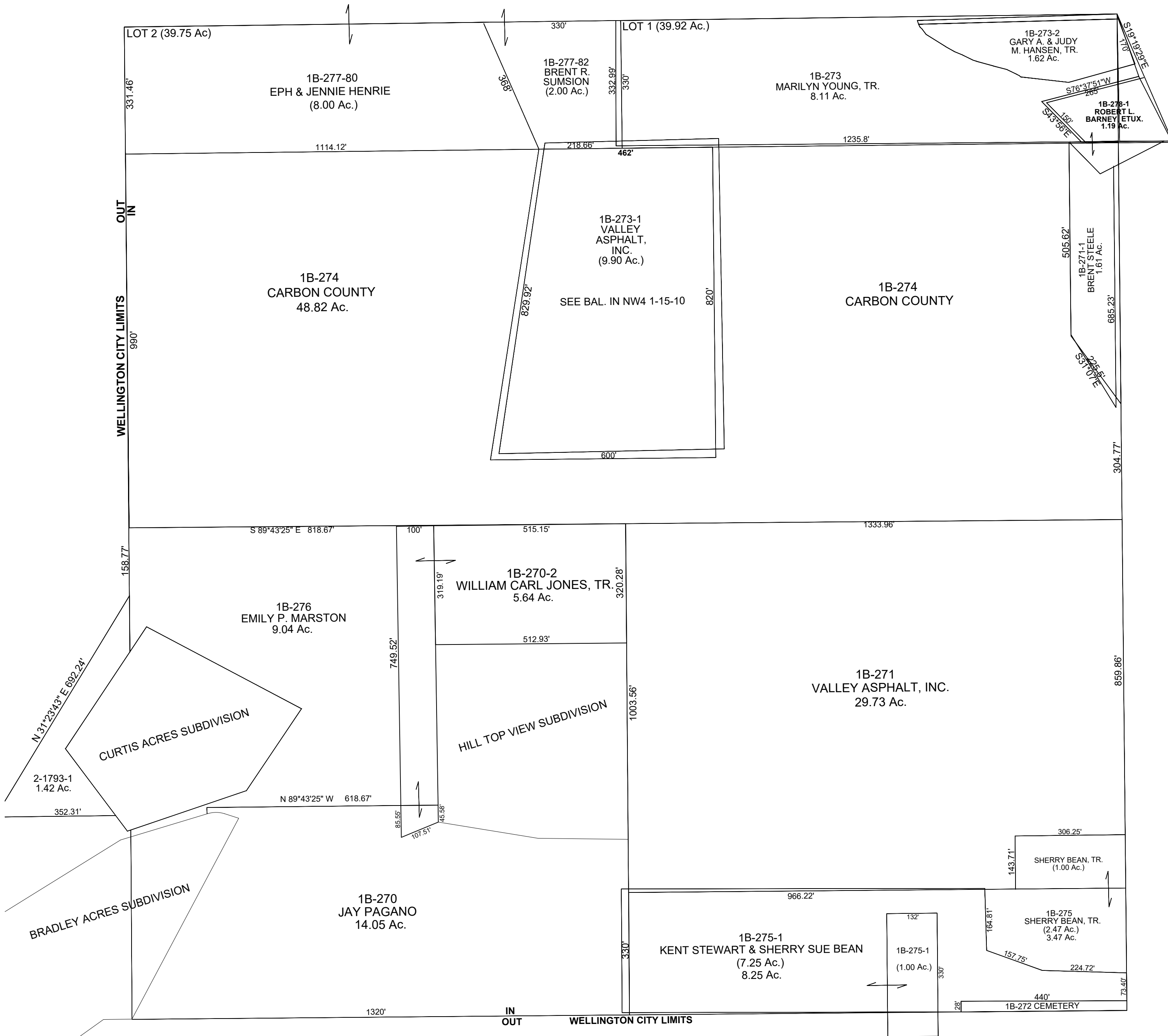


RANGE 10 EAST

CARBON COUNTY PLATS

TOWNSHIP 15 SOUTH

NE4
SECTION 1



SCALE: 200 FEET = 1 INCH
MAY 7, 2020

Carbon County assumes no
liability for errors or omissions in
any information.



Planning and Zoning Meeting Staff Report

Date of Meeting: August 5, 2020
Name of Project/Business: Proline Coating
Name of Applicant: Kory Moosman
Agenda Item: Conditional Use Permit –Home Occupation
Location of Item: 250 S 600 E
Zoning Designation: R-1-7
Parcel Number: [1B-0248-0000](#)
Item #:

Background:

Proline Coating is a proposed business that would offer powder coating and metal blasting.

Land Use Summary

- Lot Size: 5.92 Acres
- [R-1-7](#)

Analysis:

- **Access:** Patrons of the Home Occupation would access the property using 600 E.
- **Utilities:** Property Owner has established water and sewer connections.
- **Fire Hydrant:** Location should have an established Fire Hydrant Access
- **Fire Inspection:** N/A
- **Engineering/Road:** N/A
- **Plat/Survey Review:** N/A

Findings:

The proposed use of the location is considered a Conditional Use as described in Title 12-5-3 and Title 12-9-3-3.

The proposed Conditional Use is an Exempt Home Occupation as described in Title 12-5-4.

The Business Owner will need to follow advertising guidelines as stated in Title 12-5-3.

**Planning and Zoning Commission Meeting Staff Report for
City Council Supplemental Information**

Agenda Item – Exempt or Non-Exempt Home Occupation License for Proline Coating at 250 S 600 E, R-1-7

Review of Planning and Zoning Decision

Kory Moosman met with the Planning and Zoning Commission on August 5, 2020 to present his plan for Proline Coating. In the future Moosman hopes to expand into the auxiliary building on his parcel referred to as the “Old Ice Plant.” Until that time however Moosman will conduct the business out of his garage. This is a power coating business. Examples of materials used include glass, car bumpers, golf clubs, and essentially anything that can withstand the 400F oven.

Commissioner Moosman noted that he would note vote for this agenda item. Commissioner Cha moved to provide Proline Coating with a favorable recommendation to move forward to City Council to request a Home Occupation License at 250 S 600 E in the primary residence. Commissioner Willson seconded the motion.

Possible Actions:

1. Recommendation of Approval: This action may be taken if the City Council feels the proposal complies with the requirements of the Land Use Code and General Plan.
 - a. List accepted findings
 - b. Place standards as needed
2. Table: This action may be taken if the City Council feels that there are unresolved issues.
 - a. List accepted findings
 - b. Reasons of tabling
 - i. Unresolved issues that must be addressed
 - c. Date when the item will be heard again
3. Recommendation of Denial: This action may be taken if the City Council feels that the request does not meet the intent of the Land Use Code and General Plan.
 - a. List accepted findings
 - b. Reasons for denial



BUSINESS LICENSE APPLICATION – FOR MEETING PURPOSES

☒ New Business () Home Business
() Conditional Use () License Renewal

Business Name Proline Coating

Business Address 250 S 600 E

Mailing Address PO Box 9

Business Phone 435-637-0862

Nature of Business Powder Coating/Metal Blasting

Are you legally authorized for employment in the United States of America? Yes

Please describe required uniform for employee None

Is any service/item provided sexually oriented? No

Owner(s) Name Kory Moosman

*Form amended from original application to protect applicant's personal information.

All Business Licenses EXPIRE ON DECEMBER 31st of the Year Issued! No Refund of license fees after issuance of business license.

Application Fee: \$15.00

Date Paid 8/4/2020

New Business License Fee (Upon Approval): \$50.00

Date Paid _____

New Business Inspection Fee (Building & Fire): \$50.00

Date Paid _____

Annual Renewal Fee – Formula as Follows:

1. *Gross Revenue for Prior Year _____
2. License Fee Based Upon \$0.40 Per Thousand _____ **X 0.004**
3. Amount of Renewal Fee if Greater than \$15.00 _____

Minimum License Fee = \$50.00

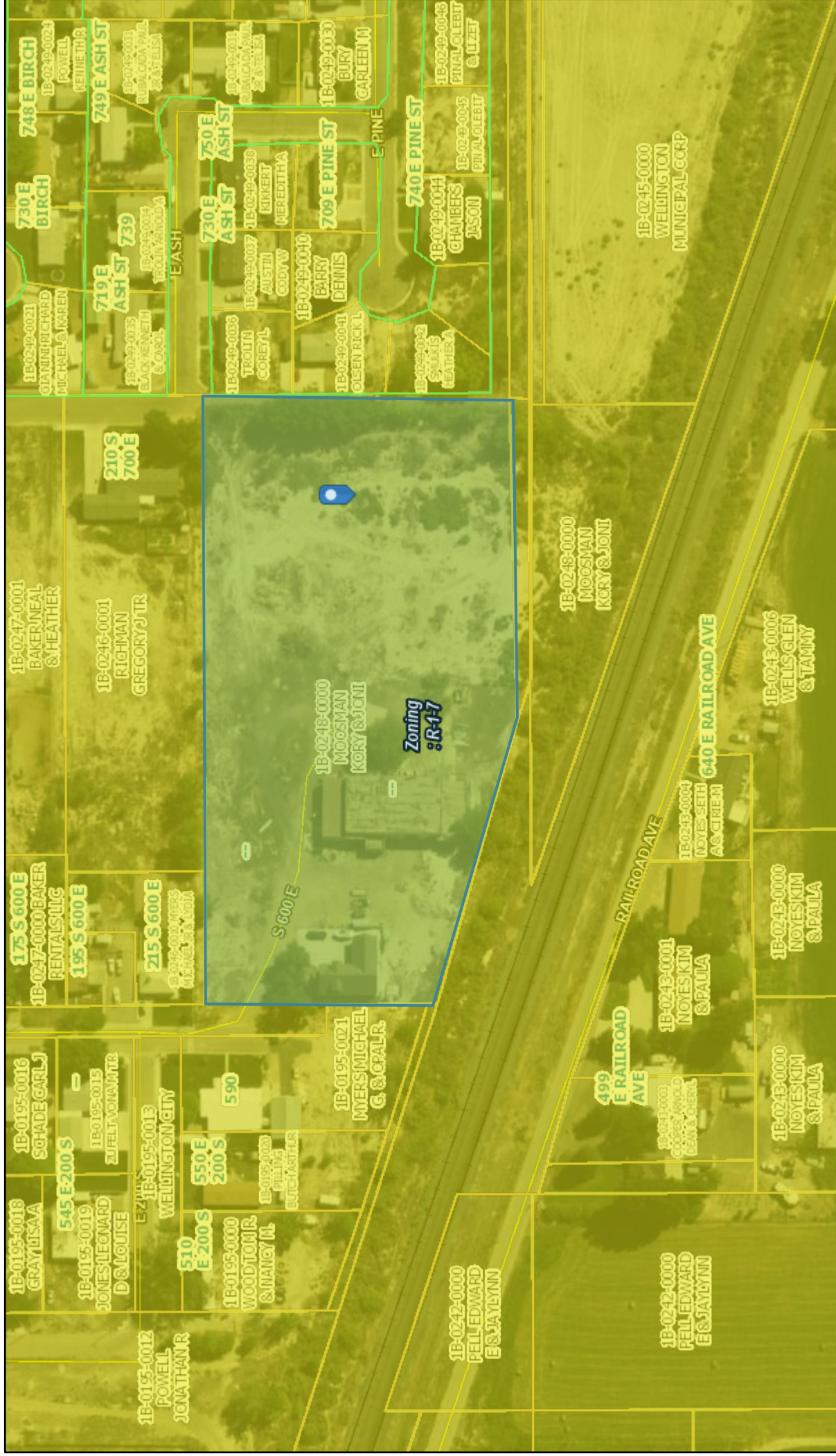
Minimum License Fee = \$300.00

*Gross Revenue shall include **all revenue** done by the business except that from the sale of gasoline, diesel fuel and alcoholic beverages. **NO** expense of conducting business shall be deducted in computing gross revenue.

For Administrative Staff Only

	Approved	Disapproved	Date
City Zoning	_____	_____	_____
City Council	_____	_____	_____

Carbon County General Map



8/4/2020, 3:12:42 PM

Wellington Zoning

R-1-7

Parcel Master

Subdivisions

Roads

City Road

Address Points

Sections

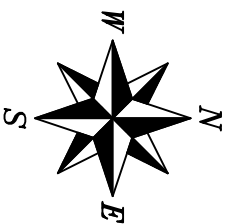
TownRange

County Boundary

Railroads

1:2,257

0 0.01 0.03 0.04 0.05 mi
0 0.02 0.04 0.09 km

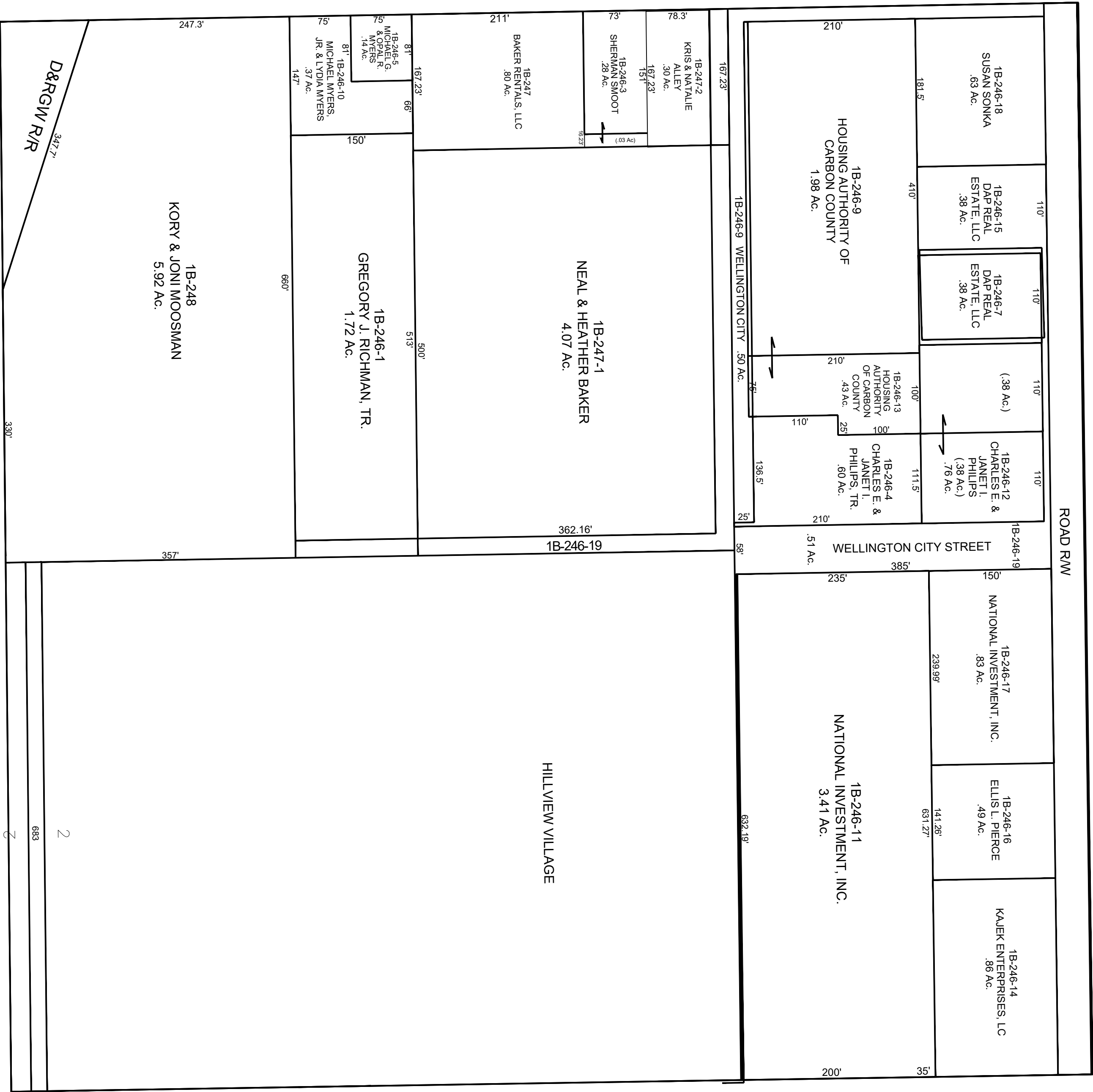


RANGE 11 EAST

TOWNSHIP 15 SOUTH

CARBON COUNTY PLATS

NE4 NE4
SECTION 7



SCALE: 100 FEET = 1 INCH
MAY 14, 2020

Carbon County assumes no
liability for errors or omissions in
any information.



City Council Meeting Staff Report – Water Lantern Festival

Date of Meeting: 8/12/2020

Name of Requestor: Nicole Bennett
Request to use the Wellington City Knight Ideal Pond for Water Lantern Festival

Agenda Item:

Item # 7

Background:

Nicole Bennett approached Councilmember R. Bradley to discuss having a fundraiser at the Knight Ideal Pond. The fund raiser is for her daughter who is part of the Carbon County Royalty. Bennett would work with the local health department to ensure all social distancing requirements are met. Individuals attending would need to purchase tickets in advance. The lanterns use led tea lights as opposed to an actual flame.

Attached Documents

- None

Possible Actions:

- 1. Approve**
 - a. Days and Times Allowed
 - b. Cost per Week
 - c. Use Restrictions
- 2. Table**
 - a. Reasons for Table
 - b. Date for Review
- 3. Denial**
 - a. Reasons for Denial



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

Water Quality Board
Jennifer Grant, Chair
Gregg A. Galecki, Vice Chair
Steven K. Earley
Brandon Gordon
Michael D. Luers
L. Scott Baird
Emily Niehaus
James Webb
Dr. James VanDerslice
Dr. Erica Brown Gaddis
Executive Secretary

March 26, 2020

Mayor Joan Powell
Wellington City
150 West Main
Wellington, UT 84542
Via Email

Subject: Wellington City Design Hardship Grant Agreement #D042
Authorization Letter

Dear Mayor Powell,

On February 28, 2020 the Utah Water Quality Board authorized a Design Hardship Grant to Wellington City in the amount of \$350,000. In addition the Water Quality Board authorized the conversion of existing advances totaling \$83,573.86 to hardship grant with the remaining \$45,026.14 of these funds to be deobligated. The Design Grant is subject to the General Provisions as well as the Special Grant Provisions as outlined in the Grant Agreement.

Please review the design grant agreement and mail it with original signatures to:

Division of Water Quality
Attn: Marsha Case
PO Box 144870
Salt Lake City, UT 84114

Upon receipt, the agreements will be signed by the Division of Water Quality and will be forwarded to the Utah Division of Finance for final processing.

If you have any questions or concerns regarding your design grant agreement, please contact

Page 2

Wellington City Design Hardship Grant Agreement #D042
Authorization Letter

Skyler Davies at 801-536-4359 or by email at sdavies@utah.gov or Marsha Case 801-536-4315, mcase@utah.gov.

Sincerely,

Utah Water Quality Board



Erica Brown Gaddis, PhD
Executive Secretary

EBG/MC/blj

Enclosures: 1. Design Grant Agreement (DWQ-2020-006884)

U:\DIRECTOR\Mcase\0Projects\Wellington\Wellington Design Grant D042\Wellington Design Grant Auth Letter.docx
File: Wellington City\Admin\Section 1
DWQ-2020-006882

Contract: D042
Amount \$350,000
Grantee Wellington City
Tax ID#: 87-6113039

DESIGN GRANT

WATER QUALITY BOARD HARDSHIP GRANT FUND

STATE OF UTAH

Department of Environmental Quality
Division of Water Quality

This design hardship grant is entered into by and between the State of Utah, Department of Environmental Quality, Division of Water Quality, Water Quality Board (hereinafter the "BOARD") and

WELLINGTON CITY

applicant for a Design Hardship Grant under the Water Quality Board provisions contained in Title 73, Chapter 10C, Utah Code Annotated 1953 (hereinafter the "GRANTEE"). Pursuant to the provisions of the Statute, and the powers and functions of the Water Quality Board, the BOARD hereby finds and determines, based upon the formal application of the GRANTEE, the evidence provided by the GRANTEE to the BOARD and its staff, and information developed by the BOARD in its own investigations and at the hearings on the application of the GRANTEE, the following, that:

1. The GRANTEE is a political subdivision pursuant to Section 73-10c-2 (10) of the laws of the State of Utah.
2. The proposed project has been determined to meet wastewater project loan considerations.
3. The project has been determined by the BOARD to not be economically feasible unless grant assistance is provided.
4. The GRANTEE has been authorized by the BOARD pursuant to Section 73-10c-4 (5) to receive a Hardship Grant.

Based upon these findings, the BOARD is authorized and empowered to, and does hereby, enter into the following agreement with the GRANTEE.

PAYMENT OF THIS CONTRACT IS SUBJECT TO THE FOLLOWING PROVISIONS:

GENERAL PROVISIONS

1. The BOARD shall provide the GRANTEE the amount of **\$350,000** (DESIGN GRANT AMOUNT, which includes the previously authorization for PROPERTY ACQUISITION) for the completion of the Project as described in Exhibit-1, Work Description and Cost Breakdown.
2. The GRANTEE shall complete the Project described in Exhibit-1, Work Description, and Cost Breakdown within the time period identified in the Plan of Study or Engineering Plan. If work on the project is not completed by May 31, 2021, this grant may be canceled by written notice from the BOARD to the GRANTEE. No work completed after receipt of the notice shall be reimbursable.
3. The GRANTEE shall comply with the special grant provisions identified in the SPECIAL GRANT PROVISIONS.
4. The GRANTEE shall notify the BOARD in writing of any proposed modification to the Project that alters Exhibit-1, Work Description and/or GRANT AMOUNT. If such notification is not received, the cost of the proposed modification will be disallowed.
5. All unused funds must be returned to the BOARD. Funds returned, as surplus to the BOARD shall be applied as a reduction of the grant amount.
6. The funds shall be deposited with other funds necessary to complete the project into a supervised escrow account at the time the grant agreement between the GRANTEE and the BOARD is executed. All disbursements from the account will be reviewed and certified by the GRANTEE and the BOARD.
7. The GRANTEE shall comply with all laws that normally govern its affairs in regard to contracts, fiscal procedures, and procurement procedures, including engineering services procurement.
8. The GRANTEE shall indemnify and hold harmless the State of Utah, the Department of Environmental Quality and their officers, agents and employees from and against any and all loss, damage, injury, liability, and claims, including claims for personal injury or death, damages to personal property and liens of workmen and material men, howsoever caused, resulting directly or indirectly from the performance of this agreement by the GRANTEE, including attorneys fees and costs in the investigation or defense of any claim, whether or not the claim has merit.
9. The GRANTEE shall be an independent contractor, and, as such, shall have no authorization,

express or implied, to bind the State of Utah the Department of Environmental Quality, the Division of Water Quality or the Water Quality Board to any agreement, settlement, liability, or understanding whatsoever, nor to perform any acts as agent for the State of Utah, except as herein expressly set forth.

10. GRANTEE expenditures under this grant determined by audit to be ineligible for reimbursement because they were not authorized by the terms and conditions of the grant or that are inadequately documented, and for which payment has been made to the GRANTEE will be immediately refunded to the BOARD by the GRANTEE. The GRANTEE further agrees that the BOARD shall have the right to withhold any or all-subsequent payments under this or other contracts to GRANTEE until recoupment of overpayment are made.
11. This grant may be altered, modified, or supplemented only by written amendment, executed by the parties hereto, and attached to the original signed copy of this agreement. The BOARD will allow no claim for services furnished by the GRANTEE, not specifically authorized by this Agreement.
12. If it is determined that in any manner the advance was improperly made or entered into, or if the monies are or were used improperly or contrary to the terms of this agreement, the GRANTEE shall pay to the BOARD the amount of all monies and benefits received by the GRANTEE by the BOARD.
13. The GRANTEE will designate a representative or representatives to assist their consultant and the State in coordination with the communities governing board and planning decisions.

SPECIAL GRANT PROVISIONS

14. This Design Grant is subject to the following special provisions:
 - a. The City must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).
 - b. As part of the facility planning, the City must complete a Water Conservation and Management Plan.
 - c. The engineering contract for design and pre-construction services must be approved by the Division before work on the contract begins.
 - d. The City must pursue and retain additional funding necessary to implement this project or a substantive portion of the proposed project before funding will be made available from this grant.

EXECUTION

NOW, THEREFORE, by virtue of the authority contained in Title 73, Chapter 10, Utah Code Annotated, 1953, as amended, the parties hereto mutually agree to perform this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the _____, 20____. This contract will take effect upon approval as evidenced by the appropriate signatures.

ENTITY

STATE

Wellington City
150 W Main
PO Box 559
Wellington, UT 84542

APPROVED - UTAH WATER QUALITY BOARD

By: _____
Joan Powell, Mayor

By: _____
John K. Mackey, Manager
Engineering Section

ATTEST:

JURAT

DISTRICTS

STATE OF UTAH)

:ss

Wellington City)

On this _____ day of _____, 20____, personally appeared before me Joan Powell, who being by me duly sworn did say he is the Mayor, respectfully, of Wellington City of the State of Utah, and that the foregoing instrument was signed in behalf of said entity by authority of a motion of its governing body passed on the ____ day of _____, 20____ and said persons acknowledged to me that said service area executed the same.

Notary Public, residing at

My Commission Expires: _____

Exhibit No. 1

Work Description and Cost Breakdown

WELLINGTON CITY

DESIGN GRANT

SCOPE OF WORK

The Design Grant awarded to Wellington City is for engineering services necessary to complete the design and other pre-construction services related to replacement and renewal of major portions of the City's sewer system. The scope of the design is expected to encompass collection system repairs and renewal including replacing approximately 31,000 feet of sewer lines, in various stages of failure. This design should include replacement of all manholes within the replaced sections, and sewer laterals that connect to the replaced pipes to be replaced to the property lines. The design will also include a new force main to serve a section of the City that is currently not connected to the sewer and is susceptible to flooding from the nearby Price River.

IMPLEMENTATION SCHEDULE:

It is estimated that the design process will be complete by May 31, 2021.

COST ESTIMATE:

The estimated cost of scope of work is \$350,000. Costs beyond the hardship grant amount of \$350,000 and the responsibility of the City.

U:\DIRECTOR\Mcase\0Projects\Wellington\D042 Wellington Design Grant Agreement.doc
File: Wellington City\Admin\Section 1
DWQ-2020-006884



City Council Meeting Staff Report – Additional Outside Water Share Request

Date of Meeting: 8/12/2020
Name of Requestor: Heather Nye
Agenda Item: Request for an additional water line
Item # 15

Background:

Parcel 02-1890-0000 or 350 N 950 E Wellington is in the county. As per Jeff Richens at PRWID the property is part of Wellington City's Outsiders agreement. At the time of the agreement 12 shares of water were allowed for all of those considered "outsiders."

The property owner is looking into adding an Auxiliary Dwelling Unit (AUD) onto the property. Wellington City needs to determine if it will require an additional water share for this property. It is possible that the current property owner or any future property owner could one day divide the property into two parcels. Jeff Richens from PRWID is recommended that Wellington City determine the number of additional connections allowed at the location.

The current zone for this parcel is RR-1 and the acres is 2.82. Under the Carbon County Development Code 4.24 RR1 is designated for one-acre rural residential zones.

Attached Documents

- None

Possible Actions:

- 1. Approve**
 - a. Days and Times Allowed
 - b. Cost per Week
 - c. Use Restrictions
- 2. Table**
 - a. Reasons for Table
 - b. Date for Review
- 3. Denial**
 - a. Reasons for Denial