



## **Wellington City Council Regular Meeting**

Meeting held Wednesday August 12, 2020

at the Wellington City Hall

located at 150 West Main Street, Wellington, Utah

at 6:00 P.M.

### *City Council Present*

Mayor Powell, Councilmember Noyes, Councilmember R. Bradley, Councilmember Perea

### *City Staff Present:*

Glenna Nelson – City Recorder

John Schindler – City Attorney

Kory Moosman – Public Works Director

### *Attendees:*

Justin Atkinson – Sunrise Engineering

Traci Bishop – ETV News

Blair Bennett

Jesse Curtis

Kelsey Austin

Sherry Bean

Clint Prettyman

Jessa Prettyman

Mary Israel

Lee Israel

Larry Evans

Jared Hansen – Jones & DeMille Engineering

## **Agenda Item 1. Public Comment Period**

*Councilmember Noyes moved to appoint Councilmember Wells as Mayor pro tem for the meeting. Councilmember R. Bradley seconded the motion, and the motion carried with Noyes, Perea, R. Bradley, and D. Bradley in favor.*

Mayor pro tem Wells opened the meeting at 6:00 P.M. by asking if anyone physically present, and those participating electronically wanted to speak for the public comment period. No audience members came forward.

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

Mayor pro tem Wells noted that all Councilmembers were present and asked everyone to stand for the Pledge of Allegiance.

Prior to approving minutes from previous meetings, Councilmember Perea requested that the city recorder correct the dates on all three sets of minutes.

*Councilmember R. Bradley moved to approve the meeting minutes as written from the July 8, 2020 work session. Councilmember Noyes seconded the motion, and the minutes were approved with Noyes, Perea, R. Bradley, and D. Bradley in favor.*

*Councilmember Noyes moved to approve the meeting minutes as written from the July 8, 2020 regular session. Councilmember D. Bradley seconded the motion, and the minutes were approved with Noyes, Perea, R. Bradley, and D. Bradley in favor.*

*Councilmember R. Bradley moved to approve the meeting minutes as written from the July 22, 2020 work session. Councilmember D. Bradley seconded the motion, and the minutes were approved with Noyes, Perea, R. Bradley, and D. Bradley in favor.*

*Councilmember Noyes moved to approve the meeting minutes as written from the July 22, 2020 regular session. Councilmember R. Bradley seconded the motion, and the minutes were approved with Noyes, Perea, R. Bradley, and D. Bradley in favor.*

**Agenda Item 3. Ordinance 2020-03 – An Ordinance to Establish the Procedure for Filling and Terminating Employees Appointed by Wellington City**

Ordinance 2020-03 was not voted on or discussed as a Public Hearing is required first.

*Councilmember Perea moved to table Ordinance 2020-03, an ordinance establishing the procedures for filling and terminating employees appointed by Wellington City. Councilmember R. Bradley seconded the motion, and the item was tabled with Noyes, R. Bradley, Perea, and D. Bradley in favor.*

**Agenda Item 4. Mid-Term Vacancy of Wellington City Mayor – In Harmony with Utah Code, interview and appoint a person from the submitted and qualified nominees to fill the subject vacancy. The Appointment will expire on the first Monday of January 2022.**

The city recorder presented Paula Noyes and Milton Bryan Thayn as the two individuals who applied to fill the midterm vacancy of Wellington City Mayor. Milton Bryan Thayn did not meet the qualifications required as per Utah Code Annotated Section 10-3-301. These two requirements are that the interested individual is a registered voter of the municipality and a legal resident of the municipality for the previous twelve consecutive months.

*Councilmember R. Bradley moved to appoint Paula Noyes to fill the mid-term vacancy of Wellington City Mayor, in harmony with Utah Coded. The appointment will expire on the first Monday of January 2020. Councilmember D. Bradley seconded the appointment and Paula Noyes was appointed as Mayor with D. Bradley, R. Bradley, and Perea in favor.*

*Councilmember D. Bradley motioned for Paula Noyes to assumer her mayor title for the remaining portion of the meeting. Councilmember R. Bradley seconded the motion and the motion carried with Perea, D. Bradley, Wells, and R. Bradley in favor.*

**Agenda Item 6.      Resolution 2020-15 – Wellington City, Utah Parameters Resolution - 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.**

The city recorder explained and requested that the City Council review Resolution 2020-15 prior to Resolution 2020-14.

*Councilmember Wells moved to vote on Agenda Item 6, Resolution 2020-15 the Wellington City Parameters Resolution prior to reviewing Resolution 2020-14. Councilmember Perea seconded the motion, and the motion carried with Wells, D. Bradley, R. Bradley, and Perea in favor.*

*Councilmember Perea moved to approve Resolution 2020-15, a parameters resolution of Wellington City, Carbon County, Utah approve 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. Councilmember R. Bradley seconded the motion and Resolution 2020-15 was approved with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 5.      Resolution 2020-14 – Local Building Authority of Wellington City, Utah Parameters Resolution - 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.**

*Councilmember Perea moved to approve Resolution 2020-14, a resolution of the Local Building Authority of Wellington City calling for 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. Councilmember R. Bradley seconded the motion, and Resolution 2020-14 was approved with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 7.      Water Lantern Festival – Nicole Bennett**

Blayr Bennett, the 2020 National American Miss Jr-Teen for Utah, came before City Council to request permission use the Knight Ideal Pond to host a water lantern festival ("Light the Night")

to raise money to attend the national competition in November. As a measure to meet the current local health department guidelines, Bennett plans to sell tickets ahead of time. Only the individuals who purchased a ticket can attend the event. To light the lantern Bennett will use LED candles instead of traditional flame candles.

*Councilmember R. Bradley moved to allow Blayr Bennett to use the Knight Ideal Pond for the Light the Night water lantern festival. Councilmember Perea seconded the motion, and the motion carried with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 8.        Jesse Curtis – Zone Map Amendment – Request to change 1B-0276-0000 from an R-1-43 to a Manufacturing Zone.**

Jesse Curtis came before the City Council to request a zone map amendment at 1B-0276-0000. The current zone is R-1-43 and the proposed zone is a Manufacturing Zone. In total this change would impact 9.04 acres of land. With this change Curtis would move ahead with build JC Meats, a business that would slaughter livestock in addition to butchering and packaging both livestock and game meat.

*Councilmember Wells moved to approve the zone map amendment for 1B-0276-0000 which would change from an R-1-43 to a Manufacturing Zone. Councilmember D. Bradley seconded the motion, and the zone change was granted with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 9.        GBK Clothing Company, LLC – Home Occupation at 1457 E Main Street**

Kelsey Austin presented her Home Occupation GBK Clothing Company, LLC at 1457 E Main Street to City Council. Austin has registered her business with the state and IRS. It is an online based business only and no patrons would come to her house.

*Councilmember R. Bradley moved to provide an exempt home occupation license to GBK Clothing Company, LLC. Councilmember D. Bradley seconded the motion, and the home occupation was approved with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 10.      Western Detail Custom – Business License at 1292 E Main Street**

Item not reviewed as business did not attend the prior Planning and Zoning Meeting.

**Agenda Item 11.      Unique Fabric Design – Home Occupation of 290 Cemetery Road**

Sherry Bean introduced Unique Fabric Design to the City Council and requested approval for an exempt home occupation license at 290 Cemetery Road. Bean plans to buy and sell fabric online.

*Councilmember Wells moved to provide Unique Fabric Design an exempt home occupation license at 290 Cemetery Road. Councilmember Perea seconded the motion, and the home occupation was approved with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 12. Proline Coating – Home Occupation at 250 S 600 E**

Kory Moosman approached the City Council to request an exempt home occupation license at 250 S 600 E for Proline Coating. Eventually Moosman hopes to move the business to the structure on his property that once was a dry ice plant. The abandoned building needs improvements and the zoning need modification prior using the space. In the meantime, Moosman will operate out of his garage.

*Councilmember Perea moved to provide Proline Coating an exempt home occupation license at 250 S 600 E. Councilmember Perea seconded the motion, and the home occupation was approved with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 13. Clint's Mobile Service and Towing - Home Occupation Review Based on Neighbors Concerns/Complaints.**

Steve Batio requested to attend the City Council meeting to address his concerns over his neighbor's business Clint's Mobile Servicing and Towing. During the past four months Batio has noticed an increase in junk or immobile vehicles at the property. Upon investigation he learned that the neighbor was granted a non-exempt home occupation in autumn 2019. Batio is requested that Wellington City rescind the home occupation license for Clint's Mobile Service and Towing.

Councilmember R. Bradley responded to Batio's complaints and acknowledged that he has already spoken to the business owner. Additionally, R. Bradley is reviewing all city code regarding nuisances and junk yards. Batio and R. Bradley continued to review these concerns.

Both Councilmember R. Bradley and Batio noted that most of the vehicles accumulating on the property come from Kwik Lube and Tire. Batio stated these vehicles need to go back to Kwik Lube and Tire. R. Bradley explained that these vehicles are not property of Kwik Lube and Tire and instead have been given or contracted to Clint's Mobile Service and Towing for repair.

Councilmember Perea stated that she needed to view the property herself prior to making recommendations. R. Bradley noted that Ryan Monson and Todd Thorne from the Carbon County Building Department did come to the city haver meeting with Batio to review the junk vehicles that are on the county's portion of the property. Batio stressed his desire for the city to quickly respond to his concerns. Mayor Noyes thanked Batio for bringing his concerns before the City Council.

Clint Prettyman, the owner of Clint's Mobile Service and Towing asked for permission to also address his neighbor's concerns. Prettyman began by noting that he counted the number of vehicles and other personal property on his lot prior to attending the meeting. By his count there are 24 cars in need of repairs, 2 recreational vehicles, 1 camp trailer, and a few boats. One of the boats is being removed during the upcoming weekend. Prettyman has vehicles that he plans to scrap when prices increase. Councilmember R. Bradley noted that Prettyman may need to scrap these items before the prices increase as a response to his neighbor's complaints. Councilmember Perea suggested that Prettyman consider donating these vehicles. Prettyman also explained that often times he uses parts from one vehicle to fix another one and once it is fixed then two cars are removed from his property.

Mary Israel, another neighbor of Clint Prettyman spoke out regarding the junk vehicles accumulating at Clint's Mobile Service and Towing. Israel shared with Mayor Noyes photos she took of the property. For this neighbor, her main concern is that the property value of her home is decreasing, yet her property taxes are somehow increasing. Israel also requested that the city council quickly address this issue.

The City Council again acknowledged the issue and began discussing a timeline with Clint Prettyman to remove the cars. The preferred solution is for Prettyman to reduce the number of vehicles on his during the next two months. Prettyman asked for clarification on the requirements of a privacy fence, however Mayor Noyes noted that the goal is to remove the vehicles. The city has specific requirements on moving forward with allowing a scrap yard, and at this time would unlikely grant such use on the property.

Lee Israel noted that it is reasonable to allow Clint's Mobile Service and Towing time to clean up the property, however it is also reasonable that the city follow through with enforcing the guidelines of its ordinances.

Larry Evans who is also a neighbor of Clint Prettyman agreed with Lee Isreal's comments and would like to see Prettyman have an opportunity to address his neighbor's concerns.

Mayor Noyes thanked everyone for have a positive diaglounge to address the growing concern of the neighborhood. Clint Prettyman is scheduled to attend the October 14<sup>th</sup> City Council meeting for a follow up.

**Agenda Item 14.      DEQ – Division of Water Quality – Review and Acceptance of Contract D042 Allowing Wellington City to Accept \$350,000 in Grant Funds for the Sewer Improvements Project**

The city recorder instructed the City Council on the intent of Contract D042 with the DEQ – Division of Water Quality. By accepted the contract the City will agree to accept \$350,000 in grant funds for the Sewer Improvements Project.

*Councilmember Perea moved to approve the Contract D042 with the DEQ – Division of Water Quality. Councilmember R. Bradley seconded the motion, and the zone change was granted with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 15. Heather Nye – Wellington City Utilities Outsider Account. Request for Additional Water Connections**

Councilmembers reviewed Heather Nye's request during the work session. The council agreed that move information is required to decide on this request.

*Councilmember Perea moved to table Heather Nye's request. Councilmember R. Bradley seconded the motion, and the agenda item was tabled with Perea, R. Bradley, D. Bradley, and Wells in favor.*

**Agenda Item 16. Vouchers and Warrants**

*Councilmember Wells moved to approve and sign vouchers and warrants. Councilmember D. Bradley seconded the motion, and the motion passed with Wells, Perea, R. Bradley, and D. Bradley in favor.*

**Agenda Item 17. Council Reports**

Councilmember Perea updated the City Council on the progress of the Community Development Block Grant and the OHV Trail Project.

Councilmember R. Bradley has been working with local business owners and property owners to clean up the weeds on their properties. The City Attorney, John Schindler, spoke to the City on how a recent bill passed by state legislatures impacts the ability to issue misdemeanors on certain nuisance orders such as obnoxious weeds. Schindler encouraged the council to contact state representatives to express how these changes harm a city.

Councilmember Wells commented on the dry summer and that water is becoming more limited.

**Agenda Item 18. Executive Session to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual. Pledge of Allegiance, Roll Call, and Approval of Previous City Council Minutes**

*At 7:13 Councilmember R. Bradley moved to enter an Executive Session to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual. Councilmember D. Bradley seconded the motion, and the council agreed to move into an executive session with Wells, Perea, R. Bradley, and D. Bradley in favor.*

*At 8:03 Councilmember R. Bradley moved to exit the Executive Session to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual. Councilmember Perea seconded the motion, and the council agreed to move into an executive session with Wells, Perea, R. Bradley, and D. Bradley in favor.*

**Agenda Item 19. Adjourn**

*Councilmember Perea moved to adjourn. Councilmember D. Bradley seconded the motion, and the motion carried with Perea, R. Bradley, D. Bradley, and Wells in favor.*

The meeting adjourned at 8:04 P.M.

The next meeting is scheduled for August 26, 2020 at 6:00 P.M. at the Wellington City Hall.

Minutes approved by the City Council on **August 26, 2020.**

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Paula Noyes, Mayor

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Glenna Nelson, City Recorder