

Naples City Council December 13, 2007 Minutes

The regularly scheduled meeting of the Naples City Council was held December 13, 2007, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Council members attending were Dale Bowden, Dennis Long, Robert Hall, Dan Olsen, and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Scott Pedersen, Larry Moon, Jason McDonald, Riley Todich, Woody Kemp, Doug Beagles, Dave Ash, Jon Wickham, Marleah Jacobson, Russ Vernon, Chris Balling, Connie Patton, Steve Guibord and Nikki Kay.

OTHERS ATTENDING

Kenneth Reynolds **moved** to approve the agenda as presented. Dennis Long **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Robert Hall **moved** to approve the minutes of November 8, 2007 as presented. Dan Olsen **seconded** the motion. The motion passed with all voting aye. The minutes of the canvass of elections held on November 15, 2007 was also presented to Council for their approval. Kenneth Reynolds asked about including the results of the .25% road use tax to the minutes. Dan Olsen **moved** to approve the minutes of the canvass of elections held on November 15, 2007 with that change. Dennis Long **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Connie Patton presented the bills, to be approved for payment, in the amount of \$78,764.78. Councilman Long questioned the bill to Daniel's Plumbing. He asked if the heating system at the fire station had any type of guarantee and if the bill was justified. Councilman Olsen thought the heating & cooling system was part of the old system. Dan Olsen **moved** to approve the bills for the amount submitted. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

APPROVAL OF BILLS

Dale Bowden

Aye

Robert Hall	Aye
Dennis Long	Aye
Dan Olsen	Aye
Ken Reynolds	Aye

Representatives from Halliburton and FCI Development came before the Council requesting approval to maintain ownership of the road at 2000 South. Halliburton brought a map showing the road accessing the new Halliburton development. Mr. Kemp explained that the new road does not exist and property was purchased to put the road in. Halliburton would like to maintain ownership of the road for a period of fifteen years. He explained that typically a road is put in and dedicated to the City. This would put a hardship on Halliburton because the local facility would have to take cash out of their pocket to pay those costs. He explained that if they could maintain ownership of the road and depreciate it over a period of time then the corporation kicks in and helps pay for it. Mayor Baker wanted to know if they wanted to keep ownership and have the City maintain the road. Mr. Kemp stated they would be willing to work up a maintenance agreement with the City. Councilman Hall wanted to know the status of the traffic light at 2000 South. They stated Halliburton is currently trying to work with UDOT to have the light installed. UDOT wanted to postpone the installation of a traffic light until Halliburton's development is completed and then conduct another traffic count. Councilman Bowden asked about the other business that would be building near Halliburton's development. Mr. Kemp stated they will access their business from a dedicated intersection and the road will create a T. It was explained that the road will be a little over 1000'. Mayor Baker wanted to know if Halliburton had a set time limit for ownership of the road. Mr. Kemp said they would like to leave the time frame open at this point. Council members were in agreement that they have no problem with the concept of Halliburton keeping ownership of the road. Council members said they would like the City Attorney to work on a maintenance agreement for the road. Robert Hall asked the representatives to restate their proposal. Mr. Kemp said that Halliburton's extension of 2000 South is on private property and they would like to retain ownership of the road rather than dedicating it to the City and also work out some type of maintenance agreement with the City. Councilman Hall wanted to know if they wanted to put a time frame in the agreement. Councilman Olsen recommended putting a time frame of no longer than fifteen years. Robert Hall

***HALLIBURTON/FCI
DEVELOPMENT 2000 S
1500 E***

moved to allow Halliburton to proceed with their extension of 2000 South, to allow them to maintain ownership of the road, to work out a maintenance agreement with the City, and to stipulate a time frame of no longer than fifteen (15) years. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Pedersen Petroleum, 1573 South 500 East. A business license application was received from Pedersen Petroleum for approval. Mr. Pedersen was in attendance at the meeting and explained that he would be storing and selling oil out of a storage building at his home. He stated no customers would be coming to his home. Councilman Long asked how much oil would be stored. Mr. Pedersen said at the most he would have 75 to 100 barrels of oil. Councilman Hall stated he had no problem with it as long as Mr. Pedersen kept the guidelines of a Home Occupation permit. Dan Olsen **moved** to approve the license based on the Home Occupation standards. Dale Bowden **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVAL***

Nikki Kay asked for approval to pay for four external hard drives in the amount of \$540.58. She explained the hard drives would be used to do daily, weekly, and monthly backups. The hard drives will be installed on the City Recorder computer, the Court computer, Planning & Zoning, and the Treasurer's computer. Dan Olsen **moved** to approve the expenditure. Dale Bowden **seconded** the motion. The motion passed with the following vote:

***PURCHASES - OFFICE
SUPPLIES***

Dale Bowden	Aye
Robert Hall	Aye
Dennis Long	Aye
Dan Olsen	Aye
Ken Reynolds	Aye

***POLICE DEPARTMENT -
TIRES***

Steve Guibord came before the Council to request approval to purchase new tires for two of the police vehicles. Four tires would be for one of the Dodge Charges and four would be for one of the Impalas. The cost for eight new tires would be \$748. Dennis Long **moved** to approve the \$748 for the tires. Robert Hall **seconded** the motion. The motion passed with the following vote:

Dale Bowden	Aye
Robert Hall	Aye
Dennis Long	Aye

Dan Olsen Aye
Ken Reynolds Aye

Chief Guibord asked for approval to pay Mark Watkins for fifteen hours of vacation time. The fifteen hours would be hours above the forty hours that can be carried over from one year to the next. Chief Guibord stated Lieutenant Watkins would have too many vacation hours at the end of the year to carry over. Councilman Olsen recommended extending the time frame to the end of January and to not pay out for the vacation. After some discussion, Dan Olsen **moved** to allow Mark Watkins until January 31, 2008 to use his excess vacation hours. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***REQUEST FOR PAY OUT
OF VACATION FOR MARK
WATKINS***

Nikki Kay asked the Council for approval to pay two of the contractors for work completed up to this point on the equipment storage building. Eric Hartle has completed work on the foundation and Craig Blunt submitted a request that he be paid as soon as a final bill was presented. Ken Reynolds **moved** to pay Mr. Hartle, as long as the work is completed and acceptable, up to the amount of his bid. Dennis Long **seconded** the motion. The motion passed with the following roll call:

***APPROVAL TO PAY
CONTRACTORS FOR
WORK ON EQUIPMENT
STORAGE BUILDING***

Dale Bowden Aye
Robert Hall Aye
Dennis Long Aye
Dan Olsen Aye
Ken Reynolds Aye

A bill in the amount of \$75,450 was submitted by Murray Masonry for block work completed. Ken Reynolds **moved** to approve the \$75,450. Dale Bowden **seconded** the motion. The motion passed with the following vote:

Dale Bowden Aye
Robert Hall Aye
Dennis Long Aye
Dan Olsen Aye
Ken Reynolds Aye

A public hearing was held to discuss changes to the Land Use Ordinance clarifying residential uses in a commercial zone. Dennis Long **moved** to open the meeting for a public hearing at 8:20 p.m. Chris Balling asked to address the Council and give his comments about the matter. Mr. Balling

***PUBLIC HEARING TO
DISCUSS CHANGES TO
LAND USE ORDINANCE -
ALLOWING RESIDENTIAL
USES IN A COMMERCIAL***

ZONE.

explained that he is representing the owners of a development and they are seeking clarification on the Land Use Ordinance. The developers own a piece of property located behind the Naples 7-11. The large portion of property is zoned commercial. He explained that about 600' of the property borders the highway and the rest of the property extends back and borders residential homes. He stated the owners would like to split the project into pieces and create a buffer between the commercial and the residential. He stated it is not unheard of to mix residential with commercial. He said the people he is representing are in favor of this idea, not only because it would allow them to develop their project but also because it makes sense to place those type of buffers between two different zones. Councilman Hall wanted to know if they have commercial plans for this piece of property. He said they do have commercial plans for the property but no one is currently interested. They have drawn the plans with a commercial pad which would mean the buyer or developer would come in with their own design for their commercial building. Mr. Balling explained that, in the past, portions of property were re-zoned in anticipation of bringing in a large retail chain and most chains do not want to be in that area. Councilman Hall stated the wording in the Land Use Ordinance is ambiguous regarding this issue and they would be discussing changes to that wording. Councilman Reynolds stated he does not like the idea of changing definitions in the commercial zone. He also has a problem with one developer coming in and selling the idea of a development and then selling the development to someone else. He says the City has run into this problem before. The new developer always wants to change the look of a project. He said if you make a policy change then you are stuck with that. With no other comments from the public, Dan Olsen **moved** to go out of the public hearing at 8:30 p.m. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Councilman Hall pointed out that any decision made would not be specific to this project but would affect all commercial zones. Councilman Bowden wanted to know if it would be easier to change the zone for this property and not to change the wording for commercial uses. Mayor Baker stated there is no benefit to the City with a residential development. Councilman Hall was opposed to a change in the wording of the Ordinance. He also said he would rather see them apply for a re-zone. Councilman Reynolds pointed out that you would have to change the zone completely to

allow for the density of this development. Mr. Balling said the Ordinance is not clear on whether or not the zone allows for housing. The Ordinance does not specifically state whether housing is allowed or not allowed. Councilman Hall said the Council's concern was not just their piece of property but property located in the C-1 zone. The question was whether or not a dwelling, as defined in the Land Use Ordinance, meant residence. Mr. Balling did not want to consider the process of a re-zone because they have already waited so long to receive approval for their project. Councilman Olsen & Councilman Bowden both felt the project fits this piece of property. As the project was being discussed, the overlay zone along the highway came up. Mayor Baker did not want to change anything in the overlay zone. The overlay zone would be 600' from the center line of the highway. The question was if the City Council would allow residential in the C-zone. Members discussed only allowing residential after the 600'. Mr. Balling was not happy with 600' because it would make the road into the development jog back and it would also run through the Harrison property behind the Naples Chapel. The Council again stated they would need to determine if they wanted to allow for residential dwellings in a commercial zone. Councilman Hall again raised the concern that this determination is not affecting just this piece of property. A change made in the zone would allow the same type of housing for property owned by Zander McIntyre located across the highway from this development. After some discussion it was **moved** by Dale Bowden to allow residential housing in a C-zone to begin 500' back, east or west, from the center line of the highway. Dennis Long **seconded** the motion. The motion passed with a majority vote:

Dale Bowden	Aye
Robert Hall	Nay
Dennis Long	Aye
Dan Olsen	Aye
Ken Reynolds	Nay

The Council then discussed the density of dwellings in the commercial zone. They discussed that in a PUD setting you could allow up to twelve units per acre. Councilman Reynolds stated you wouldn't really need to establish how many units per acre if you just established they could have a PUD in the C-zone. Council members discussed using the wording of the R-2 zone regarding density of housing for the C-zone. Kenneth Reynolds said they could have it read that in a C-

zone, multi-unit dwellings will be allowed under a conditional use permit in a PUD. He also said it could read that R-1 densities be used, but allow for PUD's in the C-zone. Kenneth Reynolds **moved** to adopt the second description of R-1 density, but also allow PUD's in the C-zone. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Dale Bowden	Aye
Robert Hall	Aye
Dennis Long	Aye
Dan Olsen	Aye
Ken Reynolds	Aye

Council members received the latest revision of the interlocal agreement with the Uintah Recreation District. Councilman Bowden wanted to add number twelve to the agreement that reads " if the park is not properly maintained by the District the City could come in and preform the maintenance and charge the District for that maintenance." Council members wanted to make sure the District is notified of any situation that needs corrected and if it is not taken care of satisfactorily then the City would correct the problem and charge the District for any expenses incurred. The council also discussed making sure projects and any capital improvements are presented to the City Council for their approval. Kenneth Reynolds **moved** to approve the agreement with the addition of adequate maintenance of the Park by the District. Dale Bowden **seconded** the motion. The motion passed with the following vote:

Dale Bowden	Aye
Robert Hall	Aye
Dennis Long	Aye
Dan Olsen	Aye
Ken Reynolds	Aye

Council members discussed the latest interlocal agreement with the Fire Suppression Special Service District. The agreement deals with the lease of the fire station and fire equipment. Councilman Hall felt the agreement would work for the City. He recommended having a separate lease agreement detailing the specifics for use of the fire station and equipment. The agreement states that any equipment currently in the building will not be moved to any other location without approval of the Council. The agreement states that after ten years the equipment would belong to

***UINTAH RECREATION
DISTRICT INTERLOCAL
AGREEMENT***

***DISCUSSION OF FIRE
DISTRICT INTERLOCAL
AGREEMENT***

the District. He said the City will still appoint the Chief. He said any employees hired after January 1, 2007 will be employees of the District and fall under their hiring policy. Councilman Hall said he is comfortable with the agreement and it has been reviewed by Dennis Judd. Mayor Baker wanted to know about the vehicle currently being driven by Brett Reynolds. Councilman Hall said it will be driven by Chief Reynolds until the vehicle is no longer useable and then it would be up to the District if they wanted to purchase a vehicle for him. Dennis Long **moved** to accept the agreement as presented. Dale Bowden **seconded** the motion. The motion passed with the following vote:

Dale Bowden	Aye
Robert Hall	Aye
Dennis Long	Aye
Dan Olsen	Aye
Ken Reynolds	Aye

A Storm Water Agreement was presented to the Council for their approval. The agreement is a cost share plan between Uintah County, Vernal City and Naples City to create a storm water master plan. The City's percentage is 6.5% at a cost of \$1,950. Robert Hall **moved** to enter into the interlocal cooperative agreement and to pay the fee of \$1,950. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Dale Bowden	Aye
Robert Hall	Aye
Dennis Long	Aye
Dan Olsen	Aye
Ken Reynolds	Aye

Council members received a travel request from Bruce Lee to travel to Salt Lake City to pick up the sander for the pickup and to attach a snow plow blade to the other truck. The request was for approximately \$150. Robert Hall **moved** to approve travel for the road department per the City's per diem policy. Dale Bowden **seconded** the motion. The motion passed with the following vote:

Dale Bowden	Aye
Robert Hall	Aye
Dennis Long	Aye
Dan Olsen	Aye
Ken Reynolds	Aye

***S T O R M W A T E R
A G R E E M E N T***

***T R A V E L A P P R O V A L F O R
R O A D D E P A R T M E N T***

Mayor Baker said he spoke with Bruce Lee regarding his concerns about residents pushing snow from their homes back into the streets or onto other people's property. Councilman Bowden said Vernal City has an Ordinance prohibiting people from pushing snow into the road. Councilman Hall wanted to know if it would fall under the same guidelines as secondary water. He stated the Council should look into whether or not there is an Ordinance in place already and, if not, to see about getting one in place. Kenneth Reynolds recommended that for now a letter to residents would be sufficient.

***REQUEST FOR APPROVAL
TO SEND LETTER TO
RESIDENTS REGARDING
SNOW REMOVAL***

Robert Hall **moved** to appoint Gary Red Hatch to the Board of Trustees for the Mosquito Abatement District. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***APPOINTMENT TO THE
MOSQUITO ABATEMENT
DISTRICT***

Animal Control Special Service District. Councilman Olsen had nothing to report.

***ADMINISTRATIVE
REPORTS FOR THE
SPECIAL SERVICE
DISTRICTS***

Fire Suppression Special Service District. Councilman Hall had nothing to report.

Health Services Special Service District. Councilman Hall reported there may be some proposed adjustments that may affect all the Districts regarding mineral lease money. He said there are issues with the Care Center benefits and the Golden Age Center benefits. If you adjust the benefits to be equal then you have to take the money from somewhere else. It has been proposed to not adjust the percentages but to take money off the top and then if would lower what is divided among the others.

Uintah Impact Mitigation District. Councilman Long suggested giving an invoice to the District for the Downtown Plan and to get the money and put it in the bank.

Uintah Recreation District. Councilman Bowden had nothing further to discuss.

Dan Olsen **moved** to adopt the 2008 meeting schedule as presented. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***2 0 0 8 M E E T I N G
SCHEDULE***

Nikki Kay told the Council that Bob Foley and Craig Blunt had a discussion on the formation of an audit committee but she had no information on it. Mayor Baker said they would table

***FORMATION OF AUDIT
COMMITTEE***

the discussion until a future meeting.

Mayor Baker wanted to know if the Council had any recommendations for nominations for the Utah Commission on Marriage. No suggestions were given.

A discussion was held on whether or not to hold another Council meeting in December. Mayor Baker stated he would not be in town for the next meeting. Councilman Olsen also had a problem with that date. It was the consensus of the Council to cancel the December 27, 2007 meeting.

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 11:00 p.m. With no objection the meeting was adjourned.

***NOMINATION FOR UTAH
COMMISSION ON
MARRIAGE***

***DISCUSSION ON COUNCIL
MEETING FOR
DECEMBER***

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 10th DAY OF JANUARY 2008

BY: _____

ATTEST: _____