

Naples City Council

January 24, 2008

Minutes

The regularly scheduled meeting of the Naples City Council was held January 24, 2008, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Dennis Long, Dan Olsen, and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Marleah Jacobson, Mark Watkins, Gordon Kitchen, Connie Patton, Greg Platt, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance followed by Dennis Long giving the prayer.

OPENING CEREMONY

Mayor Baker asked if there were any changes or additions to the agenda. Dan Olsen asked for time under other matters to discuss a future resolution for the Animal Control Special Service District. Mayor Baker also wanted time to update the Council on the Uintah Basin Association of Governments meeting he attended. Dennis Long **moved** to approve the agenda with those changes. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Dan Olsen **moved** to approve the minutes of January 10, 2008 with minor grammar changes. Robert Hall **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 \$34,406.83. Councilman Long asked for clarification on the payment to Brownie's Excavation for the ADA ramps. Mayor Baker reminded him that the Council agreed to pay that cost for requiring Park View subdivision to put in cast iron ADA ramps. Dennis Long **moved** to approve the bills as presented. Dan Olsen **seconded** the motion. The motion passed with the following vote:

APPROVAL OF BILLS

Robert Hall	Aye
Dennis Long	Aye

Dan Olsen Aye
Ken Reynolds Aye

Todd's Pro Shop 675 East 2000 South. Council members received a business license application for Todd's Pro Shop. The business is located inside the club house at the Dinaland Golf Course. Dan Olsen **moved** to approve the business license for Todd's Pro Shop, LLC. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVAL***

Dinaland Golf Course 675 East 2000 South. A business license application was received for Dinaland Golf Course. The application needs approval as the golf course will now be under the ownership of Uintah Recreation District. Robert Hall **moved** to approve the business license for the golf course. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***TRANSFER OF ALCOHOL
LICENSE***

Council members were asked to approve the transfer of the alcohol license of the Dinaland Golf Course to the Recreation District. Craig Blunt explained that the golf course has always had an alcohol license. The license was obtained and paid for by Kent McCurdy at the golf course. Craig said the Council would need to approve the transfer of the alcohol license to the Recreation District. Craig explained that nothing would change as to the type of alcohol allowed to be sold. Dan Olsen **moved** to approve the transfer of the alcohol license to the Recreation District for Dinaland Golf Course. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

***PURCHASE IN POLICE
DEPARTMENT***

Lieutenant Mark Watkins approached the Council about purchasing K-9 equipment for the Tahoe. He told the Council they will need a cage, a system that protects the dog in different weather conditions, and a box to secure the equipment used by a narcotics officer. Lieutenant Watkins only had estimates for the equipment. He estimated the cage would cost \$3,000, the "hot dog system" would be about \$895, and the narc box would be about \$365. Councilman Hall said if the funds were in the departments budget and that is how they wanted to spend them, it was up to them. Council members asked if the box would be transferable to another vehicle if they were to get rid of the Tahoe. Mark said they would look at a box that could be transferred to another vehicle. Robert Hall **moved** to approve up to \$3,500 for the equipment. Dan Olsen **seconded** the motion. The

motion passed with the following vote:

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

Lieutenant Watkins asked for approval to send Manuel Escoto to training. The training would allow him to become certified as a Spanish court interpreter. Lieutenant Watkins told the Council that Officer Escoto is translating quite often for the court. He thought it would be of benefit to the City to certify him as a translator. He explained that while Officer Escoto is translating for someone in court, the City pays him for the time he is there. Councilman Hall questioned whether or not the City wanted to pay for the training and then have Officer Escoto privately translating for other courts. Mark felt the training would be a benefit to the City if the department was to ever have a serious criminal case requiring the interviewing and interpreting skills of a certified Spanish court interpreter. Lieutenant Watkins stated the total cost for the three required training classes would be \$1,229.78. Councilman Long was concerned about the possibility of double dipping. Lieutenant Watkins said all officers are required to be off the clock for the department when serving as bailiff or interpreting. Mayor Baker expressed his concern about putting forth the resources to train people and then have them quit. He would like to see at least a one year commitment from those that the City pays for specialized training. Lieutenant Watkins praised the people working for the department and said he is very pleased with all of them, he said there are never any guarantees that people will stay but he feels those currently working for the department are committed to the department and will be here for the long haul. Robert Hall **moved** to approve the training with the stipulation that if Manny were to leave he would agree to provide interpreting services for the City. Dan Olsen **seconded** the motion. Robert Hall **amended** his motion to include the total cost of \$1,229.78 for the training. Dan Olsen **seconded** the amendment to the motion. The motion passed with the following roll call:

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

***A P P R O V A L F O R
T R A I N I N G***

Councilman Reynolds expressed his appreciation to Lieutenant Watkins for the professionalism of the officers in assisting with the funeral services for Dale Bowden. The rest of the Council echoed his sentiments.

Dan Olsen **moved** to adopt Resolution 08-198, a resolution adopting the interlocal agreement for a Storm Drain Master Plan. Ken Reynolds **seconded** the motion. The motion passed with the following vote:

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

***RESOLUTION 08-198
MASTER STORM WATER
DRAIN PLAN***

Robert Hall **moved** to adopt Resolution 08-198, a resolution adopting the interlocal agreement to create an affordable housing master plan. Ken Reynolds **seconded** the motion. The motion passed with the following vote:

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

***RESOLUTION 08-199
AFFORDABLE HOUSING
PLANT***

Resolution 08-200, a resolution commending Dale Bowden for his service to the City, was given to the Council for their approval. Dan Olsen **moved** to adopt Resolution 08-200 in memory of Dale Bowden. Robert Hall **seconded** the motion. The motion passed with the following vote:

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

***RESOLUTION 08-200
COMMENDATION FOR
DALE BOWDEN***

Greg Platt discussed with the Council suggested changes to the Land Use Ordinance regarding the design overlay in Chapter 02-27. He said when he first started reading the Ordinance he was confused by the wording throughout and felt there were some inconsistencies. He explained that he reorganized the chapter to be more clear and arranged it in a more logical order. Greg stated the changes were approved by the Planning & Zoning Commission and recommended the Council adopt those changes. Council members did not have a copy of the changes and would like to see those before making a final decision. Dan Olsen **moved** to adopt

***LAND USE MATTER
MATTERS
DESIGN OVERLAY
CHANGES***

Chapter 02-27 of the Land Use Ordinance as a first reading. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

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

Greg Platt gave Council members a written description of the changes to the Land Use Ordinance regarding residential uses in a C-zone. Greg was not to the meeting where this matter was discussed and he wanted to get their approval before adding the language to the ordinance. Councilman Reynolds said if the City is allowing residential uses in a commercial zone then it should be a PUD, this way they would have more say. Greg asked if they wanted it to read 'that any residential uses should be in a PUD, not that it is just allowed, but it is required.' Councilman Reynolds said it could read 'that it is allowed, but if it is allowed it has to follow the R-1 PUD.' He stated this allows for more control over it. Greg asked if they wanted control over the design element. Councilman Hall felt the idea, when they were discussing it, was that it had to be a PUD. Mayor Baker said the intent was that if someone came in and met all the criteria for the R-1 zone with spacing and set backs but then wanted to narrow spacing or restrictions of an R-1 then you would have to go into the regulations or restrictions of a PUD. Councilman Hall wanted to make sure he understood that by making these changes anyone could now come in and build residential in any C-zone. Craig Blunt said that would be the case if that is what the Council agreed upon.

***REVIEW LANGUAGE OF
PROPOSED CHANGE TO
C-ZONE***

Greg Platt also wanted clarification on a motion that was made in a May 2006 Council meeting. He read in the minutes that a motion was made to apply the design overlay standard to any commercial or industrial building whether or not they fell within the 600' design overlay zone. He said the minutes specifically state any commercial or industrial building within the City would abide by the design overlay standards and, at that time, there were no residential buildings within those zones. He asked the Council, now that they have allowed residential in a commercial zone are those same standards going to apply to any residential building. Mayor Baker said he felt that was their intent at the time. Greg said it would need to be made clear that those design standards would now apply to any building within the commercial or industrial

zones. Ken Reynolds **moved** that any building within the commercial or industrial zone has to comply with the design overlay standards. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

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

Craig Blunt asked the Council what projects they wanted to apply for with the Uintah Transportation Special Service District (UTSSD). He asked if 2500 South was still their number one priority. Mayor Baker was not sure the City would get any support from the UTSSD because of the bypass road being considered. Councilman Olsen said the City should still push for 2500 South because of the safety concerns with the open canal. Craig asked the Council members to please contact the County Commissioners and enlist their support in placing 2500 South on the 2008 project list. Mayor Baker expressed his appreciation for projects the UTSSD has completed for the City in the past.

***2008 PROJECTS FOR THE
UTSSD***

Craig Blunt presented the Council with the latest changes to the interlocal Fire District agreement. He stated that Vernal City has passed the latest revised copy and they will bring those changes to the City. The County did not pass the agreement and did not feel good about the changes made without being a part of the negotiations. Mayor Baker thanked Craig for the report and said he felt they were moving in the right direction with the latest agreement. No action was taken on this matter.

***ADMINISTRATIVE
UPDATES
FIRE DISTRICT
AGREEMENT***

Mayor Baker attended the Uintah Basin Association of Governments (UBAG) meeting. The Community Development Block Grants (CDBG) were reviewed at the meeting. Mayor Baker reported that Naples City did not receive any funding for their ADA application. Mayor Baker said most of the funds went to low and moderate income housing and said, unless the City is interested in making application along those lines, he did not think the City would receive any money. Craig Blunt asked the Council to consider approaching UBAG and asking them to make a proposal to FHA asking them to increase the amount of their loans to \$250,000. He said there are homes available for sale in the City but they are priced above what someone could qualify for under an FHA loan. Councilman Hall asked Craig how many new homes he

***CDBG APPLICATION
RESULTS***

thought were available in the City that are not sold. Craig estimated the count at about twenty-seven (27). He asked the Council to consider taking the lead in approaching UBAG and asking them to look into it. Robert Hall **moved** to have the City write a letter to UBAG outlining what was discussed. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Craig Blunt gave the Council copies of the 2008 budget for the Uintah Recreation District. The budget shows how the money is being allocated to the different parks in the area. The Naples Park is on the lower end of the large parks. The budget for the Naples Park will be \$162,660. The District chose to wait on expanding the splash park and would like to move forward with the soft ball diamonds. Craig said that until the Recreation center is completed, there will not be as much funding available for the parks.

Craig Blunt reported on the alternative truck route meeting and also gave the Council a map showing upcoming UDOT signal light studies. Craig told the Council that UDOT has chosen the last three routes to the south for the alternative truck route. Those would be the two at McCoy Flats and one at Dog Valley. They have narrowed down the possible sights and are trying to move forward with the project.

Craig Blunt updated the Council on the status of the Downtown Master Plan. He said they recently held a conference call with representatives from Tracy Stocking Company and reviewed the gantt chart for the Plan. The project should begin about March 13, 2008 and this should put them on schedule with the time table given to the City. The contracts have been signed and money has been received from the Uintah Impact Mitigation Special Service District. Craig said he is in the process of scheduling the public hearings to discuss the plan. The hearings will be held on April 9, 23, and May 7, 2008.

Councilman Dan Olsen stated that the Animal Control Special Service District is always being challenged on the law and the legality of what happens in each jurisdiction regarding the animal control officers. The latest challenge is coming from individuals who are saying the animal control officers coming into Naples City do not have the authority from Naples City to pack a gun or to issue citations. Councilman Olsen explained that when the City first incorporated the duties of animal control fell under the police department. The police

***RECREATION DISTRICT
BUDGET FOR 2008***

***ALTERNATIVE TRUCK
ROUTE***

***UPDATE ON DOWNTOWN
MASTER PLAN***

***OTHER MATTERS
ANIMAL CONTROL
SPECIAL SERVICE
DISTRICT***

officers were POST certified and were trained to carry guns. The animal control officers are not POST certified and have not received that same training. State code allows them to carry a gun in the case of vicious or wounded animals. The District is being challenged on this. Councilman Olsen asked for approval to adopt a Resolution empowering, or giving authority to, the animal control officers to carry a gun in Naples City and to use that gun under certain situations. He said the two issues that will need to be addressed in the Resolution is the authority to issue citations and to carry a weapon in the city. Craig Blunt said he would contact Dennis Judd concerning the matter.

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 9:15 p.m. Dennis Long **seconded** the motion. The meeting was adjourned

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 14th DAY OF FEBRUARY 2008

BY: _____

ATTEST: _____