

# Naples City Council February 28, 2008 Minutes

The regularly scheduled meeting of the Naples City Council was held February 28, 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, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

## *COUNCIL MEMBERS ATTENDING*

Others attending were Zane Holmberg, Jon Wickham, Charlene Wickham, Marleah Jacobson, Natalie Strombeck, Mark Cowan, Jed Cowan, Chris Balling, Dorraine Robbins, Kurt Robbins, Julie Curry, Steve Guibord, Valeen Horrocks, Connie Patton, Greg Platt, Cameron Sisam, 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 and the invocation was offered by Gordon Kitchen.

## *OPENING CEREMONY*

Mayor Baker stated he would like to talk about a house bill that is currently before the Senate under 'Other Matters' and he asked if there were any other changes or additions to the agenda. Craig Blunt also wanted time under 'Other Matters' to talk about hazardous material flow study and volunteers. Dan Olsen **moved** to approve the agenda with those changes. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

## *AGENDA APPROVED*

Robert Hall **moved** to approve the minutes of February 14, 2008. Dennis Long **seconded** the motion. The motion passed with all voting aye.

## *MINUTES APPROVED*

Connie Patton presented the bills in the amount of \$56,966.86 and asked for approval to pay those. Ken Reynolds **moved** to approve the bills in the amount presented. Dan Olsen **seconded** the motion. The motion passed with the following vote:

## *APPROVAL OF BILLS*

Robert Hall	Aye
Gordon Kitchen	Aye

Dennis Long           Aye  
Dan Olsen             Aye  
Ken Reynolds         Aye

Julie Curry Executive Director of the Vernal Area Chamber of Commerce spoke with the Council about upgrading their Chamber membership. Ms. Curry thanked the Council for allowing her to come. She reported that the Chamber is doing well financially, but because of the growth in the community their costs are going up. Ms. Curry said the Chamber sends out numerous tourist packets each year promoting this area and this year the Chamber will be bringing back the Energy Fair. Ms. Curry said the Chamber would like to promote the area in a more professional manner and asked the Council to consider increasing their membership to an advanced level. Councilman Olsen expressed his appreciation for what the Chamber is doing for the community. Mayor Baker told Ms. Curry that the funds for increasing the membership were not currently in the budget. He said the Council will keep them in mind when they begin discussing next years budget. Ms. Curry again thanked the Council for allowing her time to speak with them. No action was taken on the matter.

***PROPOSAL TO UPGRADE  
MEMBERSHIP IN THE  
VERNAL AREA CHAMBER  
OF COMMERCE***

**Police Department** Chief Guibord asked the Council for approval to send Corporal Valeen Horrocks and JonNae to California for the second phase of K-9 training. The amount requested for travel and training was \$7,246.50. Corporal Horrocks would be at training for approximately five (5) weeks. Chief Guibord said the funds are available in the budget for the training and Corporal Horrocks would be taking the patrol vehicle. Councilman Kitchen asked about the additional cost of fuel to travel down there as it was not included on the travel form. Chief Guibord said that will also come out of the police fuel budget. Dan Olsen **moved** to approve the travel expenditure. Robert Hall **seconded** the motion. The motion passed with the following vote:

***TRAINING AND TRAVEL  
APPROVAL***

Robert Hall           Aye  
Gordon Kitchen       Aye  
Dennis Long           Aye  
Dan Olsen             Aye  
Kenneth Reynolds     Aye

Chief Guibord also asked for approval to travel to St. George to attend the Utah Chief's of Police Association conference.

He would be gone for one week and requested \$469.85 for travel expenses. Dan Olsen **moved** to approve the amount for Chief Guibord. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

**Court Clerk** Nikki Kay presented a travel request for Helen Brunelle to travel to Midway for the Court Clerks spring conference. The amount requested for travel and training was \$340. Dan Olsen **moved** to approve the request. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

Chief Guibord asked for Council approval to purchase a new desk top computer for his office. Chief Guibord checked with a couple of places and thought the cost would be between \$1,800 and \$2,000. Mayor Baker felt the purchase should require some bids. Chief Guibord said he received a bid from AM Computers but would rather go with a name brand computer. Robert Hall **moved** to approve the purchase up to \$2,000. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

***REQUEST TO PURCHASE  
DESK TOP COMPUTER***

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

Kurt Robbins co-owner of A-OK Storage came before the Council to express his concerns with potential flooding problems to his storage units located at 1900 S 1500 E. Mr. Robbins said the property owners to the south of his property brought in fill dirt and covered a drainage way located between the two properties and blocking it off. Mr. Robbins was under the impression that a culvert was to be installed.

***REQUEST FOR CITY HELP  
WITH DRAINAGE  
PROBLEM AT A-OK  
STORAGE***

JBB Investments is the property owner to the south. Mr. Robbins said JBB Investments blocked off the drainage and so far all they have installed is a small length of pipe and then dug a trench, but no culvert was put in. Mr. Robbins is concerned about spring run off and the volume of water that can potentially come down through the drain area. Mr. Robbins said when the School District started their project and JBB Investment started theirs, the two drainage systems did not match up. Mr. Robbins said he has been working with the School District about his concerns but is worried that JBB Investment will not complete their project. Mr. Robbins asked if the City obtained a bond from JBB Investment for the drainage and what will happen if they do not come out and follow through with their project. Mr. Robbins wanted to know if the City was going to be willing to do something to help protect their storage units. Craig Blunt stated that JBB did not block off the drainage ditch, that there is a ditch that allows water to flow east and the School District covered that up and blocked it off. Craig Blunt said the City is in the process of corresponding with JBB Investment to have them complete what they agreed to. Mayor Baker assured Mr. Robbins that the City is aware of the potential problem and they have asked the City Attorney to contact JBB Investments. Mr. Robbins wanted to know if the City was willing to sand bag their property. Mayor Baker said the City doesn't currently have sand bags. Councilman Kitchen said the City should consider stock piling sand bags as there may be other problems throughout the City. Craig stated a meeting has already been set with the County to discuss the matter. Mr. Robbins said it is hard to determine if there will be a problem but he would like to be safeguarded. Mayor Baker wanted to know if sandbagging would work or if they needed something more to shore up the trench. Craig felt that sand bags along the east property line going north would help. He thought about five high and two deep would work. Mayor Baker told Mr. Robbins they would definitely follow through with contacting JBB Investment to see about getting them to correct the problem. Craig said he did not see the water coming down like they imagine and believes if the School District will do what they have promised, the water will flow the way it is supposed to. He said the bank of the trench could be reinforced with sand bags but it will only help if the School District follows through with their project. Mayor Baker asked Craig to get the road department to place sand along the trench in preparation to sand bag. Mr. Robbins said he would appreciate any help they could give him. Councilman Hall asked Mr. Robbins where the School

was at in correcting their portion of this. Mr. Robbins said they have met with the school and they should be ready to move in a few days. Mr. Robbins thanked the Council for their time.

Dennis Long **moved** to open the public hearing to discuss mobile housing units in an I-1 zone at 8:15 p.m. Dan Olsen **seconded** the motion. The motion passed with all voting aye. Mayor Baker explained they would allow ten (10) minutes for each person wishing to give comment at the hearing. He first turned time over to Zane Holmberg to give a presentation on the housing units his company would like to put in the industrial zone. Mr. Holmberg reviewed the need for affordable housing in this area. He said that Halliburton, a local company, expressed a need to his company for affordable housing. Mr. Holmberg said his company is trying to meet that need by providing mobile housing units to help house rotation crews working for Halliburton. The type of housing units his company offers is similar to manufactured type housing. The units can be moved onto property and then moved off when the need is no longer there. He said the housing units are commonly referred to as a man camp, but he feels their units are better because they are more private with each room set up similar to a motel room with a restroom, bed, TV and desk. Each unit has eight rooms and they would initially set up four units. He also addressed some of the concerns raised at previous meetings about criminal activity and said Halliburton is a very reputable company with strict pre-employment screening. Mr. Holmberg felt that screening process should help alleviate some of the concerns about criminal activity. Mr. Holmberg also said the units would have twenty-four hour electronic surveillance and on-site management. He said the Council raised concerns about his project opening up the gates to other such requests in the City and the inability to stop them if it turns out to be a bad idea. His response to that was to offer these as conditional use and to regulate the number of projects allowed and limit the time they would be allowed to stay.

After Mr. Holmberg was finished with his presentation, Mayor Baker allowed time for public comment. The first to speak was Mark Cowan. Mr. Cowan said the proposal given by Mr. Homberg was good and that he did not doubt the need for such a project. Mr. Cowan told the Council that he was there with Natalie Strombeck who owns one of the lots in Winder Subdivision, which is where Mr. Holmberg is interested in

***PUBLIC HEARING TO  
DISCUSS MOBILE  
HOUSING UNITS IN I-1  
ZONE***

placing his housing units. Mr. Cowan said they were sold on Winder Industrial Park because it was marketed as a high end industrial park. He said that is one of the things that drew them to the property and that is one of the things that is helping them promote it to renters. Mr. Cowan said after some of their investors heard about the possibility of mobile housing in the subdivision they wanted to pull back. Mr. Cowan said parking is a big concern for them. They would not like overflow parking from the housing units to spill onto their lots and he expressed a concern about people loitering and the overall look of the project. Mr. Cowan wanted to know if the housing units would be able to meet the same facade and landscaping requirements as they did. Mr. Cowan asked Mr. Holmberg how long each person would stay in each room. Mr. Jon Wickham of Halliburton stated each employee works two weeks on and two weeks off. Every two weeks there would be a shift change at the housing units. Mr. Cowan stated he is the contractor for at least two of the buildings in Winder Industrial and he would be working to help find tenants for the buildings. He said when a buyer is concerned, then he is concerned. Mr. Cowan said if the Council is going to allow for residential in an industrial area then maybe another lot in the subdivision would be better for the housing units instead of one that is located in the middle of everything.

Natalie Strombeck addressed the Council next. Ms. Strombeck told the Council that she owns lot two in Winder Industrial Subdivision and is in the process of trying to buy lot four. She told the Council that she has managed residential properties for more than seventeen years and is very aware of how hard it is to regulate everything that goes on. She said even with someone on site, and you can't always control what goes on. Ms. Strombeck said she is very aware of the challenges of the housing market in this area but she did not feel that residential housing in the middle of an industrial area was a good thing. Ms. Strombeck told the Council that she is spending quite a bit of money to meet the requirements of Naples City for the facades of her buildings. She feels she has worked hard to help bring a certain standard to the subdivision and is worried the housing units won't meet the same requirements and would devalue her property. Ms. Strombeck stated her main concern was the parking. She said there would be no way to manage the parking in an industrial zone. She told the Council that if people in the housing units wanted to invite people over they would have no way to stop visitors from

parking at their property. Ms. Strombeck wanted the Council to know that she bought into an industrial park and not a residential development and when you buy into a place, you should have the assurance that it is going to be what it is. Ms. Strombeck asked the Council to please turn this project down and to look for alternative housing solutions.

Mayor Baker asked if there were any other comments from the public. Jon Wickham asked for time to address the Council. Mr. Wickham stated he is the district manager for Halliburton and wanted to explain their situation to those present. He said Halliburton would like to have local permanent employees because those people have a stake in the community and for them it would be better. He noted that the cost of housing in the area was keeping them from having that. He said he did not see a change in the near future. Mr. Wickham said Halliburton's need for labor is immediate. They need to have people now and therefore they need to have housing now. He said they were looking for a housing solution and the type of project proposed by Mr. Holmberg addresses a lot of their needs. Mr. Wickham said he understood the concerns brought forth by the others and wanted them to know that Halliburton does do a thorough back ground screening of all employees and random drug screens on all employees. He feels the quality of employees they have should alleviate some of the concerns raised about criminal activity.

Ms. Strombeck asked Mr. Wickham why Halliburton didn't purchase ground to put the housing units on. She felt Halliburton had enough money to purchase land and solve their own housing needs.

With no other comments from the public, Robert Hall **moved** to close the public hearing. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Greg Platt gave the staff opinion on the issue of the mobile housing units. Greg said he would be offering comments both for and against the matter. He recognized that there are both benefits and draw backs to this type of project. Greg first addressed the matter of design standards and said those would apply to this project as well as any other built in the industrial zone. He also answered the question about zoning by type of units rather by number of units. He said zoning by number of units is pretty much standard throughout the United States and he said the size of units is determined by

***GREG PLATT GIVES  
STAFF OPINION OF  
MOBILE HOUSING UNITS***

market. He said the location of the housing units within the industrial park isn't really an issue because no matter where you go you are going to have people complain. He said public clamor can't be the basis of a decision. Greg also addressed the concern of traffic flow and said the housing units would basically have people coming and going but usually only once in the morning and once in the evening which would be the same anywhere else. Greg then referred to the General Plan and the Land Use Ordinance for the basis of the rest of his statements. The General Plan says: encourage development that is in harmony with Naples City's character, encourage the best and most efficient use of land, require all future development to comply with Naples City's building codes and standards, implement land use policy that enhance community's character, and to support value added industrial development. He did not see how this was a value-added use to the City. Greg said the Land Use Ordinance stated the objective of the City is to encourage development of permanent structures and infrastructure and this was not a permanent structure. Greg pointed out that this development would not meet ADA regulations. Greg also addressed the subject of criminal activity. He said these "seem" to be the type of structures that attract criminal activity and even though Halliburton has made assurances that they screen their employees Greg wanted to know what would happen if the Mr. Holmberg contracted with a different company, would they have the same type of standards. Greg said this same type of project is being considered in the County and the need could be met there. He said the real issue is a lack of affordable housing and while this project might provide a temporary solution, it could also delay a more permanent solution of creating affordable housing because if there is not enough market demand then no one is going to build. Greg told the Council that if they choose to allow this project they would need to keep in mind that others could follow and the Council would need to place limitations on how many are allowed and for what length of time. Greg said he could see no economic benefit to the City with this type of project. He recommended the City lean toward businesses that are going to be a benefit to the City. Greg gave the Council recommendations for a conditional use permit if the Council chose to allow this development. Those conditions included ADA compliant buildings, constant video surveillance, rentals done through a contractual agreement with a company and not individuals and the time frame and number of units should be limited.

Greg Platt gave the recommendation of the Planning Commission. He said their recommendation was to allow this use in an industrial zone as a conditional use permit. Councilman Long asked Mr. Wickham why Halliburton didn't use some of their resources to buy land to put these units on. Mr. Wickham stated that Halliburton uses their resources to buy equipment that they can use to go out and make money. He said that is why they look at contractual housing. Greg pointed out to the Council that even if they were to allow Halliburton to use ground they already have, they would still be making a change in the use of an industrial zone and it would apply to all of the industrial zone. Councilman Kitchen wanted to know if there was anywhere in the City that allowed for an RV park where they could set this type of development. Greg said it could be allowed in an R-2 zone, which there is currently a provision for in the Land Use Ordinance. This would require a zone change somewhere in the City and would have to be on at least a four-acre lot. Councilman Reynolds said he would like to see the Land Use Ordinance stay as it is. He said the City has spent a lot of time getting things where they are now. Councilman Hall said as sensitive as he is to the housing situation, he **moved** to deny the zone change and not to entertain the idea of a CUP (conditional use permit) for all of the reasons stated. He said it is a need but not a solution and not a burden the City should take on. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

Chris Balling, representing Blue Mtn Vista, came before the Council to get final approval for Phase I of their development. Mr. Balling stated that he met with the Council previously when they approved a change to the Land Use Ordinance allowing residential in a commercial zone. Mr. Balling told the Council that he is ready to move forward with the first phase of the development. He said they have preliminary approval and concept approval and they would like to move forward with Phase I which would be the town homes located along 2500 South. He said they would be putting in temporary retention basins and utilities. He said the advantage of the first phase was the sewer could come out onto 2500 South. Mr. Balling told the Council that on the future phases the sewer would be taken out the back because they reached an agreement with Mr. Partridge. He said the storm water would be detained on sight and would be let off at a normal rate of flow. Mr. Balling said they met with the Planning Commission and with the utility companies and he said he

***FINAL APPROVAL OF  
PHASE I OF BLUE MTN  
VISTA***

didn't really feel much opposition. He said he was there to answer any questions the Council might have. Councilman Hall wanted to know about the drainage because this development was in the middle of a ditch. Mayor Baker asked about the drainage pipe that comes out between Seven Eleven and Sutt's Car Wash. Mr. Balling said he walked the line and didn't notice it but found a pipe across the intersection from Seven Eleven that he feels ties into the storm drain on 2500 South. He said even if it doesn't they could still tie that in. Mr. Balling said the other drainage that goes down through there will be collected and put in their detention pond and from the detention pond they have an orifice on it that will let it out at a slow rate as it continues down the easement being obtained from Mark Partridge and takes it back to the canal. He said the advantage of the detention pond is they are maintaining the water there. Council members tried to show Mr. Balling the location of the drainage pipe they were concerned about. Mr. Balling wanted to know if he could intercept the drainage and take it into one of the drain manholes. Mayor Baker told Mr. Balling that the City and County were working on a storm water drainage plan and should soon have a more clear idea where different drains are located. Mr. Balling stated that on Phase I they are bringing in fill material to bring everything up to the level of 2500 South. He said the drainage being discussed would not be an issue for Phase I and will be more of an issue with Phase II. Mayor Baker told Mr. Balling he would like to see them put in the radius of the commercial road even though it would not be built yet. Mr. Balling told the Council that the roads, inlet boxes, and the retention ponds on the future phases will help with the drainage issues.

Greg Platt addressed the Council about some conflicts between the Blue Mtn Vista development and the Land Use Ordinance. Greg stated the Council made a change in the zone to allow for this development. The change said density, setbacks, and other restrictions shall conform to the standards found in the R-1 zone. He said the R-1 standards are: 8000 sq. foot lots, 80' minimum frontage on lots, 30' front and rear set backs, and a total of 20' side set backs with 20' between buildings. The standard is a ratio of five single family homes to every one duplex, three-plex, or four-plex. He said they also allowed a PUD to exist in that zone. He said the PUD standards are: twenty-five percent open space, overall density equal to that of the zone in which it is located, and each space should qualify as an independent PUD. Greg stated the proposed development does not meet

the definition of a PUD from the ordinance. He said there is not enough open space, densities exceed those outlined in the ordinance, and the phasing is inconsistent. Greg said when they discussed density in the Planning Commission meeting, he presented them a standard density for the clustered area with an understanding that twenty-five percent of the area would be open space and that the increase in density would be an increase in the built up area and not in overall density applied to the entire development. The Planning Commission agreed to give Mr. Balling a substantial density benefit allowing for fifteen (15) units per acre, anticipating that the density increase would be a maximum density of the area dedicated to homes and not a measurement of the density of units over the entire extent of the property. Greg said if you look at the plans, overall you are looking at 11.7 units per acre and Mr. Balling was told he could have up to fifteen in the housing areas and then twenty-five percent open space. Greg said the Ordinance states: density of dwelling units per acre shall be the same as allowed in the zone as which the PUD is located. Greg said the way he figured the density was, five single family units to one multiplex of up to four units so that would be nine total units. Each single family lot is 8,000 square feet and the four family lot is 11,000 square feet for a total of 51,000 square feet for nine units which comes out to 10.5 units per acre. Greg stated that is a density that is higher than what is allowed in the zone. Greg said he drew up the housing units on a large sheet of paper and allowed for the smallest lot size and the maximum house size and was able to fit eighty-six units onto the area. He said this worked out to 169 units. Mr. Balling's proposal shows 188 units, which is a difference of nineteen units. Greg said if nineteen units were eliminated then the open space could be increased to the required twenty-five percent. Greg believes the developer's interpretation of open space was anything that was not a roadway, driveway or a building and using that definition felt there was enough open space to meet the twenty-five percent. Greg wanted to know what benefit it was to the City to increase density and lose open space when the intent of a PUD is to increase density and thereby increase open space. Greg's definition of open space was, areas within ten feet of residential buildings should not be counted and areas between the fronts of buildings and the road should not be counted because they are only useable by the owner. He also believed there should be a minimum sized area which can be counted as open space, his recommendation was an area not smaller than 2,000 square feet and it should not be allowed

to be more than five times as long as it is wide. Greg said the concept of open space is very well understood by developers and even if it was not understood by Mr. Balling that shouldn't be an excuse because the Ordinance states that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban development. Greg stated that ignorance of the meaning of the term open space did not mean they could allow someone to make up their own definition of open space. Greg said the Planning Commission could negotiate the requirements they can impose on specific developments up to the standards of an R-1 zone. Greg felt no negotiation happened in this case. He thinks the Planning Commission didn't fully understand they could do this. He said the Planning Commission didn't feel they could impose restrictions unless it was specifically spelled out in the Ordinance. Greg said that is not how a PUD works. He said, in a PUD, the City can hold the developer to the R-1 standard but they *'may'* allow him some flexibility in return for whatever the City wants that the developer is willing to provide. Greg said there are minimum standards set forth in the Ordinance that the Planning Commission cannot allow the developer to stray and he feels in this case they have. Greg said the standard is a maximum density of 10.5 units per acre and a minimum open space requirement of twenty-five percent. Greg said Mr. Balling accused him of not addressing the open space issue until the last Planning Commission meeting and Greg said it was not true, he has tried to address the matter of open space since the very beginning. Greg said the size of this residential development is 16.5 acres not including the commercial portion of the development which would make it 22.23 acres. The City has only required open space for the residential portion of the development which would total about four acres of open space. Greg was only able to calculate an area of about 1.5 acres of open space that is being given by Mr. Balling. Greg also pointed out that each phase of development should be able to stand on its own and Phase I of this development has no open space. Greg said the City has already changed the Ordinance to allow Mr. Balling to build residential in a commercial zone and wanted to know how much more the City was going to make allowances for with this development. Greg recommended the Council not approve the final plat for Phase I at this time, that the entire plat be revised to meet the City's definition of a PUD and that Phase I be changed to include open space in order to stand on its own. Greg said this would give the City some assurance that

if subsequent phases were sold to a different developer, the open space would already be provided for in Phase I. Councilman Hall wanted to make sure he understood that Greg said, open space aside, the development didn't meet the density requirements of the Ordinance. Greg said that was correct. Councilman Kitchen wanted to know if the City had a clear definition of open space. Greg said much of what is in there is assumed and there is not a detailed definition of open space. Craig Blunt said that professional developers or designers understand the concepts of open space. Councilman Hall asked Greg again about the density. Greg said Mr. Balling's development does not meet the density requirements of an R-1 zone. Mr. Balling said he was told by the Planning Commission that they could do up to sixteen units per acre. Greg said it was fifteen and what he was told was that the density of the clustered area could be fifteen units per acre and even if they didn't say clustered area, the Ordinance specifically states that density cannot be more than the zone in which it falls. Councilman Long wanted to know if Phase I was too big. Greg said it would be all right for density but not open space.

Mr. Balling wanted to address the points made by Greg Platt. He said they are trying to do a nice project for the City and felt like they were hit with these issues at the last minute. Mr. Balling said the Planning Commission never addressed open spaces or the fact that it had to be a concentrated area. Mr. Balling also said he had a large parking area for the units. Mr. Balling also believes they meet the density requirements. He said if they were to decrease the number of units to allow for open space then it will affect the cost for each individual unit owner. Councilman Hall asked Greg if the Planning Commission did not understand the Ordinance. Greg did not think so, he thought it was the Commission did not understand they could negotiate the matter. Mr. Balling said they did negotiate some things and he felt the Commission did understand that. Mr. Balling said he has tried to meet the requirements of the Planning Commission and has been working on the project for six months and did not feel it was very professional to be hit with the issue of open space at the last minute. Councilman Reynolds stated it might not be, but he would rather see it done now instead of after the project was started. Councilman Long wanted to know if there was any problem with Phase I. Mr. Balling said they do have a large open space behind Phase I. Council members wanted to know if there was no problem with Phase I, couldn't Mr. Balling move forward with it and work out the

open space issues with the future phases. It was pointed out that the assumption is made, if the Council approves one phase they are giving approval to the whole project. Mayor Baker expressed his concern about projects that are completed in phases because he has seen too many developments that are not followed through with. Mayor Baker said he understands the meaning for green space is vague but he would like to see an open area for children to play. They have required it of all other developments. Mr. Balling said he did not anticipate that this would be a development that would attract large families. He said the units are only two and three bedrooms and more targeted toward singles and couples. Councilman Reynolds suggested the Council go back and look at what was discussed in previous meetings. Mr. Balling said if they have to go back and provide for the open space they could do the same number of units but would have to cut back on the size of the units to be more like apartments and would have to cut out the garages. He said they don't really want to do a project like that. They want the units to be more like townhouses. He said they were working with twelve units per acre and were trying to keep things nice. Greg said the original calculations were based on the project meeting the density of an R-2 zone and not an R-1 zone. Councilman Hall pointed out that Mr. Balling may have been working on the project for six months, but the change in the Ordinance to allow for the project was only recently agreed to. Mr. Balling said he thought when it was originally discussed that his project would meet the density under either zone and now he's finding out that it doesn't. Councilman Reynolds said the Council needs to determine if the project meets the Ordinance. Councilman Kitchen said it appears to him that Mr. Balling has acted in good faith and the City has some issues that they need to work out. Councilman Kitchen **moved** to approve Phase I with some stipulations that drainage issues need to be addressed and whatever else needs to be addressed. Councilman Reynolds did not think they could if they are breaking the Ordinance. Councilman Hall was also not sure and was not comfortable with moving forward with it. The motion died for lack of a second. Mr. Balling said, in his view, they have followed the Ordinance and if an attorney were to look at it he thinks they would agree. Councilman Hall said it is unclear and it is a problem. Councilman Reynolds **moved** to table the matter until the Council could receive clarification on the issue. Council Olsen **seconded** the motion. The motion passed with a majority vote. Councilman Kitchen voted Nay on the motion.

Greg Platt told the Council that the Planning Commission would be clarifying the definition of open space in the next meeting. Greg wanted to know if that clarification was going to apply to this project. Craig Blunt said it was up for discussion and it could go either way the Planning Commission and Council decided it could go. Greg said the Council could hold this subdivision to the R-1 standard without any negotiation and since negotiations aren't finalized that definition could possibly be used. Council members said the definition could be applied to these negotiations.

Mr. Balling said he would like someone to read through the Ordinance and tell him if he is doing something that the Ordinance doesn't allow. He wanted to know if the City Attorney could read through it and give some recommendation on it. He feels that their zoning and density fall within it. He would also like someone to read through the minutes because he would like to move forward with his project. Mayor Baker said the Council will put the discussion for clarification of open space on the next agenda and make sure the Planning Commission understands the Council's intent on open space and density issues.

Mayor Baker told the Council that he received information from the Utah Housing Coalition asking the City to become a member. Craig Blunt stated the City has been a member in the past but dropped off because they wanted to support the local housing authority. Dan Olsen **moved** to support the local housing coalition and drop the membership with the Utah Housing Coalition membership. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***U T A H   H O U S I N G  
C O A L I T I O N   M E M B E R***

Craig Blunt gave the Council an Ordinance dealing with engine brakes and noise. He told them this was for their information. Craig told the Council that the City does need some kind of noise reduction policy dealing with engine brakes but the City can get into trouble by classifying just engine brakes because it is part of the highway transportation system. He said focusing on just the engine brakes can cause a problem. Craig said the City would be better going with a noise reduction ordinance.

***E N G I N E   B R A K E  
O R D I N A N C E***

Without going into too much detail, Craig Blunt asked the Council if he could use figures from Ralph Dart with Century

***D I S C U S S I O N   O N  
P O S S I B L E   P U R C H A S E   O F***

21 to make on an offer on a piece of property. Mayor Baker told Craig to bring that amount back to Council.

***PROPERTY***

Craig Blunt told the Council that he is on the agenda for the next CIB application meeting. He will be making the presentation for 2500 South road project from Hwy 40 to 2200 East. He will report back at the next meeting.

***MEETING WITH CIB BOARD***

Craig Blunt reported to the Council that projects given to the Uintah Transportation Special Service District (UTSSD) are screened by the County first and then put on a project list. That list is then given to the UTSSD. Craig said they have included 2500 South on that list. Craig did say there was some investigation taking place into why the amount of money received in 2007 was lower than the amount received in 2006.

***U I N T A H  
TRANSPORTATION  
SPECIAL SERVICE  
DISTRICT UPDATED  
SUBDIVISION PLAT***

Craig Blunt told the Council that Denise Hacking gave notice that she will be quitting as Craig's administrative secretary. Craig said he interviewed people for the position and asked for Council approval to hire Janis Bailey at \$16.50 per hour. Dan Olsen **moved** to hire Janis Bailey as administrative secretary at \$16.50 per hour. Dennis Long **seconded** the motion. The motion passed with all aye.

***APPROVAL TO HIRE  
ADMINISTRATIVE  
SECRETARY***

Councilman Olsen told the Council that the Animal Control District has met with all the police chiefs and sheriffs and they are supporting the District with the animal control officers shooting with guns and issuing citations. Craig Blunt wanted to know if any special classes were being required. Councilman Olsen said that is being clarified.

***ADMINISTRATIVE  
UPDATES  
ANIMAL CONTROL***

Councilman Hall reported to the Council that the Interlocal Fire Agreement has been signed by everyone and copies will be coming back to the City. Councilman Hall told Craig that Jeremy Raymond will not be available to do fire inspections for businesses and the City will have to be responsible for those. Mayor Baker wanted to know if the City could contract for that service. Craig said he will work on setting something up. Councilman Hall stated a legislative audit will also be conducted on those receiving mineral lease money.

***FIRE CONTROL DISTRICT***

Councilman Hall stated the Health Services Special Service District was still dealing with some financial challenges but they are trying to make it work.

***HEALTH SERVICES  
DISTRICT***

Councilman Long gave the Council a handout showing where

***UINTAH IMPACT***

the Uintah Impact Mitigation District has spent their money. Councilman Long said the District has recently helped the Ute Tribe, PDQ team penning, and with local scholarships. Mayor Baker suggested putting a note in the next newsletter promoting the scholarships available at UBATC.

***MITIGATION DISTRICT***

Mayor Baker asked if anyone was interested in attending the Utah League of Cities and Towns midyear conference in St. George. No one expressed an interest at this time. Mayor Baker though he might want to go and would get back with Nikki if he decided.

***OTHER MATTERS***

Craig Blunt gave the Council a handout on volunteers and wanted them to be aware of what discussions are going around regarding pay for volunteers. This was an informational handout for them.

***H A N D O U T     O N  
VOLUNTEERS***

Mayor Baker told the Council that he received a call from Representative Mathis concerning House Bill 216 that is currently being debated. The bill would prohibit an entity from annexing property within a certain distance of a municipal airport without the consent of the legislative body of the other legislative body. Mayor Baker sent his concerns back to Representative Mathis and Snow and to Senator VanTassell. He wanted the Council to be aware of what was going on.

***INFORMATION ON HB 216  
R E G A R D I N G  
A N N E X A T I O N   O F  
P R O P E R T Y***

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 11:20 p.m. Robert Hall **seconded** the motion. The meeting was adjourned

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 13<sup>th</sup> DAY OF MARCH 2008

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_