

**Naples City Council
March 13, 2008
Minutes**

The regularly scheduled meeting of the Naples City Council was held March 13, 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 Ryan Cook, Amy Cook, Bret Stringham, Marleah Jacobson, Cliff Grua, Braden Olsen, Tracy Stocking, Gary Sievers, Andrew Cox, Steve Guibord, Bruce Lee, 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 and the invocation was offered by Robert Hall.

OPENING CEREMONY

Mayor Baker added Councilman Olsen and Councilman Kitchen under Administrative Updates. Mayor Baker asked that the agenda be rearranged to discuss the clarification on open green space before the discussion with Cliff Grua. Mayor Baker also added a purchase for the police department after item eight. Dan Olsen **moved** to approve the agenda as amended. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of February 28, 2008. Craig Blunt wanted to include two clarifications regarding the discussion of the drainage issues at the A-OK storage lot. Craig wanted to make sure it stated that JBB Investment did not block off the drainage, he said it was mentioned in the meeting that the School District covered the pipe and blocked it off. He also wanted the same discussion to read that the City would place sand at A-OK Storage in preparation to sand bag. Robert Hall **moved** to approve the minutes of February 28, 2008 with those amendments. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Chief Guibord introduced Andrew Cox to the City Council.

INTRODUCTION OF

Chief Guibord told the Council that Officer Cox comes to the department from Roosevelt Police and has ten years experience as a police officer. Officer Cox is the department's newest K-9 officer and his partner "Jessie" was also introduced to the Council. Officer Cox was sworn in by Nikki Kay. Mayor Baker and the Council welcomed Officer Cox.

***ANDREW COX AND K-9
JESSIE***

Nikki Kay presented the bills in the amount of \$35,238.47 and asked for approval to pay them. Dennis Long **moved** to accept the bills in the amount of \$35,238.47. Ken Reynolds **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

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

Peterbilt of Utah - 715 South 1500 East. A business license application was received from Peterbilt of Utah and presented to the Council for their approval. Craig Blunt told the Council that he had been to the location and inspected the building and they are ready to go. The business is located in the proper zone. Ken Reynolds **moved** to approve the business license for Peterbilt of Utah. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVAL***

Gold Spur Trucking LLC - 1302 South 1300 East. Craig Blunt recommended the Council table the business license request from Gold Spur Trucking. Craig told the Council that no building is in place and the property is not ready for a business. No action was taken on this request.

J&R Zuflet, Inc. - 2495 South 1500 East. Nikki Kay explained that the business license application for J&R Zufelt, Inc. would be a change of ownership for the 7-11 Store and that a motion would need to be made to transfer the beer license also. Robert Hall **moved** to approve the business license for J&R Zuflet, Inc. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Dan Olsen **moved** to rescind the beer license of 7-11 Store and transfer it to J&R Zufelt, Inc. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***REQUEST TO PURCHASE
POLICE VEHICLE***

Chief Guibord came before the Council asking for approval to purchase a new/used vehicle. He told the Council that one of the Chevy Impalas has not been a very reliable vehicle and has been a drain to the budget because of repairs. Chief Guibord said he would like to sell the Impala, switch his Charger to a patrol vehicle to be used by Sergeant Escoto and to purchase a 2007 Dodge Durango from Naples Auto. He said he negotiated with Naples Auto and got the price down to \$18,400. He told the Council that the vehicle was in excellent shape and still has a factory warranty. Councilman Hall wanted to know if extra funds would be needed to paint the Charger. Chief Guibord said they would need money to paint the doors. Councilman Olsen questioned buying a vehicle without a police package because the City always has trouble with the alternators. Steve said he wouldn't be running as many lights and should be okay. Chief Guibord stated he would need some funds to purchase lights for the new vehicle but would use the money from the sale of the Impala. Councilman Hall asked if the City had a bid policy that needed to be adhered to. Craig Blunt said the Chief would need at least one more bid from another dealer on something comparable to the Durango. Ken Reynold **moved** to approve the purchase of the Durango with the stipulation the Chief obtains one other bid and to approve up to \$2,000 to paint the Charger. 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

Greg Platt led the discussion on clarifying the definition of open green space in the Land Use Ordinance. Greg told the Council that there is a definition in the Ordinance for open green space but it is fairly broad. He said the definition for open space reads; an open space suitable for relaxation or landscaping that shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement, and packed gravel, except that such open spaces may be traversed by necessary sidewalks. Greg said there are some elements of what it is but it needs to be more specific. Greg said he made recommendations to the Planning Commission about how the definition could be clarified but the Planning Commission made no motion to change the Ordinance. Greg said the recommendations he gave to the Planning

***DISCUSSION ON
CLARIFICATION OF THE
LAND USE ORDINANCE
REGARDING OPEN
GREEN SPACE.***

Commission were; 1) Areas within ten feet of residential buildings shall not be counted in green space calculations, also the areas between the fronts of buildings and the street shall not be counted. 2) There shall be a minimum sized area which can be counted as green space and it cannot be smaller than 2000 square feet and the bulk of open space should be approximately .25 acre or larger. 3) Open space should not be more than five times as long as it is wide. Some latitude may be given for trail systems and very large parks. 4) There should be some visual boundary between areas counted as open space and areas counted as living space. 5) Enclosed buildings used for common space shall not be counted as open green space. 6) Roads and parking lots shall not be counted as open green space neither shall sidewalks along roadways be counted. 7) The general rule of thumb for determining whether a specific element of a Planned Unit Development (PUD) may be considered as open green space is to ask whether a reasonable person would consider the function of the space to be a park, an element of a park, or a trail system. Councilman Hall wanted to know how this compares to other cities. Greg said it is a little more specific than other Ordinances out there but the reason for the specificity is because of the unclarity on some of the projects being worked on in the City. Mayor Baker wanted to know if this would apply strictly to PUD's and not to other subdivisions. Greg said this would be a definition of open green space that would go in chapter two definitions of the Ordinance and would apply to any open green space mentioned in the ordinance. He said these recommendations do not specify a size of subdivisions. Mayor Baker asked if it could then apply to any subdivision. Greg said it would apply to any open space created by a PUD or mandated by a subdivision. He said it would not apply to a small subdivision. Greg stated these would be general guidelines the Planning Commission and City Council could look at and say "does what you are proposing meet with what we generally mean?" Councilman Kitchen wanted to know if the City has a 'Green Space' plan and wanted to know how it applies in a PUD. Greg said in the definitions it is referred to as green space/open space and there is no difference. Greg said this definition would specifically be referring to the open space required by parks and that created by PUD's. Councilman Kitchen said the definitions in the Ordinance gets confusing because it refers to open green space and common open space. Greg read from the PUD section of the Ordinance where it talks about the preservation of open space. He said it does need to be more clear. Greg said one is a stated goal

and the other is a policy as to what open space should consist of. Craig Blunt said the requirements of a PUD need to be more specific. Mayor Baker said a PUD should be a negotiation between two parties. Craig said the primary purpose of a PUD is to allow them to have denser housing and to have the City negotiate for the open space so we have something that is pleasant and useable. Greg also told the Council that in doing more research he found a place in the Ordinance where it states the City can be more flexible where density is concerned in a PUD. Greg asked the Council if they wanted to put this more specific definition of open green space in the PUD section of the Ordinance and not have it apply to all the developments. Councilman Long wanted to know how this would apply to Mr. Balling's development. Greg said there is not a specific required open space amount in the PUD ordinance, that has been left open to the Planning Commission and the Council. Greg said they would need to negotiate that amount with Mr. Balling. Greg told the Council that Dennis Judd should be coming to a future meeting to give his recommendations regarding Mr. Balling's development. Councilman Reynolds said Mr. Balling's project is not the issue before the Council at this time, the discussion should be on what the City would like to define as open green space. Ken Reynolds **moved** to accept the policy with the definition of open green space as given by Greg Platt (as listed above) to apply specifically to PUD's, to be used as a guideline, and to be open to negotiation. Dan Olsen **seconded** the motion. The motion passed with a majority vote. Gordon Kitchen was opposed.

Cliff Grua came before the Council to discuss altering his plat for Phase IV of Ironwood Subdivision. Mr. Grua said he would like to amend his plat of Phase IV to create lot 42, he said this would reduce his open green space to less than the 5 percent as required by the City. Mr. Grua wanted to give some history of where things started with his project in Ironwood that has led him to make this request. He told the Council when he first purchased the land across from the Golf Course he was told a PUD was not allowed. He said a couple of years later he found out that a developer near him was proposing a PUD and found out it was allowed in that zone. He said initially they looked at the containment of surface water and spoke with the Golf Course about sending any excess water their way. The Golf Course said they would take any water they could get. Mr. Grua said he was then told by the City that all water had to be contained on his subdivision. He wanted to know why that didn't pertain to all

***DISCUSSION ON PLAT
CHANGE FOR IRONWOOD
SUBDIVISION***

subdivisions and why Elouise Turner was allowed to run her surface water down to another subdivision. Mr. Grua wanted to know if Mrs. Turner was exempt from having green space because she donated land to Naples City. Mr. Grua said he believes he is having trouble selling some of his lots because of how close a neighboring development was allowed to build their homes to his road. He told the Council that changes were made to the Land Use Ordinance that he was not aware of that allowed those homes to be built closer to property lines. His proposal to the City was to revise his plat to decrease and reconfigure the size of green space and to add another building lot (lot 42). He felt this would allow him to recoup financially because he has not been able to sell the lots nearest to the next subdivision. Mr. Grua said he can't afford the liability of a large public park in his subdivision and the homeowners of the subdivision can't afford it either. He said there is not a clear definition of open green space and he wondered if xeriscaping is allowed. Mayor Baker asked Mr. Grua what he was asking of the Council. He said he was asking that they accept the revised plat with less than 5 percent green space and to allow him to have lot 42 with the new configuration of the green space area. He felt the new configuration would help him to recoup financially and aesthetically it would be better. Greg Platt read from the Land Use Ordinance the reason for storm drainage facilities and neighborhood parks and said they were to be planned in consultation with the City Engineer. The developer could establish either a homeowner's association to maintain the park or they could dedicate the 5 percent land area to Naples City. It states the area needs to be four acres or larger and if it is not at least four acres, they can pay to the City not less than \$8,000 per acre in lieu of. Mayor Baker asked Mr. Grua how large his green space area is. Mr. Grua said, with the new configuration, he would need an extra 75'x75' area. Councilman Hall said he would like to do something fair for Mr. Grua but is worried about how it would be translated out to other developers. Councilman Hall wanted to know if there was any provision in the Ordinance that would allow for this type of revision. Greg Platt said the Ordinance reads that the green space needs to be 5 percent. Greg also said the only other option would be for Mr. Grua to pay a fee in lieu of for the green space. Mr. Grua would still be required to maintain the storm water for his subdivision. Mayor Baker said the City has required other subdivisions to pay a fee in lieu of green space. Councilman Reynolds said he did not see how the City could go against the Ordinance and make this revision. Mr. Grua wanted to know why Elouise Turner was allowed to

not have green space in her subdivision. Council members stated Mrs. Turner donated land as payment in lieu of green space. Mayor Baker said he appreciated where Mr. Grua was coming from and he felt Ironwood subdivision was one of the best in the City, but he did not see any other option except for payment in lieu of a park. Mr. Grua said there should be some give and take. Councilman Reynolds said even if mistakes were made they can't be changed now and the City can't go against the Ordinance. Council members discussed allowing Mr. Grua to use a cash in lieu of payment for the green space area that is lacking. Mayor Baker asked Craig to check into that and bring this back to a future meeting. No action was taken at this time.

Tracy Stocking with Tracy Stocking & Associates spoke with the Council about his companies progress with the Downtown Master Plan. Mr. Stocking told the Council that this is a multi-step process and the first step in the process has been to analyze existing resources. He stated the next step in the process will be to meet with local residents to receive input as to what the downtown plan can be like and what they would like to see happen here. He said they want to help Naples find out what is right for Naples. Mr. Stocking turned the time over to Gary Sievers to present the feasibility and visioning portion of the plan. Mr. Sievers told the Council that the good news was this area is developable and he did not see anything that would inhibit the development. Mr. Sievers reported that the soil tests for the area show the soil is corrosive to steel and to concrete and there is a high water table. He said those are some of the constraints. He said one of the ways to take care of those restraints is to make sure concrete is chemically structured to withstand the corrosion and to make sure all developments are engineered properly addressing those issues. Mr. Sievers then gave information gathered for the visioning portion of the report. He gave the demographics of the area and said they are not as concerned about the number of people as they are about the trends for the area. He identified potential gaps that exist in the business market. He stated these gaps help identify what potential retail service and goods might be lacking and are also in demand. The first was a lack of a unified retail destination. Second was a lack of professional services. Third was a gap in specialized higher education and fourth was a gap in a specialized state of the art health care facility. Mr. Sievers then gave some recommendations on what type of businesses or facilities the City might want to consider in

***DOWNTOWN PLAN
PRESENTATION BY
TRACY STOCKING &
ASSOCIATES***

order to establish a basis for the downtown area. They included health care facilities focusing on state of the art research and development, Federal and State government offices, commercial "big box" businesses, a higher education facility, or a high tech industrial park. Mr. Sievers showed the Council several concepts as to how the downtown area could be laid out. He stated they were only trying to show graphically what could be possible and the charts were a vision of what the downtown area could be. Mr. Sievers said when the master planning phase is complete the graphics could look totally different. He recommended that the City move forward with the Master Planning effort and if the City wants to be the Master Developer they need to consider buying the land. If the city doesn't want to be the master developer then they could partner with an interested developer and the City could be a financial contributor with potential revenue source including RDA (tax increments) assistance. Mr. Siever said he looks forward to moving on with the project. Mayor Baker thanked Mr. Stocking and Mr. Siever for coming and for their presentation.

Craig Blunt gave the Council the dates for the public hearings to discuss the Master Plan. He said the Council and public would meet to discuss the plans and then review the discussions at the following City Council meeting.

Cliff Grua wanted to make one more point from his earlier discussion. He said the Council needed to work together with the County to find a way to determine how to assess property taxes on the common area lots or the park areas in subdivisions. He said every time a lot is sold in a subdivision, the assessor's office tries to reassess the taxes among all the property owners in the subdivision.

Craig Blunt told the Council that the person previously approved for the position of Administrative Secretary declined the position. Craig asked the Council for approval to hire Brandy Goff. Craig recommended hiring Brandy at \$12.00 per hour. Robert Hall **moved** to approve hiring Brandy Goff at \$12.50 per hour. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Bruce Lee introduced Ryan Cook to the Council and asked for approval to hire him in the road department. Bruce told the Council that Ryan has a great deal of experience and is already certified in many areas for the road department. Bruce recommended hiring Ryan Cook at \$20.00 per hour.

***PUBLIC COMMENT FROM
CLIFF GRUA***

APPROVAL TO HIRE

***APPROVAL TO HIRE IN
THE ROAD DEPARTMENT***

Dan Olsen **moved** to hire Ryan Cook in the street department at \$20.00 per hour. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Craig Blunt told the Council that the Easter Egg hunt at the Naples Park will be on March 22, 2008 at 9:00 a.m. Craig asked for approval to help purchase candy for the hunt. Naples City will be cosponsoring the event. Robert Hall **moved** to approve the \$250. Dan Olsen **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

***EASTER EGG HUNT AT
NAPLES PARK***

Craig Blunt asked the Council if they would like him to be in attendance at the first public hearing for the downtown plan or attend training that is being held in St. George. He told the Council that three meetings are being held in St. George around the same date as the first public hearing. The City Managers' conference, the ULCT midyear conference, and a workshop on property tax administration are all being held. After some discussion, Dan Olsen **moved** to authorize \$1,125 for training for Craig Blunt. Robert Hall **seconded** the motion. The motion passed with the following roll call:

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

***APPROVAL FOR TRAVEL -
CITY ADMINISTRATOR***

Craig Blunt told the Council that he was approached by Brett Reynolds to get an internet connection at the fire station. Chief Reynolds told Craig the department needs a faster connection for their on-line training. Craig said he checked with both Bresnan and UBET and found they could get a DSL connection from UBET for \$39 per month. Robert Hall **moved** to approve \$39 a month for internet service at the fire station. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye

***INTERNET CONNECTION
AT THE FIRE STATION***

Dan Olsen Aye
Kenneth Reynolds Aye

Mayor Baker reviewed a letter that was sent out by the local Postmaster. The letter was sent to local businesses requesting them to consider creating a partnership with the postal service in providing postal services for the community. Mayor Baker wanted to know if the City wanted to pursue this type of venture. It would involve setting up a little shop where people could buy stamps, drop off packages, and maybe have postal boxes. Councilman Kitchen questioned whether or not the City wanted to get involved to that extent. Mayor Baker saw it as a way for the City to eventually get their own zip code. Councilman Hall also felt the City should be a little cautious in this area. The Council had no problem meeting with the people from the Post Office to discuss the matter.

***L E T T E R F R O M
P O S T M A S T E R***

Craig Blunt updated the Council about his meeting with the Community Impact Board (CIB). Craig told the Council he met with the CIB about the City's application to pipe the canal on 2500 South he was asked by the Board to look at other governmental groups to help pipe the canal. He said one the Board recommended was the NRCS. Craig said he spoke with Andrea Merrell at the NRCS and was told they couldn't work with the City unless the City ended up owning the canal. Craig said he also spoke with the Bureau of Reclamation and was told they could possibly help. Craig spoke with Cody Jenkins and Laris Hunting, who are already working with the Bureau of Reclamation to try and get the same thing done. Craig asked Mr. Hunting to set a date when their engineer and the City's engineer could meet and see how they could work together. Craig told the Council that this project is still on the pending list with the CIB to see if the City can check other avenues to try and cost share. The next meeting with the CIB will be in April.

***A D M I N I S T R A T I V E
U P D A T E S
C I B A P P L I C A T I O N
U P D A T E***

Councilman Olsen gave Council members a handout with information about the animal control shelter. The handout showed how many animals were impounded. Out of those impounds it showed how many were rescued, adopted, or euthanized. Councilman Olsen was concerned about the large difference in the number of animals handled in Vernal City and Uintah County as opposed to Naples City. He questioned whether the City was getting the service we need or do we not have a dog problem. Craig Blunt said there is a dog problem in the City. He wanted to know if the animal control

***A N I M A L C O N T R O L
D I S T R I C T U P D A T E***

officers are patrolling this area or if they are waiting for someone to call and complain. Craig wanted to know why the City would need to call and why they were not automatically patrolling. The Mayor suggested that every week or two Craig make a call asking the animal control officers to patrol a specific area. Councilman Olsen also recommended the police make calls when they see a problem.

***RECREATION DISTRICT
UPDATE***

Councilman Kitchen reported to the Council on his meeting with the Recreation District. Councilman Kitchen wanted to know where the City stood with the interlocal agreement with the District. Craig Blunt said it is back with the District. Councilman Kitchen also told the Council they discussed the lower amount being received in mineral lease money. He reported that the District also discussed the widening of 500 South and their concern that all of the drainage water not end up at the Golf Course.

OTHER MATTERS

Councilman Long raised the concern of water backing up near Robin Bemis' home on 2500 South. He wanted to know if any of the water there was something the City needed to take care of. Craig Blunt was not sure if the ice build up was causing the problem but he notified Bruce Lee to make sure nothing was plugged off going under the road at 2500 South and 500 East. Craig said if the water can make it through Robin's driveways it should be able to flow where it is supposed to go.

FUTURE COUNCIL ITEMS

Councilman Hall wanted to know where the City was with the SOB Ordinance. Greg Platt stated he would check on that. Mayor Baker wanted to make sure the training for open meetings was placed on a future council agenda.

MOTION TO ADJOURN

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 10:35 p.m. Dennis Long **seconded** the motion. The meeting was adjourned

APPROVED BY COUNCIL ON THE 27th DAY OF MARCH 2008

BY: _____

ATTEST: _____