

Naples City Council
June 12, 2008
Minutes

The regularly scheduled meeting of the Naples City Council was held June 12, 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 Bonnie Cook, Doug Cook, Julene Richards, Sean Richards, Tom Montgomery, Wade Montgomery, Leslie Montgomery, Jessie Atwood, Rae Rasmussen, Verona Rasmussen, Steve Rasmussen, Brenda Olsen, Hazel Olsen, Steve Wells, Brad Harrell, Gary Sievers, Tray Stocking, Les Bowen, Connie Patton, Bruce Lee, Mark Watkins, 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 Dennis Long.

OPENING CEREMONY

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

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of May 22, 2008. Dan Olsen **moved** to approve the minutes of May 22, 2008 with minor spelling corrections. Robert Hall **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Connie Patton presented the bills in the amount of \$48,764.91 and asked for approval to pay them. Mayor Baker asked Bruce Lee about the additional cost, over what was approved for the new flat bed. Bruce said they did spend more than what was approved but they might be able to return some of the items. With no other questions, Dan Olsen **moved** to approve the bills for the amount presented and to approve the additional costs for the flat bed. Kenneth 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

Christofferson Welding - 1385 E 1300 S. A business license application was received from Christofferson Welding. Craig Blunt told the Council the business was in the proper zone and everything is fine with the building. Dennis Long **moved** to approve the business license. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

BUSINESS LICENSE APPROVALS

Rezone Request - 1345 S 1500 E. Craig Blunt explained that Wheeler Machinery has been before the Planning Commission to request approval to re-zone five acres located behind their business. Craig told the Council the property is presently commercial and they have requested approval to change to Industrial. Craig said the Planning Commission requested that Wheeler give them additional concepts of how they will be using the five acres. The concepts presented were to use the acreage as a holding area for vehicles and also for additional parking. The Planning Commission wanted both sound and visual protection along the east end and north property line. The concept plan presented showed a block wall along those areas. Craig said Meadow Creek development, a housing development adjacent to this property, will maintain the block wall. Meadow Creek development will also place an access road along the wall which will provide another buffer. The road will be a service road. The recommendation from the Planning Commission was to approve the zone change with the stipulations of a block wall, landscaping along the wall, and restrictions on the access road. Craig Blunt said all of the public hearings have been completed. Craig reported that the concern from residents in Spring Creek Pond subdivision was to not allow the road from Meadow Creek development to tie into their subdivision. Councilman Hall wanted to know about the lighting in the five-acre area. Steve Wells from Wheeler Machinery said no lighting is currently planned for that area. They will be using it for equipment storage and impound lot. He said if they expand in the future they will use directional lighting. Craig said the Council could make that a condition for any future expansion. Mr. Wells said they would be agreeable to that. Councilman Kitchen said there have been

LAND USE MATTERS REZONE REQUEST FOR PROPERTY LOCATED BEHIND WHEELER MACHINERY

discussions in the past about not changing a zone from commercial to industrial because there is not enough commercial area in the City. He expressed concern that the City is opening doors and setting precedent. Mr. Wells said the change in the zone was just ensuring that Wheeler would not have to move to another location to accommodate any future expansion of their business. Councilman Kitchen did not have anything against it, and said he was just voicing his concern. With no other comments, Gordon Kitchen **moved** to go forward with the zone change from commercial to industrial. 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

Montgomery Recycling - 1120 S 1500 E. Craig Blunt told the Council that Montgomery Recycling has approached the Planning Commission about installing new truck scales at their business. He said they would also be widening the entry, putting up an obscure fence and adding some landscaping. Craig said the Planning Commission recommended to approve a building permit for the installation of the scales, the wider entry, the obscure fence, and added landscaping. Tom Montgomery and Wade Montgomery were there to answer any questions the Council may have. Councilman Hall wanted to know why an obscure fence would not be added along the highway. Mr. Montgomery said when Highway 40 was built up the State of Utah said they would build a fence and it never happened. The Planning Commission then approached them about planting some trees, which they did. Mr. Montgomery said some of those trees did not survive. He also stated that because of the drop from the highway to his property it would make it very hard to install a fence. Councilman Olsen stated that Mr. Montgomery was given approval by previous Councils to plant trees instead of installing a fence. The obscure fence will go along the north side of the property. Wade Montgomery said it will be a big improvement from what is there now. Robert Hall **moved** to approve the building permit for the truck scales and beautification for Montgomery's. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***TRUCK SCALES AT
M O N T G O M E R Y
RECYCLING***

Studio Six Concept - 1935 S 1500 E. Craig Blunt wanted to keep the Council updated on concept plans that have been presented to the Planning Commission. He showed the Council where this development would be. He stated it would be a seventy-three-room motel with three stories. Craig said concerns from the public included making sure the east end was properly fenced with a block wall and if there would be landscaping and fencing between the neighbors to the south. Craig said the Planning Commission approved the concept but items that still needed to be worked on included the access of vehicles going in and out of the motel. Councilman Kitchen asked about the right-of-way on the south side of the property. Craig explained that the owners of the property met with the school district to see if they would be willing to sell the right-of-way. The school wanted to keep it so the owners will move the sidewalk to the very south side of the property. No action was taken on this matter.

***STUDIO SIX CONCEPT
PLAN***

Naples Town Center - 2900 S 1500 E. Craig Blunt updated the Council on the concept plan presented to the Commission for the development of the Naples Town Center. He said the homeowner on 3000 S is very concerned about the development but stated the developer is very willing to work with them on putting proper fencing and buffers in place. Craig said UDOT will be giving two access permits to the developer. This was for information only, no action was taken.

***FINAL APPROVAL FOR
HALLIBURTON FIELD
CAMP***

Naples Commerce Center - 2521 S 1500 E. Brad Harrell with Vernal Ventures 2 was available to answer any questions from the Council concerning their development of the Naples Commerce Center. Mr. Harrell explained that there are three partners in this development and they would like to integrate a mixed use development. The development would include a truck stop with a fast food establishment, retail sites, and hotel. He stated they would like to incorporate an Italian theme element to go along with the downtown plan. He said the concept was approved by the Planning Commission and they would like to start on the ingress/egress and common areas first. The Mayor thanked Mr. Harrell for coming. The presentation was for information only, no action was taken.

***CONCEPTUAL FOR
RAPTOR INDUSTRIES***

Craig Blunt said the Planning Commission would like to recommend to the Council the concept of form-based coding. He explained that these codes make things more specific in planning designs. Craig asked Gary Siever to explain form-

From BASED CODING

based coding a little better. Mr. Siever said that form-based coding allows a City to have a little more "teeth" in maintaining the character and development for an area. He stated that when a developer comes in they will know exactly what is expected of them. He said that form-based coding is more proactive, instead of saying you can't do something it takes the approach of "this is what we encourage and this is what is required." Mr. Siever also explained that form-based coding offers a visual of what is wanted rather than just putting it in writing. Councilman Kitchen wanted to know if it was more restrictive. Mr. Siever told him it was but in a positive way. Mr. Siever also said that "big box" companies are the ones that resist the idea the most. Craig Blunt stated the Planning Commission has approved the concept of form-based coding. He told the Council it would cost approximately \$30,000 to have the design drawn up. Councilman Olsen stated the money could be obtained from the Redevelopment Agency. Craig said he would also try for some grant funding. Craig recommended starting with the downtown area, then to highway 40, and then to the industrial areas. Mayor Baker felt it was a good idea for the downtown area but had reservations about extending into the industrial areas. Councilman Reynolds said development is going to happen and he felt the City has the opportunity to move to this type of zoning before developments start. Robert Hall **moved** to pursue funding of the form-based coding for the C-1 zone and to recommend the funding request be brought before the Redevelopment Agency. Dan Olsen **seconded** the motion. The motion passed with a majority vote. Councilman Kitchen voted nay.

Dennis Long **moved** to open a public hearing to receive comment on the budget for FY 2008/2009. Ken Reynolds **seconded** the motion. The motion passed with all voting aye. Craig Blunt explained to those present some of the issues that have affected the budget this year. He stated the County has formed four new districts and some of those have reduced expenditures for the City. He also noted that the increasing cost for material, services, and fuel make it a challenge to meet all the needs in the City. Verona Rasmussen asked if the primary revenue for the City was sales tax. Craig stated that it is, but the City also receives grant money to help with projects. Craig said the City is also looking for ways to bring money into the area besides through the oil & gas industry. With no other comments from the public, Dan Olsen **moved** to go out of the public hearing. Ken Reynolds **seconded** the motion. The motion passed

***PUBLIC HEARING TO
ADOPT BUDGET FOR FY
2008/2009***

with all voting aye.

Mayor Baker asked the Council if they had any questions about the budget. Councilman Kitchen wanted to know about over time wages in the police department. Lieutenant Watkins said the funds were put in to try and maintain adequate coverage for vacations, sick leave and officer training. He said it is better to pay overtime than to give comp time because when someone takes time off to use their comp time then someone else has to cover that shift. A question was raised about funds in the fire department and in the park department and when the Districts would start paying for those services. Mayor Baker asked Craig to look into getting all of the utilities and garbage services moved over to the Districts. With no other questions, Dan Olsen **moved** to adopt Resolution 08-204, a resolution adopting the budgets for FY 2008/2009. Robert Hall **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

Questar Gas requested approval for a road cut permit for 1907 E 1300 S in the Spring Creek Pond Subdivision. Craig told the Council he has been trying to get the company to come across the back yards or between the fences and not in the asphalt. He explained that he was still waiting to hear why they needed to cut the road. Dennis Long **moved** to table the request until more information is obtained. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

Gary Siever and Tracy Stocking met with the Council to give an update on the Downtown Plan. Mr. Siever reported on the public meetings, surveys, and drawings for the downtown. He reported that after all of the information was gathered there was not a lot that had to be changed for the concept of the downtown area. Mr. Siever said there are already two developers interested in projects for the downtown and they seem to want the same things the City wants. Mr. Siever pointed out on the map what each area of the downtown rendering was marked for. He explained the market data reports and said they show whether or not the value would exceed the cost in completing a project. Mr. Siever stated

***RESOLUTION 08-204
ADOPTING FY 2008/2009
BUDGETS***

***ROAD CUT PERMIT FOR
1907 E 1300 S***

***UPDATE ON THE
DOWNTOWN PLAN***

they ran proformas on each area. The proformas are a snapshot for a five-year term showing whether or not a development would make money and what the development costs would be. Tracy Stocking talked about the architectural character the City would like to promote. He said they created a generic study of what the downtown buildings could look like and created renderings of those buildings to show the Council in a more visual way what the downtown could look like. He said the Council could make it more personalized to Utah by using native materials in the developments. Mayor Baker wanted to know what the next step will be. Mr. Siever said they will make sure the proformas are correct and will suggest that each developer run their own proformas. They will take the financial data, organize it with graphics and prospectives and turn those into brochures and sales presentations that can be given to developers or tenants. Mr. Siever said the form-based zoning would give the Council the means to have a development be what they want it to be rather than what the developer presents.

Resolution 08-203 authorizing the issuance and sale of not more than \$1,000,000 aggregate principal amount of excise tax road bonds, series 2008 was given to the Council for their consideration. Mayor Baker stated these would be used to help in the construction of 1000 South. Dan Olsen **moved** to accept as presented. 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

Council members received the first copy of the impact fee study for parks, public safety, and roads. Craig said each study shows what could be charged in impact fees for each new development. Craig stated that those fees could be passed on to anyone obtaining a building permit. The impact fee studies were given to the Council as a first reading. Ken Reynolds **moved** to accept them as a first reading. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Council members received a request from UDOT for their commitment in supporting the traffic signals at 500 S Hwy 40

***RESOLUTION 08-203
AUTHORIZING THE
ISSUANCE AND SALE OF
EXCISE TAX ROAD BONDS***

***FIRST READING OF
IMPACT FEE STUDIES
FOR PARKS, ROADS, AND
PUBLIC SAFETY***

***COMMITMENT TO UDOT
FOR SUPPORT OF***

and at the intersection of Hwy 40/SR 45. Ken Reynolds **moved** to support UDOT with the traffic signals. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

TRAFFIC SIGNALS

Mark Watkins came before the Council requesting approval to purchase emergency lights and speakers for the 2007 Durango. The cost will be \$954.90. Dennis Long **moved** to approve the \$954.90 expenditure. Dan Olsen **seconded** the motion. The motion passed with the following vote:

PURCHASES - POLICE DEPARTMENT

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

Lieutenant Watkins also asked for approval to use the money received from the State for DUI enforcement to purchase new Vid-mic cameras for each officer. The price for each microphone/camera is \$700. He explained that there should be enough funds to purchase four units and he would see about purchasing the rest later. After some discussion, it was **moved** by Robert Hall to approve the purchase of five cameras in the amount of \$3,500 and to move funds in the police department budget to cover the purchase. Dan Olsen **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

A travel request was presented to the Council for Connie Patton and Brandy Goff to attend a grant writing class in Salt Lake City. Ken Reynolds **moved** to approve the training and travel request in the amount of \$428. Dan Olsen **seconded** the motion. The motion passed with the following vote:

TRAVEL APPROVAL

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

Bruce Lee told the Council he had not received any bids for lawn care services and was not ready to proceed on this matter. No action was taken

PROPOSAL FOR LAWN CARE SERVICES

Mayor Baker told the Council that he and Craig met with representatives from the US Postal Service about setting up mail service at the City office. They met with the local postmaster and Tamara Wilson who is the Salt Lake retail specialist. Mr. Baker stated that Ms. Wilson explained they usually do this two ways. One is to use an existing office to provide a place to sell stamps and collect packages and they would pay the City a percentage or to have a separate building where people could come and buy supplies and mail packages. Mayor Baker said those they met with were not interested in setting up a place for post office boxes. Mayor Baker said he was hoping this could lead to Naples City having their own zip code and giving the residents a more convenient place to drop off mail. This was for information only. No action was taken.

UPDATE ON POST OFFICE MAILING COLLECTION SYSTEM

Dan Olsen **moved** to go into an executive session to discuss the character, professional competence, or physical or mental health of an individual. Dennis Long **seconded** the motion. The motion passed with all voting aye. Those present for executive session were Mayor Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, Ken Reynolds, Craig Blunt, and Nikki Kay. Mayor Baker signed a closed meeting affidavit.

EXECUTIVE SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

Gordon Kitchen **moved** to go out of executive session. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

MOTION TO GO OUT OF EXECUTIVE SESSION

With no other business before the Council, Ken Reynolds **moved** to adjourn the meeting at 11:17. Dennis Long **seconded** the motion. The meeting was adjourned

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 26th DAY OF JUNE 2008

BY: _____

ATTEST: _____