

**Naples City Council  
August 28, 2008  
Minutes**

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

***COUNCIL MEMBERS ATTENDING***

Others attending were Samantha Smith, Jesse Smith, Guy Collett, Debbie Wilson, Paul Wilson, Richard Maxfield, Jackie Maxfield, Mary Bernard, Jay Dickinson, Shawnielle Kelley, Kevin Ralphs, Jim Harper, Natalie Klun, Dale Harrison, Annalee Foster, Brent Cooper, Kristine Cooper, 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 Robert Hall.

***OPENING CEREMONY***

The agenda was amended to include a presentation from Guy Collett regarding assisted living housing. Dan Olsen **moved** to approve the amended agenda. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***AGENDA APPROVED***

Mayor Baker asked if there were any changes to the minutes of August 14, 2008. Dennis Long noted one spelling error and the Mayor stated that Jackie Guibord was not present in Executive Session. Dennis Long **moved** to approve the minutes as corrected. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***MINUTES APPROVED***

Connie Patton presented the bills in the amount of \$34,015.05 and asked for approval to pay them. Councilman Long questioned the bill regarding the equipment storage building, the invoice for lug nuts in the police department, and the bill for repairs to the transmission of the 2005 pickup. After those were clarified, Dan Olsen **moved** to approve payment of the bills in the amount of \$34,015.05. Kenneth Reynolds **seconded** the motion. The motion passed

***APPROVAL OF THE BILLS***

with the following roll call vote:

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

**Kimzey Casing Service, LLC.** - 1255 E 1000 S. A business license application was received from the new owners of a business located at 1255 E 1000 S called Kimzey Casing Service. Craig Blunt stated the business is in the proper zone he would just like to check on the fire safety equipment. Ken Reynolds **moved** to approve the business license of Kimzey Casing Service. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE  
APPROVALS***

**Reed Hycalog** - 1572 S 1625 E. A business license application was received from Reed Hycalog. Craig Blunt stated he had not had a chance to visit this business. Dennis Long **moved** to table the request until that could be completed. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

Guy Collett came before the Council to give them information on assisted living housing in the area and to receive input on placing this type of housing in Naples. Mr. Collett explained he currently has two assisted living units in the area and would like to see about placing a unit in Naples. Craig Blunt told the Council that this type of housing is something the City could make application for with the Community Development Block Grant (CDBG). Craig said he hoped the Council would consider making application for this type of housing. Mr. Collett explained that both housing units, called the Beehive Homes, are filled to capacity and the demographics show there is still room in the area for another sixteen bed unit. He stated the units are doing well but not enough for him to purchase land without some assistance. Mr. Collett stated he spoke with Dave and Elouise Turner and they have shown an interest in selling him property in Parkview Subdivision. Mr. Collett said he would like the Council to visit the two Beehive Homes and see the impact they have on the neighborhoods. Mayor Baker asked Mr. Collett to explain "assisted living" and what it entails. Mr. Collett stated they have level one and level two units. Those living in the units have to be ambulatory, the average age is

***LAND USE MATTERS -  
INFORMATION ON  
ASSISTED LIVING  
HOUSING***

87 and can go as low as 65. He said they have people on staff to assist with medication, house keeping, and activities. Councilman Kitchen said he recognizes the need for this type of housing but wondered if the City was currently zoned for this. Craig stated the Planning Commission would need to make changes to the Ordinance to allow for this type of housing. Mr. Collett provided Craig with statutes that have helped allow other cities to develop this type of housing. Councilman Hall asked if Mr. Collett was incorporated and if he operates these homes for profit. Mr. Collett stated he was incorporated and does operate for profit. Councilman Hall wanted to know how that would work if the City applied for the funding to purchase the land. Craig stated the CDBG does allow for this type of housing even though they are incorporated and for profit. Craig said there are guidelines for the housing, they have to be in a subdivision with curb, gutter and sidewalk and they need to be located off a main street. Mayor Baker asked about the next application cycle for CDBG. Craig said it would start in September. Craig said they would get things moving in Planning & Zoning to hold public hearings to discuss a zone change that allows assisted living housing. Dan Olsen **moved** to schedule a public hearing to discuss the zone change. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Blue Mtn Vista presented a request to change the zone at 2359 S 1800 E from C-1 to R2, to reduce the overlay zone to 500 fee and to approve their concept plan for housing in that area. Richard Maxfield was representing Blue Mtn Vista. Dale Harrison gave the Council the recommendation from the Planning Commission. Dale stated the Planning Commission did not feel the zone change was in the best interest of the Master Plan and they thought the City needed to maintain as much commercial area as possible. He told the Council that traffic safety at the corner of 2500 S 1500 E was a concern expressed by the public at a hearing held on August 26, 2008. Chairman Harrison stated the recommendation of the Planning Commission was to deny the re-zone request and to leave the area commercial. Mr. Maxfield stated the back line of the piece of property in question is a quarter of a mile back from Hwy 40 and the front 600' parcel would remain commercial. He stated that commercial is not very viable for the back portion of the property and the high density housing proposed would be a good buffer between the two zones. Mayor Baker asked if anything had changed from their original request and Mr. Maxfield said the request is the

***BLUE MTN VISTA RE-ZONE REQUEST***

same. Mr. Maxfield said they have tried to accommodate the City and meet the requests for the public hearings. He said they obtained the requested boundary agreements and were waiting for approval on their project. Councilman Olsen asked about the road that would run in back of the Naples chapel. Mr. Maxfield said they wanted to line it up with the road that comes off of 2250 South. He also said it would be another access into the development but would not be one of the main ones. Mr. Maxfield said they have not had anyone show any interest in the commercial portion of the development and felt anything beyond the 600' of the highway would not be viable for commercial development. With no other comments, Robert Hall **moved** to accept the recommendation of the Planning and Zoning to deny the request for the zone change. 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

Mr. Maxfield asked the Council if they could go back to their previous approvals. Mayor Baker asked what he meant by that. Mr. Maxfield stated the development was previously approved, except for the boundary agreements and drainage issues, as a PUD under this zone. Councilman Reynolds told Mr. Maxfield that in light of the claim filed against the City by Blue Mtn Vista they could not discuss any more on the matter.

Dale Harrison reported on another re-zone request that was presented at the August 26<sup>th</sup> meeting. Troy Meier requested a change in the zone at 1600 S 1800 E from R1 to I1. Mr. Harrison said the Commission had a hard time with this request because Mr. Meier has developed a wonderful industrial park on 1500 South and they would like to be able to accommodate him on this but felt it was too close to residential. Mr. Harrison stated the Planning Commission recommended to deny the request for the re-zone. Robert Hall **moved** to accept the recommendation of the Planning Commission and to deny the re-zone request of Mr. Meier. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
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***MEIER RE-ZONE  
REQUEST FROM R1 TO I1***

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

Jesse and Samantha Smith submitted a request for an emergency temporary housing permit to the Planning Commission. It was determined that the Mayor and Council would need to decide if the request constituted an emergency. Craig Blunt told the Council he thought the old policy needed to be updated because it was based on the old land use ordinance. He said it should be adjusted to fit the current economic conditions of the City. Councilman Kitchen wanted to know if money was available for housing for families that can't find affordable housing. Craig said there is money available that can be used as a loan. Craig thought the current emergency housing application needed to be addressed and updated according to the laws and present conditions. Craig said Dennis Judd would need time to look at the Ordinance and public hearings would need to be held if the change is addressed through the land use ordinance and not a City ordinance. Mayor Baker assured Jesse and Samantha that they would try and move forward in a timely manner and get them the answer they needed. No action was taken on this matter.

***E M E R G E N C Y  
TEMPORARY HOUSING  
PERMIT***

The owner of lot eight in the Winder Industrial subdivision (1014 E 500 S) requested approval to split the three-acre lot. Dale Harrison said the Planning Commission recommended approving the lot split with the condition that a letter be provided from Ashley Valley Water stating the sewer can be hooked up without cutting into the road. Ken Reynolds **moved** to approve the lot split based on the stipulation that sewer can be provided to the new lot without cutting into the road. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***LOT SPLIT FOR WINDER  
INDUSTRIAL  
SUBDIVISION***

Dale Harrison told the Council that it was proposed to change the Planning Commission to a five-member board instead of nine. Chairman Harrison told the Council how difficult it has been to maintain a nine-member quorum. The Commission discussed dropping to a five-member board with one alternate. He said the Commission discussed having two alternates but decided on just one. He said it would be a requirement that the alternate attend the meetings so they could be well informed on matters that have been discussed at previous meetings. Ken Reynolds **moved** to take the

***RECOMMENDATION TO  
CHANGE PLANNING  
COMMISSION TO A FIVE  
MEMBER BOARD***

proposal as a first reading. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Craig Blunt explained the consideration and development agreements presented to the Council. The consideration agreement is to provide consideration for the relocation of the trailer owned by Brent Cooper located at 1000 S 2000 E. Councilman Olsen wanted to strike the word "and" in item E and replace it with the word "to" so it would read, "\$20,000 to move Cooper's mobile home from the 1000 South easement ~~and~~ **to** cover costs incurred in lot development ...". Dan Olsen **moved** to authorize the Mayor to sign the consideration agreement for Brent Cooper with that change. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

***CONSIDERATION AND  
DEVELOPMENT  
AGREEMENTS WITH  
BRENT COOPER***

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

The development agreement with Mr. Cooper was also presented to the Council. The development agreement outlines the development of the subdivision. City Attorney Dennis Judd approved the agreement as long as the homeowners' association covenants were included on the recorded plat. Mr. Cooper stated he has those and could bring them to the next meeting. It was noted that Mr. Judd will review those and make sure everything is in order but the City does not enforce those home owner covenants. Councilman Olsen said as people move in and out of a subdivision it becomes harder to enforce those covenants. Mr. Cooper said there will be a yearly association fee that will keep homeowners involved with those covenants. Lieutenant Watkins wanted to know if the road in front of the town homes was private. Mr. Cooper said it would be. Lieutenant Watkins suggested checking into the liability of that because of a case that was recently handled in Saratoga Springs regarding an underage driver that killed a two year old but could not be charged because it was a private road. Council members urged Mr. Cooper to address these issues with the attorney. Mr. Cooper was concerned about the wording of item ten on the agreement. He felt the sentence addressing common space was awkwardly written. He thought it should be written that the "aforementioned land would be dedicated . . . ." Ken Reynolds **moved** to accept the development

agreement with the stipulation that all clarifications pass the approval of the City Attorney. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Backhoe Supremo submitted a road cut request for 950 S 2000 E. The road cut will be to tie in the sewer to the lot Mr. Cooper is moving his trailer to. Gordon Kitchen **moved** to approve the road cut at 950 S 2000 E. Ken Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

***ROAD CUT REQUESTS***

A road cut request was submitted by RBI Excavation for a cut at 1861 E 2500 S. This would be to tie the sewer into a new home. Dan Olsen **moved** to approve the road cut at 1861 E 2500 S as per agreement. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Craig Blunt wanted to update the Council on the bonds for the 1000 South road project. Craig stated the bond council told him that twenty year bonds were no longer available. Craig said they have involved the Community Impact Board to try and work out those details. They will be holding a phone conference at 8:00 on the 2<sup>nd</sup> of September. Councilman Hall wanted to know the reasoning behind it. Mayor Baker thought legislation had changed and that was the reason why. Craig said it might be possible to do the first ten years with B&C road funds and either doing a roll over to do it again or to use highway funds for the next ten years. Craig said he will know more after the phone conference about what the state will allow. Craig said the contract for 1000 South is still good it just shows an increase in the City's share, an increase in the grant, and an increase in the loan amount. Dan Olsen **moved** to authorize the Mayor to execute the contract for 1000 South. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

***COMMUNITY IMPACT BOARD CONTRACTS FOR 1000 SOUTH***

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

Craig Blunt said the contractors for 1000 South, JB Gordon Construction, has submitted their first request for payment and a change order in the amount of \$16,239. Dan Olsen **moved** to authorize change order number one for this

***FIRST DRAW FOR 1000 SOUTH***

project in the amount of \$16,239. Ken Reynolds **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

Robert Hall **moved** to approve the first draw in the amount of \$110,347.50. Dan Olsen **seconded** the motion. The motion passed with a roll call vote:

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

Mayor Baker asked for approval to reimburse Craig Carlson for expenses incurred in moving his fence located in the right of way on 1000 South. Mr. Carlson agreed to move the fence if the City would pay for the material. Dennis Long **moved** to approve \$1,451.71 to reimburse Mr. Carlson. 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

***REIMBURSEMENT TO  
PROPERTY OWNER TO  
MOVE FENCE ON 1000  
SOUTH***

Mayor Baker also wanted the Council to know that the road contractor for 1000 South has agreed to take out the fence on the Pierce property and it was agreed that the road department would put it back up. Mayor stated the contractor would let the road department know when they are ready for the fence to go back up.

Craig Blunt stated that funding for the road project is very tight and he would like to open the budget and move funds into a contingency fund to take care of those unforeseen items. Gordon Kitchen **moved** to set a public hearing to open and amend the FY 2008/2009 budget on September 11, 2008. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***APPROVAL TO OPEN  
BUDGET***

Jim Harper came before the Council to request funds to purchase parts for the street sweeper. He told the Council how much they have been using the sweeper to try and keep the highway clean. Mayor Baker suggested contacting UDOT and have them reimburse the City for a portion of those costs. Jim asked for approval to expend up to \$2,950 for sweeper parts and stated funds were available in the budget. Dan Olsen **moved** to approve up to \$2,950 for sweeper parts. Robert Hall **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

***EXPENDITURE IN ROAD DEPARTMENT***

Lieutenant Watkins asked for approval to expend funds to purchase a ballistic vest for Corporal Valeen Horrocks. He stated the cost of the vest is \$813. Robert Hall **moved** to approve the purchase. Gordon Kitchen **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

***EXPENDITURE IN THE POLICE DEPARTMENT***

Lieutenant Watkins requested approval to expend funds to send Officer Drew Cox to K-9 re certification training. The cost for the training and travel would be \$781.75. Dan Olsen **moved** to approve the request. 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

***TRAVEL APPROVAL***

Rachelle Palmer submitted a request to attend the fall prosecutors' conference in Cedar City. The amount requested for travel and training was \$482.08. Dennis Long **moved** to approve the request. Ken Reynolds **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

Mayor Baker gave the Council some paperwork on possible qualifications for the police chief position. He said he would like to see the Council move forward and replace the Chief. Mayor Baker said the qualifications he obtained were from Vernal City and they did not have to go by those but he thought it might be a basis to start from. Councilman Hall wanted to know if the City had a current job description for the Chief's position. Nikki Kay stated she could not find one. Councilman Olsen thought the job should be posted in house first. Dan Olsen **moved** to take applications in-house until September 5<sup>th</sup> and then to discuss those at the next Council meeting in closed session. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***DISCUSSION FOR  
QUALIFICATIONS FOR  
POLICE CHIEF***

Mayor Baker told the Council that an applicant from the previous City Planner interviews will be coming for an interview on September 5<sup>th</sup>. He also reported they have another applicant that would like to do a phone interview that same day. He asked that anyone able to attend be at the City office at noon on the 5<sup>th</sup>. No action was taken on this matter.

***CITY PLANNER POSITION***

Craig Blunt told the Council that he recently attended a meeting with UDOT and was told that the signal lights on the highway at 500 South and SR 45 would not be installed until the spring. Councilman Hall wanted to know why the delay. Craig stated the PE group that is in charge of obtaining the easements did not follow through with those. Craig said they tried to pass it off on the City but he was never provided with the legal documents to obtain the proper signatures. Craig also stated that maps were not provided to the power company in order to prepare them for what was coming. Craig said he still has not received the documents he was promised and it has been almost a month. He would try and follow up on that. No action was taken on this matter.

***UPDATE ON SIGNAL  
LIGHTS ON HIGHWAY***

Craig asked the Council for their comments on the brochure that was provided for the downtown plan. Councilman Olsen said he does not like the script writing at the top of each page. He also thought the color scheme was too soft. Dale Harrison recommended going with a color scheme that went

***COMMENTS FOR  
DOWNTOWN PLAN  
BROCHURE***

along with the southwest theme. The consensus of the Council was to stay with the "People Serving People" slogan. Mayor Baker recommended adding page numbers. Mayor Baker also recommended having a contact list with phone numbers and web page address at the end of the brochure. No action was taken on this matter.

Councilman Kitchen told the Council that he was approached by Jolene Daniels about serving as a member on the housing authority board. Councilman Kitchen stated he did not have the time for that and suggested it might be a hat the new City Planner wears. At first the housing authority thought they would like the representative to be an elected official but determined that a citizen would work. The board meets the second Monday of each month in Roosevelt. Councilman Kitchen said this was not a mandatory thing but he thought it would be a good idea. Mayor Baker thought it would be a good idea for the City Planner to take that assignment. Councilman Kitchen said he would get back with Ms. Daniels and tell her the City is working on it.

***HOUSING AUTHORITY  
MEMBER***

Mayor Baker said he was approached by Dale Allred and Mayor Mashburn to discuss hiring a new economic development director for Vernal City and Uintah County. They apologized to him for not being included in the discussions from the beginning but they would like the City to come on board if interested. Mayor Baker explained that a member of the City would sit on the Board and that person would be able to give input on any decision made. Mayor Baker stated he thought it would be an advantage and benefit to the City to get involved. He said there would be a cost involved and would be split three ways between the entities. Councilman Hall said he would be in favor of it as long as the City could afford it. Craig Blunt said the City should have something in writing stating what will be provided to the City. Mayor Baker said it would give the City a voice in the economic development of the area. Mayor Baker said he wanted to obtain the feeling of the Council. Councilman Kitchen said the City does need to make the step on becoming part of the other entities. Councilman Olsen wanted to know why this was not coming under the direction of the Impact Mitigation SSD. Mayor Baker said they are going to pull this out from under that direction. Councilman Olsen said there are very few things the Chamber does for the City. Mayor Baker said he understands this will not be easy for the City but he would like to see them get their foot in the door. He said there would be a cost to the City but if we were a member there

***E C O N O M I C  
D E V E L O P M E N T  
D I R E C T O R F O R V E R N A L  
C I T Y A N D U I N T A H  
C O U N T Y***

would be some expectation on the City's part to have them work for the City. The consensus of the Council was to move forward in obtaining as much information as possible regarding the matter. Robert Hall **moved** to have the Mayor investigate the possibility of becoming part of the Board. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Craig Blunt told the Council that the cross walk at 1900 South and 1500 East is no longer pertinent and UDOT will be taking it out. Council members were not aware there had even been a cross walk there. Craig said UDOT is now making it official. Mayor Baker wanted to know about the crossing guard at 2500 South. Craig said someone was hired and started the first week of school. Councilman Kitchen said it was reported at the open house for back to school night that a crossing guard was not available yet. Craig said he tried to contact the school but was unable to get through.

***ITEM OF INFORMATION  
ON CROSS WALK AT 1900  
SOUTH***

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 10:00 p.m. Ken Reynolds **seconded** the motion. The meeting was adjourned

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 11<sup>th</sup> DAY OF SEPTEMBER 2008

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

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