

**Naples City Council  
October 23, 2008  
Minutes**

The regularly scheduled meeting of the Naples City Council was held October 23, 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 Malia Bascom, Mary Bernard, Kyle Butler, Jessica Deppe, Nick Menrich, Jim Harper, Connie Patton, Mark Watkins, Adam Ray, Manny Escoto, 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 Dan Olsen.

***OPENING CEREMONY***

Mayor Baker added an Executive Session after item nine and Craig asked to add two items under 'Future Council Matters.' Robert Hall **moved** to approve the agenda with those changes. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***AGENDA APPROVED***

Mayor Baker asked if there were any changes to the minutes of October 9, 2008, 2008. Dennis Long **moved** to accept the minutes as presented. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***MINUTES APPROVED***

Connie Patton presented the bills in the amount of \$50,682.81. Dennis Long **moved** to accept the bills in the amount of \$50,682.81. 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

Officer Adam Ray was introduced to the Council by Chief

***INTRODUCTION AND***

Mark Watkins. Chief Watkins told the Council that Officer Ray has ten years of experience with the Utah Highway Patrol and they were very glad to have him aboard. Council members welcomed Officer Ray to the City. Nikki Kay administered the oath of office to Officer Adam Ray.

***SWEARING IN OF NEW OFFICER***

A business license application was received from **Big Sky Drilling** located at 1891 S 500 E. This application was tabled at the last meeting until Craig could be in contact with the owner. Craig Blunt reported that he met with the owner and although the business is located in a residential zone he will not be parking any equipment there. He stated the owner will be using a garage in the back to make repairs to his equipment but it will not be kept there. Ken Reynolds **moved** to approve the business license for Big Sky Drilling with the stipulation that no equipment is parked there. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***APPROVAL OF BUSINESS LICENSE FOR BIG SKY DRILLING AND ADA CONSULTING***

**ADA Consulting** - 732 E 2970 S. A business license application was received from Mike Hacking owner of ADA Consulting. Mr. Hacking will be conducting his business out of his home. Councilman Kitchen wanted to know about parking if Mr. Hacking has people come to his home. Craig stated there is plenty of off road parking at their home but he didn't think it would be a problem. Dennis Long **moved** to approve the business license for ADA Consulting. Ken Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

Craig Blunt present the Council with information on the Naples Commercial Development located at 2500 S 1500 E. The first part of the development will be the construction of the LaQuinta motel. He stated the Planning Commission has been over the use and architectural design, parking, lighting, and drainage and they have found everything in compliance. The Planning Commission gave their recommendation to approve the final plat for the development. Craig reported to the Council that a meeting was held with the developers and the utility companies to receive their input and everything will be in order when the construction plan is submitted. Councilman Hall wanted to know if the motel would be fenced. Craig said they will be installing a block wall fence. Council Kitchen wanted to know if the developer would be constructing the road into the project and Craig said they would be. Craig pointed out the location of the sewer and

***NAPLES COMMERCIAL DEVELOPMENT***

water ties ins and also the five hydrants that would be located around the motel. Craig explained that the flat work and foundation will begin first and then the infrastructure will start to come in. Dennis Long **moved** to accept the development of the Naples Town Center. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Craig Blunt told the Council that in January Alltell and Verizon will be merging companies. The two companies have made arrangements to rent space on UBET's tower located at 1900 S 1500 E. The company will also be adding another equipment storage building to the site. Craig explained that the tower will not go any higher but they will be adding additional dishes to it. The request being presented to the Council was for additional dishes on the tower and the new equipment storage building. Dan Olsen **moved** to accept the request. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Craig Blunt wanted to discuss with the Council changes that have been made in the Winder Industrial Park (500 S 1100 E) from what was first proposed. Craig said when the Industrial Park was first proposed the lot sizes were approximately two to two ½ acres. He said when the cost of property went up those buying the lots wanted to split the lots and share the costs. He said the first two requests were not a problem but since then requests have come from three other developers. Craig said the Planning Commission sent letters to the developers and lot owners asking for their input on changing and reducing the size of the lots. One of the concerns raised by the Commission was whether or not the utility companies could continue to provide service to each split lot without cutting into the road. The Planning Commission decided to set the condition of allowing the lot split if utilities could be provided to the new lot without cutting into the road. The Commission said not all of the lots could be split because of the 80' frontage rule and the radius lots would not be able to be split. The developers wanted to be able to split the lots but the Planning Commission did not want all of them split but would allow it if the utility conditions are met and if it is not a corner or radius lot. Councilman Kitchen wanted to know if the current zoning allowed for the smaller lots. Craig said it would. Craig felt what was proposed by the Planning commission would help both the developers and the City. Councilman Olsen thought it would be a benefit to the City because the potential to add

***UBET/ALLTELL TOWER  
INSTALLATION***

***WINDER INDUSTRIAL  
PARK LOT SPLIT  
DISCUSSION***

more businesses could mean increased revenue. Councilman Olsen **moved** to approve the changes and allow for the stipulated lot splits. Gordon Kitchen **seconded** the motion. The motion passed with all voting affirmatively.

Jim Richards came before the Council to receive their feedback on a recreational vehicle storage yard on his property located at 2225 S 3250 E. Mr. Richards said he has learned there is no place in the area for people to store their recreational vehicles. He stated that he has five to six acres of property near his home that can't be developed with any type of building because of the power lines. He stated he would gravel the storage spaces and would like to eventually have a chain link fence with a key pad entry system. He said there would be no canopies at this time but maybe in the future. Mayor Baker wanted to know what the property was zoned. Craig said it was zoned A-1. Mayor Baker wanted to know if an A-1 zone allowed for this type of development. Mr. Richards said if the Planning Commission ruled that it was a compatible use in an A-1 zone then it would be acceptable. Mayor Baker said the process should start with the Planning Commission and they would need to give their recommendation before he offered an opinion on it. He thought there was a need for it but it would need to follow the proper channels. Mayor Baker said he appreciated the information. Council members thought it was a good idea and they would wait to hear from him after his meeting with the Planning Commission.

Craig Blunt presented the names of Lane Webb and Cresta Slaugh to serve as alternate members of the Planning Commission. He stated that both people attended the last Commission meeting and the Planning Commission would like to recommend the Mayor appoints them both as alternate members. Gordon Kitchen **moved** to have the Mayor appoint Lane Webb and Cresta Slaugh to the Planning Commission as alternate members. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Craig Blunt said he has received some complaints from subdivision residents that certain homes are being used to house workers in the oil and gas field and they are not being used by families but are being leased by companies. He said as many as eight workers are being housed in the single family residence. Craig Blunt read from the Land Use Ordinance to give the Council and idea of what they are up against. He read from the Ordinance what can be allowed

***COUNCIL FEEDBACK ON  
PROPOSED RV PARKING  
AREA***

***PRESENTATION OF  
ALTERNATE PLANNING  
COMMISSION MEMBERS***

***UNPAID DEVELOPMENT  
FEE IN SUBDIVISION AND  
USE OF HOMES IN  
SINGLE FAMILY  
RESIDENTIAL  
SUBDIVISIONS***

and what constitutes a family. He said the current use of the homes by the workers does alter a subdivision. Craig read the definition for a family "one or more persons related by blood, marriage, or law, plus domestic servants employed for the service on the premises or a group of bachelors or bachelorettes of not more than or less than four persons who need not be so related living together as a single nonprofit housekeeping unit." He also read the definition for a dwelling unit for a family. He stated "a dwelling unit is a building arranged or designed to be occupied by one 'family' and the structure having only one dwelling unit." Craig said there is a conflict as to what they are perceiving as what defines a family and what the definition actually says. Craig said under this definition four individuals could be living in the home. Councilman Hall wanted to know who owns the homes under question. Craig said they are owned by individuals that use a management group to set up screening for the use of the homes by companies. Craig said he has been working with the management group to determine how many people are living in the homes and what needs to be done about it. Craig said he has been in contact with the City Attorney to determine their next step. He said the property could be red tagged, requiring the number living in the home be reduced to four individuals. Craig said the Planning Commission would like to require that a family member or owner of the home be there to manage this type of set up. He said they would like to make sure the homes don't become a boarding house or apartment. Mayor Baker thought the Ordinance read that only single family dwellings are allowed in a subdivision. Craig said that is the definition he read which allows for bachelors or bachelorettes. Councilman Long wanted to know if it could be challenged. Craig said they could be he feels comfortable with how the Ordinance is written. Craig said the Planning Commission will hold public hearings to make recommended changes to the Ordinance. Mayor said the concern of the surrounding property owners was the number of people coming and going and the noise generated by some of them in the evenings. Mayor Baker wanted to know if the Council was comfortable with red tagging the homes and what would happen after the home was red tagged. Craig felt the management group would be willing to work with the City to come into compliance. Council members felt the City was obligated to make sure the Ordinance was enforced.

The second topic covered concerned the unpaid development fees from the developer of Hunter Hollow. Craig said

additional inspection fees were incurred by the developer because of problems with the installation of sewer and water in the subdivision. Arrangements were made with the developer that once the four homes in the subdivision were sold he would pay the additional inspection fees. Craig stated that instead of selling the homes the developer has leased the homes without the proper certificate of occupancy. Craig said the City could attempt to put liens on the lots owned by Hickory Homes and this would be the best way to give notice to property owners or potential property owners. Councilman Olsen wanted to know how the utilities were connected without the proper certificate of occupancy. Craig said he is obligated by the State to clear those once those utilities have passed inspection. Councilman Hall wanted to know how many were completed but not sold. Craig said there could be as many as sixteen. Mayor Baker raised the question at a recent meeting with the Utah League as to how the City could recoup the fees paid to inspectors but not yet paid by the developer and the recommendation was to red tag the homes. The red tag serves as a form of eviction notice. The consensus of the Council was to move forward with red tagging the properties.

Chief Mark Watkins came before the Council to request approval to expend funds for a new laptop for one of the police vehicles. The amount requested was for \$1,000. Dan Olsen **moved** to approve \$1,000 for the new computer. 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

Chief Watkins presented the bill for the initial set up for the police policies from Lexipol. The cost for the initial set up is \$4,950. Dan Olsen **moved** to approve the \$4,950. Ken Reynolds **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

***REQUEST TO PURCHASE  
COMPUTER FOR POLICE  
VEHICLE***

***APPROVAL FOR  
PAYMENT OF INITIAL  
SET UP FOR POLICE  
POLICIES***

Chief Watkins also wanted to update the Council on the job offer that was given to Stephanie Cox. Chief Watkins explained the Officer Cox was offered a detective position with the Sheriff's Department and she has decided to stay with them. The department will be contacting one of the other people who recently applied and was interviewed for the position and he will let them know the outcome of that. Mayor Baker thanked Chief Watkins for the information.

Nikki Kay asked for approval to expend funds to purchase a new computer. She explained that each of the Dell computers, purchased more than four years ago, have started to experience hard drive failures. A computer technician was recently in and suggested that could be what is happening to her computer. Nikki obtained a quote from Lenovo for a new computer in the amount of \$1,139. Robert Hall **moved** to approve \$1,139 for 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

***REQUEST TO EXPEND FUNDS TO PURCHASE COMPUTER***

Jim Harper came before the Council to request approval to purchase salt for snow removal. Jim stated the cost for thirty tons of salt delivered would be about \$1,800. Ken Reynolds **moved** to approve the purchase of the salt. 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

***REQUEST TO PURCHASE SALT FOR ROAD DEPARTMENT***

Mayor Baker wanted to update the Council on the discussions about becoming a joint member of the Chamber of Commerce. He wanted to invite the Chamber President to make a presentation to the Council and find out what the City's options would be if they became a joint member with Uintah County and Vernal City. Mayor Baker knew there would be a financial obligation on the part of the City but

***UPDATE ON JOINT MEMBERSHIP IN CHAMBER OF COMMERCE***

thought it could be worth it if the Chamber finally started to work for the City's interest also. Mayor Baker stated he would contact Dale Allred and see if he would be willing to attend the next City Council meeting.

Dennis Long **moved** to go into a closed session to discuss the character, professional competence, physical or mental health of an individual. Gordon Kitchen **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

Those present in closed session were Mayor Baker, Council members Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

Gordon Kitchen **moved** to go out of closed session. 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 reported that Jim Harper would be given the assignment as the new head of the road department. Mayor Baker also stated that Jim will be responsible for budgeting, roads, maintenance and repair, government buildings, and parks. Ryan Cook will be under him. Councilman Kitchen also recommended that Jim begin the process of hiring another worker. Jim Harper is currently making \$21.82 per hour and the Council recommended raising his salary to \$24.00 per hour. The Council will review Jim's job performance in six months to consider a potential increase. Gordon Kitchen **moved** to approve that increase. Ken Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye

***MOTION TO MOVE INTO  
CLOSED SESSION FOR  
THE PURPOSE OF  
DISCUSSING PERSONNEL  
ISSUES***

***MOTION TO GO OUT OF  
CLOSED SESSION***

***ROAD DEPARTMENT  
HEAD***

Dan Olsen                   Aye  
Kenneth Reynolds       Aye

The Council recommended doing away with comp time and to pay overtime. Councilman Olsen said those who are paid hourly wages could use flex time to work more hours in one day and take off those hours later in the week. Mayor Baker wanted to go ahead with the overtime and see how it works. Nikki Kay asked if they were going to set limits or just let them go with it. Mayor Baker said there would be limits according to what is in the budget and all overtime would need approval through Craig. Council members thought the only other people this would affect would be Brandy Goff and Helen Brunelle. Nikki Kay stated that neither her nor Connie Patton is a salaried employee and this would also affect them. Nikki Kay explained that among those working in the office extra hours are accrued on an hour for hour basis and used when needed because policy states there should be no overtime. Councilman Hall thought it couldn't legally work that way. Councilman Olsen **moved** to table the motion until clarification can be obtained from the City Attorney as to what can be legally done. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***DISCUSSION ON DOING AWAY WITH COMP TIME AND PAY FOR OVERTIME***

Nikki Kay asked if it would be possible to change the one meeting in November to the 20<sup>th</sup>. With no opposition from the Council, Ken Reynolds **moved** to change the meeting in November to the 20<sup>th</sup>. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***OTHER MATTERS***

Craig Blunt gave the Council information from the Uintah County Historic Preservation Committee regarding homes they would like to move and they are looking for a new site to place them. They would like to place the homes somewhere for viewing and make them as authentic looking as possible. This was for information only.

Craig Blunt wanted the Council to review the final report for impact fees and add it to the next agenda. Mayor Baker wanted to add a discussion regarding increasing the fees charged for business licenses.

***FUTURE COUNCIL MATTERS***

With no other business before the Council, Ken Reynolds **moved** to adjourn the meeting at 9:40 p.m. Robert Hall **seconded** the motion. The meeting was adjourned

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 20<sup>th</sup> DAY OF NOVEMBER 2008

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

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