

Naples City Council August 13, 2009 Minutes

The regularly scheduled meeting of the Naples City Council was held August 13, 2009, 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 Kevin Ralphs, Mark Watkins, Ryan Cook, Szeth Simmons, Jim Harper, Chris Hoem, Connie Patton, Craig Blunt, and Nikki Kay.

OTHERS ATTENDING

Dan Olsen, Mayor pro tem, welcomed everyone and called the meeting to order at 7:40 p.m. Dan Olsen opened the meeting with the pledge of allegiance and the invocation was offered by Dan Olsen. Mayor Baker arrived at this time.

OPENING CEREMONY

A closed session to discuss the character, professional competence, physical or mental health of an individual and to discuss land acquisition was added to the agenda. Dennis Long **moved** to accept the agenda with that change. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of July 23, 2009. Dan Olsen **moved** to approve the minutes of July 23, 2009. Robert Hall **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Councilman Long asked about the repairs to the Charger and Chief Watkins said it was on the agenda for discussion. Councilman Reynolds asked about the progress for the business license for Extreme Automotive. Craig said the owner is waiting for a paint booth to come in and once it comes in he will need a permit for that. He said the other items were just minor things.

FOLLOW UPS FROM PREVIOUS MEETING

Robert Hall **moved** to go into a closed session to discuss the character, professional competence, physical or mental health of an individual and to discuss land acquisition.

CLOSED SESSION

Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

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

Dan Olsen **moved** to come out of the closed session. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

Chief Watkins reported to the Council that the Police Department received a JAG grant. He stated the grant is reimbursable and asked for approval to pay for the speed trailer and flash drives that were ordered. Robert Hall **moved** to approve those expenditures. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

***J A G G R A N T
EXPENDITURES***

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

Chief Watkins shared with the Council the statistics obtained from the trailer after it was parked on 2000 East for five days.

Connie Patton presented the bills in the amount of \$44,631.93 and asked for approval to pay them. Gordon Kitchen **moved** to approve the bills for \$44,631.93. Dennis Long **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

A business license application was received for **Rhinehart Oil** at 1050 East 1500 South. Craig said the company will be storing oil and transmission fluids. He said he hasn't received

***BUSINESS LICENSE
APPROVAL***

an engineered floor plan which is required for the fire code. He said the zone is okay and the building is okay for it. Craig said the floor plan needs to show the display and storage areas. Ken Reynolds **moved** to approve the license contingent upon receiving the engineered floor plan. Dennis Long **seconded** the motion. The motion passed with all voting aye.

LMDJ Properties & Tech Tac, Inc. - 1256 East 620 South. Craig explained that the business license applications received for LMDJ Properties and Tech Tac, Inc. were listed at the same address because one was an application for leasing the building and the other was for the business located at that address. He said the business is in the proper zone and just needs the fire extinguishers hung. Gordon Kitchen **moved** to approve both business licenses. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Chief Watkins told the Council that he was invited to attend a conference in Washington DC on Missing and Exploited Children. He said all expenses are paid for except the per diem. Chief Watkins was requesting \$150 per diem to attend the class in Washington DC. Ken Reynolds **moved** to approve the \$150. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

TRAVEL APPROVAL

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

Chief Watkins asked for approval to send Lieutenant Escoto to St. George for the annual Sheriff's Conference. The travel amount requested was for \$586. Chief Watkins said he would not be able to attend and would like to send Lieutenant Escoto in his place. Councilman Reynolds asked if Lieutenant Escoto is the one he prefers to attend. Chief Watkins said he would like to send Lieutenant Escoto because he is good at PR and he does not have to pull a patrol officer from the schedule to attend. Councilman Kitchen wanted to know if it would be better to send someone else so the top two in command were not absent at the same time. Chief Watkins said it would only be a day and a half that both were gone from the office. Dan Olsen **moved** to approve training for Manny. Ken Reynolds **seconded** the motion. The motion

passed with a majority vote as follows:

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

Chris Hoem submitted a travel request to attend the National Flood Insurance Seminar in Salt Lake. He said he would be traveling out and back in the same day and would be using the city vehicle. The travel requested amount was for \$30. Ken Reynolds **moved** to approve the request. Dennis Long **seconded** the motion. The motion passed with all voting affirmatively:

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

Craig Blunt submitted a travel request to attend the Utah League of Cities and Towns convention in Salt Lake City. The cost for registration, motel, and per diem came to \$1,036. Dennis Long **moved** to accept Craig's request for the \$1,036. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

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

Signs - Ryan Cook asked for approval to purchase some new signs. He stated the cost of the signs without shipping was \$850.80 and he estimated an additional \$150 for shipping. Dennis Long **moved** to approve up to \$1,000 for the purchase of signs. Ken Reynolds **seconded** the motion. The motion passed with the following vote:

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

EXPENDITURES

Charger Repair - Chief Watkins said he received the estimate to repair one of the Chargers. He explained that the piston in the car was fine but the head was damaged and would need replaced. The estimate he received for the repair was \$1,241.72. Robert Hall **moved** to approve the amount stated for the vehicle repair. Dennis Long **seconded** the motion. The motion passed with the following roll call:

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

Stucco for Fire Station and City Office - Craig Blunt gave the Council two bids he received to stucco the fire station and the city office building. Craig explained that the bids for the fire station included 4' of stone veneer wainscot and pop outs around the doors and windows. The bids received were \$36,484 from Nicolson Construction and \$32,585 from Murray Drywall, Inc. Robert Hall **moved** to approve up to \$40,000 for the wainscot and stucco on the fire station. Gordon Kitchen **seconded** the motion. The motion passed with a roll call vote as follows:

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

Bids were received from the same companies for the City office building and they were \$30,513 from Nicolson Construction and \$22,725 from Murray Drywall. Murray Drywall also submitted a cost for the extra soffits and ceiling stucco in the amount of \$19,500. After some discussion, Ken Reynolds **moved** to approve the bid from Murray Drywall including the soffits and ceiling. Dennis Long **seconded** the motion. The motion passed with the following vote:

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

Installation of signs at park and city office - Craig Blunt

gave the Council drawings of the anchors for the rock signs to be installed at the park and the city office. The anchors would be manufactured by Bona Signs. Mayor Baker asked if the Recreation District was notified that the City would be installing the sign. Craig said he has been in contact with Neil Cathey of the Recreation District. Ken Reynolds **moved** to approve the bids from Bona Signs in the amounts of \$5,147.69 and \$2,557.42. Gordon Kitchen **seconded** the motion. The motion passed as follows:

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

Craig Blunt asked the Council if they would be interested in renewing their contact with the Uintah County Sheriff's Office to use jail inmate workers. Craig explained that the current contract will expire in December and Chris Gardenheir from the jail contacted the City to see if they want to consider renewing it. Mr. Gardenheir said they have enough staff now that they should be able to help with the needs of the City. Gordon Kitchen **moved** to accept renewing the contract. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***DISCUSSION TO RENEW
CONTRACT FOR JAIL
INMATE WORKERS***

Chris Hoem asked the Council if they had any problem with the Planning Commission chairman having the right to make motions and vote on motions in Commission meetings. Chris said the Planning Commission by-laws allow it and so does state law. Chris said he wanted direction from the Council to make sure they didn't have any problems with it. Council members said if it's in the by-laws they have no problem with it. No action was taken.

***PLANNING COMMISSION
BY-LAWS***

Chris Hoem explained to the Council the changes made to the Planning Commission members. He said the Commission recently voted Jim Richards as the new Vice-Chair and voted to add Cresta Slaugh as a regular member. Mayor Baker approved the changes to the Planning Commission and appointed Cresta Slaugh as a regular member and asked the Council to ratify that appointment. Ken Reynolds **moved** to approve the appointment of Cresta Slaugh as a voting member of the Planning Commission. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***CHANGE IN PLANNING
COMMISSION MEMBERS***

**1000 SOUTH DRAW
APPROVAL AND CHANGE
ORDER APPROVAL**

Kevin Ralphs with Epic Engineering came before the Council to ask approval for payment of draw request #8 in the amount of #362,882.02 for the 1000 South road project. Gordon Kitchen **moved** to approve the payment of \$362,882.02 to JB Gordon Construction. Dennis Long **seconded** the motion. The motion passed with the following vote:

- Gordon Kitchen Aye
- Ken Reynolds Aye
- Dennis Long Aye
- Dan Olsen Aye
- Robert Hall Aye

Mr. Ralphs also presented a change order request in the amount of \$10,666.86 and explained it was for over runs on the asphalt estimates for the driveways on 1000 South. Dennis Long **moved** to approve \$10,666.86 for the change order. Ken Reynolds **seconded** the motion. The motion passed with the following vote:

- Gordon Kitchen Aye
- Ken Reynolds Aye
- Dennis Long Aye
- Dan Olsen Aye
- Robert Hall Aye

Mayor Baker stated he was very pleased with the 1000 South road project. He said they completed a walk through of the project before Council meeting and he would like to wait until the items discussed at the walk through are completed before accepting the project. He said they could put the matter on the agenda for the next Council meeting which should give the contractor time to complete those items.

Craig Blunt reminded the Council that they moved to adopt Ordinance 09-115 (curfew ordinance) at a previous meeting but were waiting for recommendations from Dennis Judd. Craig said he and Chief Watkins met with Dennis Judd to work out those details and this amended Ordinance was the result of that meeting. Craig and Chief Watkins both felt good about the changes made and recommended adopting the Ordinance with those amendments. Dan Olsen **moved** to adopt Ordinance 09-115. Robert Hall **seconded** the motion. The motion passed with the following vote:

**ORDINANCE 09-115 -
CURFEWS**

- Gordon Kitchen Aye

Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt updated the Council on information he obtained regarding the scenic by way through the City. He said members of the scenic by way committee are coming to meet with him to discuss the segmentation request. He also reported that he has someone with UDOT working on scenarios dealing with segmentation and is waiting for their comments.

UPDATE ON SCENIC BY-WAYS

Mayor Baker updated the Council on the CIB hearing he and Craig attended regarding the request for funds to purchase road equipment. Mayor Baker said the request was approved and the funds will be released in October. Mayor Baker said the City received \$312,000 in a grant and 0% interest loan. Ryan Cook wanted to know if the equipment could be ordered or do they have to wait until the funds are released. Craig said he would make some calls to see what they would allow.

RESULTS OF CIB HEARING FOR REQUEST TO PURCHASE EQUIPMENT

Craig Blunt told the Council that XRQ would like to place a neon advertising sign on the east side of the building. The sign would be created and installed by Bona Signs. He said the sign would be lit with LED lights. After some discussion Dan Olsen **moved** to approve the sign on the City office building. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

REQUEST BY XRQ TO PLACE SIGN ON END OF BUILDING

Craig Blunt updated the Council on the Tuscany Condos located on 500 East. He explained that in the last contact he had with the managing company of the condos, he was told they would be brining in their deed. He explained they never heard from them so Dennis Judd is doing a criminal search on the owners to issue them a citation to come before the Judge. He said if they answer the summons, they may still want to come before an appeals authority to finish the project. He said because the project has been abandoned for more than a year the zone has reverted back to an RA-1. Chris Hoem told the Council that the Planning Commission recommended putting a temporary fence in front for safety reasons. The Council discussed an orange construction fence but didn't want to over step their authority. Craig said they might could place it along the easement without blocking the owner access. Council members recommended that Craig

UPDATE ON TUSCANY CONDOS

Speak with Dennis Judd concerning any risk to the City before putting up any type of barricade.

Chief Watkins said the police department would be participating in a tug-of-war against the Sheriff's Department at the Demolition Derby. He stated a \$1,000 dollars would go toward the winner's chosen charity. He said the Police Department chose the Children's Justice Center as their charity.

Councilman Hall reported to the Council that the ladder truck was received at the Naples Fire station and they have already tested it. He stated he thought it would be very useful for the department.

Dan Olsen **moved** to accept the letter from Jim Harper's medical doctor allowing him to go back to work, with the restrictions placed in the letter, effective tomorrow morning. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

With no other business before the Council, Robert Hall **moved** to adjourn the meeting at 9:50. Dennis Long **seconded** the motion. The meeting was adjourned

APPROVED BY COUNCIL ON THE 27th DAY OF AUGUST 2009

BY: _____

ATTEST: _____

***OTHER MATTERS AND
FUTURE COUNCIL
MATTERS***

***APPROVAL TO RETURN
TO WORK FOR JIM
HARPER***

MOTION TO ADJOURN