

**Naples City Council  
June 10, 2010  
Minutes**

The regularly scheduled meeting of the Naples City Council was held June 10, 2010, 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, and Dan Olsen. Kenneth Reynolds was absent.

***COUNCIL MEMBERS ATTENDING***

Others attending were Staci Zapata, Amber Mott, Gary Mott, Alicia White, Sarah White, Crysa Williamson, Kai Rassmussen, Jim Harper, David Olsen, Rex Headd, Christie Christiansen, Russ and Sharon Shipton, Jordan Murray, Connie Patton, Mark Watkins, Chris Hoem, 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 Robert Hall offered the invocation.

***OPENING CEREMONY***

Mayor Baker asked if there were any changes or additions to the agenda. With no changes, Dennis Long **moved** to approve the agenda. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***AGENDA APPROVED***

Mayor Baker asked for approval of the minutes of May 27, 2010. Gordon Kitchen **moved** to accept the minutes of May 27, 2010. Robert Hall **seconded** the motion. The motion passed with all voting aye. Mayor Baker asked for approval of the minutes of the special meeting held June 3, 2010. Dan Olsen **moved** to approve the minutes of June 3, 2010. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

***MINUTES APPROVED***

There were no follow up questions regarding the meeting of May 27, 2010.

***FOLLOW UP ITEMS FROM PREVIOUS MEETING***

Connie Patton presented the bills in the amount of \$176,066.87 and requested an additional \$285.42 payable to Chevron for a total request of \$176,352.09. Dennis Long **moved** to accept \$176,352.09. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

***APPROVAL OF THE BILLS***

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

Chris Hoem presented the Council with an agreement for Union Wireless to install a cell tower behind the city office. Rex Headd, supervisor for Union Wireless, and David Olsen, the project engineer, were in attendance at the meeting. Chris said the agreement was reviewed by the City Attorney and he approved it. Chris said the Planning Commission was recommending approval. Dan Olsen **moved** that the City execute the agreement with Union Wireless. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

***UNION WIRELESS AGREEMENT***

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

Craig Blunt presented a change order to the 500 South interlocal agreement. Craig said he thought everything was taken care of with the 500 South interlocal agreement until Ken Bassett raised two concerns. Mr. Bassett said if the contractor had to increase his overall bond for Naples City's portion of the project, the City would have to cover that cost. Craig said Mr. Bassett also wanted to increase the City's cost for project inspections for the manholes and stub outs. The change order increased the engineer's estimate from \$69,659 to \$76,37. The change order does not reflect any increase that would occur regarding the performance bond. Gordon Kitchen **moved** to approve the change order for the \$76,437. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***500 SOUTH CHANGE ORDER ON INTERLOCAL AGREEMENT***

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

A business license application was received from Kerr McGee

***BUSINESS LICENSE***

located at 1368 South 1200 East. Craig said the business is located in the same building as Anadarko. Dan Olsen **moved** to approve the business license for Kerr McGee. Dennis Long **seconded** the motion. The motion passed with all voting aye.

*APPLICATION*

Dennis Long **moved** to open the public hearing to receive input on amending the fiscal year 2009/2010 budgets and adopting the 2010/2011 budget. Dan Olsen **seconded** the motion. The motion passed with all voting aye. Mayor Baker opened the meeting up for any comments from the public. He explained that the City is on a fiscal year and the City is adjusting the budget for the previous year and proposing the budget for the new year. With no comments from the public, Dan Olsen **moved** to close the public hearing. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

*PUBLIC HEARING FOR  
2009/2010 AND 2010/2011  
BUDGETS*

Chief Watkins asked the Council to approve \$600 for the K-9 officers to attend training in Provo. Chief Watkins also asked the Council to approve an additional amount of \$140 for Officer Tatangelo to attend taser training. Chief Watkins explained that Officer Tatangelo missed the previous training and would now need to travel to Rawlins for the next available class. Robert Hall **moved** to approve the two travel requests in the amount of \$800. Dennis Long **seconded** the motion. The motion passed with the following vote:

*TRAVEL APPROVAL*

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

Chief Watkins asked for Council direction regarding the automatic license plate readers (LPR's). Chief Watkins said he has received the LPR's and part of the purchase agreement was for installation of the LPR's in the vehicles. Chief Watkins explained that the company works with the Division of Motor Vehicles in Salt Lake and most entities take their cars to them and the LPR's are installed and programmed. Chief Watkins said the installation company said it could take any where from one to three weeks before they are done. Chief Watkins stated he was not happy about having a car down for that long. Chief Watkins also said the installation and removal of the equipment from the cars has to be done by a certified technician, which he said they also do for free but it

*TRAVEL AND TRAINING  
APPROVAL FOR LICENSE  
PLATE READERS (LPR)*

would mean another one to three weeks without a car. Chief Watkins told the Council that he contacted the company that sold him the LPR's and they did not understand how far away from Salt Lake City his department is. Chief Watkins said the LPR company suggested sending an engineer here to train two people in his department to put them in. He said it would protect the warranty and the department would be able to take them in and out of the cars. Chief Watkins said he would either have to shuttle cars back and forth, not knowing how long the cars would be down, or he could pay someone to come here and train his people to do the installations. Chief Watkins said it would cost approximately \$2,000 to have someone come here. Gordon Kitchen **moved** to approve the expenditure and allow Chief Watkins to have someone flown here to do the training. Robert Hall **seconded** the motion. Councilman Kitchen wanted to know if this would require someone to be updated on training every year. Chief Watkins said it shouldn't require any further training. Councilman Long wanted Chief Watkins to make sure the engineer coming out will be able to certify his officers for the installations. With no other comments, the motion passed with the following roll call vote:

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

Chief Watkins told the Council that with the purchase of the new LPR's he would like to purchase new laptop computers that will have the power to handle the requirements of the LPR's. He told the Council that the computers currently in the cars will run the LPR's but just barely. He asked the Council for approval to purchase three Panasonic Tough Books for a total of \$3,700. He said he would also try and sell some of his surplus computers to offset the cost. Dennis Long **moved** to allow the purchase of the computers. Robert Hall **seconded** the motion. The motion passed with the following vote:

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

### ***COMPUTER PURCHASE***

Jim Harper told the Council that he received another bid for his road signs. The new bid was from Zumar Signs and included the graffiti film that Craig recommended. Jim asked for approval to purchase thirty road signs from Zumar Signs for a total of \$1,064.70. Robert Hall **moved** to approve \$1,064.70 for signs. Dan Olsen **seconded** the motion. The motion passed with a roll call vote as follows:

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

***ROAD SIGN PURCHASE***

Jim Harper asked Council for their approval to purchase the gable end of the salt shed. Jim said it is the front end of the building where they go into it. The bid was for \$6,395. Jim said it would give them a 12' opening so they can access the material with all the equipment they have. Nikki Kay reminded the Council that the expenditure for this purchase was built into next years budget. Craig Blunt said the item needs to be ordered now or it will cost more. Nikki said it would need to be invoiced in July. Craig said he didn't think it would be a problem for them to invoice it in July. Dan Olsen **moved** to approve the ordering of the gable end in the amount of \$6,395 with an invoice date of July 1, 2010. Dennis Long **seconded** the motion. The motion passed with the following vote:

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

***PURCHASE OF GABLE  
END FOR SALT SHED***

Jim Harper told the Council that he doesn't have the tractor repaired yet and he needs to rent something in order to get the weeds mowed. He asked Council to approve \$1,000 for the rental of a tractor. Jim also explained to the Council that he came before them at a previous meeting to get approval for tractor repairs and the company he received the bid from is not going to repair the tractor. Jim presented another bid for the repairs and asked the Council how they wanted to proceed. The bid he received from Agri-Service was an estimate for what it would cost to repair one wheel or one cylinder and they weren't sure how many would need repaired. The bid was for \$3,886.12. Jim said because the

***TRACTOR REPAIRS***

estimate is only for single item repairs he would like to keep the previously approved \$5,000 and add \$1,500 for wheel weights. He said the wheel weights would make the tractor more stable for running the mower as it puts all the weight on one side. Councilman Kitchen wanted to know why they should approve a \$5,000 repair when a tractor could be rented for \$1,000. Jim said it would take \$5,000 a year to rent equipment because they mow at least three times a year. Mayor Baker wanted to know if the front end loader from the tractor could be traded in. Jim said it wasn't worth trading in. Mayor Baker wanted to know if they could surplus it. Jim said they might be able to get a little something from it. Gordon Kitchen **moved** to approve the \$1,500 for the wheel weights and \$1,000 for the tractor rental and to try and surplus the front end loader from the tractor. Dennis Long **seconded** the motion. The motion passed with all voting aye as follows:

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

Craig Blunt presented the Council with a bid from Larry Allred Paving to repair damage to 1900 South. Craig said 1900 South has been a very good road. He said it is one of the cold mix roads that has been crack sealed and has had a couple of chip seals. Craig said the asphalt has settled on the south side due to digging in preparation for a subdivision. Craig said the asphalt is below the gutter line and is not draining well. Craig wanted to mill the south side of the road about 9' from the curb. Councilman Hall wanted to know about the damaged sidewalk near Parkview Subdivision. Craig said the damaged sidewalk in front of the subdivision would be the responsibility of the subdivision owner to repair and the damage along the park side would need to be repaired by the City. The bid received from Allred Paving was \$27,816. Craig said he wanted the expenditure to come out of this year's budget. Robert Hall **moved** to approve the expenditure of \$27,816. Dan Olsen **seconded** the motion. The motion passed as follows:

***1900 SOUTH REPAIR***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent

***NUISANCE    ORDINANCE  
10-119***

Council members reviewed Nuisance Ordinance 10-119 again. Mayor Baker wanted to know if the Council was ready to do a final reading on this. Councilman Kitchen said this Ordinance was a necessary evil and he wanted to clarify the process of complaints on a nuisance. He wanted to make sure the complaint had to come from a landowner or resident. Mayor Baker thought the reference in the Ordinance was very vague. Council members discussed section four on filing complaints. Mayor Baker felt it should read that "all written and signed complaints" and then he thought they could add the part about it being only landowners or residents that can file the complaints.

Councilman Long referred to the section that says a lien could be placed on someone's property, he wanted to know how that could be effective if the people never move. Councilman Long wanted to know if it could be tied to the person's property taxes. Craig said he would need to check on it.

Councilman Hall wanted to know the standing on the court petition filed with Tuscan condos. Craig said that will be heard in the courts on June 23, 2010.

Mayor Baker suggested the wording on page 9, item C, include public property along with private. Mayor Baker also wanted to clarify building official or code enforcer. Mayor Baker said it should specify one or the other. Craig said if they have it read "code enforcer" they will need to specify that person through a Resolution.

Councilman Hall wanted to know who the hearing officer would be. Craig said it would be whoever the Mayor appointed.

Councilman Olsen asked Mrs. Shipton if she had any comments regarding their discussion. Mrs. Shipton said they were not in attendance concerning the Tuscan Condos. She stated they have another property in the area they are concerned with. Mrs. Shipton said there is a home owner in the area using his yard as a recycling center. Council members said they should be able to use the business license ordinance to help with a situation like that.

Councilman Hall said the Council might be faced with some

interesting decisions in getting people to clean up the nuisance. Councilman Olsen said the City is trying to get property owners to take care of the nuisance. With no other discussion regarding the Nuisance Ordinance, Dan Olsen **moved** to adopt Ordinance 10-119 with the changes discussed. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

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

Craig Blunt brought the purchasing policy back to the Council for their review. Craig said he broke the policy into two parts, the first part is the Ordinance and the second part is the policy. Mayor Baker asked the Council if they wanted time to review the policy. Mayor Baker said the only concern he had was the portion that said every purchase over \$5,000 had to be approved by Craig. He wanted to know if the department heads could take care of that themselves. Craig said it was a double check system to make sure purchases are being handled according to state code and the advertisements are handled properly. Chief Watkins said this was the first time he was aware of this and he didn't want Craig to be bogged down by it. Councilman Hall **moved** to accept the policy and ordinance as a first reading. Dan Olsen **seconded** the motion. The motion passed with a roll call vote as follows:

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

Nikki Kay presented the new Utah Retirement rates to Council for their acceptance. Nikki explained that the rates are standard and set by Utah Retirement but she wanted the Council to be aware of what they are with all of the changes taking place with the Retirement System. The rate presented for public employees was 15.36% and for public safety employees, 26.13%. Dennis Long **moved** to accept the retirement rates as presented by Utah Retirement Systems. Dan Olsen **seconded** the motion. The motion passed with all voting in the affirmative.

### ***PURCHASING POLICY***

### ***A P P R O V A L   O F RETIREMENT RATES***

Resolution 10-223, amending the fiscal year 2009/2010 budget was presented for Council approval. Gordon Kitchen **moved** to approve Resolution 10-223 with the change discussed for the police lease vehicle payment. Council members discussed bringing forth the revenue for police vehicles traded in and to make up the difference with the 18% carry over funds from last year. Dan Olsen **seconded** the motion. The motion passed with the following vote:

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

***RESOLUTION 10-223***

Dan Olsen **moved** to approve Resolution 10-224, setting the budgets for the next fiscal year. Robert Hall **seconded** the motion. The motion passed with a roll call vote:

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

***RESOLUTION 10-224***

Councilman Kitchen said they have finished the survey on the new ball fields in the park and it is now in the hands of the engineers. Councilman Kitchen said they are pushing to begin the project this year. Councilman Olsen said the park looks very good.

***OTHER MATTERS***

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 9:20 p.m.. Dennis Long **seconded** the motion. The meeting was adjourned.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 24<sup>th</sup> DAY OF JUNE 2010

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

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