

**Naples City Council
August 12, 2010
Minutes**

The regularly scheduled meeting of the Naples City Council was held August 12, 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 Gordon Kitchen, Dennis Long, Dan Olsen and Robert Hall. Dean Baker and Ken Reynolds were absent.

COUNCIL MEMBERS ATTENDING

Others attending were Guy Collet, Vance King, Kevin Ralphs, Connie Patton, Chris Hoem, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

Mayor pro tem, Dan Olsen welcomed everyone and called the meeting to order at 7:30 p.m. Councilman Olsen opened the meeting with the pledge of allegiance and offered the invocation.

OPENING CEREMONY

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

AGENDA APPROVED

Councilman Olsen asked for approval of the minutes of July 22, 2010. Councilman Long and Councilman Kitchen both pointed out minor spelling and formatting changes. Dennis Long **moved** to accept the minutes of July 22, 2010 with those changes. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

There were no follow up questions for the meeting of July 22, 2010.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$57,243.35 and requested approval to pay them. Robert Hall **moved** to approve payment of the bills in the amount of \$57,243.35. Gordon Kitchen **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

Councilman Hall questioned if the amount presented for payment to the Chamber of Commerce would be the final payment because the Chamber Board seemed to think the City was delinquent on their payment. Nikki Kay said it should be the final payment but thinks the Chamber believes the City owes the full \$16,250 for a quarter and didn't reduce the rate after Tammie Lucero left as the Economic Development Director. Councilman Kitchen wanted to know what the agreement said. Nikki wasn't sure if it addressed the situation because they never anticipated separating the two positions covered by the agreement. It was noted that Mayor Baker should be able to find out more at the next Chamber meeting.

A business license application was received for a home occupation business located at 1898 E 1500 S with a business name of **ASAP's Services**. Craig gave his approval for the business as long as the owner complied with the requirements for a home occupation business. Dennis Long **moved** to approve the business license for ASAP's Services. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

***BUSINESS LICENSE
APPROVALS***

The discussion regarding 1000 South was tabled until Kevin Ralphs arrived.

***1000 SOUTH ROADWAY
IMPROVEMENTS***

Vance King with CIVCO Engineering was present at the meeting to discuss the bid documents that will be sent out for the 2500 South road project. Mr. King said the project will be split into two phases, one for the irrigation phase which is putting the Ashley Central canal into a box culvert and the second phase of the actual road construction. Mr. King said the bid opening would be on September 9 and they will start advertising a week from Wednesday. Councilman Kitchen wanted to know what the project start date would be. Mr. King said the first phase will start around the first of November when the water is out of the canal. The stipulation for those working on the irrigation phase is they are to be done by the 1st of April because the second phase will begin around the 15th of April. Councilman Kitchen wanted to know if they anticipate closing the intersection of 500 E 2500 S. Mr. King explained they anticipate closing the intersection for about a week while they cross the road and install the box

***2500 SOUTH ROAD
PROJECT BID
DOCUMENTS***

culvert. Councilman Kitchen recommended notifying the School District when they know more about the closures or the disruptions. Councilman Olsen asked about the diversion box page of the drawings and wanted to know if there is anything built into the drawings that measures the water flow for the irrigation because they currently have a measuring box in the ditch so they get the required amount of water. Mr. King stated he tried to replicate the existing box and said he didn't see a flume in the existing box. Mr. King wanted to know if that was the Pehacek line. Councilman Olsen said it was the other one that has a measuring gauge on it. Mr. King was not sure where the box was he was talking about. Councilman Olsen explained the location. Mr. King said he may need to walk the line again because he did not see it. He stated he was working on the assumption that they would hook onto the pipe coming out of the diversion box and head directly north to the street and then turn and go directly east. Councilman Olsen said they would still need something to gauge the flow of the water coming out of the canal. Mr. King didn't think it would be a difficult thing to place a flume at the head of the pipe. Councilman Olsen said it would need to be something that measured the flow of water because that is how the users are charged for the water. With no other discussion, Gordon Kitchen **moved** to have the Mayor execute the agreement for the bid documents after they are reviewed by Dennis Judd and the Mayor and to address the matter of the water measurement for the line. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Mr. King wanted to know if it is possible to turn the water out of the canal while they work in it. Councilman Kitchen believed it is possible but told Mr. King he would need to check with people farther down the canal and make sure it would be okay.

Council members moved back to the discussion regarding 1000 South. Kevin Ralphs with Epic Engineering arrived at this time. Mr. Ralphs wanted to discuss the 1000 South road project and asphalt. Mr. Ralphs recommended sending a letter to J.B. Gordon Construction extending the warranty for the asphalt portion of 1000 South for two years to see what happens with the cracking. Mr. Ralphs said they were going to recommend that the portion of the road be replaced but then the road was chip sealed so they will see if they can get the warranty extended and if it continues to crack they will require it is replaced. Councilman Olsen wanted to know

1000 SOUTH ROADWAY IMPROVEMENTS

what Craig thought. Craig said, in light of what has taken place, he recommends going with the two years and see what happens. Councilman Hall wanted to know if they know why the asphalt failed. Mr. Ralphs said they do not. Robert Hall **moved** to extend the warranty for two years for 1000 South and to not release the current bond. Craig Blunt said the Council needed to make sure the bond be increased to cover total replacement of the asphalt from Hwy 40 to 2000 East. Councilman Long wanted to know if JB Gordon agreed to that. Mr. Ralphs said they have verbally agreed. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

Craig Blunt covered the expenditure request from the road department for trailer repairs. Council members were given copies of the bids obtained to repair the trailer. Councilman Long wanted to know how old the trailer is and why it is falling apart. Craig said it is about five years old and stated it is a good trailer, he felt there was a design flaw and that is why it is requiring repairs. Craig said he was comfortable with the bid from S&S Welding and checked to make sure the material was included in the bid price. Robert Hall **moved** to accept the bid from S&S Welding in the amount of \$700. Gordon Kitchen **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

Guy Collett was present at the meeting to discuss the assisted living facility deed and agreement. Councilman Hall asked about the bond requirement in the agreement. Mr. Collett also had a problem with the bond because he said he is not building a road or doing a sewer or water project. He asked the Council to exclude the bond from the agreement. Craig said the bond clause was put in more from habit. Dennis Long **moved** to remove the bond clause from the agreement and also the last sentence in number thirteen referencing the bond and to accept the agreement. Dan Olsen **seconded** the motion. Mr. Collett also needed the representatives on the deed to be corrected. He said the deed needed to reflect the names of Dee & Guy Collett, LLC because they own the buildings and the agreement would list Dee & Guy Collett, LLC and Beehive of Vernal, Inc.

EXPENDITURE FOR TRAILER REPAIR

ASSISTED LIVING FACILITY DEED AND AGREEMENT

because they operate the business jointly. With a motion and a second on the table Councilman Olsen called for a vote. The motion passed with all in attendance voting aye.

Mr. Collett stated the plans for the home are complete and they will award the construction contract on the 25th and construction should begin by November 1.

Craig asked the Council about the building permit fees, he said the City does have to pay an inspector for each inspection but asked if the Council would consider reducing the permit fees to just the cost of inspections. Robert Hall **moved** to set the building permit fees at cost for inspections. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Council members again reviewed Ordinance 10-122 amending chapter fifteen of the municipal code. Craig said he met with Dennis Judd to review the Ordinance and Craig asked Mr. Judd to help him with the language under the board of appeals to change it to one person and not a whole board. Councilman Kitchen raised a concern about the bond requirements for any building permit. Craig said that is to guarantee a completion of the project. Councilman Long said he paid it when he remodeled his home and received it back when it was complete, he understands that it is a protection to the City. Craig said there are exceptions to the bond. Councilman Kitchen said it should reference those exceptions. Councilman Kitchen also raised questions about the electrical inspections section. Councilman Kitchen wanted to know, because of the wording, if someone is required to have an inspection any time they do an electrical repair in their home. Councilman Hall said the inspections would only be required if someone had obtained a building permit. Councilman Kitchen stated the Ordinance says "any electrical repair." Craig said the intention of this portion of the Ordinance is for anyone that gets a building permit to remodel their home. Councilman Kitchen said maybe the wording needs changed to reflect remodels. Craig said maybe he could shorten the paragraph to reflect what he is looking for.

Council members reviewed Ordinance 10-123 addressing residential solicitation. Craig told the Council that when he was reviewing the Ordinance there was a concern about youth groups that go door-to-door soliciting for things they need. Craig said Dennis Judd is writing up an exemption for

***ORDINANCE 10-122
AMENDING CHAPTER 15
OF THE MUNICIPAL
CODE***

***ORDINANCE 10-123
ADDITION TO THE
MUNICIPAL CODE FOR
RESIDENTIAL
SOLICITATION***

youth groups under the age of eighteen. Craig said they are also adding a paragraph about when a resident tells a solicitor to leave, they are required to go. Councilman Kitchen wanted to know about someone like Friends of Scouting. Councilman Hall said those should fall under the charitable exemption. Councilman Hall pointed out the wording on page two under the heading of "No other business license required," and thought it could be reworded for clarity. Craig said the reason for the Ordinance is to try and protect the residents without stepping on the rights of individuals. No action was taken on this matter. Council members will wait until the changes discussed are made.

Chris Hoem updated the Council on the latest changes to the Planning Commission board. Chris told the Council that Stan Johnson has resigned from the Planning Board and the Commission selected Lane Webb to take his place as a regular member. Robert Hall **moved** to appoint Lane Webb as a regular member of the Planning Commission. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***PLANNING COMMISSION
UPDATE***

Councilman Kitchen wanted to know if they would be seeking another alternate member for the Commission. Chris said they are going to leave things as they are for now. Councilman Kitchen asked how the bylaws read. Chris said the bylaws state they can have five regular members and zero to five alternate members.

With no other business before the Council, Robert Hall **moved** to adjourn the meeting at 8:30 p.m. Dennis Long **seconded** the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 26th DAY OF AUGUST 2010

BY: _____

ATTEST: _____