

**Naples City Council  
June 28, 2012  
Minutes**

The regularly scheduled meeting of the Naples City Council was held June 28, 2012, 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 Shane Mayberry, Delmer Hyde, Caren Melancon, Ron Wells, Jim Harper, Connie Patton, Chris Hoem, Craig Blunt and Nikki Kay.

***OTHERS ATTENDING***

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Kenneth Reynolds offered the invocation.

***OPENING CEREMONY***

Mayor Baker asked to switch items thirteen and fourteen on the agenda and asked for approval of the agenda. Robert Hall **moved** to approve the agenda as amended. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***AGENDA APPROVED***

Mayor Baker asked for approval of the minutes of June 14, 2012 regular Council meeting. Dennis Long **moved** to accept the minutes. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***MINUTES APPROVED***

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. Councilman Kitchen asked about the agreement with Fort Knox Storage. Chris Hoem said he is working with Mr. Judd to finalize it.

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

Connie Patton presented the bills in the amount of \$19,061.99 and asked for approval to pay them. Dennis Long **moved** to accept the amount of \$19,061.99. Dan Olsen **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    Aye  
Gordon Kitchen       Aye

***DISCUSSION REGARDING  
FIREMAN'S ANNUITY***

Delmer Hyde with Financial and Benefit Professionals came to speak with the Council regarding the annuities paid for by the City on behalf of some members of the fire department. The City received a letter from AXA Equitable that they would no longer receive contributions on the annuity contracts currently held by some of the firemen. Mr. Hyde said the City set up annuities for the firemen for the purpose of building a retirement account for them. Mr. Hyde said many of the firemen look at these accounts as revolving spending accounts rather than retirement accounts and have not been concerned about the penalties for withdrawing money from them. Mr. Hyde said the annuity program has changed and they can no longer continue to put contributions into those accounts so the Council will need to decide what to do with the program, should they continue to fund something for the firefighters or disband the program. He said if they want to continue to contribute then they will need to make some adjustments to the accounts where the money is contributed. Councilman Kitchen wanted to know if this should be a discussion with the Fire District. Councilman Hall said the agreement with the District was if the City continued to pay for this the District would reimburse it but it would be up to the Council how to continue the program. Mr. Hyde said he would love to continue to work with the City on these accounts but he wanted to make it work the way the City wants. Mr. Hyde said they could go with a 457 or an IRA and the Council will determine what type of account to set up according to whatever purpose they want it to have. Councilman Long wanted to know if the firemen should determine how they want this to go. It was determined that this was a benefit the City offers and the Council decides what that benefit is. Mr. Hyde said if the City wants this to be a long term benefit for the firemen they should set up an agreement with each individual participant. Mr. Hyde said if the Council doesn't care about it then they could just offer this as a bonus. Mayor Baker said the City could offer it as a bonus and just allow the participant to determine how they want to use the money. Councilman Kitchen wanted to know if changes are made could they go back to the District and get them to administer it. Mayor Baker said the agreement was not to add anyone new to the program so the City can't ask the District to administer it. Mayor Baker said he thought

the Council should hear back from the firemen about what they would like to see happen. Ron Wells said he would take back the information he gathered from this meeting to the other firemen on the plan and they can discuss what they want to do. Ron said he likes the benefit of being able to take the money out when needed. Mr. Hyde said he would be willing to meet with members of the department on the 12<sup>th</sup> of July to discuss possibilities for investment for those funds and bring back suggestions at the last Council meeting in July.

Craig Blunt wanted the Council to know that if the City switches to PEHP for their insurance then the two firemen currently on the Altius health insurance policy would not be eligible for coverage. Craig said the City could choose COBRA for the two firefighters and after the year they would be responsible for finding their own health insurance, they could look at the Utah Insurance Exchange, or they could stay with Altius. Craig said he didn't have enough time to research all the options. Shane Mayberry said they could choose to defer the effective beginning date for PEHP to August 1, 2012. Craig said that would give him a chance to find acceptable alternatives. Robert Hall **moved** to extend the effective date with PEHP to August 1, 2012. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Council members reviewed an Ordinance for fireworks restrictions in Naples City. Mayor Baker said he sat in on a conference call with the Governor and has also been in touch with Mayor Showalter of Vernal City discussing what might need to be implemented to regulate the use of fireworks in this very dry season. Mayor Baker said he worked with Dennis Judd to see what could and couldn't be done according to State Code. Mayor Baker said they found out they can add restrictions as far as where and what. Mayor Baker wanted to make it an ongoing Ordinance if they were going to pass one. Mayor Baker said Vernal City offered the use of the park up town for people to light their fireworks. Councilman Kitchen said he didn't want to be too intrusive and a person would already be liable if they caused a fire from their use of fireworks. Councilman Hall said it could be an Ordinance, just for this year with the emergency conditions that exist. Councilman Hall thought it should be for just a year and then revert back to State Code. Councilman Long wanted to know if they were going to have the police department running all over trying to enforce it and if there was time to implement it. Councilman Long said

***DISCUSSION REGARDING  
FIREMAN'S HEALTH  
INSURANCE***

***APPROVAL OF CITY  
FIREWORKS  
RESTRICTIONS -  
ORDINANCE 12-141***

the Fire Chief of Naples was against the Ordinance. Chief Watkins said the department might be able to deter some things and he wasn't looking at heavy-handed enforcement. Mayor Baker said he was trying to support the Governor's request when he asked the cities to take control. Councilman Kitchen said he would support the restrictions for this year but only for this year. Councilman Hall said he was not willing to "not" do anything. Chief Watkins looked at it as a helpful deterrent. Dan Olsen **moved** to adopt Ordinance 12-141 for this year. Councilman Kitchen asked "for this year alone?" Robert Hall **seconded** the motion. Councilman Kitchen questioned the motion and wanted clarification on it. Councilman Olsen said he wants it in place in case they need it next year. Mayor Baker wanted to know if Councilman Hall was good with his second. Councilman Hall wanted to know if they would have to come back in and rescind the Ordinance next year? Mayor Baker said yes. Councilman Hall thought it should have an expiration date. Councilman Kitchen said if the motion were amended to include an expiration date of this year only then would he second it. Councilman Hall said he would like to see the Ordinance used for just this year's emergency situation. Councilman Hall held back on his **second** of the motion. Councilman Olsen's **motion** died for lack of a second. Robert Hall **moved** to implement Ordinance 12-141 expiring December 31, 2012. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye on roll call:

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

Craig Blunt asked for approval of the lot exchange in Pheasant Run Subdivision. The lots to be swapped were fifty and fifty-seven. This exchanged was explained to Council members prior to this meeting and they were aware of the details. Dennis Long **moved** to swap the lots. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***A P P R O V E L O T  
EXCHANGE IN PHEASANT  
RUN SUBDIVISION***

Chris Hoem presented changes to chapter 02-31 of the Land Use Ordinance regarding subdivisions. Chris said they are proposing two changes, the first is to require single lot subdivisions be filed with the county surveyor and the second was to include a licensed surveyor to create the plat

***APPROVE CHANGES TO  
CHAPTER 02-31 OF LAND  
USE ORDINANCE -  
ORDINANCE 12-142***

and to have a surveyor, on behalf of the City, review it. Mayor Baker said he had a hard time requiring a licensed surveyor checking a licensed surveyor's certificate. Chris said they won't be approving it they will just be checking to make sure everything checks out. Chris said there have been errors made with the last three plats. Mayor Baker wanted to know if those surveyors were turned into the State licensing board if errors are being made. Chris said he understands that the person with the State doesn't do anything about complaints received. Councilman Hall wanted to know what other entities do. Chris said quite often other cities have their own surveyors and they check histories of the plat, check right-of-ways, and add the measurements to make sure the property closes. Councilman Long wanted to know how you know which one is right. Chris said in the last instances the errors were conveyed to the original surveyor and corrections were made. Chris thought it was always better to have two people look at it. Councilman Kitchen said the people subdividing property would then have an additional cost. Mayor Baker said if the City has someone double check it and they are wrong then the City is liable if a mistake is made. Chris said the surveyor that looks at it for the City will not be signing the plat. Councilman Long wanted to know who covers the cost of both surveyors. Chris stated it would be the person subdividing the property. Chris said the person that wants to subdivide pays a fee to the City and the surveyor who checks the plat is paid out of that fee. Chris said it is standard with most other cities. Mayor Baker said he doesn't have a problem with someone doing a review but not to have someone re-survey the property. Chris said the intention of the proposed change was to remove the "City Surveyor" signature block from the plat requirements. Mayor Baker said they need to make sure wording is included that states if a developer has not recorded a plat within twelve months they would need to begin the process again. Dan Olsen **moved** to bring the corrected copy back to the next meeting. Chris said he has two plats that are being held up because they need these changes. Councilman Kitchen wanted to know who they are holding up. Chris said they are holding up Mark Partridge and Mike Garcia. Councilman Kitchen wanted to know why they were being held up and why the approvals couldn't be completed under the present Ordinance. Chris stated it would take a long time to explain the reasons and Mr. Judd said they could be held up if the change in the Ordinance was making something less strict. Chris then explained the reasoning behind the changes presented. Chris said some of it has to do with confusion

with the State Code requiring people to dedicate road areas to Naples City and convey the land to the City when they do a single lot split. Chris said Mr. Judd believes the City can require that and several of the local surveyors disagree. Mayor Baker wanted to know if the City has to require the dedication. Chris said it would be up to the City if they require that. Councilman Hall wanted to know how this resolves the problem between the two surveyors. Chris said if the City requires it and the developer wants it done then the developer would make sure the surveyor he has hired would sign it. Mayor Baker wanted to know if the City Attorney was dictating what the Council can and can't do. Chris said the City Attorney is only following what has been in the Ordinance from years ago. Chris said they are trying to eliminate the signature block from a City Surveyor and just have that surveyor check the plat, but not sign it. Councilman Olsen wanted to know if Chris could check the plats. Chris said that was not his expertise. Chris said the first surveyor is conforming, it's the City surveyor that is not and they don't want the City surveyor to sign the plat, they only want him to review it. Chris said they want to add the signature blocks to the Ordinance because it is something that has always been required by the application. Councilman Long wanted to know if there was anything they could do to help Mr. Partridge right now without approving all of the changes discussed. Chris said it would help if they could take off any required "City Surveyor" signature. Councilman Kitchen asked why Mr. Judd was not signing it. Chris said he would sign it as long as the dedication was in there because that is what the Ordinance requires. Chris said if they would just strike the word "City" under required signatures that would be a temporary fix. Councilman Olsen **withdrew** his motion at this time. Councilman Long **moved** to remove the word "City" under the required surveyor signatures. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

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

Craig Blunt explained that the City has surplus cedar mulch they would like to sell while it is still in good condition. Craig said they will take sealed bids on it. Councilman Kitchen wanted to know what amounts they were going to divide it

***APPROVAL TO AUCTION  
SURPLUS CEDAR MULCH***

up into. Craig said he thought smaller amounts would sell better. Dennis Long **moved** to let the mulch out for bid. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Nikki Kay presented the Council with a list of general fund budget transfers she would like to make in order to keep some of the departments from being over budget. Dan Olsen **moved** to approve the transfers as presented. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Mayor Baker said he would be participating at the rodeo in the hide pull with Rob Hall. He said they discussed donating any prize money, if they were to win, to the Fireman's Sub for Santa. Mayor Baker wanted to know if Craig would look into getting a banner showing the City's name and logo to hang at the rodeo, he said to keep it simple.

Mayor Baker stated he would be involved with the rodeo this year and asked for Council feedback about cancelling the regular Council meeting for July 12, 2012. Dennis Long **moved** to cancel the meeting on July 12, 2012. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

Councilman Long inquired about the traffic light on 2500 South. Craig said he is still waiting on information from Rocky Mountain Power, the Subway developers and the 7-11 Corporation. He stated there may also be additional costs for the sidewalk going east near 7-11.

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

Those in attendance at the closed session were: Mayor Dean Baker, Robert Hall, Dan Olsen, Dennis Long, Kenneth Reynolds, Gordon Kitchen and Craig Blunt.

***APPROVE BUDGET TRANSFERS WITHIN THE GENERAL FUND***

***UPDATE ON DINOSAUR ROUNDUP RODEO***

***OTHER MATTERS OR FUTURE COUNCIL MATTERS***

***CLOSED SESSION***

With no other business before the Council, Dennis Long **moved** to adjourn the meeting. Kenneth Reynolds **seconded** the motion. The meeting was adjourned.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 26<sup>th</sup> DAY OF JULY 2012

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

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