

**Naples City Council
February 13, 2014
Minutes**

The regularly scheduled meeting of the Naples City Council was held February 13, 2014, 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 Aaron Hernandez, Shaylee Ford, Logan Monsen, Jake Molyneaux, Wade Southam, Leann Southam, Matt and Maegen Morton, Cliff Grua, Cory and ?, Pauline Manwaring, Valerie Cowee, Andrew Bentley, Robin O'Driscoll, Neil Cathey, Chris Clark, Michael Hawkins, Jennifer Hawkins, Scott Bingham, Cresta Slaugh, Danielle Martin, Floyd King, Monica Marchant, Don and Sherry Monsen, Dennis Judd, Liberty Best, Jim Harper, Dale Harrison, Mark Watkins, Connie Patton, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

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

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Gordon Kitchen stated he would **move** to approve the agenda with some comments on item number eight of the agenda. He said he would like it noted in the minutes that it has to do with the small parks in subdivisions. Councilman Kitchen said they spent more than forty-five minutes discussing this at a previous meeting and as a council they gave unanimous direction what they felt was in the best interest of the City to not ascertain property and develop parks. Councilman Kitchen said he also wanted it noted that it was quite curious and a little bit offensive that the Mayor chose to send a letter to only some of the residents of the City and not to any of the businesses on a decision that could affect them through the raising of property taxes or impact fees. The third point Councilman Kitchen wanted noted was this was not a public hearing, this was a meeting to conduct City business and with those objections he stated he would approve the agenda as presented. Dennis Long **seconded** the motion. The

AGENDA APPROVED

motion passed with all voting aye.

Mayor Baker asked for approval of the minutes of the January 23, 2014 regular City Council meeting. Dan Olsen **moved** to approve the minutes as presented. Robert Hall **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything from the previous meeting to follow up on. Councilman Long asked about the CIB application for the lights on the park road. Craig said he didn't get the application signed so they missed out on this funding cycle. Councilman Long wanted to know when the next cycle would be. Craig said it would be in June.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills for payment approval. Connie said the Council members received an approval notice in the amount of \$136,273.48 and then additional invoices were entered in the amount of \$5,315.91. Connie said these were for utility bills, etc. that came in after the first notice was sent out. Connie requested payment of bills in the amount of \$141,589.39. Dennis Long moved to accept the amount of \$141,589.39. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

APPROVAL OF THE BILLS

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

A business license application was received from **Auto Tech** located at 2027 South 1500 East. Craig said this business was the addition to the Dan's Tire property and stated everything was okay with the business. Dennis Long **moved** to approve the business license for Auto Tech. Robert Hall **seconded** the motion. The motion passed with all voting aye.

BUSINESS LICENSE APPROVAL

Valerie Cowee of the Naples Café asked the Council if they would agree to reissue her liquor license. Ms. Cowee stated she allowed the license to lapse but wanted to renew it after learning about the new motel that is being built across from her business. Dan Olsen **moved** to renew the liquor license for Naples Café. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

RENEW LIQUOR LICENSE FOR NAPLES COUNTRY CAFÉ

Susan Young with Relay for Life came before the Council to give a video presentation regarding Relay for Life. Ms. Young stated they met with the Uintah Recreation District Board the night before to give the same presentation because they would like to hold the Relay for Life at the Naples park this year. Ms. Young said the Relay would be the 6th and 7th of June. Mr. Young reported to the Council that per capita the Uintah Basin is #1 in the nation on raising funds for Relay for Life. Ms. Young said this is an overnight event, what they call a mega event, and requested approval to have use of the park overnight. Ms. Young said they would be contacting the school about the use of their parking lot and they had also considered contacting the nearby motel to use their lot as a secondary parking area. Robert Hall **moved** to waive the overnight park rule for that night to allow for the Relay for Life. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***RELAY FOR LIFE
PRESENTATION***

Mayor Baker said he appreciated the comments that Councilman Kitchen made at the beginning of the meeting and this was not a public hearing but he wanted to allow for a public comment period. Mayor Baker said he did send out approximately 328 letters to residents in the R-1 zones and he targeted them mainly because they would be the ones affected by the discussion. Mayor Baker said he didn't send them to everyone in the City and he focused mainly on Ironwood, Sunstone, The Farm, Pheasant Run, Hunter Hollow, ParkView, Wildwood, and High Country. Mayor Baker said he sent the letters to receive public feedback on parks in subdivisions. Mayor Baker said he wanted to open the time up for public comments. He said he would only take about 10-15 minutes of the meeting. Mayor Baker said he appreciated those who came. He said he was concerned with making sure they make the right move for the residents of the City. Mayor Baker said he was worried about losing the green space in subdivisions and that is why he sent the letters. Mayor Baker asked those in attendance if they were in favor of trying to maintain green space in the subdivisions for their children and neighborhood and, if they were in favor of that, would they be willing to help financially support and maintain those parks or green spaces. Mayor Baker said they are not talking about a park like the Naples Park but just an area that the children of the subdivision could go to and play. Mayor Baker said he would open it up for fifteen minutes of public comments.

***DISCUSSION REGARDING
SMALL PARKS IN
SUBDIVISIONS***

Andrew Bentley - Mr. Bentley said he lives in Wildwood

Subdivision. He said the main reason they decided to build their home in Naples City was because it was a type of place where their children could play in the streets and you weren't worried. He said his fear is they are moving away from that and trying to force people into the parks. He said they held a block party in the middle of the road in their subdivision last summer and no one came through. Mr. Bentley said they have no room for a park in their subdivision. He said if the tax payers are asked to help out with the parks they are essentially paying for something they will never utilize. Mr. Bentley said that is the concern of many of his neighbors, the taxes. He stated if the subdivisions can pay for the parks themselves then that is fine. Mr. Bentley said anything that has a tax attached to it he is against.

Scott Bingham stated that it seems like the government always has an answer to all of our problems. Mr. Bingham said he felt like he was taxed enough already and didn't want any more.

Pauline Manwaring wanted to know what they were planning to do with the green spaces. She stated the residents maintain the green space at the front of the Sunstone Subdivision. Ms. Manwaring stated her neighbor mows it and waters it using his own money. She said they do try and pitch in to help pay for it and they are fine with their green space. She feels like it is a good place for their children.

Megan Morton stated she lives in ParkView. She said the lot behind their property, which is across from the park, that the City purchased has had a transformer blow, looting in the trailers, and a tree fell down. Ms. Morton said she doesn't want to pay any more taxes to have it maintained because she already is and feels like those taxes were used by the City to purchase the property. Ms. Morton said she feels like parking will be an issue, she feels like it already is with the fire station and park. Ms. Morton said she would still like the option to purchase the piece of property the City bought.

Dale Harrison stated he lived in High Country. Dale said there were a few things he was concerned about. He said they keep using the parks as green space, they use the parks as water retention, they use the parks as snow removal for the roads. He said they need to decide if they are going to have water retention, snow removal, or city parks because you can't have all three. Mr. Harrison said if they are going to make parks they shouldn't focus on subdivision parks they

should try and have one park for the three subdivisions on each side of the highway. Mr. Harrison also wondered if the smaller parks would require extra policing. He said there would be the cost of maintenance and thought they could use whatever money they might use on the smaller parks to make the current park even better. He said if the City dumps money into these smaller parks it will take away whatever money they might have used on the Naples Park and he would hate to see that happen because it is a great park.

Andrew Bentley - Mr. Bentley wanted to add a comment that the water retention for their subdivision is on his property. He said that has worked out well because they were able to plant and landscape it just fine. Mr. Bentley said they dug pipes and sunk it under the ground and they were able to plant grass on top of it.

Miranda Bentley of Wildwood Subdivision said if the City has safety concerns for the children they should consider lowering the speed limit on 1900 South and put lights down the street and at the park.

Mayor Baker asked how many in attendance were there because of the discussion on the parks. Approximately twenty people raised their hands. Mayor Baker stated if anyone has concerns, about anything in the City, they can send letters to him or any of the Council members. Mayor Baker said it was good to see the people come out and they are interested in what the residents think. Mayor Baker closed the public comment period.

Craig Blunt gave Council members the third draw request from SCI for the Hwy 40 street light project. Craig said they also have a new change order for damage to an irrigation line. Craig said they had to do some research to find out who was responsible so they would know who to bill. Mayor Baker wanted to know if they would subtract that. Craig said the City will pay and get reimbursed from Strata. Craig said they have an overage for wire and conduit that the City will need to pay. Craig said there was more required than what was put down by the Engineer. Craig said the additional amount for that will be \$21,566.45. Councilman Kitchen said he understands the Engineer's do an estimate but he wanted to know about the bid by the Company. Craig said this project was bid by units or footage and they priced per foot so he always hopes the engineer did a good job on what they were doing. Councilman Kitchen asked if the contractor only went

***DRAW REQUEST NO. 3
FOR SCI HWY 40 STREET
LIGHT PROJECT***

off what the engineer put down. Craig said that is how most of them go with unit pricing. Craig said they could have had the contractor design the project. Councilman Olsen said this was UDOT's engineer and not the City's and was completed at no cost to the City. Mayor Baker said the City would have paid more than the \$21,000 in engineering costs if we would have hired it done. Councilman Kitchen said overages seem to be how some of these companies make their living. Craig said the amount on this invoice is \$158,192.66 with a retention amount of \$27,476.36. Robert Hall **moved** to approve the third draw. Dan Olsen **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 presented the final payment to Jody Smith Construction for work completed on the extension to the shop. Craig stated the project is complete, inspected and signed off. The amount requested was \$15,440. Dan Olsen **moved** to approve the expense to pay off Jody Smith Construction. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

***FINAL PAYMENT TO
J O D Y S M I T H
CONSTRUCTION***

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

Jim Harper asked the Council to approve the expenditure to repair the skid steer. He stated it quit working while they were in the middle of snow removal and they needed to get it in as soon as possible and the cost for repairs was \$1,705.33. Councilman Long wanted to know if it was fixed. Jim said it is working. Dennis Long **moved** to approve the \$1,705.33. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***EXPENDITURES IN ROAD
DEPARTMENT***

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

Jim also presented the Council with the additional amount it cost to purchase the U Blade that was approved at the previous meeting. Jim said they ended up going with a 3/4" blade rather than the 1/2" blade that was approved. Jim said the additional amount was \$113.44. Gordon Kitchen **moved** to approve the additional amount. Kenneth Reynolds **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

Craig Blunt asked the Council for approval to purchase new tires for the city car. Craig said the tires are almost ten years old. The price for the tires is \$573.82. Dan Olsen **moved** to approve the \$573.82. Dennis Long **seconded** the motion. The motion passed as follows:

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

***APPROVE EXPENDITURE
FOR CITY CAR TIRES***

Craig Blunt asked the Council about upgrading the security cameras and recorder at the city office. Craig said because of the age of the camera system in the building he would like to see it upgraded. Craig said they have issues with the camera recording system located in the front office and he would like to switch that recorder with the one in the police department and purchase a new one for the police. The new cameras and recorder would be \$1,376. Dennis Long **moved** to approve the purchase. Robert Hall **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

***REQUEST TO UPGRADE
DOORS AND CAMERAS AT
CITY OFFICE***

Craig said he would like all of the doors in the office to be on the security system which requires the electronic fob or card to gain entrance. Craig said there are two doors left in order

to have that happen, one of the doors is the Council room door and the other is the door into the east wing of the building. Craig presented a bid of \$3,298 for the upgrade of the two doors. Councilman Reynolds wanted to know if they change the doors or just the locks. Craig said they will change the lock and put on a small crash bar like the one on the door into the police department. Councilman Long wanted to know how cost effective it was to replace the fob's if they are lost. Aaron Hernandez with Ashley Lock was at the meeting and said the fob's are very cost effective. He said they can immediately lock someone out of the system if they need to. He said they can restrict the people who have access and also restrict the hours someone could enter the building. Aaron said it is also possible to lock and unlock the doors ahead of time through a computer program. Robert Hall **moved** to approve the expenditure of \$3,298. Dan Olsen **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

Craig Blunt requested the Council consider expending funds to purchase a subscription for on-line grant tracking. The subscription is eCivis. Craig said this would be a good tool for whoever replaces him in going after grants. Craig showed the Council a video presentation that explains the program. The company helps search for grants on-line according to information you give them. The cost of the subscription is \$695. Robert Hall **moved** to approve, if it's in the budget. Dennis Long **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

Chief Watkins asked for approval to send his two new officers to a Street Crimes Seminar being held in Spanish Fork. Chief Watkins said he would be sending Officer Fishler and Officer Simper and the funds are in his budget. The travel amount requested was \$1,221.07. Dennis Long **moved** to approve

***APPROVE ECIVIS
SUBSCRIPTION***

***TRAVEL AND TRAINING
FOR THE POLICE
DEPARTMENT***

the request. Kenneth Reynolds **seconded** the motion. The motion passed with a roll call vote:

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

Chief Watkins also asked for approval to attend the Chief's Conference in St. George. The amount requested for travel was \$579.52. Dan Olsen **moved** to approve the expenditure. Robert Hall **seconded** the motion. The motion passed as follows:

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

Chief Watkins reminded the Council that a couple of months ago he requested approval to expend \$8,000 to purchase cameras and tasers. Chief Watkins said he has not spent that amount. Chief Watkins said he has been working on the vehicle lease program and noted that the cameras in the lease vehicles have been in use for several years. He said they take a beating as someone takes them out and puts them in the vehicle every two years. He also said they pay quite a bit to have someone do that for them. Chief Watkins said they have the VieVue cameras they wear on their uniforms those can be set up in a car. Chief Watkins said those can be taken in and out of cars quite easily. Chief Watkins said they will surplus the cameras currently in the cars. He asked for approval to spend the \$8,000 he originally asked for to buy just cameras and an additional \$4,640 to purchase five new tasers. He stated these amounts are in his budget. Dan Olsen **moved** to approve the additional \$4,640. Dennis Long **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

***APPROVE PURCHASE IN
POLICE DEPARTMENT***

Chief Watkins stated Officer Fishler and Officer Simper have satisfactorily completed their six month employee evaluations and he asked if the Council would approve the 5% salary increase according to policy. Robert Hall **moved** to approve the request. 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	Aye
Gordon Kitchen	Aye

***REQUEST TO APPROVE
SIX MONTH EMPLOYEE
EVALUATIONS WITH PAY
INCREASE***

Chief Watkins explained that Corporal Tatangelo has resigned from the department leaving a senior officer position vacant. Chief Watkins proposed promoting Officer Whatcott to that position and requested a 3% raise for the increased responsibility. Chief Watkins also requested approval to hire a new officer and stated he chose someone from the previous hiring roster by the name of Jason Bateman who has fifteen years of experience and asked to bring him on at \$21.00 per hour. Councilman Kitchen wanted to know where the promotion and increased salary would put Officer Whatcott on the pay scale. Chief Watkins said it would put him about mid range. Councilman Kitchen wanted to know where it put the new officer. Chief Watkins said it would put him between mid range and max. Councilman Kitchen wanted to know if the new officer would understand if he comes on at a higher rate he will max out quicker. Chief Watkins said he has covered that with him. Robert Hall **moved** to approve the promotion and the new hire. Dan Olsen **seconded** the motion. The motion passed with all voting as follows:

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

***APPROVAL TO HIRE NEW
OFFICER AND PROMOTE
OFFICER***

Jim Harper came before the Council to discuss the per diem they chose to take away from the road department at the last meeting. Jim said at first he thought it was a good idea but as he thought about it he wanted to approach the Council again. Jim said the employee is given \$30 for the day and is allowed to spend that any way they want. He said they can spend it on whatever diet they want or whatever food

***DISCUSSION REGARDING
TRAVEL AND PER DIEM***

they want. He said if a meal is included with the cost of registration, there is no way to get that charge taken off and so the employee has to eat that meal, even if it is one they wouldn't choose to eat. Mayor Baker wanted to know if either one of the road department has diet restrictions that wouldn't allow them to eat a certain meal. Jim said not for them but he has some. Jim said he had an experience at one of the conferences where the food he ate made him not feel well and so he chose not to eat the next meal at the training and went somewhere else. Jim said it would be better to have the freedom to eat what they want when they are gone. Councilman Kitchen said the problem you run into is an employee can pocket the \$30 and eat all the meals at the convention. Councilman Kitchen thought the City policies should state how that works, that if meals are provided at the convention then the per diem would be less. Councilman Hall thought the policy was probably silent on that. Councilman Kitchen thought they might need to bring this up at another meeting and discuss the policy. After some discussion Dan Olsen **moved** to approve giving the \$30 per diem back to the road department. Gordon Kitchen **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

Councilman Kitchen said they need to look at the policy and the City shouldn't pay twice if the meals are provided at the conference.

Nikki Kay requested approval to purchase furniture for the commons' area at the City office. Nikki stated they have spent some time painting and trying to make things look better and it would be nice to have some new furniture. Nikki said there are still some funds available in the budget for the remodel project. The request was for six chairs, side tables, and a small couch. This would also provide furniture for the area outside the police department. Dennis Long **moved** to approve up to \$2,000 for the purchase. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
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***REQUEST TO PURCHASE
FURNITURE FOR THE
CITY OFFICE***

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

Mayor Baker stated he would like to reappoint Nikki Kay as the City Recorder and Connie Patton as the City Treasurer. Kenneth Reynolds **moved** to approve the appointments made by the Mayor. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***APPOINTMENT OF CITY
TREASURER AND CITY
RECORDER***

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

Council members received copies of the proposed codification of the Naples City Ordinances. City Attorney Dennis Judd reviewed the codification and highlighted some areas he believed the Council needed to look at. Mr. Judd stated some changes need to be made just because State law has changed and some need to be made just because they are problematic. Council members reviewed the proposed corrections to chapters one through six. Mr. Judd proposed replacing chapter 2.40 (Redevelopment Agency Records Access and Management) with a totally new section dealing with GRAMA and all the changes made by the State regarding GRAMA. He also noted that chapter 6.05 would be replaced as soon as the Unified Animal Control Ordinance is adopted. Council members had no problem with the corrections proposed and Robert Hall **moved** to accept this as a first reading and to have Mr. Judd proceed with the changes discussed. Dennis Long **seconded** the motion. The motion passed as follows:

***DISCUSS CHANGES TO
THE NAPLES CITY CODE***

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

City Attorney Dennis Judd conducted the annual open and public meetings training as required by state law. Mr. Judd presented the Council with a handout about public meetings and they reviewed the information in it and any changes made to the statutes this year.

***OPEN AND PUBLIC
MEETINGS TRAINING***

Dan Olsen **moved** to go into a closed session under advice of Counsel. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

CLOSED SESSION

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

Those present in the closed session were: Mayor Baker, Council members Robert Hall, Dan Olsen, Dennis Long, Kenneth Reynolds, and Gordon Kitchen. Chris Hoem and Nikki Kay were also present.

Mayor Baker said they need to add an item to the next City Council agenda to rescind the motion made at the meeting of January 23, 2014 giving Mr. Cliff Grua the lot in Ironwood.

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

With no other business before the Council, Robert Hall **moved** to adjourn the meeting at 11:05 p.m. Dennis Long **seconded** the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 27th DAY OF FEBRUARY 2014

BY: _____

ATTEST: _____