

**Naples City Council**  
**March 27, 2014**  
**Minutes**

The regularly scheduled meeting of the Naples City Council was held March 27, 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 Larry Pilling, Winnie Pilling, Neil Cathey, Wade Olsen, Ronda Olsen, Sherry Gines, Cliff Grua, Dale Harrison, Jolene Baker, Liberty Best, Bret Stringham, Jeremy Raymond, Dale Chappell, Charley Culpepper, Tina Williams, Szeth Simmons, Brett Reynolds, Dave Olsen, Caren Melancon, Jim Harper, Chris Hoem, Andrew Cox, 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 Dennis Long offered the invocation.

***OPENING CEREMONY***

Mayor Baker wanted to add a discussion on personnel under the closed session already listed on the agenda. He then asked for approval of the agenda. Dan Olsen **moved** to approve the agenda. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

***AGENDA APPROVED***

Mayor Baker presented the minutes of the March 13, 2014 regular City Council meeting for approval. Dennis Long **moved** to accept the minutes. Gordon Kitchen **seconded** the motion. The motion passed with all in attendance voting aye.

***MINUTES APPROVED***

Mayor Baker asked if anyone had anything from the previous meeting to follow up on. Councilman Kitchen asked Craig what he learned about the contractors for the installation of the musical instruments. Craig said the Recreation District will begin moving sod on April 7<sup>th</sup> and will work on moving the sprinkling system. Craig reported that he was able to contact some of the references for the concrete company and felt comfortable that they would be able to do the job.

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

Connie Patton presented the bills for payment approval. The amount presented to the Council was \$35,982.80. Dennis Long **moved** to approve payment of the bills in the amount of \$35,982.80. 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

A business license application from Spectra LLC located at 1827 South 1500 East was presented to the Council for their approval. Craig said this business would be located in the old Strata building and was connected to the networking portion of Strata. Gordon Kitchen **moved** to approve the business license. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Tina Williams and Sherry Gines with the Animal Shelter came to give a presentation on the new isolation kennel building. Ms Gines, the shelter manager, gave the presentation. Ms. Gines stated the shelter has never had the ability to isolate sick animals that have been brought to the shelter. She reported they recently received grant money to build an isolation kennel annex building near the shelter. Those in attendance were shown a layout of the new building and it was explained how much it will help to have some place to isolate the sick animals and protect the other animals brought to the shelter. People were encouraged to come to the shelter if they are thinking of getting a pet and to encourage others to consider pet adoption. Ms. Williams said they are looking forward to the new building and thanked the Council for letting them come. Mayor Baker was able to hear the presentation at another meeting and wanted them to come and share it with the Council, he thought it was very informative.

Jeremy Raymond, Brett Reynolds, and David Olsen came before the Council to request help in refurbishing the military truck the Fire Department was given. Brett said the department put in a request for a military surplus truck and they received word just one month later that they would get the truck. Brett said the truck will be a great asset to the City. Jeremy Raymond stated the Naples Fire Department

## ***APPROVAL OF THE BILLS***

## ***BUSINESS LICENSE APPROVAL***

## ***ANIMAL SHELTER PRESENTATION***

## ***FIRE DEPARTMENT REQUEST FOR NEW BRUSH TRUCK***

had a few capital projects on the list with the Fire District this year. He stated one was the fire station remodel with a budget of \$300,000. Jeremy said they have an engineer and the plans are moving forward. Jeremy said one of the other items was a brush truck, which the department received last year. Jeremy told the Council the District budgeted \$60,000 for the truck, which was the same amount budgeted for Tridell and Lapoint. Jeremy said he met with Brett and Dave to find out what their needs were. They determined they wanted the truck to be able to go any where they needed, a turret on the front to knock down road side fires, and able to put out any oilfield fires. Jeremy said because of what they wanted it to be able to do the price came up to be more than what the District budgeted. Jeremy referred to some of the information the Council was given and pointed out the total amount for the truck, excluding foam at additional reel and minus the roll cage, was \$70,548.98. Jeremy said they also went with a smaller foam tank to save some money and then added an option for foam capabilities that brought the bid to just under \$80,000. Jeremy said the Fire District Board approved the award to Larsen Fire for the \$60,000 they budgeted and they were coming before the Naples Council to ask for the additional \$20,000 to get the truck outfitted the way they would like. Bret Reynolds said if the Council chooses not to do it they are fine with that. He said Naples City has unique circumstances with the oilfield. He thought this truck's capabilities would help with that. Brett said they received the truck for free, the District is contributing \$60,000, and he didn't know why they wouldn't go the extra little bit to make it something beneficial to our community. Brett said they would really like to finish it up right. Councilman Olsen asked Nikki if the amount listed on the printout they were provided was what was in the sinking fund. Nikki said that is what is there if that is what they want to spend it on. Councilman Hall wanted to know when they would need the money. Jeremy said Larsen Fire bills as they go and the District would be able to pay for the first few months if the City needed time to get the money. Dan Olsen **moved** to expend the \$20,000 for this project. 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

***CITIZEN REQUEST TO  
ADDRESS COUNCIL  
REGARDING SAFETY ON  
1900 SOUTH***

Jolene Baker asked to address the Council about safety issues on 1900 South. Ms. Baker thanked the Council for allowing her to speak to them. Ms. Baker wanted to ask the Council what the greatest safety issue was on 1900 South. Councilman Olsen said, as he sees it, it is the people coming off the park in the dark to their cars. Ms. Baker asked if his concern was during baseball season when people are parked on the road and walking across it. Councilman Olsen said it was. He said he sees people park on both sides of the road and the park is being used for spring soccer and softball and also for fall soccer and football. He said that is probably six months of people coming off the dark park and crossing the road. Councilman Olsen said you also have the elementary school with programs at night and if their parking lot lights are off you have those people walking across the road at night. Councilman Olsen said you also have little children that come to the park and people at the walk path. Ms. Baker said her concern is the City wants to do the most intrusive thing to the neighborhood without looking at any other options. Ms. Baker said there is a 20-mph speed limit that needs to be enforced. They could install a fence that funnels people to a cross walk. Ms. Baker said for the few months during the year when they play ball it is light until 8:00 or 9:00 at night. Ms. Baker said when the school has activities they keep their lights on until about 8:00. Ms. Baker asked Councilman Kitchen about his statement from last meeting about the lights on 2500 South being just fine. Councilman Kitchen said that was his opinion. Ms. Baker asked how many lights were on that road. Councilman Kitchen said he has not counted them. He thought they were every 150' for the mile and a half road. Ms. Baker asked Craig how many lights there were. Craig said he was not sure. Ms. Baker said she had counted them and there were twenty lights in a mile space. Ms. Baker said the City wants to put twice as many lights on 1900 South, which would be a 90% increase of lights and that is too many for her quality of life, for her back yard. Ms. Baker said at the last Council meeting there was one person for the lights, four people against the lights, and two that didn't state their opinion. Ms. Baker said the City was willing to spend \$300,000 on lights that will cost the city \$15,000 a year for the next twenty years plus the power bill. Ms. Baker said the City doesn't want to put any money into neighborhood parks but they want to light up the world on 1900 South. Ms. Baker said the bottom line was it was her quality of life and her rural atmosphere. Ms. Baker said there would be no looking at the stars and no quality of life. Mayor Baker thanked her for her comments. Ms. Pilling said she had

a comment. Mayor Baker told her to get on the agenda and she could make a comment.

Gordon Kitchen **moved** to go into a public hearing to discuss proposed changes to the Land Use Ordinance. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Chris Hoem stated there were a few matters that came up in recent City Council meetings that prompted some changes to the Land Use Ordinance. Chris stated he brought some of those matters to the Planning Commission and he wanted to have the public hearing as soon as possible and this Council meeting was the quick option. Chris said the Planning Commission recommended approval for the Airport Zone changes and for the Supplementary Regulations but they only accepted the Subdivision changes as a first reading.

Chris Hoem reviewed the proposed changes to Chapter 02-17 of the Land Use Ordinance. This chapter deals with changes to the Airport Zone. Chris said this chapter has some protection for the City and for the residents so the airport would not easily cut off any more roads in the City. Chris said the City has always favored moving the airport in order for the City's road network to connect. Councilman Long wanted to know how many roads are affected by the airport. Chris said the roads that are blocked by the airport are 1000 South, 1500 South, 1750 South, 2000 South, and 1000 East. Mayor Baker had Chris Hoem read the proposed changes. Chris said the Land Use ordinance used to contain an overlay zone for the airport. Chris said it was to protect neighbors from the airport but it was mostly to restrict what could be built around the airport. Chris said that has changed and they are adding airport regulations that will protect neighbors from the airport. These regulations include the airport installing a fence along all lot lines adjoining residential use, the airport shall provide a cul-de-sac turn around for every paved street that dead ends into the perimeter of the airport, the airport shall maintain a storm water retention system, and the last was for them to provide twenty foot wide easements for all irrigation and utility lines on airport property. Mayor Baker asked if anyone had any comments on the proposed changes to the airport zone. Wade Olsen said it sounded very nice, but expensive for the airport. Mr. Olsen asked if this would inhibit the airport from servicing the area. Councilman Kitchen felt that any existing fences would not be affected, so there would be no changes on the east side. Mr.

***PUBLIC HEARING FOR  
LAND USE TO DISCUSS  
AIRPORT ZONE,  
SUBDIVISIONS, AND  
SUPPLEMENTARY  
REGULATIONS***

Olsen wanted to know if there are any proposed subdivisions for that area. The Council said they don't have any. Mayor Baker said it would just be existing residents along the west side. Councilman Kitchen said they need a safe turn around for the end of 1750 South and they are trying to prevent any problems. With no other comments they moved onto the next discussion.

Chris Hoem told the Council the Planning Commission only accepted the changes as a first reading and he wanted to know how involved they wanted to get in this discussion. Mayor Baker asked Chris to summarize what they discussed. Chris said they were looking at clarifying when a subdivision has phases and each phase has twenty or thirty building lots, the developer is given final approval for a phase and has it recorded and then subdivides it. At that point they are also given preliminary approval for the rest of the subdivision but that doesn't mean they can get those subdivided right away. He said what it means is if they stay on top of the development and keep it accurate they can come back to the City and ask for approval to move forward with the other phases. Chris said this helps them because if the Land Use Ordinance has changed since the preliminary approval was given then they know they have some security in what was approved preliminarily. Chris said if they wait for a long period of time before doing anything on the next phases and then come back and want to move forward they need to know there is an expiration period on those preliminary approvals. Chris said the period used to be six months but they discussed changing it to eighteen months. Chris said they also discussed the storm water retention systems for a subdivision. Chris said those are either underground or above ground systems and it needs to be determined who maintains those. Chris said the current Land Use Ordinance states that every subdivision must have a home owners association (and they are responsible for the water retention system) and one of the current subdivision developers wants to suggest an alternative of allowing the storm water retention on private property and having that private lot owner maintain the storm water system. Wade Olsen wanted to know who is responsible for weed control in developing subdivisions. Chris reported that if the City receives a complaint then they will issue a letter to the property owner requesting they clean it up. Cliff Grua asked for time to address the Council on this matter. Mr. Grua said if the retention area is in private ownership then it is that property owner's responsibility to maintain it and they don't have a

public area that has to be assessed fees and taxes and HOA responsibilities. He said there are safety issues and liabilities for kids that would play in a public area that an HOA would be responsible for. Mr. Grua reviewed all of the steps in setting up an HOA and how expensive it can get for the attorney fees, assessments, management, mailings, collections, insurance, etc. Mr. Grua said he represents the owners of two subdivisions and they requested he find out what the homeowners want in regards to an HOA. He said they would be mailing those out soon. Mr. Grua said the water retention lots would be massive lots owned by an individual and he believed they would be well taken care of. Mr. Grua reported that CCR's do not have to have an HOA to be filed. He said they can be filed and they do have teeth, if a neighbor wants to sue another neighbor they can do that without an HOA. Wade Olsen wanted to know if the CCR's provide access or easements. Mr. Grua said they do. Mr. Grua said the language of the contract for the lot with the water retention would also address the access and maintenance of the area. Councilman Kitchen wanted to know if they are requiring the private owner to maintain everyone's storm water or just maintain the ground water. Councilman Kitchen wanted to know if that was putting a lot of financial responsibility onto one private lot owner if something were to go wrong. Mr. Grua said they will be doing above ground retention so he didn't anticipate having a problem that would have to be maintained. Mr. Grua said they are not proposing any underground retention and they want to keep it simple. With no other comments, Chris Hoem said the Planning Commission should have their recommendation on this chapter ready for the second meeting in April.

Chris Hoem explained the proposed changes to the Supplementary Regulations portion of the Land Use ordinance. He said this is the miscellaneous portion of the Ordinance. Chris said they needed to add two sections to the chapter and the first was for kennels. Chris said this was needed in order to help with the Unified Animal Control Ordinance where it refers to the zone that kennels may be located. The portion added to the Land Use Ordinance states that kennels can only be located in A-1, I-1, and C-Commercial zones and they must be five hundred feet from residential dwellings on neighboring properties. The section also refers to the Unified Animal Control Ordinance.

Chris stated the other section they added was to allow

reference for the new Utah State Code regarding location of Retail Tobacco Specialty Shops. Chris said he took the new regulations and created a map showing where those could be located in the City. The section referred to the Utah State Code for these businesses. Councilman Long questioned the e-cigarettes. Craig Blunt said e-cigarettes are included in the list as referred to under the State Code. With no other comments from the public, Dan Olsen **moved** to go out of the public hearing. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Councilman Hall moved to approve the ordinances for the changes to the Land Use Ordinance when Nikki Kay realized she had given then Resolution numbers and not Ordinance numbers. Nikki asked to be excused so she could get the correct numbers. Gordon Kitchen **moved** to go to item twelve on the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***ORDINANCE 14-160 AND  
161 CHANGES TO LAND  
USE ORDINANCE***

Jim Harper came before the Council to request approval to purchase two loads of salt. The amount requested was \$3,900. Dennis Long **moved** to approve the amount of \$3,900. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call:

***REQUEST TO PURCHASE  
IN ROAD DEPARTMENT***

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

The next request was to purchase Whirlygigs for the man hole covers. Jim had a short video that showed the process for use of the Whirlygigs. Councilman Long wanted to know where they would use these. Jim said they would use them all over the City, wherever needed. After the video Jim explained what else they might need to be able to use this system. Jim said they would need something to break up the asphalt around the man holes. Jim said this past snow season they hit five covers and damaged one of the blades on the snowplow because of it. He said if they had the Whirlygig they could fix the cover themselves without having to find a contractor to do it. Councilman Hall commented on the five man hole covers that were hit and asked Jim how many there are out there. Jim said they have about one hundred and sixteen. Councilman Hall asked if that was how many covers there are throughout the City. Jim said that is

how many they estimated needed to be fixed. Jim said it will take time but it is something they can do at their own pace. Jim stated they spent \$21,200 repairing eight man holes last year and it took several days. Jim said they should be able to do it much quicker and save the City money. Councilman Hall asked Craig for his opinion. Craig said it would solve some of the issues with the manholes and the equipment was not very expensive. Jim said what he would like right now is to buy the gig at \$2,250 and five of the concrete forms for a total of \$2,495. He said this would allow them to do five. Councilman Kitchen wanted to know if it would be wiser to purchase more at one time to save on freight and time. Jim said if they only purchase five they can make sure they have the right size. Councilman Hall wanted to know what type of tool they would need to break up the asphalt. Jim said in the video they use a special drill attached to a skid steer but they were very expensive. He said the manufacturer recommended they just use the beaker breaker. Councilman Hall wanted to make sure they were not going to need an expensive tool in order to do this. Dennis Long **moved** to approve \$2,495. Kenneth Reynolds **seconded** the motion. The motion passed as follows.

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

Jim Harper also asked for Council approval to replace the S300 skid steer. He said they use this piece of equipment quite a bit and it has nine hundred hours on it. Jim reported that they have had some expensive repairs the last three years. Councilman Long wanted to know if this was in the budget. Jim said it is. Councilman Long wanted to know what they use it for. Jim said they use it to load the sand, move dirt, they use the forks for lifting, they use it for chipping the trees, and to sweep. Jim said they have tried to look at other brands to save money but they wouldn't be able to use all of the attachments they now have. Kenneth Reynolds **moved** to approve the purchase. Robert Hall **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

Dennis Long **moved** to go back to item eleven on the agenda. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***MOTION TO GO BACK TO  
ITEM ELEVEN***

Robert Hall **moved** to approve Ordinance 14-160 amending the Land Use Ordinance. Dan Olsen **seconded** the motion. The motion passed as follows:

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

Dennis Long **moved** to accept Ordinance 14-161 amending the Land Use Ordinance. 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

Rachelle Palmer submitted a request to travel to Salt Lake City for the Spring Prosecutors Conference. The requested amount was \$480.66. Robert Hall **moved** to approve the City Attorney travel in the amount of \$480.66. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***TRAVEL APPROVAL***

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

Jim Harper requested approval to send Szeth Simmons to St. George to attend the ULCT Road School. Jim said the classes offered at the road school will be very good for Szeth. He said the knowledge he gains there can be brought back and shared with the rest of the department. The requested amount was \$1,168. Councilman Reynolds wanted to know if the amount was in his budget. Jim stated that it is. Kenneth Reynolds **moved** to approve \$1,168 for travel.

Dennis Long **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

Jim Harper also asked for approval to take the sweeper to Salt Lake City for repairs if needed. Jim said they have a bearing that went out and if it is not on the engine, but on the blower, they will have to send it to Salt Lake for the repair. He said they are waiting on the engine mechanic right now to tell them which it is. Dan Olsen **moved** to approve the travel to drop off the sweeper for repair if needed. 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

Craig Blunt gave Council members the building permit statistics for the year 2013. Craig noted that twenty-eight new homes were built which would increase the population by 101 people bringing the population of the City up to approximately 2251. Craig also reported that two industrial building permits were issued and two commercial permits.

***STATISTICAL REPORT  
FOR BUILDING PERMITS***

Ronda Olsen asked the Council if she could speak. Mayor Baker declined and said she could call and be put on the next agenda.

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

Dennis Long **moved** to go into and come out of a closed session to discuss the lease, purchase, or sale of real property and for personnel matters. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***MOTION FOR CLOSED  
SESSION***

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

Mayor Baker, Councilmen Robert Hall, Dan Olsen, Dennis Long, Kenneth Reynold, and Gordon Kitchen were present in the closed session. Chris Hoem, Craig Blunt, and Nikki Kay were also in attendance.

Robert Hall **moved** to adjourn the meeting at 9:40 p.m. Dennis Long **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 10<sup>th</sup> DAY OF APRIL 2014

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

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