

**Naples City Council**  
**April 23, 2015**  
**Minutes**

The regularly scheduled meeting of the Naples City Council was held April 23, 2015, 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, Dan Olsen and Kenneth Reynolds. Dennis Long was absent.

***COUNCIL MEMBERS ATTENDING***

Others attending were Sammy McConkie, Josh Reyes, Justin Wallis, Chris Clark, Dale Harrison, Amanda Kitchen, Jeremy Raymond, Tyler Cook, Jeremy McAlister, Jeff McCarty, Liberty Best, Drew Cox, Garrett Whatcott, Jason Bateman, Nate Simper, Benjamin Fishler, Ryan Cannon, Jessa Cannon, Penny Davis, Judge Clark McClellan, Jim Harper, Mark Watkins, Connie Patton, Joshua Bake, 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 Dan Olsen offered the invocation.

***OPENING CEREMONY***

Judge Clark McClellan administered the oath of office for Officer Ryan Cannon. Judge McClellan offered advice to Officer Cannon and told him he would receive a badge this night and said that badge represents authority as a member of a police force and that badge gives him power and influence. Judge McClellan said police officers are being scrutinized in a way he has never seen. He said it is a difficult time to be a police officer under the circumstances we live in. Judge McClellan said if Officer Cannon would comply with the oath he just took and obey the constitution he would have no problem and to remember the rights of the constitution belong to everyone. Chief Watkins said he wanted to impress upon Officer Cannon that as a chief law enforcement officer in this jurisdiction he represents him as well. Officer Cannon's badge was pinned to his uniform by his wife Jessa. Mayor Baker commended the police department for the great service they provide to the community.

***S W E A R I N G I N CEREMONY FOR NEW OFFICER***

Mayor Baker presented the agenda for approval and told the Council to scratch item seven from the agenda. Robert Hall **moved** to approve the agenda as amended. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

***AGENDA APPROVED***

Councilman Kitchen disclosed a possible conflict of interest for item eight on the agenda because his property borders the area being discussed.

Mayor Baker presented the minutes of the April 9, 2015 regular City Council meeting for approval. Dan Olsen **moved** to approve the minutes as presented. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

***MINUTES APPROVED***

Mayor Baker asked if anyone had anything to follow up on from the previous meeting. Councilman Kitchen asked about the Naples Justice Court. Mayor Baker stated they are moving forward with the interlocal agreement and when that is completed they will present it to the County Commissioners.

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

Connie Patton presented the bills for payment approval. The amount presented to the Council was \$28,300.64. Dan Olsen **moved** to approve the bills. 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	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received from **KLX Energy Services** located at 1323 East 1300 South. Joshua Bake told the Council that Dale Peterson reviewed the application and conducted a site visit and recommended approval for the business license. Gordon Kitchen **moved** to approve the license for KLX Energy Services. Robert Hall **seconded** the motion. The motion passed with all voting in the affirmative.

***BUSINESS LICENSE APPROVAL***

Council members received a copy of the site plan for the Naples fire station. Mayor Baker said this would be a preliminary and final on the approval for the site plan.

***SITE PLAN APPROVAL FOR THE FIRE STATION***

Joshua Bake said this was approved by the Planning Commission. He said there were a couple of items to note, he said the first was the form-based code and what changes they need to consider with those. Joshua said the building complies with the form-based codes, however, if the Council is to give final site plan approval they need to do so on the condition that Planning and Zoning and Council temporarily suspends the road standards section of the form based codes. Joshua said the road standards section is a little overbearing for what development they have in their downtown area. Joshua said the Planning Commission agrees to that, although they have taken no formal action on it. Joshua said the Council can do this and the time frame recommended for suspension was five months. Joshua said if no changes are made to this section of the form-based codes in those five months it reverts back to full effect. Joshua said this allows the City time to make the necessary changes to do the best thing for the community. Joshua turned the time over to Justin Wallis of FFKR Architects and Chris Clark with Uintah Engineering.

Chris Clark asked the Council if they had any questions. He said what they have decided to do with the road is to make a two-lane road with a turn lane, a bike lane, a five-foot main strip with the trees and street lights, and then a ten-foot sidewalk. Chris said they won't be putting in the sidewalk or landscaping on the north side of the road at this time because they are not required to. Chris said the site plan includes the tree grates, fire hydrants, and parking stalls. Chris pointed out the administrative parking stalls, the covered parking area for trailers, and said most of the rest is for the landscaping. Chris said they have a heated slab on the apron in front of the truck bays to make sure the driveway is dry in the winter.

Mr. Wallis discussed the elevations for the building, he said they have not changed much from the original design. Mr. Wallis brought samples of the material to be used on the station. He stated they worked hard to analyze the form-based codes and to bring those into the design of the fire station. Mr. Wallis said they are looking to put the project out to bid in the next two weeks and anticipate having a recommendation for the May 28<sup>th</sup> meeting for the selection of a contractor. Councilman Hall wanted to know if they have made the internal changes that were discussed at their planning meeting. Mr. Wallis said they did. Mayor Baker said Jeremy Raymond and Brett Reynolds both had a chance to

meet with them and discuss everything. Robert Hall **moved** to approve the site plan for the fire station with the condition to temporarily suspend the road section of the form-based codes and to let the project out for bid. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

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

Council members received recommended changes to chapter 02-17-005 of the land use ordinance. Joshua Bake explained the change would eliminate the need for a 4' wide landscape strip on airport property between the residential use and the required solid wall fence. Josh stated the Planning Commission heard the request from the County and their recommendation to the Council was to consider redacting that sentence from the Land Use Ordinance. Jeremy McAlister with GDA Engineers was there to answer any questions on the proposal. Councilman Kitchen stated he was the one that lives there and so he was going to have all the questions. Councilman Kitchen expressed the concern that as soon as the fence goes up his access to the irrigation is shut off. Mr. McAlister stated he believed they were working with Greg Walker as president of the irrigation district to obtain the proper easement language to allow access to the line for maintenance. Mr. McAlister believed that was presented to Mr. Walker and was approved by him. Councilman Kitchen stated nothing could be approved without a meeting of the Pehacek group. Mr. McAlister stated he is unfamiliar with the operating procedures of the group but did believe that was being worked on. Councilman Kitchen stated, until he is sure there will be access to that line, he doesn't want to see the fence go up. Councilman Kitchen also discussed his concern about the cul-de-sac turn around and stated the City agreed to vacate a portion of the 1750 South road and the turn around was part of that vacation. He said they have had months to complete the turn around and as soon as the fence is up his driveway will become the turn around for garbage trucks or anyone else needing to turn around on that road. Mr. McAlister stated he was not prepared to fully answer Councilman Kitchen's concern because he didn't have any of the paperwork or correspondence with him. He stated he understood

***CONSIDERATION TO  
ADOPT CHANGES TO  
CHAPTER 02-17-005 OF  
THE LAND USE  
ORDINANCE -  
ORDINANCE NO. 15-171***

Councilman Kitchen’s concerns and that it is important to have something in writing and that will be his intent when he goes back. Councilman Kitchen said he was okay with the proposed change to the Land Use Ordinance but not with the fence going up. He said that continuance of the fence permit needs to be contingent upon continued access to the irrigation line. With no other comments, Robert Hall **moved** to amend chapter 02-17-005, Additional Airport Regulations, as recommended and to adopt Ordinance No. 15-171. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

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

Joshua Bake reminded the Council that the Ordinance for the road moratorium was discussed at the last Council meeting. Joshua said he reviewed the Ordinance and received some legal counsel from Dennis Judd. Joshua said the best way to fix the current problem is to repeal this Ordinance. He said there are provisions in State Code to protect the City’s roads until a new Ordinance could be worked out. Joshua said the recommendation would be to repeal Ordinance 99-82. Dan Olsen **moved** to repeal Ordinance 99-82. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***REVIEW OF ORDINANCE  
99 - 82 ROAD  
MORATORIUM***

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

Jim Harper told Council the aerial lift truck should arrive this next week and he presented the invoice for payment approval. The amount presented was \$133,072. Dan Olsen **moved** to authorize the expenditure for the truck in the amount of \$133,072. Gordon Kitchen **seconded** the motion. The motion passed as follows:

***APPROVE PAYMENT FOR  
BUCKET TRUCK***

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Absent

Dan Olsen                      Aye  
Robert Hall                    Aye

***EXPENDITURES IN ROAD  
DEPARTMENT***

**2500 South Road Cut** - Jim Harper brought Council members bids for what it would cost to dig a 10' hole in the road on 2500 South to determine if there is water under the road causing it to sink. Councilman Kitchen questioned the use of a vacuum truck to dig the hole because they use water to dig and he wondered how they will tell if there was water because you are using water. Mayor Baker said if you dig a hole that is not big enough to see into you would have to send someone down into it and that would require shoring up the sides of the hole. During the discussion it was asked what CIVCO, the engineers for the road, recommended the City do to correct the issue. Jim said with all the people he talked to most of them recommended the grid system, they recommended putting it in and not to worry about what is causing the problem. He said he spoke with people at UDOT and they have used the grid system. He said they dig up the area, lay down the grid system and don't worry about it. Mayor Baker said if he remembers the bid for the grid system was around \$50,000 and an additional amount to seal the joints of the box and to bridge the two spots. Councilman Kitchen said if two engineers have looked at it do they need CIVCO to come and look at it. Mayor Baker said they could just move to approve the last bids that were given for the grid system. Mayor Baker thought they should have the engineer that built the road give their opinion on how it should be repaired. Mayor Baker thought after they got that they could go out for bids. Gordon Kitchen **moved** to have CIVCO give the City their professional opinion on what steps should be taken to fix the road and an estimate of what it would cost to repair. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

**Engineering Services for 2500 South** - Jim presented a second invoice from Jones & DeMille for work on the 2500 South road. Jim said the first invoice from them was for obtaining the core material and testing the material. The second invoice presented was for two technicians and a professional engineer to come out and do an inspection. Jim said that Jones & DeMille gave the same recommendation as the other engineer and that was to lay down the grid system. The invoice presented was for \$605. Gordon Kitchen **moved** to pay the \$605. Robert Hall **seconded** the motion. The motion passed with the following vote:

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

**Request approval to purchase plate compactor** - Jim Harper presented a request to purchase a plate compactor in the amount of \$1,900. Councilman Reynolds asked Jim if it was in his budget. Jim said it was. Kenneth Reynolds **moved** to approve the purchase. Dan Olsen **seconded** the motion. The motion passed with a roll call vote as follows:

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

**Request to purchase drill press** - Jim Harper requested approval to purchase a new drill press. Jim stated the drill press they currently have is too old to find replacement parts and it is not up to OSHA safety standards. The amount requested to purchase was \$1,049. Robert Hall **moved** to approve the \$1,049. Kenneth Reynolds **seconded** the motion. The motion passed with a roll call vote:

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

**Request to purchase road salt** - Jim Harper asked the Council for approval to purchase two loads of road salt to store for next years snow season. The amount requested was \$4,400. Dan Olsen **moved** to approve the purchase. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

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

**Fertilizer Injector purchase request** - Jim Harper asked for approval to purchase a fertilizer injector for the planters at the road side park. He said this system help with safety and with time. He said it would get the road crew off the highway with their truck and trailer and it would also save the time of fertilizing the flowers once a week. He said they have a different line for the fertilizer and it works off the pressure of the water line. Councilman Reynolds asked if he was asking for a total of \$555.71. Jim said that was correct. Councilman Olsen asked about the lines for the fertilizer. Jim said they have located the valve for the watering system. Jim said they will just put a T in after the back flow valve. Mayor Baker asked if they were putting the fertilizer in the drip system. Jim said that was correct. Kenneth Reynolds **moved** to approve \$555.71 for the injector system. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

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

**Road Signs** - Jim asked the Council to approve the additional amount for shipping on road signs. Jim said the freight charge caused the price to go above what was approved. The freight charge was \$55. Robert Hall **moved** to approve the amount. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

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

Jim Harper requested approval to send Ryan Cook and Szeth Simmons to Salt Lake for training on the sweeper. Mayor Baker wanted to know why they would need to go to training on a sweeper they have had for a number of years. Jim said every time they go they learn something new which could save money. Councilman Kitchen wanted to know why both of them needed to go, why can't one go and come back and train the others. Jim said one might pick up something the

***APPROVE TRAVEL FOR THE ROAD DEPARTMENT***

other didn't. The Council would not approve sending both. Gordon Kitchen **moved** to approve sending one person to training for \$30. Robert Hall **seconded** the motion. The motion passed with the following vote:

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

Connie Patton requested approval to attend the Utah Treasurer Conference in St. George. The amount requested was \$983.67. Gordon Kitchen **moved** to approve sending Connie to training. Dan Olsen **seconded** the motion. The motion passed with the following vote:

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

***TRAVEL REQUEST CITY  
TREASURER***

Joshua Baker requested approval to attend the ICSC Conference in Las Vegas. Joshua said he has appointments set up to meet with some developers and the latest grocery store study has been updated and he could take that with him. Dan Olsen **moved** to approve \$1,346.65 for travel. Robert Hall **seconded** the motion. The motion passed with the following roll call:

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

***TRAVEL REQUEST FOR  
CITY MANAGER***

Council members received a copy of the financial statements. Councilman Kitchen said as he looked at the figures he felt the department heads were doing a good job of watching their budgets. Joshua Baker told Council that he is putting together some statistical data for the Council when they meet to discuss the budget and told them if they wanted anything included to please let him know.

***REVIEW OF FINANCIAL  
STATEMENTS***

**Animal Control SSD** - Councilman Olsen said they will have the final walk through on the new animal shelter building

***DISTRICT AND  
DEPARTMENT HEAD***

and will hold an open house at a later date.

## *UPDATES*

**Fire Suppression SSD** - Councilman Hall asked Nikki if Jeremy Raymond got with her about the money for the new fire station. Nikki said he had not. Councilman Hall said he would make sure he does that. He had nothing else.

**Road Department** - Jim Harper said with the new bucket truck they will be working on banners.

**Police Department** - Chief Watkins said the department has been busy and they just had a department shoot to get everyone certified on their new firearms. Councilman Hall asked if they could please keep an eye on 2000 East. He said they still have an issue with people speeding and with people running the four-way stop. A suggestion was made about painting sidewalks at the intersection to bring attention to the signs. Chief Watkins said they need the pedestrian traffic and he would get with Jim Harper to discuss it.

**City Manager** - Joshua Bake said they have a meeting scheduled to discuss the Farm 2014 Subdivision and he was optimistic about being able to move forward with this.

Councilman Olsen wanted to know if they wanted Josh to have the Planning Commission discuss irrigation easements under the road in the City. Mayor Baker said they have talked about creating a section in the land use ordinance that deals with irrigation to make sure the developers are getting with the irrigation people. Councilman Olsen said he took a letter around to residents of ParkView Subdivision as a representative of the water company and he said several of the land owners that he spoke with had no idea that there was an easement on their property. Councilman Hall wanted to know if the pipe was on the plat. Councilman Olsen said it was not. He said the developer of the subdivision sold the lots not disclosing that easements were in place on the property. Mayor Baker asked about the title company disclosing it. Councilman Kitchen said he spoke with Randy Simmons one time at the County Recorders office and was told that irrigation line easements were not recorded because those lines have eminent domain over anything. Councilman Kitchen said that was okay when the lines were open ditches. He said they need to do something to get a handle on this. Councilman Olsen said Blue Stakes does not know anything about irrigation lines and they can't mark them. He said he took Joshua and Chief Watkins this week

## *O T H E R M A T T E R S / F U T U R E C O U N C I L M A T T E R S*

to show them where the shut off valve is for that particular line in case something happens. Councilman Olsen said this matter has the potential to impact all of the subdivisions because you could do some major damage to the basements. Joshua Bake said he and the Mayor met with an engineering firm that has contracted with another community and they are using the GPS to locate the irrigation lines. Joshua said they don't have to contract with this company but it would be a good idea to know where those lines are. Councilman Olsen said the Ashley Water Users had him come in last year and draw the lines he knew about on their big map. Councilman Olsen said the reason this came up was because a resident in ParkView was installing a vinyl fence this last week and the fence installer was drilling holes on top of the irrigation line that goes toward Dean Baker's house. No action was taken on this matter.

Dan Olsen **moved** to adjourn the meeting at 9:30 p.m. Gordon Kitchen **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 14<sup>th</sup> DAY OF MAY 2015

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

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