

**Naples City Council
December 10, 2015
Minutes**

The regularly scheduled meeting of the Naples City Council was held December 10, 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, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Doug Morrill, Jim Harper, Drew Cox, Liberty Best, Cable Murray, Connie Patton, Ryan Cook, 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 Gordon Kitchen offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval and asked the Council to move item fifteen, the annual audit report, after item four. Dennis Long **moved** to approve the agenda with those changes. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker presented the minutes of the November 12, 2015 city council meeting for approval. 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 something they wanted to follow up on from the previous meeting. Councilman Reynolds wanted to know what Dale Peterson found out about the fees being charged by Vernal City and Uintah County. Joshua said Mr. Peterson would have that information for the first meeting in January.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$30,375.69. Dennis Long **moved** to accept the amount. Kenneth Reynolds **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

Doug Morrill with Pinnacle Accounting Services was in attendance to present work completed on the FY 2014/2015 audit. Mr. Morrill stated they have completed the audit but did not have all of the information put together to present in hard copy. Mr. Morrill did present the Council with a preliminary draft of the audit. He said the GASB 34 requirements were keeping them from having everything completed. Mr. Morrill stated his main goal tonight was to get a draft copy presented and he expects to have the final report at the end of next week. No action was taken.

AUDIT REPORT

The City received notice that the term for the person appointed to the Mosquito Abatement District Board would expire at the end of December. A notice was posted in the newspaper asking for letters of interest to be sent to the City. Robert Hall **moved** to approve Gary Red Hatch to the Mosquito Abatement District Board and to adopt Resolution 15-284 making that appointment. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***MOSQUITO ABATEMENT
DISTRICT APPOINTMENT
RESOLUTION 15-284***

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

Joshua Bake presented Ordinance 15-174 to the Council for approval. Joshua said this was a follow up to the re-zone of Otter Creek Subdivision at the last meeting and would amend the Naples City zoning map. Dan Olsen **moved** to approve Ordinance 15-174. Kenneth Reynolds **seconded** the motion. The motion passed as follows.

***ORDINANCE 15-174
AMENDING THE NAPLES
CITY ZONING MAP***

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

Mayor Baker stated an agreement has been signed with

RATIFY AGREEMENT

Uintah County regarding the turnaround and fence on 1750 South. Mayor Baker was asking the Council to ratify the signing of the agreement. Dennis Long **moved** to ratify the agreement. Dan Olsen **seconded** the ratification. The motion passed with all voting aye. Councilman Reynolds wanted to know what took place in the discussion and why the County built the turnaround without telling the City. Joshua said they were told the County was up against a deadline with the FAA. He said they needed to get things done. Joshua said him and the Mayor met with attorney Dennis Judd about what could be done to protect the safety and security of citizens living along that road. Joshua said the new gate being installed at the end of 1750 South would seal off the end of the road essentially creating a turn around in Gordon Kitchen's driveway. Joshua said, according to City ordinance, any new development or any changes to the road required a turnaround to be built, 100' in diameter. Joshua stated the County has a very similar ordinance as does Vernal City. Joshua said they have been going back and forth with the County to see about getting this done and the County just moved forward with it. Joshua explained the turnaround was not wide enough and the Fire Marshall agreed it did not meet fire code. Joshua said the turnaround was then widened and the County had Troy Ostler provide a statement that the turnaround would be sufficient to handle the needs of the area. Joshua said they approached the County about how to ensure the turnaround is finished with the proper surface. Mr. Judd felt the City could make sure the turnaround is completed to our standards with a simple agreement. Joshua said they expressed to the County that the City had no desire to shut down their project, he stated the City wants to be a good neighbor and work with them, but ordinances need to be followed for the safety of our citizens. Mr. Baker stated there are twelve residential houses along the street that need garbage service, they need plowing, and they need safe access for emergency vehicles. Joshua reiterated that the City is happy to work with the County and be good neighbors, they signed the agreement and the red flag on the fence was taken down and the project can continue.

***WITH UINTAH COUNTY
REGARDING 1750 SOUTH
TURNAROUND AND
FENCE PROJECT***

Two change orders for work completed on the 500 South 2000 East project were presented to the Council for approval. Cable Murray with Timberline Engineering was present to explain the change orders. Mr. Murray said they have been holding on to change order number two so he could get more information. He also had change order

***APPROVE CHANGE
ORDERS FOR 500 SOUTH
2000 EAST***

number five which he met with the Mayor and Joshua before proceeding with the work for it. Mr. Murray explained the reason for change order number two and why they held onto it for a time. He stated this change order was the one with Questar Gas and the relocation of a utility line. He waited on this one until he could get more information from Questar. He said there was a portion of one of the gas lines that needed to be lowered near the Mayberry home. He said they dug the line deep but eventually had to come up to tie into the line. Mr. Murray at first thought this was going to be a cooperative effort in the movement of the line and they moved forward with it because it needed to be done in order to keep the project moving forward. Mr. Murray said they have been trying to work with Questar and they didn't get very far with them when asking for monetary compensation for this. Mr. Murray's recommendation was to approve change order number two and maybe through the franchise agreement negotiations the City might be able to recover some of those costs. Joshua Bake stated the City is working with Questar to get the franchise agreement up to date. Councilman Olsen asked for the correct amount of the change order. Mr. Murray stated it was \$10,793.62 and that was to move the line in three places. Dan Olsen **moved** to approve change order number two. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

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

Mr. Murray presented change order number five in the amount of \$13,945.20. He reported there was a discrepancy between the road design of the curb and gutter and where the fence along the golf course was placed. Mr. Murray said they worked with the Recreation District to bring in fill material to bring the grade up. He said that worked for a good portion but in some places the grade and fill material didn't work. He said toward the south they had to install small retaining walls which required additional concrete work to help blend everything in. Mr. Murray said they met with the Mayor, Jim and Josh and reviewed it before doing this. Joshua said it was a unique solution that worked out really well and looks really good. Dennis Long **moved** to approve change order number five. Councilman Reynolds questioned

the big jump in the amount of the contract price between change order number two and change order number five. Mr. Murray thought that would be due to change orders three and four that were previously approved. 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

Cable Murray presented the payment request for Stubbs and Stubbs for work completed to date on the 500 South 2000 East road project. He said the requested amount is \$230,074.90. Councilman Reynolds wanted to know if the Recreation District, the County or Vernal City contributed anything to this project. Mayor Baker said the Recreation District helped with the fill dirt and fence and the drainage into the retention pond. Mayor Baker said when Vernal City did their sewer improvements they put in the stub outs that were used. Councilman Kitchen stated the road belongs to Naples City and is our responsibility. Mr. Murray said this is the final pay request at \$230,074.90. Mr. Murray pointed out the retainage amount that will be held until it's determined that everything has been completed satisfactorily. Mr. Murray said approval of the final bill would normally release that retainage but they are going to hold onto that until the fence is replaced where the car hit it. Mayor Baker said there was some concern about the road coming up in the Spring because of when the asphalt was laid down. Mr. Murray said issues like that are covered with the contractor's performance bond. He said if any of the work is found to be faulty within the first year then it is covered by the performance bond. Mr. Murray said they will look at it again in the Spring. Robert Hall **moved** to release the payment of \$230,074.90. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

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

***APPROVE PAYMENT
REQUEST FOR STUBBS
AND STUBBS***

Mr. Murray said they completed the final walk through and the slope on the back side of the gulch looks great, he said the erosion blanket is pinned down, the pipe they extended over has a nice outlet with a grate, they modified the storm inlet boxes and feels that modification was great. Jim Harper said everything looked really good.

***FINAL INSPECTION
REPORT ON 500 SOUTH
2000 EAST***

The final payment for Timberline Engineering for the 500 South 2000 East project was presented. Dennis Long **moved** to approve \$15,665.23. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***APPROVE PAYMENT TO
T I M B E R L I N E
ENGINEERING FOR 500
SOUTH 2000 EAST
PROJECT***

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

Joshua stated that Mr. Murray has been great to work with on this project. He stated Mr. Murray was so good with the neighbors that sometimes weren't happy with the project. Mr. Murray said he felt the project turned out fantastic and he would get all the logs to Jim that show all the tests that were completed.

Lieutenant Cox presented a travel request to attend the Child Abuse Conference in San Diego. He said the Children's Justice Center pays for the cost of the conference and he was requesting airfare and per diem for the three days. Councilman Olsen asked Lieutenant Cox about a rental car. Lt. Cox said he would be meeting up with another officer from here and they would have a car. Dan Olsen **moved** to approve the requested \$380. Dennis Long **seconded** the motion. The motion passed with the following vote:

TRAVEL APPROVAL

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

Jim Harper asked for Council to approve \$673.38 for street light repairs. He said they found a couple of damaged lights and they didn't know how to repair them. He said they received help from B.H.I. and their technician helped repair them but also taught the road department how to repair them. Jim said they now have the knowledge to take care of

***EXPENDITURE FOR
STREET LIGHT REPAIR***

the lights which should save them money in the future. Dennis Long **moved** to approve \$673.38. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

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

Council members received copies of the 2016 annual meeting schedule and the 2016 holiday schedule. Dan Olsen **moved** to approve them. Robert Hall **seconded** the motion. The motion passed with all voting aye.

APPROVE ANNUAL MEETING SCHEDULE AND HOLIDAY SCHEDULE

Kenneth Reynolds **moved** to convene into the Local Building Authority of Naples City to authorize payment to B.H.I. for the fire station contract. Robert Hall **seconded** the motion. The motion passed with all voting aye.

CONVENE INTO THE LOCAL BUILDING AUTHORITY OF NAPLES CITY

Dan Olsen **moved** to close the meeting of the Local Building Authority and to reconvene back into regular city council meeting. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in favor.

RECONVENE BACK INTO CITY COUNCIL MEETING

Mayor Baker said he added the discussion of employee Christmas bonuses to the agenda. He stated that times are tight and they have cut the budget but he would recommend a minimum bonus of \$100 net for full time employees and \$75 for part time employees. Councilman Olsen and Councilman Hall both recommended \$150 net. Dan Olsen **moved** to approve \$150 net for full time employees and \$75 net for part time. Robert Hall **seconded** the motion. The motion passed with the following vote:

DISCUSSION ON EMPLOYEE CHRISTMAS BONUS

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

Councilman Long wanted to know the status of the two houses on 2500 South. Joshua Bake stated they are trying to get the brick off the one, some of the family members wanted some of the brick and that has delayed it a bit. He also stated they are working to update the nuisance

OTHER MATTERS OR FUTURE COUNCIL MATTERS

ordinance so they can better handle the issue with the blue trailer. Joshua said they also want to have something in place that would address the weeds if that becomes a problem.

Councilman Long also asked about the jake brake ordinance. Joshua said he sent a draft to Dennis Judd and he apologized that he has not followed up on that.

Council members watched the training that was available on the Utah State Auditor website for open and public meetings training. All Council members were present for this training.

ANNUAL OPEN AND PUBLIC MEETINGS TRAINING

In the middle of the training City Attorney Dennis Judd arrived for the closed session listed on the agenda. Dan Olsen **moved** to table the training session to go into a closed session. Gordon Kitchen **seconded** the motion. The motion passed as follows:

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

Dan Olsen **moved** to go into the closed session to discuss potential litigation. Gordon Kitchen **seconded** the motion. The motion passed with a roll call vote:

CLOSED SESSION TO DISCUSS POTENTIAL LITIGATION

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

Mayor Dean Baker, Council members Robert Hall, Dan Olsen, Dennis Long, Kenneth Reynolds, and Gordon Kitchen were present in the closed session. Joshua Bake, Dennis Judd, Andrew Cox and Nikki Kay were also present.

Robert Hall **moved** to come out of the closed session. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

MOTION TO GO OUT OF CLOSED SESSION AND MOVE BACK TO ITEM NINETEEN

Dan Olsen **moved** to go back to the open and public meetings training. Robert Hall **seconded** the motion. The motion passed with all voting in the affirmative.

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the City Council meeting at 10:0 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 14th DAY OF JANUARY 2016

BY: _____

ATTEST: _____