



City of Naples

Naples City Council Meeting Agenda
March 26, 2015 - 7:30 p.m.
1420 East 2850 South
Naples, UT 84078

Opening Ceremonies

1. Approval of Agenda - *take off #9*
2. Approval of Minutes - March 12, 2015 Regular Council Meeting
3. Any follow up matters from meeting of March 12, 2015
4. Approval of Bills - Connie Patton
5. Business License Approvals - Nichola Kay Photography 889 East 2910 South
6. Legislative Update - Representative Scott Chew
7. PUBLIC HEARING - The Farm Subdivision Petitions to Amend Plats
8. Planning Commission Recommendation for Petition to Amend "Amendment A to Phase I & II Plats" of the Farm Subdivision
9. Pheasant Run Final Approval for Phase II & III - *pull from agenda*
10. Update on 2500 South Asphalt Testing - Ryan Cook
11. Request to Purchase from Road Department - Ryan Cook
 - Parts for Tank Sprayer
 - Herbicide
 - Light Bar
12. Approve Expenditure for Bobcat Chipper Repair - Ryan Cook
13. Approve Request to Travel for City Administrator - Joshua Bake
14. New Hire in Police Department - Joshua Bake
15. Request for Donation and Set-up Help for Easter Egg Hunt at Naples Park
16. Approve Resolution 15-272 Establishing Local Building Authority
17. Other Matters/Future Council Matters
18. Motion to Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Naples City offices at 789-9090, 1420 East 2850 South, Naples, UT 84078 at least 48 hours in advance of the meeting. Meetings are held at 1420 East 2850 South, Naples, UT.

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda was faxed or emailed to the Vernal Express. The agenda was also posted in the City Hall lobby, outside the door of the City Office building, on the City's website www.naplescacityut.gov, and on the State Public Meeting Notice website <https://pmn.utah.gov>. Nikki W. Kay

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Naples: City Council

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Entity: Naples

Body: [City Council](#)

Subject: Business

Notice Title: Naples City Council

Notice Type: Meeting, Hearing

Notice Date & Time: March 26, 2015 | 7:30 PM - 9:30 PM

Description/Agenda:

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Notice of Special Accommodations:

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Meeting Location:

1420 East 2850 South
Naples , 84078

[Map this!](#)

Contact Information:

Nikki Kay
4357899090
nkay@naples.utah.gov

Audio File Address

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Notice of Electronic or telephone participation:

n/a

Other information:

This notice was posted on: March 25, 2015 02:35 PM

This notice was last edited on: March 25, 2015 02:35 PM

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Naples: City Council

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Entity: Naples

Body: [City Council](#)

Subject: Land Use

Notice Title: Naples Public Hearing

Notice Type: Hearing

Notice Date & Time: March 26, 2015 | 7:45 PM - 8:30 PM

Description/Agenda:

NOTICE TO PUBLIC: Naples City Council will hold a Public Hearing at the Naples City Office on March 26, 2015 at 7:45 p.m., located at 1420 East 2850 South Naples Utah 84078, The Naples City Council will discuss the following items: The review of a Petition to amend Amendment A to Phase 1 and Phase 2 Plats of the Farm Subdivision pursuant to Utah Code 10-9a-608(1)(a) located at 1900 South 2200 East. This amendment will address easement issues and will address the elimination of the designation of greenspace. The public is invited to come and comment on these proposed changes. Further information can be obtained by contacting the City at 435 789 9090.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during these hearings should notify the Naples City Office at least three days prior to the hearing to be attended.

Notice of Special Accommodations:

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Notice of Electronic or telephone participation:

n/a

Other information:

This notice was posted on: March 12, 2015 12:12 PM

This notice was last edited on: March 12, 2015 12:12 PM

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Meeting Location:

1420 East 2850 South
Naples , 84078

[Map this!](#)

Contact Information:

Nikki Kay
4357899090
nkay@naples.utah.gov

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**Naples City Council
March 12, 2015
Minutes**

The regularly scheduled meeting of the Naples City Council was held March 12, 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 Larry Pilling, Winni Pilling, Carlene Slauch, Commissioner Raymond, McKay Esplin, Matt Esplin, 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 Gordon Kitchen offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval. Kenneth Reynolds **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 February 26, 2015 regular City Council meeting for approval. Councilman Kitchen stated he was not at the meeting of February 26th and noted several instances where it showed him voting in the affirmative in the minutes. Dennis Long **moved** to approve the minutes with the corrections. 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. Nothing was brought forward.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills for payment approval. The amount presented to the Council was \$111,344.82. Gordon Kitchen **moved** to approve the bills. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

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

A business license application was received from **AB Automotive** located at 573 S 1500 E. Joshua Bake reported that Dale Peterson did not recommended approval of this license at this time. He said there were a couple of issues dealing with the building and it was not ready. No action was taken.

BUSINESS LICENSE APPROVALS

A business license application was received from **Blue Northern Constructors** located at 1144 E 620 S. Joshua reported that Dale Peterson recommended approval for this license. Dan Olsen **moved** to approve the business license for Blue Northern Constructors. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Joshua Bake gave Council information on a request from Uintah County to speak with them about the airport fence at the end of 1750 South. Commissioner Mark Raymond thanked the Council for allowing him time to speak with them about this matter. Commissioner Raymond told the Council the FAA has certain rules and requirements and one of those is the airport fence be located 1' off the property line. He said with the solid wall fence they were going to put near Councilman Kitchen's home, the City's requirement includes a 4' landscaping strip. Commissioner Raymond said they approached the FAA about moving the fence back an additional amount so they could put the landscaping in front and that request was denied. Commissioner Raymond said, in an effort to move forward, they were petitioning the Council to amend the zoning ordinance or waive the requirement in this particular case so they can put up the wall fence and tie into it. Councilman Hall wanted to know how long this portion of the fence would be. Councilman Kitchen said his property is 360' and it would be that much less the road right-of-way. Commissioner Raymond asked if they would waive the 4' landscape strip. Councilman Kitchen said he has had conversations with the County about the fence and this requirement is in the ordinance. He said the FAA is very stiff on the rules and regulations and they won't budge on this. Councilman Kitchen just wasn't sure how the process should go on this. He didn't know if they could do it in this meeting. Councilman Long wondered if they could

DISCUSSION REGARDING THE AIRPORT FENCE AT THE 1750 SOUTH ROAD

waive this and if they had the power to do that. Councilman Hall was hesitant about waiving an ordinance. Joshua Bake said they could do an ordinance change or a variance but the variance process would take longer because they do not currently have a Board of Adjustment set up. Joshua said this would also need to start at Planning & Zoning because it is a land use ordinance change. Joshua said they would need to get the recommendation from Planning & Zoning and it will also require one public hearing. Councilman Kitchen asked how this would affect the timing. Mr. Anderson with Uintah County asked if he could speak. He said the timing for this is really important. He stated they are in the process of putting up the fence and they want the chain link fence to meet up with the wall fence. He said they can work on the chain link fence while they wait for an answer to this issue if that would be okay. Commissioner Raymond asked if it would be possible for the Council to give tentative approval, subject to the process being complete. Commissioner Raymond said if they did not get that approval then it would fall on them to take down the fence. Commissioner Raymond stated that Mr. Kitchen is okay with this and they are trying to complete the steps to make sure everything is legal, he thought there should be a way to do this. Mayor Baker said this would have to go back to Planning & Zoning and the soonest it could come back to Council would be the next meeting in March. Joshua said this will require a public hearing so it wouldn't be until April. Joshua said the Council is the final land use authority and even though they can't make a final decision at this meeting they could give some direction. Councilman Hall said they can state their intent. Mr. Anderson asked if the public hearing could be held on the 26th at City Council. Council discussed if that would give enough time. Councilman Kitchen wanted to know if that would allow the Planning Commission the right amount of time to discuss this. Councilman Olsen said the public hearing should be held in Planning & Zoning. Joshua said it is allowed to hold the public hearing in City Council but typically it should be held in Planning & Zoning. Councilman Hall said they can't give permission but they do have the Council's intent and they can take a calculated risk and put up the fence as the Council goes through the process the right way. Commissioner Raymond said they will follow their recommendation. Joshua said they will put the discussion on the agenda for the upcoming Planning meeting to at least give them time to think about it.

Councilman Kitchen asked Mr. Anderson about the Pehacek

agreement for the irrigation lines that run through the airport. Mr. Anderson said they are still trying to figure that out and they discussed the two lines that run on the airport property. Councilman Kitchen wanted to make sure they understand the canal water line and the irrigation laterals are separate. Councilman Kitchen said if the FAA doesn't want the lines on the property they need to have agreements in place concerning the maintenance of the lines. Commissioner Raymond stated even the FAA concedes that irrigation lines have a priority right. He said their proposal to them would have helped move the line to the other side of the fence but as it stands now, if there are issues with the line, they will allow the people who do the maintenance on the property to fix them. Councilman Kitchen said the bigger concern is the one that will go under the runway. Commissioner Raymond said they will need to visit about that one.

Councilman Kitchen also asked about the turn around on Mr. Walker's property. He said there appears to be a 20-30' space between the turn around and the fence on the drawings. He wanted to know what will become of that area as far as maintenance. Mr. Raymond said if the County purchases that for the turn around then they will take care of it. Mr. Raymond said they are still in negotiations on that.

Carlene Slaugh came before the Council to request the use of Naples Park for the Rely for Life on June 5th and 6th. Ms. Slaugh said she is the marketing lead and a team captain for Relay for Life. She stated she has been involved in Relay for five years. Ms. Slaugh asked the Council if they would approve the use of the Naples Park again this year for the event. She said they enjoyed it very much last year. Ms. Slaugh gave information on how the Relay works and what they do at the park during this fund raiser. Ms. Slaugh stated that everyone has someone they know that has been affected by cancer and that it is the number two cause of death behind heart disease. Ms. Slaugh said the Relay celebrates survivors, remembers those who have lost the fight with cancer, and also asks people to take a personal commitment of better health. Ms. Slaugh reported the event held in this community is in the top ten in the western United States for fund raising. Ms. Slaugh thanked the Council for allowing them to use the park last year and wanted to ask if they could use it again this year. Ms. Piling asked if she could make a comment. She stated they are not opposed to event but they are opposed to it going on all night because of the loud music. Ms. Slaugh stated the reason they hold it

**REQUEST APPROVAL TO
USE NAPLES PARK FOR
RELAY FOR LIFE**

*Mayer Baker
recognized ms. Pilling*

through the night is to remind people that cancer never sleeps. She said they do try and turn the music down at midnight. Ms. Piling said it never seemed to go down last year. Ms. Slauch stated it was just one night a year and didn't think that was too much to ask. Councilman Hall stated it is a good cause and it is only one night a year and for that reason he **moved** to approve the request for the use of the Naples park. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Council members received a copy of Ordinance 15-169. Nikki Kay stated this was a revision of the GRAMA ordinance they received just a few months ago. The ordinance needed to be updated with the current Utah State codes. Dan Olsen **moved** to adopt Ordinance 15-169. Kenneth Reynolds **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

Chief Watkins requested approval to purchase a new radio for one of the police vehicles because they are short one, the amount requested was \$700 and he stated it is in his budget. Robert Hall **moved** to approve the purchase for \$700. Dan Olsen **seconded** the motion. The motion passed with the following vote:

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

Chief Watkins asked approval to attend the Utah Chief's of Police conference in St. George. Chief Watkins requested \$512.60 for the travel. Dennis Long **moved** to approve the request of \$512.60. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote

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

GRAMA ORDINANCE 15-169 AMENDING ORDINANCE 14-163

REQUEST TO PURCHASE NEW RADIO

APPROVE TRAVEL REQUEST FOR POLICE DEPARTMENT

Gordon Kitchen Aye

Council members received pictures of several items the road department wanted to surplus and also a few items from the city office. Gordon Kitchen stated he looked over the list and **moved** to approve this request. 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

***REQUEST APPROVAL TO
SURPLUS ROAD
DEPARTMENT AND CITY
OFFICE ITEMS***

Jim Harper submitted a travel request for Ryan Cook and Szeth Simmons to attend the road school in St. George. He stated the classes offered are very good and it is also a way to network with other departments from around the State. The amount requested for travel was \$2,083.22. Kenneth Reynolds **moved** to approve the travel. Dennis Long **seconded** the motion. The motion passed with the following vote:

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

***TRAVEL REQUEST FOR
ROAD DEPARTMENT***

Mayor Baker and Joshua Bake requested approval to travel to Salt Lake City and meet with the Governor. Joshua said they recently met with the owners of the Microtel and one of the individuals at the meeting offered to set up a meeting with the Governor to discuss the potential of bringing a big box retail store to the Naples area. In the discussion the individual said they are interested in moving larger big box retailers to the rural communities and thought Naples City would be a great candidate and the person stated he has a lot of good connections with the upper management of this organization. Joshua said as he and the Mayor talked about this they thought it worth the effort even if nothing came of it. Joshua said they don't have an official travel request because plans have not been confirmed. Councilman Long wanted to know what the Governor had to do with this. Mayor Baker said the Governor has a committee that does economic development for rural communities and they would be meeting with them. Gordon Kitchen **moved** to approve

***TRAVEL APPROVAL FOR
MAYOR AND CITY
MANAGER***

the travel of Mayor Baker and Joshua. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

Councilman Hall asked the Mayor for a moment to recognize a young man attending the meeting who is working on a scout merit badge. Mayor Baker invited the young man and his mom to introduce themselves. McKay Esplin and Matt Esplin introduced themselves. Matt stated he was working on his citizenship in the community merit badge. He stated he was with troop 522. Councilman Hall asked Matt if he was going to get his eagle. Matt said he was.

Mayor Baker shared with Council his findings and thoughts on the Naples Justice Court. Mayor Baker said he visited with quite a few people about moving the court or keeping it here. Mayor Baker said he doesn't have an amount of what it would take to move the court but he did give some amounts for the salary of a court clerk. Mayor Baker said his intention was to move the court up to the county. He said he does feel like they need to update some of the processes. He thought a credit card reader is needed and he also thought the criteria for the person hired would be for them to be able to enter the court information as they go. Mayor Baker said as he has visited with everyone and took in the information he received, he reversed his opinion and wants to keep the court here. Chief Watkins said the police department usually does the UCJIS training for the court and it needs to be separated so he would need to keep in mind the cost of sending someone to that training. Mayor Baker said they discussed hiring one person and have that person help the City Administrator but the concern was the person hired might shift their focus primarily on the court. Mayor Baker's thoughts were to hire two part time people and have the administrative secretary cross trained on the court duties. Mayor Baker stated he hoped he did enough research to answer any questions the Council has. He said he did not approach the County Commissioners so the amount is unknown but he thought keeping the court here with two part time positions was the way to go. Councilman Olsen said he wanted to see the court stay here. Councilman Kitchen said he likes the idea of two part time people, it saves the City money plus it separates the two positions. Mayor Baker said he would like to see the City look into getting a credit card reader. Councilman Olsen thought they were very expensive. Joshua Bake said he helped get something like this set up in Casper for the court and there are companies

RECOGNITION OF ATTENDANCE

DISCUSSION AND DECISION REGARDING NAPLES JUSTICE COURT

out there wanting to work with courts and he could look into the options. Joshua said it really helps with the outstanding collections. Dan Olsen **moved** to proceed with setting up job applications for two part time positions and to post the jobs. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Mayor Baker wanted the Council to know they have run into a couple of issues regarding the form-based coding in relation to the fire station. He said they will discuss this at the next Planning & Zoning meeting. Mayor Baker asked the Council members, if possible, to try and attend that meeting and take part in the discussion.

*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*

Nikki Kay said the Council will also need to pass a Resolution to form a Naples Building Authority and those documents should be ready for the next council meeting.

Dan Olsen **moved** to adjourn the meeting at 8:30 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 26th DAY OF MARCH 2015

BY: _____

ATTEST: _____

March 23, 2015

MEMO TO: City Council

FROM: Joshua Bake, City Administrator

SUBJECT: The Farm Subdivision Petition to Amend Amendment A to Phase 1 and Phase 2 Plats.

Recommendation:

None, in an informal opinion from the Office of the Property Rights Ombudsman Mr. Brent N Bateman stated that "The local government may approve or deny the petition for good cause." The approval of the petition is at the discretion of the City Council. Staff has reviewed the application to amend and the application is complete and accurate.

Summary:

The Farm Subdivision submitted a petition to amend Amendment A to Phase 1 and Phase 2 Plats of the Farm Subdivision pursuant to Utah Code 10-9a-608(1)(a) located at 1900 South 2200 East. This amendment will address easement issues and will address the elimination of the designation of "greenspace."

A public hearing has been scheduled for City Council in accordance with the Naples Land Use Ordinance. The City received an informal opinion from the Office of the Property Rights Ombudsman in which certain selections are noted below:

- §606 and §608 are not in conflict of in this matter.
- Nothing in the statutory scheme *obligates* the City to approve a plat amendment application.
- Approval is permissive and applies a "good cause" standard of review.
 - Good cause is broadly defined and gives significant discretion to local government to approve or deny.
 - Good cause includes many factors including: whether approval will violate any other statutes or ordinances, the collective desires of the owners on the plat, the circumstances under which the original plat was approved, the requirements imposed upon the original approval etc.
- §606 does *not* apply at all to this matter.
 - The plat does not contain any designation of any property "as common or community areas."
 - "(i)t is our opinion that eh parcels designated only as green space are not common or community area. Therefore, §606 does not apply.

In conclusion, the developer has submitted a complete application requesting the amendments to phases 1 and 2. Planning and Zoning has voted to recommend approval of the amendments at the March 17, 2015 Planning and Zoning Meeting.

February 28, 2015

Joshua Bake
Naples City Administrator
1420 E 2850 S
Naples, UT 84078

Re: Petition to Amend *Amendment A to Phase 1 and Phase 2 Plats of The Farm Subdivision*

Petitioners:

- 1) **Nash Family LLC (Ray L. Nash)**
- 2) **Thaes Webb III**
- 3) **Kyler K. and Kimberly Lance**

Dear Mr. Bake,

Pursuant to Utah Code §10-9a-608(1)(a), a fee owner of land may petition the land use authority to have some or all of a plat vacated or amended. This petition package supersedes the previous application(s) that was(were) submitted. The following plats are seeking land use authority approval to clean up a couple of issues within The Farm Subdivision.

Amendment B to Phase 1 Plat: This plat will supersede, once approved, the recorded *Amendment A to Phase 1* plat of The Farm Subdivision. The following amendments have been made to the *Amendment A to Phase 1* plat of said subdivision.

1. **Lot 9A:** The northeast corner has been squared up, the existing French drain easement through the lot is being abandoned, a new easement is being added to the northeast corner to accommodate the existing irrigation pipeline, and a new easement is being added on the south side (parallel and north of the 10' P.U.E.) of the lot to accommodate the reroute of the existing French drain. All of these revisions are as shown on the *Amendment B to Phase 1* plat.

Amendment A to Phase 2 Plat: This plat will supersede, once approved, the recorded *Phase 2* plat of The Farm Subdivision. The following amendments have been made to the *Phase 2* plat of said subdivision.

1. **“Green Space” Designation:** The designation “green space” appeared on the Phase 2 plat. The city had alleged that such designation amounted to open space or common area owned by the HOA. In an opinion dated December 17, 2014 specific to The Farm Subdivision, the Utah Property Rights Ombudsman stated, “To assume that property designated only as “green space” is also common area is assuming too much.” The Farm Subdivision’s Home Owners Association (HOA) recorded a new *Declaration of*

Restrictions on January 26, 2015 after the landowners voted to adopt a new declaration pursuant to Utah Code §57-8a-104. The new declaration does not mention “green space” and when it was recorded it dissolved the HOA. To avoid uncertainty as to meaning and to remove any misunderstanding that it means common area, the “green space” reference on *Plat 2* has been deleted. There is no longer any land designated as “green space” in the project.

2. **Lot 17:** The west property line has been moved westerly to Phase 1’s Lot 9A’s east property line (now the same property line), a new easement has been added to the west side of Lot 17 to accommodate the existing irrigation pipeline and the rerouted French drain, and the northwest property corner has been relocated to the same location as Phase 1’s Lot 9A’s proposed northeast property corner. All of these revisions are shown on the *Amendment A to Phase 2* plat.
3. **“Farm Access”:** The “Farm Access” as shown on the *Phase 2* plat on the south side of 1900 S is being removed from Phase 2 and included in the remaining property owned by the Nash Family LLC. This land will be deeded to Cody Evans, after approval of this petition, and is explained below under enclosed item #4.

Enclosed with this letter are the following items:

1. **Completed Naples City’s “Amended Subdivision Plat Application”:** This application supersedes the previous application(s) that was(were) submitted. There are three (3) petitioners with this application that represent their respective amendment(s) stated above. One of the three is the potential land owner of Lot 17 of The Farm Subdivision and is anticipating ownership of said lot prior to the land use authority’s meeting when this petition will be discussed. The petitioners are:
 - a. **Nash Family LLC (Ray L. Nash):** Representing the “green space” designation and “Farm Access” amendment, which is owned by the Nash Family LLC.
 - b. **Thaes Webb III** (also known as Sandy Webb, Bishop Homes): Representing Lots 9A and Lot 17 amendments, which is owned by Thaes Webb III. It is anticipated that the ownership of Lot 17 will change over the next few weeks, which will most likely be before the land use authority’s meeting to discuss this petition.
 - c. **Kyler K. and Kimberly Lance:** Mr. and Mrs. Lance are the future landowners of Lot 17. It is anticipated that ownership of Lot 17 will change over the next few weeks, which will most likely be before the land use authority’s meeting to discuss this petition. They will join as a petitioner, effective immediately and automatically, once they are the official/recorded fee owner of Lot 17. They will represent Lot 17 amendments once they are the recorded fee owner.
2. **Letter form Kyler K. and Kimberly Lance:** Since the ownership will most likely change over the next few weeks (most likely before the land use authority’s meeting) of Lot 17, Mr. and Mrs. Lance have included this letter to indicate they agree with the amendments as noted above and shown on the *Amendment A of Phase 2* plat. They also state that they become a petitioner, immediately and automatically, once they are the official/recorded fee owner of Lot 17.

3. **Plats:** Required Mylar, 11x17, and electronic file required per application.
4. **Cody Evans Minor Subdivision Application, Fee, and Plat:** These items are being submitted at the same time as the amendment petition to clean up the subdivision of this property and to include the "Farm Access" on the south side of 1900 S, as shown on the *Phase 2* plat, with adjacent land currently owned by Mr. Evans. The said "Farm Access" is being deeded to Cody Evans and included in his property description on this plat. This application should parallel the petition to amend Plats 1 and 2 in the approval process, but must not be approved by city administration until after the *Amendment A to Phase 2* plat is approved.

Pursuant to State Code §10-9a-608(2)(a)(iii) and (v), a public hearing does not apply to this application since all the fee owners seeking amendments all joined in on the petition, unless local ordinances provide otherwise. I am not aware of a public hearing requirement for plat amendments in city ordinance. A public meeting must be held and notice must be given to adjacent property owners according to applicable city ordinance. Please plan on at least me presenting this petition to the Planning and Zoning Commission at their regularly scheduled March 17, 2015 meeting for a recommendation to the City Council. Then plan on at least me presenting it to the City Council at their regularly scheduled March 26, 2015 meeting for final approval. Please make sure we are on these agendas and the appropriate notifications are made in order to accommodate this meeting schedule and not delay the process. If preliminary and final plat approval is required by ordinance for this application, make sure that both (preliminary and final) are on both agendas.

Pursuant to State Code §10-9a-608(4), only fee owner(s) of the "portion" of the plat "described in the petition" are required to sign the above plats. The fee owners described above (in this petition) each have signature blocks on the appropriate plat for their amendment(s). These same fee owners are also the petitioners.

Please let me know if we are missing anything to complete this application to meet the meetings schedule outlined above. Thanks for all you are doing to move this development forward in a timely manner and promote development in Naples City. I look forward to working with you. Please let me know if you have any questions with what is contained in this letter and/or the included items.

Thanks,



Eric C. Olsen, PE
Authorized representative of Nash Family LLC

Enclosures

City of Naples City
People Serving People

Amended Subdivision Plat Application

Name of Applicant Ray Nash (Nash Family LLC) Date 2-28-15
Address (mailing) 13721 E. Marina Dr, Unit B, Aurora, CO 80014
Parcel # (s) Remaining Property of the Farm Subdivision
Phone # 303-755-8096 Fax # _____ E mail rlnash@mac.com Cell Phone 720-666-0009
Fee \$175.00 Date _____ Receipt # _____ Check # _____

This application is submitted to the Planning and Zoning Administrator to be checked for completeness. There shall be no presumption of approval of any aspect of this application process

Property Information

Subdivision Name The Farm Subdivision
Property Owner(s) Nash Family LLC
Ray Nash Mailing Address Same as Above
Phone # Same as Above Fax # _____ E mail Same as Above Cell Phone Same as Above

Agent for Property Owner(s) If Applicable

Name(s) Cliff Grua
Mailing Address(s) 2122 W. 1000 S. Vernal UT 84078
Phone # _____ Fax # _____ E mail bluemtnconst@substant.com Cell Phone 435-790-4080

Engineer/ Surveyor

Name Harold Nelson Marshall Address 85 S 200 E, Vernal, UT 84
Phone # 435-789-1017 Fax # _____ E mail _____ Cell Phone _____

Professional License # 179869

Note: The lot split shall not create an illegal lot and utilities can be provided without cutting up the roads.

City of Naples City
People Serving People

Amended Subdivision Plat Application

Name of Applicant Thaes Webb III Date 2-28-15

Address (mailing) PO Box 1048, Vernal UT 84078

Parcel # (s) Lot 9A (Phase 1) & Lot 17 (Phase 2) until Mr & Mrs Lunce

Phone # 435-789-2650 Fax # _____ E mail bishophomes.sandy@gmail.com Cell Phone 801-783-7360 take ownership of Lot 17

Fee \$175.00 Date _____ Receipt # _____ Check # _____

This application is submitted to the Planning and Zoning Administrator to be checked for completeness. There shall be no presumption of approval of any aspect of this application process

Property Information

Lot 9A & Lot 17

Subdivision Name The Farm Subdivision, until Mr & Mrs Lunce take ownership of Lot 17

Property Owner(s) Thaes Webb III Mailing Address Same as above

Phone # Same as Above Fax # _____ E mail Same as Above Cell Phone Same as Above

Agent for Property Owner(s) If Applicable

Name(s) None

Mailing Address(s) _____

Phone # _____ Fax # _____ E mail _____ Cell Phone _____

Engineer/ Surveyor

Name Harold Nelson Marshall Address 85 S. 200 E., Vernal UT 84078

Phone # 435-789-1017 Fax # _____ E mail _____ Cell Phone _____

Professional License # 179869

Note: The lot split shall not create an illegal lot and utilities can be provided without cutting up the roads.

City of Naples City
People Serving People

Amended Subdivision Plat Application

Name of Applicant Kyler R & Kimberly Lance Date 2-28-15

Address (mailing) 2127 E. 1900 S, Vernal, UT 84078

Parcel # (s) Lot 17, ^{Phase 2} After ownership is transferred from Thaes Webb i

Phone # _____ Fax # _____ E mail _____ Cell Phone 435-828-8938

Fee \$175.00 Date _____ Receipt # _____ Check # _____

This application is submitted to the Planning and Zoning Administrator to be checked for completeness. There shall be no presumption of approval of any aspect of this application process

Property Information

Subdivision Name The Farm Subdivision

Property Owner(s) before Trans: Mr. Webb
After Trans: Mr. & Mrs. Lance Mailing Address 2127 E. 1900 S Vernal UT 84078

Phone # _____ Fax # _____ E mail _____ Cell Phone Same as above

Agent for Property Owner(s) If Applicable

Name(s) None

Mailing Address(s) _____

Phone # _____ Fax # _____ E mail _____ Cell Phone _____

Engineer/ Surveyor

Name Harold Nelson Marshall Address 85 S. 200 E. Vernal UT 84078

Phone # 435-789-1077 Fax # _____ E mail _____ Cell Phone _____

Professional License # 179869

Note: The lot split shall not create an illegal lot and utilities can be provided without cutting up the roads.

February 28, 2015

Kyler K & Kimberly Lance
The Farm Subdivision, Lot 17
2127 E 1900 S
Naples, UT 84078

Re: Ownership and Amendment to the Phase 2 Plat of The Farm Subdivision, Lot 17

To Whom It May Concern:

The Farm Subdivision, Lot 17 is currently owned by Thaes Webb III (also known as Sandy Webb with Bishop Homes). We have contracted Bishop Homes to build us a home on Lot 17 of The Farm Subdivision. We will be closing on this real-estate purchase on the said lot with in the next few weeks.

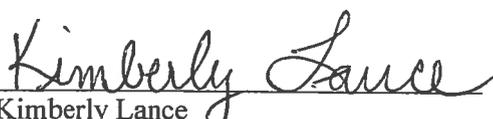
We have reviewed the amended plat and agree with the added easement(s) and lot line adjustments that are shown on the "Amendment A to Phase 2" plat of The Farm Subdivision, Lot 17. Once ownership is obtained, which we anticipate will be before the plat's proposed amendment will be approved by the Land Use Authority, we agree with and will sign the plat as drawn. We will also join as a petitioner with the petition to amend the Phase 2 plat, effective immediately and automatically, once we are the official/recorded fee owner of said Lot 17.

We sign this statement as a witness of each other.



Kyle K. Lance

Date: 2/28/15



Kimberly Lance

Date: 2/28/15

Amended Subdivision Plat Approval Check List

Applicant Check Here

Staff Checks Here

- | | | |
|--------------------------|--|--------------------------|
| <input type="checkbox"/> | Application form filled out and fee paid | <input type="checkbox"/> |
| <input type="checkbox"/> | Proof of ownership "Title Report" | <input type="checkbox"/> |
| <input type="checkbox"/> | If applicable a notarized statement that the owner has authorized an agent to make application | <input type="checkbox"/> |
| <input type="checkbox"/> | One 11 X 17 copy of plat for review purposes one electronic copy PDF format of plat | <input type="checkbox"/> |

Plat Requirements

- | | | |
|--------------------------|---|--------------------------|
| <input type="checkbox"/> | Boundary Survey plat is in accordance with Utah Code 17:23:17 and such additional information listed below: | <input type="checkbox"/> |
| <input type="checkbox"/> | Vicinity Map Section | <input type="checkbox"/> |
| <input type="checkbox"/> | A copy of the filed plat with the County Surveyor's office provided to Naples Planning office. | <input type="checkbox"/> |

Final Plat Ready for Signatures Check List

- Lines neat, clean and readable
- 24" X 36" Mylar plat ready for signatures-signed by owner and developer
- Plat conforms to approval checklist;

Key points: North point, scale, date, vicinity section, surveyor's seal, owner/notary signature, all applicable signature blocks, followed Utah Code 17:23:17

- Ownership checked by staff (Title Report)
- Final electronic copy PDF format

Recording Requirements

Final plat must be recorded with the Uintah County Recorder not more than Forty-five (45) days from the date of signature approval of the final plat by the mayor/council. The approval of the final plat by the Planning and Zoning Administrator/ Planning Commission shall not be deemed as the acceptance of the lot line split. If the plat is not recorded within the forty-five (45) days from the date of approval signed on plat by mayor/council, shall be null and void unless a longer period of time shall be approved by the mayor/council.

In addition, a copy of the recorded plat shall also be submitted to the Naples Planning Office.



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah
Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

FRANCINE A. GIANI
Executive Director

BRIAN N. BATTMAN
Lead Attorney, Office of the Property Rights Ombudsman

December 17, 2014

Robert Rosing
Morris Sperry
7070 S. Union Park Ctr., #220
Midvale, Utah 84047

Dennis L. Judd
Naples City
497 South Vernal Ave.
Vernal, Utah 84078

RE: Informal Opinion – The Farm Subdivision

Gentlemen:

This letter responds to your requests, by Mr. Judd on July 25, 2014, and by Mr. Rosing on November 18, 2014, that this Office provide an informal opinion regarding certain potential disputes between the Farm Subdivision and Naples City. I appreciate your requests and the opportunity to assist in hopefully resolving the issues. I also appreciate you and your clients' patience in awaiting a response.

I have carefully reviewed the materials you have provided. I have also extensively researched several principles of the law with respect to this dispute. After due consideration, this Office offers the following opinion.¹

We cannot simply apply our April 24, 2014 letter to the present state of facts. The situation presented at that time was very simple and the opinion produced was likewise oversimplified. The present situation requires more nuanced consideration.² Nevertheless, we affirm that, as stated in my April 24, 2014 letter, the selection of the word *and* in UTAH CODE §10-9a-606(1)(a)(i) must be considered intentional. Accordingly, we give full force and effect to that statute as written. Likewise, we remain persuaded that UTAH CODE §10-9a-608 permits the land use authority to consider a vacation or amendment to a subdivision plat, and that a plat vacation can remove or modify a portion that was originally platted as common area. We do not agree that §606 overrides or overrules §608. The canons of statutory interpretation dictate that all statutory sections be given equal effect and be read and applied harmoniously. *See Selman v. Box Elder County*, 2011 UT 18, ¶18. However, for the reasons stated below, we do not feel that §606 and §608 are in conflict in this matter.

¹ This informal opinion is provided in accordance with the Office of the Property Rights Ombudsman's statutory duties under UTAH CODE §13-43-203(1). This letter and its contents are not an Advisory Opinion under UTAH CODE §13-42-205, and the provisions of UTAH CODE §13-43-206 do not apply to any part of this letter. This letter contains only a summary legal opinion. If the parties would like to discuss this opinion in more detail, please let me know.

² It is safe to say that many of the considerations discussed here would have been considered and applied to the previous letter had they been presented then.

I. Standards for Considering a Plat Amendment

First, we point out that nothing that we can locate in the statutory scheme *obligates* the City to approve a plat amendment application. In fact, the statute provides the local government with significant discretion in approving or denying an amendment or vacation. Under the scheme set forth in UTAH CODE §10-9a-608 and -609, a property owner can apply for a plat amendment. Such application can request that a portion of the plat be vacated, UTAH CODE §10-9a-609. The statute then sets forth the standard that the local government uses to review the application:

- (1) The land use authority *may* approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
 - (a) there is good cause for the vacation or amendment; and
 - (b) no public street, right-of-way, or easement has been vacated or amended.

UTAH CODE §10-9a-609 (emphasis added). This language clearly makes approval permissive, and applies a “good cause” standard of review. This “good cause” standard is extraordinarily broad, and gives significant discretion to the local government to approve or deny the plat amendment. This high level of discretion is echoed in UTAH CODE §10-9a-608 with several words like “may” and “consider.” Accordingly, although such application can be made, there is a high level of discretion to approve or deny.

Upon receiving such an application to amend or vacate, the local government will consider whether there is “good cause” for the vacation or amendment. That very broad standard permits the local government to consider a variety of factors, including the impact of approval upon any other statutes or ordinances. If approval would violate another statute or ordinance, then “good cause” has not been shown.

Other considerations may factor into the decision. For example, the local government may weigh the collective desires of the owners on the plat, the circumstances under which the original plat was approved, the requirements imposed upon original approval, etc. For example, if open space was a requirement of the original plat, the local government should consider that when considering a plat amendment that eliminates that open space. In any event, it is not sufficient to simply state that a property owner can request a plat amendment, and the local government must approve it. Under Utah law the local government can consider the plat amendment, even to vacate a portion of the plat. But after due consideration, approval or denial is within the local government’s statutorily granted discretion.

II. Applicability of Section 606

Notwithstanding the above, we are of the opinion that UTAH CODE §10-9a-606 does not apply to this matter at all. That statute applies to “a parcel designated as a common or community area on a plat.” This does not describe the property in question here.

Utah Code §10-9a-606 states that:

- (1)(a) A parcel *designated as a common or community area on a plat* recorded in compliance with this part may not be separately owned or conveyed independent of the other lots, units, or parcels created by the plat unless:
- (i) the parcel is being acquired by a municipality for a governmental purpose; and
 - (ii) the conveyance is approved by the owners of at least 75% of the lots, units, or parcels on the plat, after the municipality gives its approval.

(emphasis added). While there may be many ways to create common or community area, in order for §606 to apply, the area must somehow be *designated as common or community area on a recorded plat*. This language sets forth a specific requirement that must be met. It requires an act of designation, and requires that designation to appear on a plat. That designation may take various forms, but must exist. We must assume that the statutory language here was chosen advisedly, and thus designation as common or community area of some kind is required. Accordingly, the language in §606 is too specific to conclude that designation of common area can be assumed where no explicit designation exists.

Requiring explicit rather than implied designation harmonizes §606 with other legal principles. The creation of common area nearly always requires the transfer of ownership of land. Common area is jointly owned by the lot owners in a development, and thus must be transferred to them by the original owner or developer. Thus, for property to become common area, *it must be conveyed*. Conveyance of property requires an act of conveyance. Implying acts of conveyance of property is dangerous territory.

In this matter, the plat does not contain any designation of any property "as common or community areas." The property in question was made part of the original plat only because it is shown on the recorded Concept,³ but the only designation on the plat is as "green space." With the exception of a small portion of the green space shown on the Phase I plat, there are no further designations.⁴ To assume that property designated only as "green space" is also common area is assuming too much.

not common
area

³ It appears that the Concept was included with and recorded with the Phase I plat. Viewed alone, the concept is clearly not a plat. It does not contain the requirements for a plat nor create lots. However, that does not mean that it is void or has no legal force or effect when recorded as part of the document package for Phase I. In the experience of this Office it is not uncommon to record a document showing the overall development plan when recording a discrete development phase. Such a recording would not create lots itself but may carry some legal implications regarding future overall development.

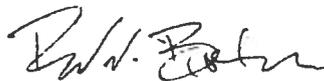
⁴ The small portion of the "green space" which is shown on the official Phase I plat (next to lots 8-9) is shown containing a retention pond, and specifically stated will be maintained by a homeowners association. Although we feel that this likewise is an insufficient designation to transfer the property to the homeowners as common area, at least it is connected on the plat to the homeowners association. Thus this retention pond area on the Phase I plat is excluded from the discussion about property designated as "green space."

This designation as "green space" does mean something. But in our opinion it means what it says. It limits the activities that can be undertaken on the designated land. However, we are not justified in inferring that "green space" means that the property has been conveyed in full fee title to the residents. Green space may exist for any number of reasons and any number of uses. Green space could be used for a private park, water retention, trails, farming and grazing, etc. Moreover, green space is often owned by a local government, by a private individual (with or without a conservation easement upon it), or by a homeowner association. We are not persuaded in this matter that it must be owned by the homeowners association, even after a review of the plats, covenants and restrictions, minutes, etc. We are not willing to make the legal leap from the sole designation "green space" to assuming that the developer intended to divest itself of all ownership and use of large tracts of land, and that ownership of such land is now vested in common by all members of the community, absent an instrument or indication of conveyance.³ Thus, we are of the opinion that §606 does not apply.

III. Conclusion

Circling back to the discussion regarding the local government's discretion to approve or reject a plat amendment, the parcels in question are designated as "green space." A plat amendment can include a request that the designation of property change, such as a designation change from green space to development. ~~The local government may consider, and if they are so inclined after due consideration, approve that request and remove the green space designation. However, changing a designation should not be done lightly.~~ As discussed, removing the designated green space may violate local ordinances, laws, green space requirements, or previous conditions of approval.

So to summarize, it is ~~our opinion that the parcels designated only as green space are not common or community area.~~ Therefore, §606 does not apply. Section 608 applies, and the owner of the green space can request an amendment of the plat and change in designation from "green space" to developable area. The local government must follow the statutory standards in considering such a petition, and consider all relevant factors, including the designation on the plat as "green space." The local government may approve or deny the petition for good cause.



Brent N. Bateman, Lead Attorney
Office of the Property Rights Ombudsman

³ It is worth pointing out that while a plat may convey property, such as dedication of a road to the public, the act of recording a plat itself does not convey property. Recording simply perfects notice of a conveyance. The plat must convey the property through language contained on the plat itself. See UTAH CODE §10-9a-607. The fact that the Concept was recorded here does not alone act to convey the property to the HOA any more than recording the Concept creates lots.

March 18, 2015

MEMO TO: Joshua Bake, City Administrator
FROM: Dale Peterson, Building Official
SUBJECT: Business License, Nichola Kay Photography

Recommendations:

That the Council approve, the application from Nichola Kay Photography to conduct a Photography – Art Business from her home located at 889 East 2910 South, Naples, Utah 84078 (Located in the High Country Subdivision)

Summary:

Most photos are taken at her customers request such as weddings, birthday parties, graduations etc.

The pictures are then cleaned up at her home, printed then delivered to her customers. Little activity is conducted at her residence!

March 19, 2015

MEMO TO: City Council

FROM: Road Department. Ryan Cook 

SUBJECT: Parts for 150 gallon spray tank (herbicide application)

Recommendation:

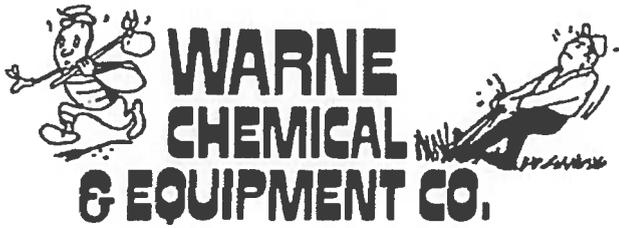
Approve \$1,129.83 plus \$100.00 shipping for the purchase of various parts and fittings to set up 150 gallon tank sprayer for weed control.

Total: 1,229.83

60-250 Equipment purchase / repair

Summary:

This would allow us to have two tanks, one for selective and one for nonselective herbicide. We would use the 50 gallon for non and this new setup would be for selective. Having this 150 gallon tank for our selective herbicide would reduce the number of trips back to the shop for refill and mix. Another great benefit will be having both setups is the ability to switch and spray selective or non without cleaning out tanks, or having both setups on had to spray both onsite.



2680 Commerce Road
Rapid City SD 57702
800-658-5457 * 605-342-7644
605-342-4036 Fax
www.warnechemical.com

March 19, 2015

Price Quote Prepared For: City of Naples
Contact: Ryan Cook
1428 2850 South, Naples UT 84078
Phone: (435) 828-5540
Email: naplesroad2@gmail.com

Price Quote Prepared By: Bill Gilles

PARTS AND VARIOUS PIECES FOR 150-GALLON SPRAYER

Customer has tank, pump, engine, solenoid valves, and other parts. This list will be parts to complete sprayer:

- Hose reel - \$280.00
- 100' of 1/2" high pressure spray hose - \$150.00
- JD9C handgun - \$179.00
- 1253R boomless nozzle (3' pattern) - \$97.25
- 1871R boomless nozzle (10' pattern) - \$114.88
- Nozzle plumbing, 2 @ \$33.30 each - \$66.60
- 30' of 1/2" hose @ \$0.99 per foot - \$29.70
- 30' of 3/4" hose @ \$1.55 per foot - \$46.50
- 1/2" M x F brass ball valves, 2 @ \$14.90 - \$29.80
- 1/2" HB x 1/2" MPT, 2 @ \$0.50 - \$1.00
- 3/4" x 1/2" reducer bushing - \$1.00
- 1" nut x 3/4" HB adapter, 2 @ \$3.50 - \$7.00
- 3/4" pressure regulator - \$34.50
- 200 psi pressure gauge - \$22.50
- 1/2" MPT x 1" MSPT 90, 2 @ \$1.90 - \$3.80
- 1" nut x 1/2" HB adapter, 2 @ \$3.50 - \$7.00
- 1" FSPT cap, 3 @ \$1.90 - \$4.70
- 1/2" hose clamps, 10 @ \$1.08 - \$10.80
- 3/4" hose clamps, 10 @ \$1.20 - \$12.00
- High pressure hose banding and ends, 2 @ \$11.90 - \$23.80
- 3/4" FPT tee, 2 @ \$4.00 - \$8.00

Total Parts List - \$1,129.83

Notes and Terms

- Quote valid for 90 days from above date
- FOB Rapid City SD

March 19, 2015

MEMO TO: City Council

FROM: Road Department Ryan Cook *RC*

SUBJECT: 2500 S. Road sinking

Recommendation:

None

Summary:

Update council members on engineering results of possible causes, repair costs, different methods of repair, etc...

March 19, 2015

MEMO TO: City Council

FROM: Road Department Ryan Cook *RC*

SUBJECT: Herbicide purchase

Recommendation:

Approve purchase 10 gallons of vista and 2.5 lbs of prospective

Vista - \$1,263.00

Prospective - \$184.00

Shipping \$50.00

Total: \$1,497.00

60-267 weed control

Summary:

All herbicide purchase State contract price

Documents submitted to Council
this 26 day of March, 2015.

March 19, 2015

MEMO TO: City Council

FROM: Road Department Ryan Cook *RC*

SUBJECT: Purchase of Caution lights from Safety Supply & Sign

Recommendation:

Approve the purchase of: 1- 45" Legend Amber w/2 White Led light bar (\$ 1,141.88)
Installation cable (\$74.47)
2- Micro pulse surface mount led flashers (\$200.00)
Shipping (\$50.00) if needed, Salesman will deliver if possible
Total: \$1,466.35
10-60-255

Summary:

This light bar is to replace the broken light bar on #9 small dump truck. We currently have 4 of these light bars on our equipment. They function well with simple installation.
Price is UDOT state contract.

March 19, 2015

MEMO TO: City Council

FROM: Road Department. Ryan Cook *RC*

SUBJECT: Bobcat Chipper repair,

Recommendation:

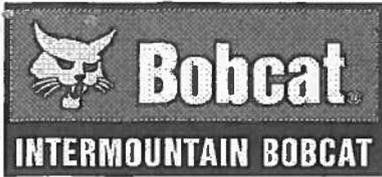
Approve payment to Intermountain Bobcat for labor involving Bobcat Chipper repair.

Total: \$ 657.40

10-60-254

Summary:

Spring test of equipment found the wood chipper not working. A repair man was needed to run some diagnostics to see if the chipper was communicating with the bobcat. An appointment was made for a time when he would be in the area on other calls to reduce travel cost. The problem was a bad controller that effects the ignition, hydraulics, and safety switches. The chipper is now working fine.



www.imbobcat.com

801-262-0208 Salt Lake Direct
 801-293-2167 Parts Direct
 801-293-2173 Service Direct
 801-293-2184 Rent Direct
 801-293-2185 Orem Direct

Remit To:
P.O. Box 27356
Salt Lake City, U
84127

60-254

Ship to: SAME AS BELOW

Invoice to: NAPLES CITY
 1420 EAST 2850 SOUTH
 NAPLES, UT 84078

Branch Bobcat SIC		
Date 03/13/15	Time 09:27:33 (O)	Page 01
Account No. 0003196800	Phone No. 435 7899090	Invoice No. S55233
Ship Via	Purchase Order 12345	
	G	
	Salesperson SJ1	

SERVICE INVOICE

STK#/FLEET#	HRS	PIN/EIN	WARRANTY DATE	HRS
BCCS0342	CHIPPER	X 739500342		
	WC-8A			

NOW OPEN IN OREM AT 890 NORTH INDUSTRIAL PARK DR 801-293-2185

REPAIR# 1 C 90014 NA 02/24/15 03/04/15 03/10/14
 SERVICE CALL JIM 435-828-5554
 DROVE TO LOCATION AND RETURNED HOME

10401001	LABOR	150.00
	REPAIR TOTAL==>	150.00

REPAIR# 2 C 90014 NA 02/24/15 03/04/15 03/10/14
 CHECK OUT CHIPPER WILL NOT START

CORRECTION:
 FOUND MACHINE STARTED AND BEGAIN DIAGNOSIS FOUND MACHINE TO
 INTERMITENLY START AND STOP NEVEER FULLY RUNNING CHECKED
 ALL ELECTRICAL CONECTIONS OHMED HARNESS AND SWITCHES FOUND
 THEM ALL TO BE IN WORKING ORDER DETERMINED CONTROLER IS
 BAD. NOTIFIED CUSTOMER HE STATED HE NEEDS TO GET APPROVAL
 AND WILL CALL. CALENED UP AND RETURNED HOME

ADDITIONAL DESCRIPTION:

IF STARTED MAKES SQUEAL NOISE

10401001	LABOR	280.00
	REPAIR TOTAL==>	280.00

***** WORK ORDER TOTALS *****

LABOR	430.00
ENVIRO FEES	38.70
FUEL SURCHARGE	38.70
SERV VEHCL INC	150.00
TOTAL CHARGE SALE	657.40

TERMS AND CONDITIONS OF SALE

Payment is due in full on the 10th of the month following invoice date. No goods will be accepted for credit unless returned with our permission, transportation charges prepaid. The buyer agrees to pay the seller 30% for cost of collection and 40% for attorney's fees should the seller deem it necessary to employ an agent or attorney for the collection of any money due the seller by virtue of sale item listed on the invoice, and hereby agrees to the jurisdiction of the appropriate courts in Salt Lake County in the State of Utah. No warranties of merchantability or fitness for purpose, express or implied are made except as noted. OEM and aftermarket parts carry limited warranty replacement subject to manufacturer offer. Applicable labor warranty applies to OEM parts only. Buyer to goods "as-is." The buyer agrees that the seller has a purchase money lien for the unpaid balance on all items sold and listed above until such time as the full amount is paid by the buyer to the seller. A late charge is assessed at 1.5% per month (18% per annum). A restocking charge is set at 20%.

March 23, 2015

MEMO TO: City Council

FROM: Joshua Bake, City Administrator

SUBJECT: Utah City Managers Association Training

Recommendation:

That Council, approve a travel request to attend the Utah City Managers Conference/Training in St. George Utah from 4/5-4/8.

Summary:

The Utah City Management Association is an organization committed to professional local government management, and members of UCMA are found in large cities and small towns throughout Utah. UCMA facilitates training and networking (e.g. conferences each spring and fall, regional luncheons each month, and a frequently used email listserv) for its members to promote their individual professional development. UCMA also participates in efforts to promote the merits of professional management in local government.

The requested travel/training includes a membership to UCMA as well as attendance for the conference. This conference is a great networking tool to obtain very valuable information and contacts in the profession of City Management.

Documents submitted to Council
this 24 day of March, 2015
March 23, 2015

MEMO TO: City Council

FROM: Joshua Bake, City Administrator

SUBJECT: Governor's Office Meeting to Discuss Possible Big Box Retailer

Recommendation:

None, Previously approved at the March 12 City Council meeting.

Summary:

Met with the Governor's Office to discuss the possibility of a big box retailer coming to Naples City.

March 23, 2015

MEMO TO: City Council

FROM: Joshua Bake, City Administrator

SUBJECT: American Planning Association Training for Utah

Recommendation:

That Council, approve a travel/training request to attend the American Planning Association Conference/Training in St. George Utah from 3/31-4/5.

Summary:

This is a highly recommended training from the other planners in the Basin and will begin the process for becoming a certified planner.

The following is a brief description of what The Utah Planning Association (UTPA) is:

The Utah Planning Association (UTPA) is an official Chapter of the American Planning Association (APA). UTAPA is a 500-plus member organization of professional planners and planning officials who serve Utah's communities in many ways, at all levels of government, the private sector and not-for-profit organizations.

The purpose of the Chapter is to encourage, promote and assist physical, economic, and human resources planning within the State of Utah and to further the purposes of the American Planning Association, including but not limited to the following:

- To provide for the exchange of ideas and to disseminate information to public officials and others engaged in or interested in planning and community development;
- To foster meetings, conferences, and educational programs relating to planning and development;
- To promote and support research and publications relating to planning and development and other pertinent subjects;
- To develop programs for the examination and continuing education of professional planners;
- To otherwise promote understanding, cooperation, coordination, and support necessary for progressive planning and development throughout the State of Utah.