

Naples City Council

February 22, 2024

Minutes

The regularly scheduled meeting of the Naples City Council was held February 22, 2024, 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, Andrew Bentley, Robert Hall, Ross Morton, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Michael Harrington, Craig Nebeker, Szeth Simmons, Ryan Cook, Nathan Simper, and Micheal Davis.

OTHERS ATTENDING

Mayor Baker welcomed everyone and called the meeting to order. He began the meeting with the pledge of allegiance and Dan Olsen offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval. Ross Morton **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

APPROVAL OF THE AGENDA

The minutes of the regular city council meeting of February 8, 2024 were presented for approval. Robert Hall **moved** to approve the minutes. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Nothing was brought forward

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Mayor Baker presented the bills in the amount of \$52,144.91. Dan Olsen **moved** to approve the bills as presented. Ross Morton **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

Robert Hall	Aye
Dan Olsen	Aye
Ross Morton	Aye
Kenneth Reynolds	Aye
Andrew Bentley	Aye

Council members received a copy of a work order with Sunrise Engineering for the 1500 South trail project and road maintenance. The work order contained the amounts for Engineering services to complete the preconstruction and construction work on 1500 South. Kenneth Reynolds **moved** to execute the contract for 1500 South. Dan Olsen **seconded** the motion. The motion passed as follows:

Andrew Bentley	Aye
Kenneth Reynolds	Aye
Ross Morton	Aye
Dan Olsen	Aye
Robert Hall	Aye

***EXECUTE CONTRACT
WITH SUNRISE
ENGINEERING***

Ryan Cook came before the Council to present the engineer's estimate to prepare the bid documents to stripe some of the roads in the city. Ryan explained they would be working with Vernal City to try and save money to stripe the roads. He said they could save on mobilization if they share the cost. Ryan said the amount presented in the email the Council received has actually been adjusted down to \$2,000. Ryan said that would tie the City in for two years because we only stripe every other year. Councilman Reynolds asked if Ryan already has the streets picked out for this year and if it included the stretch of road on 500 South north of the airport. He said that stretch is hard to drive down at night. Ryan said they are going to do the intersections and the land dividers and 500 South is a shared road. Councilman Reynolds wanted to know if that meant it wasn't going to get done. Ryan said the City could take on that cost if they want him to include it. Councilman Bentley said the purpose of this was to coordinate with Vernal City on this and it might be a good time to ask them about it. Ryan said he would talk with Clint at Vernal City about this. Robert Hall **moved** to approve the engineer's estimate for street striping. Ross Morton **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Ross Morton	Aye
Kenneth Reynolds	Aye
Andrew Bentley	Aye

***ACCEPT ENGINEER'S
ESTIMATE FOR STREET
STRIPING BID PROCESS***

Chief Simper presented the Council with bids on a digital storage system and equipment. Chief Simper stated he

***APPROVE BIDS FOR
DIGITAL EVIDENCE***

STORAGE SYSTEM AND EQUIPMENT

obtained three bids on the equipment and there is a lot of information about the equipment and he would try and keep it as simple as possible. He handed out a spreadsheet comparing all three bids. The three companies he obtained bids from were LensLock, Axon, and WatchGuard (Motorola). Chief Simper said he has been meeting with the different companies to come up with what they actually need and what they have to have. He said they have been with WatchGuard for four years with the dash cameras and two years with the body camera system. Chief Simper said they have been trying to store and maintain those on their own servers. Chief Simper pointed out how many hours Kim Kay spends and the annual cost of downloading videos in order to get them to the prosecuting attorneys. He stated they tried to downplay the numbers but if you calculate it out, it would be about \$15,000 of her annual salary spent maintaining and downloading videos. Chief Simper said they have been trying to get the costs for what it would be to band-aid the system and that would be almost what they would be looking at to go with a whole new system which would be about \$35,000. He said they have been storing the information on servers and if a server goes down you run the risk of losing information and then you have to dismiss cases. Chief Simper said the new systems would be based on cloud storage. Chief Simper was going to review the different companies when Councilman Hall asked him which company he recommended and why? Chief Simper stated many of the entities are with WatchGuard but he has been looking at LensLock. He said they are a fairly young company and they are trying to win people's business. Chief Simper had listed the pros and cons of each business on the spread sheet he handed out and said he believed the pros of LensLock outweighed the other two. He said the equipment, the support, and the access of LensLock offered the best options. Chief Simper said the unlimited storage of the videos was a high point as was the migration of old video data to the new system. Councilman Bentley asked if LensLock had a down side. Chief Simper said the only one he could see right now was a feature called "record after the fact." He explained it was a feature that WatchGuard has a patent on but LensLock is working on getting it. Councilman Olsen asked about the 5% discount with LensLock. Chief Simper said if the City purchased the equipment and paid for all five years up front they would get the 5% discount. Chief Simper stated a new or updated system would also save money by alleviating the man hours spent on downloading and sharing the video files. Councilman Hall asked if the

funds were available in his budget. Micheal stated they do have money in the ARPA funds. He said previous discussions were to use those funds toward the new street sweeper but they can use Class C funds for the sweeper and they would just need to make that budget change. Councilman Bentley asked if it was the initial cost or the total cost that wasn't in the budget. Micheal said it's both. He said this is an emergency cost that has come up. Councilman Hall believed it is needed if they are having to spend that much time downloading the videos. Chief Simper said they are at a catastrophe failure with their current system. Councilman Hall said he was ready to make a motion if they can work out the budget. Micheal said he would like to take it out of the ARPA funds and use Class C for the sweeper. Robert Hall **moved** to go with the LensLock bid in the amount of \$59,807.25 and come back and get it approved in the budget. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Andrew Bentley	Aye
Kenneth Reynolds	Aye
Ross Morton	Aye
Dan Olsen	Aye
Robert Hall	Aye

Council members received a copy of the CIB one and five year project lists for their review. Micheal stated it was time to update those projects. Micheal said they did buy the sweeper which was number three on the one year plan so they could remove that. Micheal said they can just move the listed projects up or add others if they want. Mayor Baker recommended they move the 1500 South dugway improvement from the five-year list to the one year list. Councilman Hall asked what the 2500 South street improvements were? Mayor Baker thought they were going to get the canal in and then improve the road along there. Dan Olsen **moved** they approve the changes discussed on the priority lists. Andrew Bentley **seconded** the motion. The motion passed with all voting aye.

Mayor Baker turned the time over to City Attorney Michael Harrington for the annual open and public meetings training. Mr. Harrington asked if anyone has taken the State Auditors open and public meetings quiz? Mayor Baker had. Mr. Harrington stated it was now required by the State Auditors Office for them to take it each year. Mr. Harrington showed the video and had the Council members answer the

REVIEW AND UPDATE CIB ONE AND FIVE YEAR PROJECT LISTS

OPEN AND PUBLIC MEETING TRAINING

questions from the video.

After answering the questions from the video Mr. Harrington asked the Council if they were familiar with the term "walking quorum?" Mr. Harrington said it is a hot topic right now and there are people out there waiting to prove it is a violation of the open meetings act and there have been cases of successful prosecution. Mr. Harrington described that a walking quorum is when someone on the council has an idea and they begin to talk about it to another member on the quorum and then shares it with another. He said once they have shared it with the third person, they have created a walking quorum and it against the public meeting act. Mr. Harrington stated the best practice is to discuss any City business during their open meeting. Mr. Harrington stated along those same lines, is ex-parte conversations. He said they all have people come up to them and state they have an issue they are concerned about, it's the Councils job to hear from people, but if it's of public concern and within the jurisdiction of Naples City, the best practice is to listen but not make promises or enter into substantive discussion. He stated the response should be to bring the matter back to a public meeting and invite that person to participate in the public discussion.

Mr. Harrington addressed social media and recommended Council members avoid making comment or engaging in conversation through social media on public matters.

Mr. Harrington addressed conflict of interest and disclosing those. He stated that anything that would materially affect how one makes a decision should be disclosed.

Councilman Olsen asked about a citizen requesting to be on the agenda and being allowed to speak and then having the discussion turn to the defamation of character of another individual. He asked if that should be allowed to continue. Mr. Harrington said the Council has a responsibility to respond to allegations of character competence but that can be done through a closed session.

Councilman Olsen also asked about a recent event where members of the Council were stopped by concerned citizens after an adjourned meeting and the Council members stayed behind and listened to complaints regarding a situation and the Mayor. He wanted to know if that would be considered a meeting. Mr. Harrington said the noticed meeting was

adjourned and because at least three council members were there that could technically be a public meeting violation, but not at a criminal level. He said if the three members had discussed something and later discussed and voted on it in an open meeting, there could be an argument to overturn what they did. Mr. Harrington said the best practice would be, anytime a meeting is adjourned, for them to disperse.

Councilman Reynolds asked about someone getting a copy of the recording from a meeting and posting it on social media because that person didn't like what another member said. Mr. Harrington said, if the other Council member responded on social media, that would constitute your conversation with two quorum members. Councilman Reynolds asked about the recordings and if someone could request those and post it on social media. Mr. Harrington said anyone could come into the meeting and record on their phone what is said and post that.

Councilman Hall referred back to the comment made by Councilman Olsen and stated there was an individual that emailed some members of the Council, as a group, and he replied back to him individually and asked if hitting the "reply to all" would be a problem? Mr. Harrington stated it would because then they have created an electronic meeting.

Councilman Olsen thanked Mr. Harrington and said it was great information.

Mayor Baker said he doesn't have a vote, unless it's to break a tie, but he has talked to council members individually about something on the agenda because he doesn't want them to be blind sided about a discussion. Mr. Harrington gave a couple of suggestions, he said if a pre-meeting discussion had taken place and it came down to the Mayor needing to vote, that item should be moved to the next meeting and a full disclosure should be made about the conversations. Mr. Harrington stated the other thing they need to keep in mind, if the Mayor gets feedback from the conversations and he shares the feedback in talking with the other Council members then he has created what they have discussed about a walking quorum. Mayor Baker said he has people call him who are unhappy about something and he lets them vent but doesn't always bring it back to the Council or sometimes he places it on the agenda. Mr. Harrington stated the best practice is to not engage in any substantive discussion. Councilman Olsen said it's human nature to want

to help solve the issues. Mr. Harrington stated that is why it is good to have these annual conversations. Councilman Hall stated he was glad to have the conversation because sometimes things are brought up so casually in conversations that it's good to have these reminders.

Chief Simper reported the cameras have been installed at the park. Nothing else was brought forward for future council matters.

Dan Olsen **moved** to go into a closed session to discuss the sale, lease, or purchase of real property. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye. All council members were present in the closed session as well as Michael Harrington and Micheal Davis.

The meeting was adjourned out of closed session by a motion from Kenneth Reynolds. The meeting was adjourned by all voting in favor of the motion.

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

***CLOSED SESSION TO
DISCUSS THE SALE,
LEASE OR PURCHASE OF
REAL PROPERTY***

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 14th DAY OF MARCH 2024

BY: _____

ATTEST: _____