

Naples City Council

July 11, 2019

Minutes

The regularly scheduled meeting of the Naples City Council was held July 11, 2019, 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, Dennis Long, Gordon Kitchen, Dan Olsen and Kenneth Reynolds. Robert Hall was excused.

COUNCIL MEMBERS ATTENDING

Others attending were Wyatt Bain, Genni Bain, Adrienne Rowley, Shauna Jo Eves, Heidi Lundberg, Jim Harper, Rich Mahoney, Aaron Jensen, and Joshua Bake.

OTHERS ATTENDING

Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Kenneth Reynolds offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval. Councilman Kitchen asked if they could add a discussion concerning the Special Service Districts at the end. Joshua Bake said he also had one item under other matters to discuss. Dennis Long **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of June 27, 2019 were presented for approval. Dan Olsen **moved** to approve the minutes. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Kitchen asked about the contract with Stubbs and Stubbs for the cross walk on 1900 South. Jim Harper said the contract was accepted for the amount bid, with no bonus, and they were given a time frame of thirty days.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Joshua Bake presented the bills in the amount of \$48,521.90. He explained there was an amount presented for June payables and one for July payables. Councilman

APPROVAL OF THE BILLS

Long asked about the amount for computer support. Joshua explained one was the amount paid to Caselle for the city's software program and the other paid to Motorola was for the police department software program. Dennis Long **moved** to approve \$20,345.99 for the June invoices. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

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

Dennis Long **moved** to approve \$28,175.91 for the July payables. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

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

Shauna Jo Eves with the Recreation District came before the Council to request help with the 2019 Mayor's Halloween walk. Ms. Eves presented a budget for the 2019 walk. She explained they try and reduce costs by reusing signs and decorations from last year. Ms. Eves said they have also asked local businesses for help. Ms. Eves asked if the City would be able to help again this year. Gordon Kitchen **moved** to donate the \$250 that was put into this year's budget for the Mayor's Halloween walk. Dan Olsen **seconded** the motion. The motion passed with a roll call vote as follows:

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

Wyatt Bain came before the Council to present a proposal for his eagle scout project. He said he wanted to make a memorial for Veterans and those serving our country right now and place it near one of the flag poles at the Naples

***REQUEST DONATION FOR
MAYOR'S HALLOWEEN
WALK***

***PROPOSED EAGLE SCOUT
PROJECT***

park. He explained it would be a plaque and shared how big the plaque would be. Wyatt said the material would be donated by a business owned by his parents, Iron Worx. He said he is excited to do this project and honor those serving our country. Mayor Baker asked if they have walked through the park and determined where the flags are because he couldn't think of a place right now. He explained it would be near the group of pine trees west of the splash park. Councilman Kitchen asked Wyatt to come present this to the Recreation District and to meet with the park manager so they can layout a location that will not interfere with the irrigation of the park. Councilman Kitchen said he would contact them with the next Recreation District meeting to schedule a time for this presentation to them. Dan Olsen **proposed** that they accept the Eagle Project from Wyatt Bain at the Naples Park and authorize him to proceed with that project. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Adrienne Rowley asked to be placed on the agenda to discuss the warranty deed with possibility of reverter that is attached to her home which was one of the self-help houses the City helped purchase the property for. Ms. Rowley presented a letter she wrote to the Council and also had a letter from Ben Smith who is a loan specialist for USDA Rural Development. Ms. Rowley read the letter she presented to Council which said she was one of the six residents that built one of the self-help houses in 2012. She said they were granted their lots in order to build their houses on. Ms. Rowley said the reverter clause was included into the deed of the land. The letter stated because of the way the clause is written it has made it impossible for them to sell their home because this puts Naples City in first position on any future loans and mortgage or lending companies will not go in as second position on a loan. Ms. Rowley included in the letter three possible changes to the reverter clause; one to remove the fee and remove the clause, the second to prorate the amount owed for the property over a fifteen-year term, or the third was to rewrite the clause to place Naples City in the second position in case of a default. Ms. Rowley ended by asking for the Council's help in fixing this issue.

Brett Reynolds was in attendance at the meeting and asked if he could speak on this matter as he works for a mortgage company and was one of the people that turned down one of the buyers for Ms. Rowley's home. Mr. Reynolds said the way the clause is written it puts Naples City as the first

***CITIZEN REQUEST TO
DISCUSS WARRANTY
DEED WITH POSSIBILITY
OF REVERTER FOR SELF-
HELP HOUSING***

mortgage holder and the City could take possession of the home if the home was not owner occupied. Mr. Reynolds said he wasn't sure what the underlying motivation was in the clause. Councilman Kitchen said it was put in there because this was a gifted property to individuals to help them, but it is to preclude individuals from taking a gift and turning it into investment properties. Mr. Reynolds said that was not the effect of what happened. Councilman Kitchen said he was just telling him what the intent was. Mr. Reynolds said, in this subdivision, everyone has been in their houses for over eight years and aren't trying to turn around and sell it for a profit. He said the City could put a deed restriction on them that they can't be rented. Mr. Reynolds said the way it is written it doesn't really have a deed restriction, and it makes Naples City the first lien holder.

Councilman Reynolds wanted to know how it could be written that would protect the City and yet also help the homeowner. Mr. Reynolds said he would write it as a deed restriction and not as a deed reverter. He said with the current situation, all of the owners have been in there for at least eight years and they either have to make them pay the \$28,000 or let them go because the purpose has been served. Mayor Baker said the whole purpose was to keep them from becoming rentals. He said it wasn't for the purpose of being paid back for the lots, it was to allow for single families to have that start. Mayor Baker wanted Ms. Rowley to understand they weren't trying to keep them from selling their home. Councilman Long wanted to know if there was a way to put a termination date on this. Mr. Reynolds said that is how many of them work. Ms. Rowley wanted to know if they were going to have to pay this back in order to sell their house because it's not going to do them any good. Mayor Baker said he understands where she is coming from but he wasn't sure how to go about doing it. Councilman Kitchen thought this would need to go back through the City Attorney and have him figure out the best way to protect the City's interest. Mayor Baker said he doesn't have an answer for her. Joshua Baker stated he has a conflict of interest on this but he did want the Council to know he's talked with Mr. Judd and the Council does have discretion on this decision, they can go back to him but it is up to Council. Ms. Rowley stated she is on a time crunch on this and would appreciate any help they could give. Mayor Baker said he wanted to get the City Attorney's advice on this and would try and have an answer at the next Council meeting which would be on the 25th of July. Mayor Baker said they were just trying to keep

these as single family dwellings. Councilman Kitchen said that might be too late for Ms. Rowley, he wondered if they could get something out through a memorandum. Mayor Baker said they ought to be able to get something on the next agenda and take action on it. Councilman Kitchen said in order to make it happen they have to go through the proper steps. He said when they were first getting things in place they wanted to protect the City and help those building the houses but didn't know how this might be tying their hands at the time. He said in order to untie them, they have to go through the right steps. Mayor Baker said they will see what they can get done by the next meeting.

Joshua Bake presented the request from the police department asking for approval for out of state travel for Andrew Cox. Joshua stated Lieutenant Cox would be traveling to Wendover for certification and re-certification to maintain his ability to train for bomb dogs. A discussion came up about the price of lodging because it was not listed on the request. Joshua suggested they approve up to the GSA amount and if the price is above that he would have to find another place to stay. Dennis Long **moved** to approve the \$150 plus the GSA amount for two nights. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

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

Mayor Baker said he asked that a motion to reconsider the motion approving the change to chapter 02-18 of the land use ordinance be placed on the agenda. Gordon Kitchen **moved** to reconsider the matter. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye. Mayor Baker said he wanted a little more discussion on this matter and asked Dale Peterson to be at the meeting because he was the one who presented the idea to the Planning Commission. He asked Mr. Peterson to explain what his thoughts were on the ordinance change. Mr. Peterson said there is already a minimum width of a single family dwelling of 20'. He said that was put in to keep single wide section homes out of the City. Mr. Peterson said this leaves subdivisions, with no restrictive covenants, vulnerable because if someone were to ask to put an older double wide

***OUT OF STATE TRAVEL
APPROVAL FOR POLICE
DEPARTMENT***

***MOTION TO RECONSIDER
APPROVED CHANGE TO
LAND USE ORDINANCE
CHAPTER 02-18 MINIMUM
DEPTH OF A DWELLING***

home in a subdivision, there is nothing restricting that. He said he had someone with a galvanized round metal grain bin wanting to put some additions on it and make a house out of it. Mayor Baker asked him to explain why he chose to go from a 20' depth to a 24' depth. Mr. Peterson mentioned manufactured housing and IRC manufactured housing and stated those are built under HUD codes and in 1976 they went from mobile homes to manufactured housing and under federal law they have to be allowed anywhere single family housing is allowed and the only way to close those out is by putting the size restrictions on homes. Mr. Peterson said the life span of a manufactured house is 30-55 years. He said this allows anyone with a 20' double wide to put it in any of the zones that allow single family dwellings. Councilman Kitchen said he might as well move out of his home because this would include his house. He said Boise Cascade made a lot of homes that were considered manufactured homes and they served this area very well. Councilman Kitchen said you have to be careful not to preclude some homes. Mr. Peterson stated those wouldn't have been 20' wide, they would have all been the 24' homes. Mr. Peterson said he was talking about the "older" homes that are 20' wide, it would take them out of the playing field. He said the idea was to try and protect some of the subdivisions, which have larger homes, from having a small 20' wide home move in. Councilman Kitchen stated subdivisions can create covenants at any time and wanted to know if it's governments' responsibility to place those restrictions. Mayor Baker asked Heidi to explain how the Planning Commission came to the decision they did to only place the 24' depth of a dwelling in residential zones and not extend it to all zones. Heidi said the Planning Commission agreed the smaller double wide homes would maybe not fit into a subdivision but there were areas in the City that they could go and that is why they chose to allow them in the RA-1, RA-2 and A-1 zones. Mr. Peterson said the idea was to prevent the homes that are forty to forty-three years old from being moved in. Mayor Baker said the reason he wanted it brought up was to help the Council understand why and how this was presented to Council. Councilman Kitchen questioned how many older homes have they had come into the City. Mr. Peterson said that he has not had any. Councilman Kitchen said this was a good compromise by the Planning Commission to allow some freedom to do things. He said there is no harm if the homes are brought to code. Mr. Peterson said he's not had anyone approach him about that size home but it leaves the door open for them to

do it. Councilman Reynolds said he was not in attendance at the Council meeting where this was passed but he was in on the discussion with the Planning Commission and thought it was a good compromise. Councilman Kitchen also felt like it was discussed fairly well through the Planning Commission and this was their recommendation. Gordon Kitchen **moved** to leave it as written. 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	Absent

Joshua Bake explained the need the City recently had to request bids for auditing services. He stated the previous company providing that service had some internal changes and was no longer able to provide for a government audit. He said it was mutually agreed upon to terminate that contract which meant the City had to post an RFP for auditing services. Joshua recommended accepting the bid from Crossroad Accounting Professionals. Rich Mahoney from Crossroads Accounting was in attendance. Joshua said the company comes highly recommended and is a local accounting firm. Dan Olsen **moved** to accept the bid, not to exceed \$12,000, from Crossroads Accounting. Councilman Kitchen questioned the motion because the budget for accounting services was only at \$9,700. It was noted that the Council will open the budget later this year and open the budget. Gordon Kitchen **seconded** the motion. The motion passed as follows:

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

Councilman Kitchen said as everyone is aware the mineral lease money is not covering current expenditures in the Districts. He said Commissioner Haslem presented a business plan to the Recreation District and one thing he recommended was to take the funds set aside for some capital projects and use those to pay off some debt and work toward becoming debt free. He said the County Commissioners can't be involved in the decision making but

***DISCUSSION TO APPROVE
BID FOR AUDITING
SERVICES***

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

they have asked the executive directors to meet together and discuss what can be done. Councilman Kitchen felt like every one of the Special Service Districts is needed and they can't pick or choose which ones to keep. Councilman Olsen said one of the discussions was to turn them back to the control of the cities. It was noted that many of the Districts will be holding meetings to discuss the matter.

Mayor Baker wanted Gordon to discuss with Tyson at the Recreation District to see if something needed to be done about people coming to the park with their metal detectors and digging holes in the grass. He didn't know if there was anything they could do but asked if Gordon would discuss that with people at the Recreation District.

Joshua gave an update on 2500 South and said the Transportation District will be fixing the soft spot in the road this year but the chip seal won't be done until next year. He also reported on the tax task force meeting they attended in Roosevelt. He said they were reassured at the meeting by Senator Hillyard that they have not made up their mind about what to do, they are holding the meetings to gather information and receive feedback. Joshua said it was a great meeting.

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 8:50 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 8th DAY OF AUGUST 2019

BY: _____

ATTEST: _____