

Naples City Council

June 27, 2019

Minutes

The regularly scheduled meeting of the Naples City Council was held June 27, 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, Robert Hall, Dennis Long, Gordon Kitchen, and Dan Olsen. Kenneth Reynolds was excused.

COUNCIL MEMBERS ATTENDING

Others attending were Michael Jolley, Jeff Burningham, Cliff Grua, Bart Jensen, Matthew Jensen, Daniel John, Ian Adams, Dean John, Heidi Lundberg, Jim Harper, Connie Patton, and Nikki Kay. Joshua Bake was excused.

OTHERS ATTENDING

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

OPENING CEREMONY

Mayor Baker presented the agenda for approval and asked to add an introduction of Mr. Burningham right after the approval of the bills. Robert Hall **moved** to approve the agenda. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of June 13, 2019 were presented for approval. Dennis Long **moved** to approve the minutes. Dan Olsen **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. Nothing was brought forward.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$46,200.18. Connie noted the double entry of \$50 for flagger training and said it was a computer glitch and stated the actual amount being presented for approval was \$46,200.18. Robert Hall **moved** to approve the expenditures as presented. Dennis Long **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	Absent
Gordon Kitchen	Aye

Mayor Baker asked Mr. Jeff Burningham if he would like to take a minute and tell the Council a little bit about himself. Mr. Burningham thanked the Mayor and Council for allowing him a few minutes to introduce himself. Mr. Burningham stated he is from Provo and has been to twenty-five counties in the State to share his reasons for wanting to become the next Governor of the State. He explained he is not a politician. He is an entrepreneur. Mr. Burningham said his firms have created about 5,000 jobs along the Wasatch Front and he is a believer in our economy. He introduced his oldest son Dallen who has been traveling with him. Mr. Burningham stated he is passionate about Utah. He stated he is a Republican because at the heart of the party platform is a powerful message. He said it's not a message about a benevolent government taking care of us, instead it's a message about the power of individual freedom. Mr. Burningham said it's a message that says when we are free we are best able to build the best lives for our self and to change the world. He said we are at a critical junction in Utah, we are growing and changing and the issues in rural Utah are different than those in urban Utah and the season of management is passing us in Utah and the season of leadership is upon us. Mr. Burningham stated he felt a person who was politically unentangled is best suited to lead in the growth and changing environment. He said he is on a listening tour right now and would love to stick around and listen to people and their ideas afterward. Mayor Baker thanked him for coming.

***INTRODUCTION OF JEFF
B U R N I N G H A M ,
CANDIDATE FOR UTAH
GOVERNOR***

Mayor Baker took just a moment to recognized a couple of the scouts with troop 235. Ian Adams and Dean John. Councilman Hall asked Ian Adams what he likes best about Naples. Mr. Adams stated he liked the different activities you could do. Councilman Olsen asked about the white bandelo with the red arrow he was wearing and how he earned it. Mr. Adams said it was through a service project he completed at an Order of the Arrow. He said he helped build rock fire pits. Mayor Baker asked Dean John about the scout motto. Mr. John said he had the scout slogan which was to

RECOGNIZE TROOP 235

"Do a Good Turn Daily." Councilman Hall asked Dean what he liked best about living in Uintah County. Mr. John said he liked the open spaces and fields to play in. Mayor Baker asked Mr. John what he liked about scouting. He said he liked the fact that his whole family could be involved in it. There was another scout in attendance the Mayor recognized. Mayor Baker asked Matthew Jensen what rank he was. Mr. Jensen said he is a tenderfoot working toward his first class and eagle.

The business license application of **Crus Oil**, located at 1445 S 1500 E, was presented to the Council for approval. Mr. Peterson included a memo recommending the business for approval. Dennis Long **moved** to approve the license. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVALS***

The information about a dinosaur statue was given to Council members. Mayor Baker reminded everyone this is the information Joshua gave at the budget workshop meeting. Joshua asked that purchase approval be included on the agenda. Mayor Baker said this would be for the road side park and the statue is 30' x 11'. The amount requested for purchase of the statue was \$11,380. Dennis Long **moved** to approve the amount for the purchase of the dinosaur. Dan Olsen **seconded** the motion. The motion passed with the following roll call:

***APPROVE PURCHASE OF
DINOSAUR STATUE***

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

The City received one bid for the 1900 South crosswalk project. Mayor Baker asked Jim how many contractors were contacted. Jim said he sent out four requests and it was advertised on the City website. The one bid received was from Stubbs & Stubbs. Councilman Kitchen wanted to know if any engineer estimates were obtained to know if the bid was within acceptable costs. Jim said no, he was just going off the previous estimate he had. The bid amount from Stubbs & Stubbs for the project was \$39,565. Councilman Kitchen said it's hard to make a decision with one bid and no estimates, he doesn't know if it's in the ball park. Councilman asked Jim if the amount surprised him. He said he knew they would have to bring equipment in to do the painting and also

***REVIEW AND AWARD BID
FOR THE 1900 SOUTH
CROSSWALK***

to remove the old cement. Jim said the ADA access on the east side is on a hill and that won't be as easy to do. Mayor Baker said he wanted the project done before school starts and that might be reflected in the cost. Councilman Hall asked Jim if he thought it was the time line and Jim stated he believed it was the different items required to complete the job. Robert Hall **moved** to accept the bid and move forward with the project. Dan Olsen **seconded** the motion. The motion passed with the following roll call:

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

Mention was made of offering an incentive to have the project completed within 21 days. Council approved to spend up to the \$39,565 with a completion date of the week before school starts.

Heidi Lundberg presented the proposed changes to chapter 02-28, Industrial Zone, of the Land Use Ordinance. Heidi stated the Planning Commission has been working to clean up this chapter and a lot of the changes are clerical. She said they changed the name from Industrial core to Hwy 40 corridor to clarify it. Heidi stated they cleaned up the submittal process for industrial development and changed the set backs for the industrial zone. She said the set backs for the highway corridor are 55' front, 10' side and rear. The rest of the industrial will be 30' front, 10' side and rear. Councilman Kitchen wanted to know what could be put in the 55' area. Heidi said it could be parking and landscaping. Mayor Baker asked about the section that mentions flowering trees being allowed and yet they don't allow for trees in the right-of-way and wanted to know if that only referred to the highway right-of-way. Mayor Baker wanted to know if they have defined the highway corridor and how far that extends. Heidi stated she did not believe they have defined that. Mayor Baker said they should define that. Heidi believed it was only the businesses that front Hwy 40. Dan Olsen **moved** to adopt Ordinance 19-220. Dennis Long **seconded** the motion. Councilman Kitchen asked for clarification to see if that was with the stipulation of defining what the Hwy 40 corridor is. Mayor Baker asked if they wanted to bring it back at another meeting. Dan Olsen **withdrew** his motion and asked that it be brought back with those clarifications.

***APPROVE CHANGE TO
LAND USE ORDINANCE
CHAPTER 02 - 28
INDUSTRIAL ZONE -
ORDINANCE 19-220***

Heidi Lundberg presented the proposed changes to chapter 02-02-24-005 of the Land Use Ordinance. Heidi stated this change was to bring the R-1 rear setbacks to agree with all other residential zones. Dennis Long **moved** to accept Ordinance 19-221. Robert Hall **seconded** the motion. The motion passed with the following vote:

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

***APPROVE CHANGE TO
CHAPTER 02-02-24-005 R-1
LOCATIONS - ORDINANCE
19-221***

Heidi Lundberg presented the findings and discussion from the Planning Commission to the Council regarding Phase 4 of the Farm Subdivision 2014. She said the Planning Commission has received and reviewed the concept, preliminary, and final for Phase 4. Heidi said the Commission and staff are recommending final approval for Phase 4 of the Subdivision. She stated that Cliff Grua was in attendance if anyone had questions. Mayor Baker asked if they were looking at paving that phase in the next couple of weeks? Cliff Grua said they will pave 2, 3, and 4. He said that will also complete the 1820 South access. Cliff said they are excited about how it is progressing. Mayor Baker said after it is approved by Council they will look at releasing the developer agreement. Councilman Long wanted to know if any of the lots are sold. Mr. Grua said they haven't sold any in that phase yet. Mayor Baker reminded Mr. Grua that before a certificate of occupancy can be given for any homes in that phase the sidewalks have to be in place for the whole phase. Mr. Grua stated he is aware of that. Mr. Grua said they hold off on that as long as they can in order to keep the sidewalk from getting broken as during construction. Dennis Long **moved** to approve the final plans for Phase 4. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***MOTION TO APPROVE
THE FARM SUBDIVISION
2014 PHASE 4 FINAL
PLANS***

Resolution 19-315, adopting the budget for FY 2019/2020, was presented to Council for their approval. Nikki stated the only change she made to the proposed budget was the \$100,000 that was appropriated in the municipal building project fund for the updated facade of the city office. Robert Hall **moved** to approve Resolution 19-315. Dan Olsen **seconded** the motion. The motion passed as follows:

***APPROVE RESOLUTION
19-315 ADOPTING FY
2019/2020 BUDGET***

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

Council members received Ordinance 19-222 amending the salaries for elected and statutory officials. Dennis Long **moved** to approve Ordinance 19-222. Robert Hall **seconded** the motion. The motion passed with a roll call vote:

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

***ORDINANCE 19-222
AMENDING THE
SALARIES FOR ELECTED
AND STATUTORY
OFFICIALS***

Chief Watkins address the discussion of a personal use policy and stated this policy comes about because of recent legislation regarding the personal use of public property by employees. Chief Watkins stated the new legislation makes it so an employee could be involved with a crime by using public property without an appropriate use policy being in place. Chief Watkins wanted Joshua Bake to be a part of this discussion and said Mr. Bake has not had the opportunity to see the policy created by Dennis Judd. Chief Watkins felt the current City and police department policies would be adequate until that meeting could take place. Gordon Kitchen **moved** to table this matter until that discussion could take place. Chief Watkins stated he would like Council feedback to see what they like and don't like about the proposed policy and those already in place. Mayor Baker didn't think a motion needed to be made to table the matter so no second was given.

REVIEW RESOLUTION 19-316 PERSONAL USE POLICY

Council members received a copy of Ordinance 19-223, an ordinance revoking and re-adopting with amendment the governing and licensing of establishments selling beer within Naples City. Councilman Kitchen expressed an issue with the wording of requiring someone to be of "good moral character" to sell beer. Council members also wanted some research done on what is "required" by State law. No action was taken on this matter.

ORDINANCE 19-223 BEER AND ALCOHOL CONTROL ORDINANCE

Nikki Kay reported to the Council that the City's health insurance provider has offered the addition of a domestic partner to the health insurance plan. She stated there is no

DISCUSSION AND APPROVAL ON ADDING DOMESTIC PARTNER

cost to the City to elect this benefit except for the additional premium of adding another dependent. There was a discussion to see if the City could require reimbursement from the employee for the dependent. After some discussion, Gordon Kitchen **moved** to allow the addition of the domestic partner and if allowed require the employee reimburse the premium and if not the City will cover the cost. Robert Hall **seconded** the motion. The motion passed with the following vote:

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

Mayor Baker said he was approached by a gentleman trying to move forward the Jordan Cove Energy Project. Mayor Baker said this project is trying to move the natural gas in Utah and Colorado and transport it to Coos Bay where it will be liquified and shipped. Mayor Baker asked if they could do one letter from the Council and then have each individual sign one, the company felt like the more letters received, the better. Councilman Kitchen asked if the railway goes through, how would this project enhance or distract from that. Mayor Baker said he wasn't sure how long they were looking at for the railway. Mayor Baker left it to the council members to determine if they wanted to sign either of the letters.

Mayor Baker stated he was not part of the discussion at the previous meeting where the motion was passed to change the depth of houses in certain zones from 20' to 24', he stated he would like that brought back on the next agenda for further discussion.

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 9:05 p.m. Robert Hall **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

***BENEFIT TO HEALTH
INSURANCE PLAN***

***LETTER OF SUPPORT
FOR JORDAN COVE
ENERGY PROJECT***

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

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 11th DAY OF JULY 2019

BY: _____

ATTEST: _____