

Naples City Council September 24, 2020 Minutes

The regularly scheduled meeting of the Naples City Council was held September 24, 2020, 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 Fernando Rivera, Rylynn Peters, Andrew Cox, Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. 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. Councilman Long and Councilman Hall wanted to add something under 'Other Matters.' Dennis Long **moved** to approve the agenda with those additions. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of September 10, 2020 were presented for approval. Dan Olsen **moved** to approve the minutes. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Nikki Kay explained that as Heidi Lundberg was looking for an approval regarding 2014 Phase 4 of the Farm Subdivision she found the approval of Phase 4 was left out of the minutes. Nikki said she went back and looked at the draft minutes of the meeting and listened to the recording and discovered the discussion and motion regarding the approval were missing from the minutes. The corrected minutes were presented to Council for their approval. Mayor Baker asked Joshua to go back and make sure the approval for Phase 3 was approved. Robert Hall **moved** to amend and correct the minutes of June 27, 2019 as presented. Dan Olsen **seconded** the motion. The motion passed with all voting in the affirmative.

APPROVE CORRECTED MINUTES OF JUNE 27, 2019

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Kitchen wanted to report on the two park projects that were presented at the last meeting. Councilman Kitchen said the Park Committee met to receive the presentation of the two projects. He said Dean John discussed his intentions for the bike trail at the park and he was given permission to start and to coordinate with the park supervisor. Councilman Kitchen said the presentation from Dean included a crossing of the walking path three times and they encouraged him to work out a trail that would not interfere as much. Council members discussed the use of the walking path by the bike riders but realized the path is already used by people riding bikes and understood they can't really police that. Councilman Kitchen said his biggest concern was the maintenance of it.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Councilman Kitchen also discussed the project presented by the Hackings regarding the ADA play equipment. He said Tyson looked at the irrigation at the park and he believed they would be okay there. Councilman Kitchen said the Hackings have raised most of the money and shared that the Vernal Haunt will be sponsoring this effort this year and they should have enough money for the whole project. Council members felt this was a good thing for the community.

Nikki Kay presented the bills in the amount of \$59,728.92. Dennis Long **moved** to approve \$59,728.92. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

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

Council members received a local consent application for an off-premise beer license. The application was for the Naples 7-11 which is being purchased by Cherry Valora Colton. Gordon Kitchen **moved** to approve the local consent off-premise for Naples 7-11. Dennis Long **seconded** the motion. The motion passed with all voting in the affirmative.

LOCAL CONSENT FOR OFF PREMISE BEER LICENSE

Shauna Jo Eves had requested to be on the agenda to request a donation for the annual Mayor's Halloween walk.

REQUEST FOR DONATION FOR MAYOR'S

Ms. Eves was not present at the meeting. Councilman Kitchen stated the Recreation District has always had a parade around the Recreation Center and then had a carnival. He said the carnival will not be happening this year and they are going to start the walk a little earlier because Halloween is on a Saturday. Joshua stated that \$250 is budgeted. Kenneth Reynolds **moved** to approve the \$250 for the Halloween walk. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

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

HALLOWEEN WALK

Lieutenant Cox came before the Council to request out of state travel approval for Officer Simper. He explained the request was for him to attend training in California with the Narcotics Strike Force. The amount requested was \$835 for the cost of the training and per diem, Lieutenant Cox said the rest is paid for. Dennis Long **moved** to approve the 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

OUT OF STATE TRAVEL APPROVAL

Lieutenant Cox also asked for approval of \$1,301.05 for Officer Lacy to attend Advanced Undercover Narcotics Tactics & Agent Rescue training. He said Officer Lacy would receive the training and be able to come back and train others. Dan Olsen **moved** to approve the travel request. Robert Hall **seconded** the motion. The motion passed with a roll call vote:

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

Joshua Bake presented Council members with proposed changes to Chapter 02-16 sign regulations of the Land Use

PROPOSED CHANGE TO LAND USE ORDINANCE

CHAPTER 02-16 SIGN REGULATIONS

Ordinance. Joshua said the Planning Commission gave their recommended changes but he pointed out that Mr. Judd submitted a proposed change to 02-16-004 regarding Billboards. Joshua said the Planning Commission has been discussing changes to this chapter, off and on, for over a year. He said they wanted to make it simple for someone looking to put up a sign, they could see what it is, where it's allowed and what the person would need to do. Councilman Kitchen asked for a clarification on 02-16-003 (1) and asked if that read 15 horizontal feet. Joshua said that was correct. Mayor Baker questioned the same sentence and wanted to know why it stated ... No part of the sign shall be closer than 15 horizontal feet from the curb. He wanted to know what it would mean if there is no curb. Joshua said you would consider what is logical of what the curb would be. Mayor Baker said one of the issues of the hearing was the ordinance was very ambiguous in its definitions and they weren't clarified. Joshua said if you just put 'curb' in and there is no curb then you would go to what the logical definition would be which would be the street edge. He said if you leave in all the other options that were there before then you are free to pick. Councilman Hall said that is the problem with law and policy you can be too vague and too specific and paint yourself into a corner. Councilman Kitchen said if the staff and the Commission have reviewed this he is good with it. Joshua said he was just going to hit the highlights of the changes. He said the Planning Commission was more liberal on their feelings about billboards and accepted some recommendations made by Reagan Signs. Joshua said some of those recommendations were put in this section of the ordinance but staff had some different recommendations than Planning & Zoning and they were in support of Mr. Judd's letter. Joshua went on to point out the different type of signs and the chart that showed where each type of sign could be located. Councilman Kitchen questioned why a canopy sign in the park would not be permitted. He thought if someone wanted to put in a concession stand, a canopy over that would be great. Council members discussed eliminating the park zone from the sign chart but Joshua suggested they put a star in that column and put something in the body of the ordinance that stated anyone wanting to place a sign in the park would need approval from the City. Joshua reviewed the portion for abandoned signs and said that should help if they ever run into an issue like before. Joshua referred to the change Mr. Judd suggested for 02-16-004 and asked Council if they wanted to consider what he has submitted for billboards.

Councilman Reynolds suggested taking out “new” in the very first sentence and put in “those grand-fathered in.” Council members discussed if all of that wasn’t already stated but the Mayor said the hearing officer said when things weren’t specifically stated then it is open to interpretation. He said they need to be specific that no billboards are allowed and that none of the existing ones can move. Councilman Hall said he understands where the Mayor is coming from but also feels like those things have been spelled out in other areas of the ordinance. Councilman Kitchen said he is comfortable with the recommendation from Dennis Judd. Kenneth Reynolds **moved** to adopt Ordinance 20-227, accept the changes that Council discussed tonight and Planning & Zoning’s recommendations, with the exception of the Billboards using Mr. Judds’s wording instead of Planning & Zoning. 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

Joshua Bake explained that now that they have made the changes to the sign ordinance they need to make sure the definitions are clear. He said the abandoned sign was the key definition. He read the definition as proposed. Joshua asked the Council to pay attention to the “ands and ors” because they help determine if a sign has been abandoned. Councilman Kitchen asked what happens if an existing business can’t afford to take care of their sign, he wanted to know if the City wanted to be that critical. Councilman Hall said it usually only becomes an issue if someone complains. Kenneth Reynolds **moved** to approve Ordinance 20-228. Robert Hall **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

Council members received a copy of Resolution 20-330 listing the changes to the budget that were discussed at the public hearing on September 10, 2020. Dan Olsen **moved** to

***PROPOSED CHANGE TO
LAND USE ORDINANCE
SIGN DEFINITIONS -
ORDINANCE 20-228***

***APPROVE RESOLUTION
20-330 AMENDING FY
2020/2021 BUDGET***

adopt Resolution 20-330. Kenneth Reynolds **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

Joshua Bake updated the Council on the CIB Application. Joshua said the CIB request did not go as planned last time and so they met with Uintah County and Vernal City and told them the City cannot take on this huge financial burden. Joshua stated they thought the others would step up to the table and offer more money, their desire was to go back to the CIB and ask for reconsideration for better terms. He said this will be back on the agenda for October 1. Joshua said the Mayor received some paperwork with a little bit better terms but not what the City wanted. He stated they will go back and ask for reconsideration on the terms. Joshua explained they have discussed what to do if the Board doesn't give them terms they can meet and if the other entities aren't able to step up and fulfill that obligation then the plan is to withdraw the application and resubmit our own application. Joshua stated the City could actually submit a new application the same day if they can't agree on the terms. The new application would be for just the City's project on 2500 South. Mayor Baker asked if the Council had any questions and if they were good with how they were going to proceed. Council members were in agreement.

CIB APPLICATION UPDATE

Councilman Long wanted to know if the County ran out of paint as they were striping because a couple of their roads were only half way done. Joshua said they are just slow getting to it.

OTHER MATTERS - FUTURE COUNCIL MATTERS

Councilman Long also asked if there was truth to the rumors that someone has been going around looking in peoples windows. Lieutenant Cox said they have had reports in Altamont of that happening but they can't confirm it. Lieutenant Cox said they had a report from Josh about someone knocking on his daughter's window during the night two nights in a row and they are doing extra patrol just to be safe.

Councilman Kitchen asked about having representation on the reorganized special service district board for

Transportation/Recreation/Impact Mitigation. He said the City has never had representation on the Transportation District Board and he wants to make sure the City is recognized. He said if they don't then the City needs to decide what is going to happen with our park. Mayor Baker said he specifically asked Commissioner Haslem, after that meeting, if the City would have representation and was told they would. Councilman Kitchen said the City just needs to be aware if it happens they might need to be prepared to take our park back. Councilman Hall said he sees so many potential issues with budgeting and legally. Councilman Hall asked if Councilman Kitchen could find the numbers for the cost of running our park. He said he would get those.

Councilman Hall wanted to discuss the issues related to the benefits paid to the volunteer firefighters. He said with the reorganization, all firefighters will be District employees. Councilman Hall said if the District chooses to eliminate all benefits the City will need to decide if they want to continue to pay that annuity benefit to the ones currently receiving it. Councilman Kitchen wanted to know why that would become the City's responsibility to pay. Councilman Hall said the annuity for the Naples' firemen would be akin to the health insurance Vernal City firefighters are receiving. He said when the Districts were put in place those agreements were put in place that the District would reimburse the cities for the cost of those benefits. Councilman Hall stated, that now the money is not there, the District might terminate leasing all employees from the City. In that case all firefighters might have to reapply and become District employees. Councilman Kitchen said that would mean they are wanting to rewrite the agreement and that would cost the City \$7,000. He thought the Fire District was going to stay in tact so there was no additional cost to the cities. Councilman Hall said because the budgets are so much less now, it would require the County or Vernal City putting more back into the District. Councilman Kitchen said if it was a one time thing he wouldn't have a problem but it will be a perpetual cost. Councilman Long wanted to know when this would start. Councilman Hall thought it could be voted on at the next meeting. He said the reality is the only one who has the money is the County and they are not willing to come to the table. Councilman Kitchen said he does not want to punish the ones who are getting the annuity but the District is breaking an agreement. Councilman Hall said he needed to know what the City is willing to do because he will have to answer as the representative on the Board. Councilman

Kitchen said he is opposed to it. He said we have an agreement with the District and unless they give the City a 30-day out they would be in breach of that agreement. Councilman Kitchen said we are a part of the District that has agreed to cover the cost. He said they are doing the same thing with the Recreation District, you are taking peoples retirement away, you are taking their salaries away. Councilman Kitchen said it's the principle of the thing. Councilman Hall said he was just asking for a general feeling of how the Council wants him to vote. Mayor Baker said he thought they should leave it as is and the City won't cover the \$7,000. Councilman Hall said he believes the District will vote to not lease the employees and therefore not cover the cost of the benefits. As this was a matter for discussion only no action was taken.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 9:35 p.m. Kenneth Reynolds **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 OCTOBER 2020

BY: _____

ATTEST: _____