

Naples City Council

September 8, 2022

Minutes

The regularly scheduled meeting of the Naples City Council was held September 8, 2022, 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 Brooks Jones, Stephanie Adams, Scott Gray, Ryan Cook, Szeth Simmons, Micheal Davis, 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 asked for approval of the agenda and said he had one item under other matters. Kenneth Reynolds **moved** to approve the agenda. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of August 25, 2022 were presented for approval. Robert Hall **moved** to approve the minutes of August 25, 2022. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Hall asked about the 2000 East project. Micheal Davis said they have signed off on the paperwork and given it to UDOT. He said it is now in their hands for review before the bid process begins.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Nikki Kay presented the bills for payment in the amount of \$130,240.12. Councilman Long asked if the payment for the police vehicle lease was the last one for the lease. Micheal Davis said he was not sure if they skipped on during COVID, he would have to check on that. With no other questions,

APPROVAL OF THE BILLS

Dan Olsen **moved** to approve the bills as presented. Dennis Long **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

A business license application was received from **Tom's BBQ Barn** located at 1408 E Hwy 40. Nikki Kay stated the business will be located in the food shack that used to be Grandpa Bone's Burgers. The application did not list a sales tax number but Nikki stated it is taking the State Tax Commission about six weeks to get applicants their number. Dennis Long **moved** to approve the business license for Tom's BBQ Barn pending receipt of their sales tax number. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

***BUSINESS LICENSE
APPROVAL***

A business license application was received for **HD Management** located at 2160 E 2500 S. Nikki Kay said this would be a home occupation license for a general contractor. Councilman Kitchen questioned the flag lot this business would be located on and asked if it was a legal flag lot? Councilman Kitchen wanted to know if the owner could legally build there and wants to know that before they issue a business license for a home occupation. Dennis Long **moved** to table the license. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Micheal Davis presented the MOU with the Utah Department of Public Safety, Communications Bureau, for Council approval. He stated this is a renewal of the contract for Central Dispatch service. Micheal said the MOU has been reviewed and signed by City Attorney Dennis Judd. Robert Hall **moved** to enter into the agreement with the Utah Department of Public Safety. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

***APPROVE MOU WITH
UTAH DEPARTMENT OF
PUBLIC SAFETY,
COMMUNICATIONS
BUREAU***

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

Sergeant Scott Gray presented a recommendation to amend the City's beer sales ordinance. He referred Council to a memo submitted by Chief Simper asking the Council to consider changing the ordinance to restrict the sale of beer between the hours of 1:00 a.m. and 5:00 a.m. instead of 1:00 a.m. to 7:00 a.m.. The memo from Chief Simper pointed out that the sale of beer between the hours of 5:00 a.m. and 7:00 are normally to those preparing for recreational activities. It was also noted this was part of an effort to bring uniformity throughout the County for the sale of beer. Dennis Long **moved** to approve Ordinance 22-247. Dan Olsen **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

***APPROVE AMENDMENT
TO BEER SALES
ORDINANCE - NO. 22-247***

Szeth Simmons came before the Council to request approval to surplus three items in the road department, a sink, bench grinder, and 2006 GMC pickup. Council members asked Szeth about the pickup truck. Szeth said it is a 2006 with 105,000 miles. He said the truck would probably just sit if they didn't sell it because they don't really have a use for it. He said they would take the items to the upcoming auction. Kenneth Reynolds **moved** to approve the surplus of the items if they are not using them. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***REQUEST TO SURPLUS
ROAD EQUIPMENT***

Ryan Cook asked the Council for approval to surplus a sander that is not being used and a Boss V Plow that was phased out in 2021 with the purchase of a new blade. Ryan said they would also take these to the auction or maybe try the government surplus site. Robert Hall **moved** to approve the surplus of these two items. Dennis Long **seconded** the motion. The motion passed with all voting in the affirmative.

Mayor Baker stated he was approached by Kevin Hiatt who said he was interested in serving on the Planning Commission. Mayor Baker said that Mr. Hiatt lives in Pheasant Run. He stated he would serve as an alternate member. Dan Olsen **moved** to appoint Kevin Hiatt as an alternate member to the Planning Commission. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***APPROVE APPOINTMENT
TO PLANNING
COMMISSION***

***DEPARTMENT OR
SPECIAL SERVICE
DISTRICT UPDATES***

Szeth Simmons reported that the rock wall in Sunstone is finished and looks really good. He said they have also finished some repairs on the front of the old fire station because of some water spouts that were not put on correctly.

Sergeant Gray reported that Austen Beatty was graduating from POST this night and said he will finish his FTO in the next few weeks and will be ready to be on the road. Sergeant Gray said Officer Beatty was one of the highest in his class and was the outstanding student for the EVO training.

Micheal Davis wanted to update the Council on the Brad Walker property. He stated he met with the airport manager and with a representative from Vernal City. Micheal said the airport manager talked with the FAA and they said we could encumber the property in front of Mr. Walker's property on 1750 South but only if we put the following in our wording "any verbiage that explains that need in detail and provides a position that allows the airport or FAA to revoke the encumbrance at any time." They want the City to put in that they have the right to revoke it at any time which would create a land lock. Micheal told them, in that case, the City would be out of it because we did not want to put ourselves in that position. Micheal said they told him it was an unlikely possibility but he didn't think the City wanted to be in an "unlikely possibility." Councilman Kitchen wanted to know what kind of agreement the City has with the FAA that there remains a valid turnaround for the City? Mike said the City has an agreement with the County but nothing with the FAA. Mike said the FAA is probably allowing it, but feels like it is very much their property and they can do what they want with it. Councilman Long wanted to know what this does to Mr. Walker. Micheal said he spoke with Mr. Walker and he has a couple of options that he is looking at. Micheal said they will require him to do a 100' frontage off the street for the lots along there.

Micheal said he spoke with Mr. Judd about the property that was purchased by the Tribe in the industrial park in Uintah County, east of Naples. Naples City received a letter requesting the purchased property be turned into trust land. Micheal stated the County is sending a letter stating they do not want that to happen and they will fight it because of police and fire issues. Vernal City will also be sending a letter asking the request be denied. Mr. Judd asked Micheal if the

City was willing to send a similar letter asking the property not be turned into trust land. Council members agreed to send a letter from the City supporting the County's position that it not be turned into trust land.

Micheal Davis asked for Council guidance on a matter that came up after he had a conversation with Nate Zilles of the Vernal Area Chamber of Commerce. Mr. Zilles asked Micheal about the City being a member of the Chamber. Micheal told the Council the City pays the Chamber quarterly, according to the MOU the City has with the Chamber, but the City does not pay a membership fee to them. A discussion was held on how and why the MOU came about and what benefits the City receives from the Chamber because of it. Councilman Kitchen recommended they have Mr. Zilles come to Council meeting and explain the benefits to the City for being a member and how that differs from what is in the MOU. Micheal said he would get with Mr. Zilles and have him come to Council.

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

Mayor Baker wanted the Council to know a ribbon cutting ceremony is planned for the Minky Co on September 28th at 1:00 p.m. and encouraged the Council members to try and attend.

Mayor Baker asked if any of the Council members wanted to attend the Bonanza Power Plant Solar Project Groundbreaking ceremony with him on September 15th at 10:00 a.m.. Councilman Reynolds stated he should be available to go and Councilman Olsen said he would be attending with his wife.

With no other business before the Council, Robert Hall **moved** to adjourn the meeting at 8:30. 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 22nd DAY OF SEPTEMBER 2022

BY: _____

ATTEST: _____