Naples City Council
February 9, 2023
Minutes

DATE, TIME & PLACE OF MEETING

The regularly scheduled meeting of the Naples City Council was held February 9, 2023, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

COUNCIL MEMBERS ATTENDING

Council members attending were Dean Baker, Robert Hall Gordon Kitchen, Ross Morton, Dan Olsen, and Kenneth Reynolds.

OTHERS ATTENDING

Others attending were Brooks Jones, Brock Arnold, Ryan Robinson, Bart Jensen, Bret Reynolds, Kimberly Kay, Ryan Cook, Szeth Simmons, and Micheal Davis.

OPENING CEREMONY

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 and Ross Morton offered the invocation.

APPROVAL OF THE AGENDA

Mayor Baker presented the agenda for approval. Robert Hall **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

The minutes of the regular city council meeting of January 26, 2023 were presented for approval. Dan Olsen **moved** to approve the minutes of January 26, 2023 as presented. Ross Morton **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Olsen asked if they could get certificates for the open and public meeting training. Mayor Baker said they would have Nikki follow up on that.

APPROVAL OF THE BILLS

Micheal Davis presented the bills for payment in the amount of $50,418.77.84. Kenneth Reynolds **moved** to approve the bills in the amount of $50,418.77. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen Aye

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

BUSINESS LICENSE APPROVALS

A business license application was presented for **Elk Ridge Energy** located at 580 S Charles Lindbergh Dr. Mayor Baker asked if anyone had any questions or concerns about this application. Councilman Morton asked if the business was in the MRC building. Mayor Baker said they are renting part of a building from Rhett's Trucking. He stated it is in an industrial zone and they have all the information listed. Robert Hall **moved** to approve the license for Elk Ridge Energy. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

A business license application was presented for approval for **Living Rural, LLC** located at 479 E 2900 S. Mayor Baker asked if anyone had any questions. He said this is a home occupation business. With no questions, Kenneth Reynolds **moved** to approve the license. Ross Morton **seconded** the motion. The motion passed with all voting aye.

APPROVE PURCHASE OF SECURITY CAMERA SYSTEM

Kimberly Kay came before the Council to request approval for the purchase of a new security camera purchase for the office. The camera system they were requesting to purchase was presented at the previous council meeting. Kimberly referred to the council packet for the bids the police department received, which was a question at the previous meeting. She stated one of the bids was from a company in Salt Lake which would mean a minimum of a two-hour call out if something needed repaired, and the bid was for more money. The second she pointed out was a bid from a local person and that bid was less but the system had no storage, no remote access and was not as robust as the bid from Spectra/Verkada. Mayor Baker asked what Chief Simper's recommendation was? Kimberly said that Chief Simper would like to go with the Spectra/Verkada system because of the ability to maintain and access the system remotely. Councilman Kitchen stated the main difference between the two bids was the door system. Kim stated that was correct. Gordon Kitchen **moved** to approve the bid of $54,639.77, version two, from Spectra. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye

Dan Olsen	Aye
Ross Morton	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Councilman Kitchen wanted to make sure they were using ARPA funds for this purchase. Kim gave the amount of the grant that was received and Micheal said they would use the rest from ARPA funds.

APPROVE PURCHASE OF CRACK SEAL

Ryan Cook came before Council to request approval to purchase crack seal for the roads. Ryan received just one bid but the bidder was on State Contract. Ryan stated the product he was requesting has been used by the City for a number of years and it does well for the varying temperatures here. Ryan recommended approving the amount listed on the bid of $6,500. Councilman Reynolds asked if this was in the budget? Ryan stated it is. Kenneth Reynolds **moved** to approve $6,500 for the purchase of crack seal. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Ross Morton	Aye
Dan Olsen	Aye
Robert Hall	Aye

ENGINEER ESTIMATES FOR FENCE RELOCATION ON 2000 EAST

Micheal presented two estimates for the relocation of fences on 2000 East in order to move those out of the right-of-way. Micheal said he asked CIVCO and Jones and DeMille for an estimate. Councilman Kitchen said it doesn't appear they are bidding on the same thing. Micheal said he hoped they were. Bret Reynolds with CIVCO Engineering said it is important that they are looking at the same thing. He said they will take their existing plans, and because they know where the right-of-ways are, they can very quickly go through and identify which fences need to be moved back and then based on that they will be able to cost out what it will be to move the fences. Mr. Reynolds said that is where their advantage comes from, they already know where the right-of-way is and where the fences are. Mayor Baker asked if they were staking it? Mr. Reynolds said they are not and it doesn't include any bid documents. He said it would be an estimate to determine if they wanted to spend the money. Mayor Baker said he thought the consensus was to move the fences during construction of the road and that would mean they would need to be staked so a contractor could come in and move them back. Mr. Reynolds said this estimate does not include that and in his discussions with Micheal he thought they just wanted to know how much it was going to cost to move the fences.

Bart Jensen with Jones and DeMille reviewed with Council their estimate submitted. He said because they have not been involved with the project they would actually have to go out and shoot the corners and fences to establish the right-of-way. He said CIVCO does have the advantage there. Mr. Jensen said they wouldn't stake each corner but they could give a line in order for a contractor to know where to put a fence and the additional $1,000 would be for the cost of fencing. He said that is why their estimate is more.

Mr. Reynolds said if they stake corners then they are getting into property surveys, recorded plats, etc. and if it gets past construction survey, then that is always a concern. Mr. Jensen said they can establish a center line of the road and the right-of-way would be a width off the center line but if you start to put in corners along the right-of-way, you have to survey everyone's lot.

Mayor Baker said the center line staking should work for what they need. Councilman Hall thanked them for the explanation and told Mr. Jensen he was sorry it put them at a disadvantage in the bidding process but he appreciates the time they took to do it. Mayor Baker wanted to know if either company wanted to go back and re-look at their bids. Mr. Reynolds said it would depend on if the City wants the staking done. Micheal said they only want that done if they want to move the fences. He thought they were just getting an estimate for the cost to move the fences to know if they wanted to move forward with it. Mayor Baker said it was his opinion that, during construction, it would be a good time to move the fences out of the right-of-way. Councilman Morton wanted to make sure he was clear on what they would be approving. It would be getting a price for the project and then decide if they want to do it? Mr. Reynolds said it would be giving an Engineer's estimate for the cost of moving some of the fences. Councilman Kitchen wanted to know if they move the fences, will they be leaving dead space between the fences and the asphalt that will then be the responsibility of the City to take care of. Councilman Kitchen said he wasn't prepared to make a decision on the fences without knowing the cost and they need to include irrigation.

Councilman Hall wanted to go with a **motion** to expend the $420 and to get the information back to the Council so they can decide if they want to proceed. Councilman Kitchen wanted to know if they were going to include irrigation questions? Mr. Reynolds said they didn't put anything in their bid to address that. He said they will still have irrigation inside the right-of-way. Councilman Kitchen said he wasn't prepared to make a decision about fences until they determine everything that will be affected by this. He said you can't piecemeal things. Mr. Jensen said he hasn't looked really closely at things like utility poles or other things that might be sticking out into the clear zone. Councilman Hall said they might be over simplifying things by just looking at fences and maybe neither one of the bids meets the spirit of what they were thinking. Councilman Morton wanted to know if they needed a bid that would reflect clearing the right-of-way. Mr. Reynolds stated they would be looking at hundreds of thousands of dollars to obtain right-of-way easements for irrigation and to move utility poles. Mayor Baker said it should be done. Mr. Reynolds didn't believe it could happen along with the construction because it would take too much time. Councilman Hall stated it was definitely something that should have been looked at way before now. Councilman Kitchen stated he understood what the Mayor was trying to accomplish but wasn't comfortable with these partial measures over time. Councilman Hall said they can move forward with just the fencing costs or they can rebid the project with a lot more detail. Mr. Reynolds said they can put together a scope of what they feel like the Council wants with a clear right-of-way. Mayor Baker feels like people would be more receptive to moving the fences as they widen and improve the road.

Ryan Cook said the work inside the easements shouldn't be that much more work than what they do now in other areas of the City. Council members looked at a map showing which fences would be affected. Mayor Baker said there was a motion on the table and asked Councilman Hall if he wanted to restate that motion. Councilman Hall said he was still good with expending the $420 to find out what the footage of the fence would cost them and they can make a motion at the next meeting if they want to proceed. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Ross Morton	Aye

Kenneth Reynolds	Aye
Gordon Kitchen	Aye

APPOINT DEPUTY RECORDER

Council members received a copy of Resolution 22-345, which they adopted at a previous meeting, and the request was to appoint Gwen Harrison as a Deputy Recorder. Micheal Davis said the Council, at one time, actually appointed Kimberly Kay as a deputy recorder to be in the office to help with elections if Nikki was ever not there. Micheal said it would be good to make it official to have someone in the office. Kenneth Reynolds said they agreed before but it seemed like the Mayor was not on board with it. Mayor said he just wanted time to think about it and he has no problem with it. Kenneth Reynolds was going to make a motion to approve the Resolution but there was a question on the resolution number. Kenneth Reynolds **moved** to table the matter. Gordon Kitchen **seconded** the motion. The motion passed with all voting in the affirmative.

APPROVAL TO APPOINT ALTERNATE MEMBER TO THE PLANNING COMMISSION

Mayor Baker told the Council that Brock Arnold approached him about serving on the Planning Commission and asked if the Council would approve appointing him as a member of the Planning Commission. Councilman Hall asked Mr. Arnold for his reason of wanting to serve. Mr. Arnold said he wants to get involved and if you want to have an opinion in matters you need to get involved. Mr. Arnold said he works for Roosevelt City and sees what they are involved in and knows what he is getting into. He said he is happy to do it and is happy to serve. Robert Hall **moved** to approve the appointment of Brock Arnold to the Planning Commission. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

OTHER MATTERS OR FUTURE COUNCIL MATTERS

There was nothing brought forth for other matters or future council matters.

CLOSED SESSION TO DISCUSS PENDING OR IMMINENT LITIGATION

Kenneth Reynolds **moved** to go into a closed session to discuss pending or imminent litigation. Ross Morton **seconded** the motion. The motion passed with all voting aye. Those in closed session were Mayor Baker, all council members, and Micheal Davis.

MOTION TO ADJOURN

After coming out of the closed session and with no other business before the Council, Gordon Kitchen **moved** to adjourn the meeting at 8:50. Kenneth Reynolds **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

APPROVED BY COUNCIL ON THE 23rd DAY OF FEBRUARY 2023

BY: ______________________________ ATTEST: __________________________