Naples City Council
April 13, 2023
Minutes

DATE, TIME & PLACE OF MEETING

The regularly scheduled meeting of the Naples City Council was held April 13, 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, and Kenneth Reynolds. Dan Olsen was absent.

OTHERS ATTENDING

Others attending were Darcy Keele, Guy Collett, Grant Barraclough, Quinn Bennion, Bart Jensen, Troy Ostler, Rexford Carpenter, Aaron Averett, Bret Stringham, Szeth Simmons, Nathan Simper, Gwen Harrison, Micheal Davis and Nikki Kay.

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 Robert Hall offered the invocation.

APPROVAL OF THE AGENDA

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

MINUTES APPROVED

The minutes of the regular city council meeting of March 23, 2023 were presented for approval. Robert Hall **moved** to approve the minutes. Kenneth Reynolds **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 Kitchen asked if there were any bids received for the 2000 East road project. Micheal stated the bid was awarded and the company has started on the road.

APPROVAL OF THE BILLS

Nikki Kay presented the bills for payment in the amount of $37,794.61. Robert Hall **moved** to approve the bills in the amount of $37,794.61. Ross Morton **seconded** the motion. The motion passed with the following roll call vote:

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

SPONSORSHIP REQUEST FOR UINTAH BASIN TREASURE HUNT

Wes Weber with Uintah Basin Treasure Hunt came before the Council to introduce their nonprofit group and to ask if the Council would consider helping sponsor this event. Mr. Weber stated with their treasure hunts they try and focus on mental health and environmental clean up. He said this is an annual event and they decided this year they wanted to do one in this area. Mr. Weber explained they try and tie their clues into history and have had families that home school their children join the treasure hunt and use it to teach their children some history. He said this hunt will be centered around the Escalante and Dominguez expedition. One of the council members asked if the event had a time limit. Mr. Weber said the treasure hunts average about 25 days. He said the first week there is usually a big flood of people to the area and they have had people travel from different States to participate. Mr. Weber stated they try and make environmental cleanup a focus of their hunts and if anyone picks up trash or cleans up an area, takes a picture, and tags them in it then those people are entered into a prize drawing. Council asked Mr. Weber what he was seeking from them? He stated they were looking for monetary sponsorship but have had people donate give cards for the giveaways. Councilman Hall asked Micheal Davis if there was anything in the budget for this request. Micheal stated there is a little contingency in the community even funding budget. Robert Hall said, as long as it is in the budget, he would **move** to donate $300 toward the Uintah Basin Treasure Hunt. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

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

DISCUSSION ON LEGAL COUNSEL

Vernal City manager, Quinn Bennion, came before the Council to discuss a proposal to partner with Naples City and other entities on legal counsel. Mr. Bennion feels there are two options they can consider. He said each entity could go out for proposals and find another attorney or they could explore the idea of hiring an attorney and share the cost with other entities. He stated it is a new concept and they haven't ever done it before but the more he looks into it the more confident he feels that it could work. Mr. Bennion stated the three larger entities involved would be Vernal City, Naples City and USSD #1. He said if you added up what each entity spent for civil and prosecuting attorney fees they could fund the positions of attorney and one staff member. Mr. Bennion wanted to explain how it would work and how it could be fair for each entity involved. He stated he did a salary survey for an attorney and a legal assistant, their benefits, training, and equipment and determined the cost would be about $110 an hour for the attorney and $50 an hour for the legal assistant. Mr. Bennion said that is a pretty good deal for an attorney. He said the proposals would be; #1 to have each entity pay a retainer up front so they wouldn't bear the whole cost all at once. Mr. Bennion said they would ask that each entity that wants to participate would pay 70% in a retainer of what they paid last year in legal fees and make a three-year commitment. He said they would keep track of the attorney and assistant hours, by entity, and when the retainer is used up then it would be billed hourly. Option #2 would be for a non-retainer and the cost for attorney would be $150 per hour and $75 for the legal assistant. Mr. Bennion said he realizes this only works if all of the entities come together. Mr. Bennion said he has been in contact with the County and asked them to work on an ILA (interlocal agreement). He said the ILA would include what would happen if there was a conflict and that would mean each entity would have to hire an outside attorney for those. Mr. Bennion said each retainer entity would have a position on the selection panel. He asked if the Council had any questions or concerns. Councilman Hall asked for clarification on whether this position would be on a contract or if they would be an employee of one of the entities? Mr. Bennion said they are proposing the selected individuals would be W-2 employees of Vernal City with full benefits. Mayor Baker said he appreciated him coming and asked him for time for the Council to discuss it. Councilman Kitchen asked if he had a time frame? Mr. Bennion said they would hope to have someone hired by July 1st and hope to have the ILA ready for review in about a month. Councilman Kitchen said it would be nice to see the agreement in the draft stage. Chief Simper asked for clarification on the hourly rate for option two and then wanted to make sure they were on all the same page about going after a civil attorney and making sure that person has the experience needed. He asked what the City's position would be in the hiring process. Mr. Bennion would make sure the retainer entities would have a seat on the hiring panel. Chief Simper wanted to know if that would mean a popular vote. Mr. Bennion stated he hoped it would be a consensus. Mayor Baker asked Mr. Bennion to keep them informed on their progress.

REVIEW AND AWARD BID FOR LAND CARE SERVICES

Szeth Simmons presented the bids he received for lawn care services and gave his recommendation of Mike Foster for the person he would like to go with. Szeth stated they put this out for bid again because of inflation and past performance. He stated they received five bids and he gave his reasons why he would like to go with Mr. Foster. He stated Mr. Foster can come consistently and that allows him to keep better track of the mowing and making sure things are taken care of. Councilman Kitchen asked about the second cut that was listed on the bid. Szeth said the second cut is for the end of the season when they want to cut the law shorter. Mayor Baker asked how the bid compares to last years. Szeth stated it is an increase from last year but the same cost as the year before. Councilman Hall asked about insurance. Szeth stated he wasn't sure but would make sure he checked on that. Szeth said if Mr. Foster doesn't have it, he would like to go down the list just as he has it listed on his memo. Councilman Kitchen asked about a contract. Szeth stated they do make them sign a contract and insurance is part of that. Robert Hall **moved** to approve the recommendation from Szeth and if there is any problem, to go down the list as requested to award the bid. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

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

REVIEW AND AWARD BID FOR 2000 EAST FENCE PROJECT

Micheal told the Council they received one bid for the 2000 East fence project. He explained when the City started the road improvement project on 2000 East it was noticed that some of the fences were very close to the road, out of the clear zone, but still very close. He said the City made the decision to contact the land owners and see if the fences could be moved back out of the right-of-way. Micheal said they put the fence project out for bid and received one from

CIVCO Engineering for $36,345. Mayor Baker explained, the reason the City looked at this was some of the fences will be two feet from the edge of the asphalt and that doesn't make it safe for people to walk. He said they just wanted to try and clean it up as the road project progresses and make it user friendly for residents. Mayor Baker stated there is enough shoulder for people to walk but in some places there won't be any room to push snow, except into the fences. Micheal stated the first step will be to send letters to the landowners to see if they are willing to move their fences. He said the City is not out to force anyone to move them but at least the City has made the effort to make the road safer. Micheal said they would like to award the bid and begin the process of working with those willing to move their fences. Kenneth Reynolds **moved** to approve the bid for the 2000 East fence project. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

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

Councilman Kitchen asked if the City would be paying the total $36,000 if the people were not going to move their fences. He said there are five different components to the bid and thought the cost would vary. Mr. Ostler with CIVCO said the City would only pay the full amount if all twenty property owners wanted their fences moved.

APPROVE ORDINANCE 23-249 VACATING 1750 SOUTH ROAD

Council members received Ordinance 23-249, vacating 1750 South road. It was explained that Council approved vacating this portion of 1750 South back in 2014 but it was never recorded with the County. In order to record the road vacation the County needed an ordinance stating the approval by Council. Gordon Kitchen **moved** to approve Ordinance 23-249. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

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

DISCUSSION FOR NEW

Chief Simper came before the Council to get their thoughts

POLICE OFFICER

on hiring another police officer. He stated he wanted to have the discussion as they start to approach the budget and hold those meetings. Chief Simper said his intent tonight was not to get a yes or a no, it was to discuss why he feels it is needed. He said things are getting busier, and they are not slowing down. Chief Simper said they have more cases that require a detective and he and Sergeant Gray are currently splitting those duties. He said Sergeant Gray is also working as a patrol officer and the cases requiring investigations are using the time he should be out patrolling. Chief Simper stated if the Council were to consider hiring a new officer it would be someone that still needs to go through POST training, he said that is just a reality right now. Chief Simper said that would mean sixteen weeks at POST and sixteen weeks of field training. Chief Simper stated the reason he was asking now is the next POST class begins June 26th and if they wanted to send some to that class they would need to open the position by May 1st. Chief Simper said his intention would be to move his Sergeant into the Detective position and allow him to focus on investigative work and provide the best service for citizens who have cases they are investigating. Councilman Hall said it is the structure the City had before, the question is can the City afford it. Micheal said he doesn't have those number yet but should have them by the budget workshop. Councilman Hall asked Chief Simper what the ideal date would be. Chief Simper said he would like to have the position open by May 1st, begin the background checks, have the new hire be able to complete two weeks of field training, and send them to POST in June. Councilman Kitchen said they are pushing dates and dealing with money. He asked Chief Simper if it was possible to out source some of the workload, to see if there was someone out there they could use? Chief Simper stated he could look into it but his knee jerk response would be that it's hard to ask someone or find someone that wants to work over the eighty hours they are already working. Councilman Kitchen stated his knee jerk reaction is to say he doesn't want to do it. Chief Simper said he is aware it is all dependant on the budget but wanted to know if, when they start to look at the numbers, they can have that discussion. Councilman Hall said they absolutely can. Councilman Reynolds asked if Micheal could have a rough idea of the numbers at the next meeting? He said he could try. Chief Simper said he would look into Councilman Kitchen's request. No action was taken.

PROPOSAL FOR LAND PURCHASE

Guy Collet with Evolve Real Estate came to give the City a "pitch" on getting a new grocery store in Naples, bringing along a bucket of softballs and a bat. Mr. Collet asked the Council what business the City needed. The reply was a grocery store. Mr. Collet reminded the Council that a feasibility study was conducted in the past for a grocery store and nothing ever happened. He stated if they keep on doing the same thing over and over they are going to get the same results so they need to think outside the box. Mr. Collet said the Council says they need a grocery store in Naples but that is a want and not a need. He stated if they want a grocery store they need to identify the needs. Mr. Collet said in order to get an informed feasability study you have to have an informed needs assessment so he presented Council with a handout and asked them to do some homework and identify the entities that will benefit or participate in the development. Mr. Collet asked Councilman Morton to write the solutions on the bat he brought with him in answer to the problems already written on the softballs he brought. Mr. Collet stated Ashley Valley Regional Medical would like to build an Urgent Care next to the grocery store and manage the pharmacy inside the store. Grant Barraclough with Ashley Valley Regional Medical Center was at the meeting and he said the current pharmacy doesn't make Davis Food a lot of money but it does bring people into the store and it does provide a service to the area and it provides ease for people to get their medications. Mr. Barraclough said it was a service they are willing to invest in. Mr. Collet asked the Council where all of the people stop when they are headed out South to work in the morning? He stated they stop at Maverik where they get garbage for breakfast and garbage for lunch and use the parking lot to carpool. Mr. Collet wanted to know what their "need" was. He said BTA is willing and working with EV Labs to have electric buses that they would park in a parking lot owned by Naples City as part of the development. Mr. Collet said Deseret Power would like to supply the power for free if their employees can get on the buses. Mr. Collet said Naples City now has the opportunity to "swing" and make a "home-run" with all of these different players. Mr. Collet mentioned a concept called Lunch Box Deli that would be a twenty-four-hour deli that employees or contractors could order their lunches on an app and that would be billed either to them or to the company they work for. He mentioned buying meat and produce from local people like Scott Labrum and Brian Bell of Bell-Mont Meats. Mr. Collet said he wanted to take the "needs" of the Council and write those down and submit them to Doug Munson, the one who did the previous feasability study, and he will use those to begin a new study.

Mr. Collet asked if the Council would be willing to budget $8,000 for a new feasibility study. He said he represents the seller but also has an investor willing to put 1.2 million into the parking lot and attached buildings and sell those off. He said there are a lot of pieces to the puzzle and this can't work without all the pieces to the puzzle. Micheal Davis asked if he was saying the feasibility study was going to change someone's mind. Mr. Collet said the feasibility study is going to convince Davis Food that it is now feasible. He said they wouldn't be able to get a loan without a study. Mr. Collet said they can't have just a regular grocery store but one with a fuel center, a strip mall, an Urgent Care, and a pharmacy, they could make it work. Mr. Collet said the Davis's want the property for free, the impact fees to be waived, and they want taxes to be reimbursed. Mayor Baker said they have tried that before but the other taxing entities have to buy into it. Mr. Collet said the Batty's were very interested in purchasing the current Davis Food building. Mayor Baker said he's been pushing for this since he became Mayor and he was willing to take that chance of putting up the money for the study. Mr. Collet said the property needs to change hands before the end of December. Councilman Hall asked Mr. Collet if he understands that Davis Food wants someone to buy the property and give it to them? Mr. Collet said yes. Councilman Hall asked who that would be? Mr. Collet said if Naples City will purchase the three acres for the parking lot and pave it, then he has someone who will develop all of that. He said Davis Food wants to own their own building and the footprint and everyone else will lease the parking lot from the developer. Mr. Collet said this is all a concept and he hoped he was not promising something he can't deliver but you have to swing for the fence. He said it needs to happen and he thinks it can. Mr. Collett said the property is ideal because there are three UDOT accesses and utilities close by. Mayor Baker wanted Micheal to see where they could come up with the $8,000 for the study. Councilman Kitchen asked Mr. Barraclough how much of this was real for their company LifePoint and how much was just talk. Mr. Barraclough stated there have been discussions with their board president and their division president has been out to the area, been shown the conception and she's interested. Councilman Kitchen asked about the Urgent Care and the Pharmacy? Mr. Barraclough said their company has done this already in Price, Utah and done well. Mayor Baker thanked them for coming and was excited about the ideas they shared.

Nothing was brought forward under other matters.

OTHER MATTERS OR FUTURE COUNCIL MATTERS

With no other business before the Council, Robert Hall **moved** to adjourn the meeting at 9:15. 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 27th DAY OF APRIL 2023

BY: ______________________________ ATTEST: __________________________