

# Naples City Council

## August 10, 2023

### Minutes

The regularly scheduled meeting of the Naples City Council was held August 10, 2023, 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, Ross Morton, Dan Olsen and Kenneth Reynolds. Gordon Kitchen was absent.

#### *COUNCIL MEMBERS ATTENDING*

Others attending were Bruce Hacking, Diana Hacking, Calvin McDonald, Nathan Simper, Szeth Simmons, Ryan Cook, and Micheal Davis.

#### *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 and Dan Olsen offered the invocation.

#### *OPENING CEREMONY*

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

#### *APPROVAL OF THE AGENDA*

The minutes of the regular city council meeting of July 27, 2023 were presented for approval. Robert Hall **moved** to approve the minutes. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

#### *MINUTES APPROVED*

The minutes of the special city council meeting of July 31, 2023 were presented for approval. Kenneth Reynolds **moved** to approve the minutes of July 31<sup>st</sup>. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Hall asked if they were any closer to having a street sweeper. Ryan Cook stated that they are. He said the salesman texted him a few days ago and said they moved up the scheduled date to start building it.

#### *FOLLOW UP ITEMS FROM PREVIOUS MEETING*

Mayor Baker asked if there were any questions on the bills and gave the amount of \$81,119.81. Dal Olsen **moved** to approve the bills for the amount listed. Ross Morton **seconded** the motion. The motion passed with the following roll call vote:

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

## ***APPROVAL OF THE BILLS***

Calvin McDonald contacted Mayor Baker and asked to be added to the agenda to discuss his disapproval of Mike Harrington as the City Attorney. Mayor Baker said he would give Mr. McDonald five minutes and would set a timer and then his time would be up. Mr. McDonald stated he was not a resident of Naples City but lived here for several years and loved it. He said, based off of circumstances that transpired months back, an attorney for the City resigned due to alleged information. He said he was speaking of Mr. Judd. Mr. McDonald said because of that resignation Naples City replaced Mr. Judd and he felt like the circumstances that put the new attorney in place in Naples were criminal. Mr. McDonald said "why do I have an issue with Michael Harrington? Was it because he was my ex-wife's personal attorney?" He stated that is where it starts but it is also having someone in a public setting that is accused of DUI's, that is accused of "quid-pro-quo" with clients, that is accused of other things. He said there should be some questions asked. Mr. McDonald brought up some personal situations where he has dealt with Mr. Harrington. He said he was attacked by his ex-wife's boyfriend and that he never threw a punch and Mr. Harrington didn't file charges of assault and battery and didn't recuse himself from the case. Mr. McDonald said that was not an isolated incident. Councilman Olsen asked to interrupt Mr. McDonald, he said they can't discuss the character or integrity or welfare of an individual hired by Naples City in an open and public meeting. Councilman Olsen said if Mr. McDonald wanted to discuss the system, but not the individual, he can do that. Mr. McDonald wanted to know if they could go into the business of how Mr. Harrington practiced his business as a private attorney and not recuse himself as a part-time public prosecutor. Councilman Olsen reiterated that they can't talk about Mr. Harrington and his history. Mr. McDonald wanted to know

## ***CITIZEN COMPLAINT REGARDING ATTORNEY***

about the interviews for Mr. Harrington and if that would include his licenses and his credentials and experience. At this point the timer for Mr. McDonald's five minutes sounded and Mayor Baker said that his time was up and thanked him for coming.

A business license application was received for **Uintah Special Service District 1** located at 675 South 2000 East. The license application was for the restaurant and the beer license at the golf course. Micheal stated he believed the USSD 1 was taking over the restaurant and the sale of beer at the golf course and that is what this application was for. Robert Hall **moved** to approve the business license for USSD 1. Dan Olsen **seconded** the motion. The motion passed with all voting in the affirmative.

***BUSINESS LICENSE  
APPROVALS***

The Uintah Special Service District 1 also asked for local consent for an on premise beer license at the golf course. Ross Morton **moved** to approve the on-premise beer license for USSD 1. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

***APPROVE LOCAL  
CONSENT FOR ON  
PREMISE BEER LICENSE***

Micheal asked the Council about whether or not they wanted to consider waiving the business license fee in the future. He said he wasn't asking about the beer license, he felt that needed to be paid, but maybe to look at the business license when it is up for renewal. Councilman Hall said he agreed they should look at that. Micheal said they can look at it in January because that is when it will renew.

Szeth Simmons presented Council with two bids he received for the Hunter Hollow sidewalk project. Szeth stated, as far as damaged sidewalks in the City, Hunter Hollow has some of the worst. Szeth said when he received the bids, they came in over budget. He presented the option of completing as much of the project as possible up to \$35,000 and use the remaining \$5,000 of the budget to repair any damage to the asphalt that might occur during the project. The other option he presented was to approve the bid amount for the whole project and increase the budget amount. Mayor Baker asked if the company that did the work on the park road sidewalks turned in a bid. Szeth stated they did not, they were too busy. Szeth said the low bid was from the same person who currently takes care of the lawns at the office. Szeth said this person also has a construction company and recently completed a sidewalk project at the Recreation Center. Szeth stated he checked out that project and they did a good job

***REVIEW AND AWARD BID  
FOR HUNTER HOLLOW  
SIDEWALK PROJECT***

on it. Councilman Reynolds said he'd like to see them get it done and Councilman Olsen said it's probably not going to get any cheaper. Councilman Reynolds wanted to know if the additional amount Szeth was requesting would also cover the asphalt. Szeth believed it should. Councilman Morton asked what the "standards" were that Szeth mentioned. Szeth said they go by UDOT standards and normally if something is up to UDOT standards, they meet the ADA standards. Councilman Morton asked how much they could get done with the \$35,000. Szeth said he believed they would be about 200' shy of completing the whole subdivision. Szeth said he didn't believe it was ever going to get cheaper and it would be nice to complete the whole project at one time. Councilman Hall said he would like to see them get it done. Dan Olsen **moved** to approve and accept the bid from Foster Construction for sidewalks in the amount of \$44,975. Robert Hall **seconded** the motion. The motion passed with the following vote:

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

Ryan Cook came before the Council to request approval to expend funds for this year's seal coat project. He gave Council members a list of the streets they will be doing and the cost. Ryan said he wants to use the same company as last time, with the same product. Councilman Hall asked Ryan if he was still happy with the product. Ryan said he was. He referred Council members to the pictures he included that showed how the coating was holding up next to the small areas he covered up last year. He said he threw a sign down to keep an area free from the coating so he could monitor how the seal coat was holding up. The amount submitted for approval was \$76,200. Kenneth Reynolds **moved** to approve the seal coats in the amount of \$76,200. Ross Morton **seconded** the motion. The motion passed with the following roll call vote:

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

***A P P R O V E  
EXPENDITURES FOR  
SEAL COAT PROJECTS***

Councilman Hall asked Micheal about the land purchase offer. Mike said he did make the offer but he has not heard back on it.

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

Mayor Baker asked Micheal about the conversation with Cheryl Meier about the business license. Micheal said he never had a conversation with her, just exchanged emails. Mayor Baker said some people recently came to the USSD 1 meeting and complained about the condition of the ball fields at the Naples Park. Mayor Baker wondered if they should have Ms. Meier attend one of their council meetings and give them an update on what is going on with the District and the park.

With no other business before the Council, Robert Hall **moved** to adjourn the meeting. 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 24<sup>th</sup> DAY OF JULY 2023

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_