

Naples City Council

August 22, 2024

Minutes

The regularly scheduled meeting of the Naples City Council was held August 22, 2024, 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, Dan Olsen, Ross Morton, Andrew Bentley and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Wayne Simper, Georgene Cook, Arden Cook, Nolan Jackson, Curt Smuin, Dan Mortensen, Brad Grammar, Brittany Schlosser, Kelly Johnson, Mark Grammar, Brooks Jones, Michael Cook, Anna Billings, Jo Gardner, Matt Cazier, Stephanie Adams, JD Pickup, Ja Kailei, Willis LeFevre, Nathan Simper, Szeth Simmons, Ryan Cook, Micheal Davis, and Nikki Kay.

OTHERS ATTENDING

Mayor Baker welcomed everyone and called the meeting to order. He began the meeting with the pledge of allegiance and Dan Olsen offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval and asked to add something under other matters. Dan Olsen **moved** to approve the agenda with the addition. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

APPROVAL OF THE AGENDA

The minutes of the regular city council meeting of August 8, 2024 were presented for approval. Robert Hall **moved** to approve the minutes from August 8, 2024. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Nothing was brought forward.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Nikki Kay presented the bills in the amount of \$43,002.71. Dan Olsen **moved** to approve the presented bills. Ross Morton **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

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

Brittany Schlosser, President of the Naples PTA, came before Council to give a report on the PTA. Ms. Schlosser thanked the Council for this past year and their help. She reported on activities the PTA has been a part of at the school. Ms. Schlosser stated that every child has potential and it is a community effort to help them realize that. She stated there are concerns about the economic disparity at Naples and they can't change what happens away from school but they can make it equal at school. Ms. Schlosser stated they are in need of volunteers at the school and asked each person to join PTA as part of the community. She asked the Council how they see them partnering this coming year. Mayor Baker stated he used to enjoy coming to judge the different contests. Councilman Morton said they could come and report and share their needs. It was discussed that quarterly would work for that report. Ms. Schlosser asked about the DARE Program. Mayor Baker said they could visit with Chief Simper about that. Councilman Hall stated that Northeastern Counseling Center has some resources along those line that they could offer. He asked how many students they have? Ms. Schlosser said there are currently about 550 students. Mayor Baker and the Council thanked Ms. Schlosser for coming and for the report.

***REPORT FROM NAPLES
PTA***

Brad Grammer, Central Utah Water Conservancy District Plant Manager, came before the Council to give a presentation on Ashley Springs. Mr. Grammer began his slide presentation with "Why should we care?" He explained that the Ashley Springs is the primary source of drinking water in Uintah County and explained they have conducted tracer studies to show how the water flows. Mr. Grammer stated they monitor the E. Coli data for the Spring and also for Red Fleet. He stated the Ashley Springs is the primary drinking water source for over 30,000 residents in the Ashley Valley and if it were damaged or contaminated it could have unacceptable or irreversible consequences. Mr. Grammer shared that Ashley Valley Water & Sewer Improvement District owns a treatment plant near the spring and they are required by the State to maintain a secure site and if any of the monitored levels fall below an acceptable level they can

***SLIDE PRESENTATION
ON ASHLEY SPRINGS***

be assessed fines or fail to get funding. He said the Central Utah Water Conservancy District has two sources of water, the Ashley Springs and Red Fleet Reservoir but it costs more to pump and treat the water from Red Fleet and that affects everyone in Ashley Valley. Mr. Grammar said that Utah Code requires all public water systems to have a Source Water Protection Plan and AVWSID does have one but they have no enforcement power so the County adopted an ordinance protecting the zone around the Ashley Springs. Mr. Grammer also mentioned the Dingell Act which transferred 791 acres from the BLM to Uintah County and that is where the Ashley Springs property is. He shared a list of people who should be involved in the discussions on the protection of Ashley Springs and stated that "regardless of your position on the current local events, we all have a vested interest to protect our drinking water." Councilman Bentley asked if this was a concern of potential damage or is it a question of access? Mr. Grammer said there should always be a concern of contamination. Councilman Hall said he was just trying to understand why everyone is not able to come to the table on this and have those discussions. Councilman Bentley stated he is fairly new in his position but wanted to know if there is anything legislatively that the City should be involved in this or if it was just giving their opinion. Councilman Hall said he also didn't see where the City could pass anything legislatively that would help this situation. Mr. Grammer said the County has already passed an ordinance, they just need enforcement and to make sure it is robust enough. Mayor Baker said he feels like the County has been very secretive about all of this and not been willing to have public meetings about this. Councilman Bentley asked if there were any public meetings held about this? Mayor Baker said the County claims there have been some. Councilman Bentley stated that holding a public hearing doesn't always mean you are going to get people to attend, and they usually don't until after things are approved. Mr. Grammer said there are multiple agencies involved in this and they have deemed that area for protection. Micheal Davis asked why the land around the spring has not been purchased if it's that critical. Mr. Grammer said it's not really ever been up for sale. Councilman Bentley questioned if the Mayor has any jurisdiction, other than his position on the Ashley Valley Water Board? Mayor Baker said he would challenge that a little in that the City gets all of its water from Ashley Valley Water & Sewer and it comes from the spring. Mayor Baker said his opinion was for the Via Ferrata people to go somewhere else and to leave the area around the spring

alone. Councilman Bentley wanted to know if he was speaking "legislatively." Mayor Baker said, as a Council, they could put a letter together stating if they were for it or against it. Councilman Hall said, legally, the City can't do anything, they could voice their opinion but that's it. Councilman Hall wanted to know where Ashley Valley was in working with the County? Mayor Baker said the County came to them and said they have a road through there and Ashley Valley told them they didn't and they voted to not allow any access through Ashley Valley Water & Sewer property. Councilman Morton asked, as far as Ashley Valley Water & Sewer is concerned, is there any compromise that would make this okay to have in Ashley Valley Gorge? Mr. Grammer said they were talking apples to oranges because if a public water system has been given land and they have been there for so many years, they have every right to maintain a secure site. He stated that even if there is an existing right-of-way they won't win with that in court. Councilman Morton said, that is his question, is there no compromise? Is there anything the County can come to the table with that would make a difference? Mayor Baker said it comes back to protection, they have to protect the treatment plant and the area around it and they are doing that with their "no access." Mr. Grammer said even with all the added measures of gates around their facility they still run into vandalism and you have to take steps to protect the facilities. Councilman Morton said he really feels like the people going to visit a Via Ferratta are on their side, they respect the land, they respect the aquifer. He asked if there was a compromise? If the County comes to the table with protections in place, is there any compromise? Mr. Grammer said he wouldn't want them coming through his facility. Councilman Morton asked if the County came to the table with all the protections they were going to put in place, could there be a discussion, or does it even matter if they bring those things because the answer is going to be "no?" Mr. Grammer said as far as the public water site facility, there will be no compromise. He said if they still continue and access the site another way, there still needs to be protections in place. He said the access is one issue and the comprehensive source water protection is another. Councilman Morton wanted to know, who in this room tonight needs to get together? Mayor Baker said they kept hoping the County would hold a public meeting and discuss what their plans were. It was mentioned that a meeting was scheduled for September 9, 2024 at the Western Park. Councilman Morton asked if the County will have everything in place for that meeting to help ease any

fears that people might have regarding what safety protocols they were going to put in place. Matt Cazier with the County said he believed so. There was no action taken on this matter.

Szeth Simmons presented bids for a drinking fountain at the roadside park. Szeth stated the roadside park has a tourist information kiosk and quite a few people stop there. He's had people approach him and ask about installing a drinking fountain there. Szeth submitted an estimate from Vernal Winnelson for a new fountain and requested approval to purchase one. Council members asked about the cost to install the fountain. Szeth stated those costs were not included in this request but he felt they would be minimal enough that he wouldn't need to come back and ask for additional funds. Ross Morton **moved** to approve the purchase of a drinking fountain in the amount of \$6,868. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye with a roll call vote:

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

***CONSIDERATION TO
APPROVE PURCHASE OF
DRINKING FOUNTAIN AT
THE ROADSIDE PARK***

Szeth Simmons presented a request to expend \$8,000 for trip hazard repairs on 1000 South and around the fire station. Szeth said this would keep them on track to help improve the safety of the sidewalks in the City. Councilman Morton asked about the expenditure for sidewalk on 1000 South at the last meeting. Szeth said that was to fill in portions of the sidewalk on 1000 South north of O'Reily and this would be to correct some trip hazards more to the east on 1000 South. Andrew Bentley **moved** to approve the \$8,000 for sidewalk trip hazard repairs. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

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

***APPROVE EXPENDITURE
FOR TRIP HAZARD
REPAIRS***

Szeth Simmons asked for Council to consider expending funds to repaint the dinosaur at the roadside park. Szeth

***CONSIDERATION TO
APPROVE EXPENDITURE***

said the dinosaur was repainted after it was hit by a car last year. He said the paint is starting to flake on the portion of the dinosaur that was not repaired and painted. Szeth said, the way it is painted will dictate what the expense is, they can either touch it up or get bids to repaint all of it. Council members asked Szeth to come back with quotes to repaint it.

TO PAINT DINOSAUR

Ryan Cook presented a request to surplus two pieces of property. The first was the 2005 truck that used to be his and the second was a snowplow blade off the #4 truck. There were other blades in the picture given to Council and Ryan believed they had already approved the surplus of those, but if they wanted to make a motion on all of them it would be good. Mayor Baker asked about the old Dakota truck and the car. Micheal stated those are currently on the surplus website. Robert Hall **moved** to approve the surplus of the truck and the plows as explained. Andrew Bentley **seconded** the motion. The motion passed with all voting aye.

***APPROVE THE SURPLUS
OF PROPERTY***

Mayor Baker received a copy of the Narcotics Strike Force Agreement for his updated signature. He wanted to bring that before the Council. Nothing in the agreement was changed, another entity was added and administrative people had changed. Robert Hall **moved** to have the Mayor sign the agreement. Dan Olsen **seconded** the motion. The motion passed with all voting in the affirmative.

***UPDATED SIGNATURES
ON NARCOTICS STRIKE
FORCE AGREEMENT***

Council members received a copy of the final site plan for project Dino. Mike explained this is an industrial distribution building site plan. He noted the business would be located near the Winder Industrial Subdivision and the business would not have Hwy 40 access, the traffic would enter and exit through the Subdivision onto 500 South. Councilman Bentley asked if this would change the requirements for the facade. Mike said it would but the builders are still doing a nice front. Councilman Bentley asked about the fence. Micheal said he can't remember if changes were made in the Land Use about fencing. The recommendation from the Planning Commission was to approve the site plan. Dan Olsen **moved** to approve the site plan for the Project Dino industrial building. Robert Hall **seconded** the motion. The motion passed with all voting in the affirmative.

***MOTION TO APPROVE
SITE PLAN FOR PROJECT
DINO INDUSTRIAL SITE***

Council members received information on the 2500 South CIB supplemental canal project application. Micheal stated

***A P P R O V E C I B
S U P P L E M E N T A L***

this a project for storm water preservation that includes Uintah County, Vernal City, Naples City and the canal company for keeping the storm water flood drain open. He said it begins in Maeser at about 3500 West and travels through the other entities and ends up in Naples on 2500 South. Micheal said the project includes open cut and slip line road crossings where the canal travels under certain road intersections. Micheal said the City wants to pipe the portion of the open canal on 2500 South and cover it. Micheal had a break down of the costs from the 2020 original application to the CIB and the actual bids that recently came in for the project. The difference between the two was an increase of \$2,176,355. Micheal said the question now is what, do we do? He stated if they ask for additional CIB funding and stay within the original parameters of the grant and loan, it would require an additional \$593,323 loan and a \$1,583,031 grant. Micheal said he approached Vernal City and Uintah County at a recent joint meeting and asked if anyone would be willing to pay additional money for the loan portion of the CIB funding. He said it didn't really go anywhere, so Wayne Simper (representing the canal company) got everyone back together and helped work out a plan. Micheal stated the other entities have tentatively agreed to pay some of the loan costs. Micheal said there were some places to cut costs and do some slip linings. Micheal said they are going to submit a supplemental application to the CIB for \$1.7 million. That would be a \$450,000 loan and \$1.25 million grant. Micheal said they are looking at sharing the \$450,000 between the entities. He said it would be an additional cost to Vernal City of \$92,000, an additional \$197,800 for the County and \$170,200 for Naples City. Micheal said, as of last night, Vernal City said they would pay up to \$125,000. Micheal said Naples will make their decision tonight about the \$170,200 and a discussion is on the agenda for the County on Wednesday. Micheal said the worst case scenario would be for the CIB to deny the request or only offer a 50/50 loan and grant. He said if they do that then the City will have to make hard decisions. Micheal said tonight they need to approve sending the supplemental application to the CIB with an additional expense to the City of \$170,000. Wayne Simper was recognized at the time. Mr. Simper stated part of what they talked about in the meeting was the canal company would agree to re-do the ILA with an "up to" clause stating the City would not have to go over the \$170,000 and the canal company would have to find the additional amount for anything over the \$170,000. Mr. Simper said they opened

***APPLICATION FOR THE
2500 SOUTH CANAL
PROJECT***

the bid three weeks ago and are just trying to do what they can to move the project forward. Dan Olsen **moved** to have the Mayor execute the supplemental agreement. Andrew Bentley **seconded** the motion. The motion passed with the following vote:

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

A waiver of conflict from the City Attorney was presented to the Council for approval. Mr. Harrington was in attendance at the meeting and explained that he would be working on the amended ILA that was mentioned for the canal project and because he contracts with both Vernal City and Naples City, the City would need to sign a waiver of conflict for him to amend the ILA. Mr. Harrington stated that, if there is minimal risk for each entity then, he can have each entity sign off and allow him to work on the agreement. Mr. Harrington said he has already started to draft the amendment, anticipating no real conflicts. Andrew Bentley **moved** to approve the waiver. Ross Morton **seconded** the motion. The motion passed with all voting in the affirmative.

Chief Simper wanted the Council to be aware of an upcoming Emergency Management Planning training. He said he was asked to encourage any elected officials to try and attend the training to have an understanding of what goes into the planning.

Kenneth Reynolds **moved** to go into a closed session to discuss the character, professional competence, physical, or mental health of an individual. Dan Olsen **seconded** the motion. The motion passed with all voting aye. All members of the Council were present for the closed session. Michael Harrington and Micheal Davis were also present.

The closed session was reconvened back into regular session and with no other business before the Council, Dan Olsen **moved** to adjourn the meeting. Robert Hall **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

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

***CLOSED SESSION TO
DISCUSS THE
CHARACTER ,
PROFESSIONAL
COMPETENCE, PHYSICAL
OR MENTAL HEALTH OF
AN INDIVIDUAL***

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 12th DAY OF SEPTEMBER 2024

BY: _____

ATTEST: _____