

MINUTES OF THE HELPER CITY COUNCIL MEETING

Thursday, September 2nd, 2021

6:00 p.m.

**Helper Auditorium
Council Chambers
19 South Main Street
Helper, Utah 84526**

ATTENDANCE:

Mayor Lenise Peterman

Council Members:

Donna Archuleta – Absent
Michelle Goldsmith
Gary Harwood – Absent Excused
Malarie Matsuda
Amanda Wheeler

City Staff

City Recorder: Zack Tonc
Chief: Chris Gigliotti
Attorney: Dominique Kiahtipes

Citizens: Traci Bishop, Jean Boyack, Tami Saccomano, Terri Saccomano, Tim Saccomano, Cheryl Lupo, Valorie Marietti, Travis Raby, Rocky Felice, Jen Passarella, Brent Passarella, Amanda McIntosh, Barbara Metelko, Lynn Felice, Darin Olson, Kimberly Kuehn, Nancy Elkins, Joe Sacco, Jade Finlinson, Kerry Jensen, Vikki Ori, Cindy Lund, Tom Lund, Marjen Hansen, Charles Jones, Colleen Haigler, Ray Haigler, Delores Slavensky, Scott Grundy, and Adam Long.

PUBLIC COMMENT:

Name: Travis Raby

Travis Raby believes that nothing has been resolved by the Mayor. About the misuse of city equipment and manpower and funds concerning the Mayor's wedding party. These questions are rhetorical but would like them to be answered soon. Does the Council as a whole, recognize the codes adopted for ruling governing the council and mayor stated on the Helper City website. If the Council and Mayor recognize the codes who is to enforce them. Why are they not being used for this matter.

He also stated that when this has come up with a past mayor abusing their power, the incident was swept under the rug. He has heard a lot of stories going around about the Mayor's wedding party. Not knowing what is true and what is hearsay for the time being. Helper City residents will get to the bottom of this because they will not be blown off again.

He also commented on volunteering with the Bear Fire that threatened Helper City and the precautions he took to help out. Along with many others in the town, and asked that the mayor would not use volunteering to make herself look better than others. In

conclusion, he stated that the council needs to brush up on their codes because ignorance of the law is no excuse.

Mayor Peterman informed Travis Raby that the City Attorney will be responding to this on agenda item number 16.

Name: Lynn Felice

Wanted to express concerns of his family and himself, about the destabilization of the river banks. With the new dynamics of the river, the concern is for the waterlines that are ran under the river. Being run under the river keeps them from freezing and with the changes they worry about the lines freezing.

Name: Keisha Way

Exhibit A

Name: Smuin Rich & Marsing

Exhibit B

APPROVAL OF ALL MINUTES ON JULY 20, AUGUST 5 & 17, 2021.

Council Member Goldsmith moved to approve the minutes for July 20th, August 5th, and 17th, 2021. Council Member Wheeler seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler, all voting yes.

PROCLAMATION BY THE MAYOR AND CITY COUNCIL OF HELPER PROCLAIMING SEPTEMBER 2021 TO BE SUICIDE PREVENTION AND AWARENESS MONTH.

Exhibit C

Mayor Peterman proclaimed September 2021 suicide prevention and awareness month.

Amanda McIntosh would like to invite Helper City residents to the World Suicide Prevention Day Activity on Friday, September 10, 2021, from 6 pm to 8 pm at Price Pease Gardens.

DISCUSSION AND APPROVAL OF JADE FINLINSON AS THE MUSEUM DIRECTOR.

Council Member Matsuda stated Jade Finlinson will be an amazing director. She has a lot of fabulous skills, including a Masters in Library and Information Studies from the University of California, and is an expert in archiving. We are fortunate to have Jade Finlinson to help preserve our history and to improve our museum.

Jade Finlinson stated she is excited to bring more community engagement and exhibits to our museum. She asked that everyone come down and add their pictures and stories to the community archive.

Council Member Matsuda moved to approve Jade Finlinson as the Museum Director. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

DISCUSSION AND POSSIBLE APPROVAL TO LEGALIZE ARTWORK AND PAINTINGS IN TUNNELS ON THE RIVER WALKWAY, REQUESTER ASHLEY HARDY.

Ashley Hardy informed the council of her vision to decriminalize the painting in the walkway tunnels. This would be an extension of what Kesha Way has done. Ashley Hardy would like to reserve the end spaces of the tunnels for more professional work, which will rotate every 3-6 months.

Council Member Matsuda asked Ashley Hardy which tunnels she is referring to. Ashley Hardy responded the river walkway tunnels. Council Member Matsuda and Mayor Peterman decided on the three tunnels on the river walkway.

Council Member Goldsmith verified the railroad underpass on Janet Street is excluded from the Artwork. Council and Mayor agreed. Also, she asked about how the laws will need to change to accommodate this. Police Chief Gigliotti responded yes.

The Council will have to make an updated ordinance to accommodate this proposal.

Council Member Goldsmith moved to approve legalizing artwork and painting in the three tunnels connected to the river walkway with the appropriate ordinances being presented to update at the next meeting. Council Member Wheeler seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes

FAREY TAIL FUNDRAISER IN AT AUDITORIUM FOR FREE. COLE & HOLLY STAPLEY (801) 663-6286.

Removed from agenda due to rise of delta variance. Possibly revisited later in the spring.

DISCUSSION AND POSSIBLE APPROVAL OF FUNDRAISING FOR AN ALL-ACCESS PLAYGROUND.

Valorie Marietti addressed the council about fundraising to bringing an all-access playground to the castle gate subdivision. She would like the space to be utilized by everyone in the area. Also, some of the huge expenses are restrooms and ground covering. She would like a place where any child can play together to strengthen our community.

Mayor Peterman asked if a non-profit has been made, Valorie Marietti responded yes.

Council Member Goldsmith informed the council about where the non-profit is at in the creation process.

Council Member Wheeler moved to support changing the Castle Gate Subdivision Playground to an equal access playground. Council Member Matsuda seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

DISCUSSION AND POSSIBLE APPROVAL OF LOCAL CONSENT FOR RELOCATION OF TUSCAN.

Mayor tabled.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 2021-6, AN ORDINANCE AMENDING THE ALLOWABLE HEIGHT IN FEET ABOVE GRADE FOR FREE-STANDING SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES WHERE VEHICULAR SPEED IS SUBJECT TO POSTED LIMITS BETWEEN 35 AND 55 MILES PER HOUR.

Jean Boyack stated Helper's building code has the sign height at 40 feet and would like to change the sign height to 60 feet to be in line with the universal building code.

Council Member Wheeler moved to approve Ordinance 2021-6, an ordinance amending the allowable height in feet above grade for free-standing signs in commercial and industrial zones where vehicular speed is subject to posted limits between 35 and 55 miles per hour. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

DISCUSSION ON RESOLUTION 2021-4 A RESOLUTION UPDATING THE BUSINESS LICENSE FEE SCHEDULE FOR HELPER CITY.

Council discussed the way their questions were clarified from the last time the resolution was on the agenda.

Council Member Matsuda moved to approve Resolution 2021-4, a resolution updating the Business License Fee Schedule for Helper City. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2021-7 RESOLUTION AMENDING THE FEES AND PROCEDURES FOR THE USE OF HELPER CITY PROPERTIES AND FACILITIES.

Council Member Goldsmith explained how the resolution was changed from the former one. The change was to streamline the rates to be the same for everyone. Instead of multiple fees for multiple things like cleaning, opening, etc. They were all combined into one fee for all events. The Rio Theater Fees were changed to reflect the new amenities available.

Council Member Matsuda moved to approve Resolution 2021-7, a resolution amending the fees and procedures for the use of Helper City property and facilities. Council Member Wheeler seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 2021-8 AN ORDINANCE ESTABLISHING THE FORM OF CONDUCT EXPECTED FROM ELECTED OFFICIALS WITH RESPECT TO MEETING ATTENDANCE AND ESTABLISHING PENALTIES FOR FAILURE TO COMPLY WITH THE RULES.

Council Member Wheeler stated we should not be paying council members that are not attending meetings and not performing their duties. She also would like the attendance for Ordinance 2021-8 to start at the next meeting.

Council Member Goldsmith stated Ordinance 2021-8 looks fair.

Council Member Wheeler moved to approve Ordinance 2021-8, an ordinance establishing the form of conduct expected from elected officials with respect to meeting attendance and establishing penalties for failure to comply with the rules. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

HELPER CITY'S RESPONSE FROM CITY ATTORNEY DOMINIQUE KIAHTIPES ABOUT TERRY SACCOMANO'S CONCERNS OF MISUSE OF CITY EMPLOYEE TIME.

City Attorney Kiahtipes stated she has reviewed the Helper Municipal Ethics Code, and Helper does not have an Ethics Commission Board. The State of Utah does have a remedy if the Municipality does not have an Ethics Commission Board, the state can step in as the Ethics Commission Board. This allows for an eligible complainant to file a grievance. More information on this process is available at ethics.utah.gov.

City Attorney Kiahtipes stated she does not represent individuals, she represents Helper City and follows proper procedures. Helper City does not have a proper procedure for such.

JOE SACCO RIVER DIVERSION THAT WAS WASHED OUT AND AFFECTED SECONDARY WATERGATE.

Joe Saco gave a brief history of the Sacco Project in the Price River. He stated that the recent flood clogged his headgate and moved several boulders of the diversion downstream. He would like a time frame of when the irrigation will be restored. Also, he asked for better communication between Helper City and himself.

Council Member Matsuda inquired about past clogs for the headgate. Joe Saco stated that it has clogged and Helper City and himself have helped clean the clogs.

Joe Saco stated all he wants is his water back and better communication.

UPDATE ON RIVER FLOODING BY ERIC MCCULLY OF RIVER RESTORATION.

Eric McCully started by stating the area in question is in a flood plain and is prone to flooding. The purpose of the River Project was to minimize navigational hazards and improve fish habitats. One constraint of the River Project was the elevation had to

remain the same. Surveys were done to ensure the elevation was unchanged after the project was complete. He also stated the recent flooding was due to the Bear Fire and rainfall. This created a natural debris flow that came down Price River. This is why diversions in flood plains require ongoing maintenance.

Eric McCully commented on the concern from Lynn Felice about the river bank and wall. By stating the project stayed away from the wall and moved the hydraulic issue down river along with the erosion to avoid the huge cost of replacing the wall.

Eric McCully stated there are no current meters on the river currently. He is willing to work with Helper City and others to put more extensive controls on the river.

Eric McCully asked if anyone had any questions. Council Member Goldsmith is concerned about the irrigation problem, and questioned why this flood was so different, and why the river dropped 4 feet. Council Member Wheeler also asked if the 4-foot drop was due to the drought. Eric McCully stated the drop in water elevation was due to the recent flood.

Eric McCully stated the ditch headgate could be restored by replacing the rocks, to restore the diversion. He has a contractor lined up to replace the rocks for free.

Darin Olsen asked Eric to add a couple more goals to the River Project. The first is to maintain structures that replaced original structures in the river by the River Project. The second is to design something to minimize the risk of losing irrigation diversions. Also, he would like to know when the irrigation will be restored at the Sacco headgate.

Council Member Matsuda asked how many people are affected by the Sacco Headgate. Joe Sacco responded, three people, are affected.

Mayor Peterman asked Eric McCully, with Helper City, Lynn Felice, and Joe Sacco working together, what can they do to remedy the situation. Eric responded the long-term solution would be to replace the wall by the Felice's. Lynn Felice would just like to have the rocks put back. Eric said the rocks could be put back.

Exhibit D Eric McCully's presentation

RECESS AS THE HELPER CITY COUNCIL AND CONVENE AS THE HELPER CITY COMMUNITY REINVESTMENT AGENCY..

Council Member Wheeler moved recess as the Helper City Council and Convene as the Helper City Community Reinvestment Agency. Council Member Matsuda seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

COUNCIL REPORTS:

Council Members reported on various projects being worked on.

MOVE TO CLOSE THE MEETING FOR PROPERTY DISCUSSION.

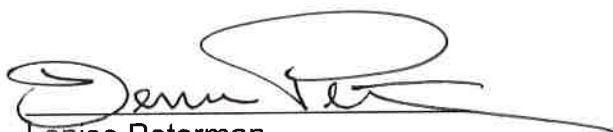
Council Member Goldsmith moved to close the meeting for property discussion. Council Member Matsuda seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

Council Member Matsuda moved to return to the open meeting. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes.

ADJOURNMENT:

There being no further business Council Member Matsuda moved to adjourn. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Goldsmith, Matsuda, and Wheeler all voting yes. Meeting Adjourned.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Helper City Council meeting held on Thursday, September 2nd, 2021.


Lenise Peterman
Mayor


Zack Tonic
City Recorder

Approved on October 7th, 2021

Exhibit A

Keisha Way

Owner of Hand Candy Tattoo
70 S Main St
Helper UT 84526
435-650-5866
August 23, 2021

Greetings Helper City Council,

I'm writing to you on behalf of Ashley Hardy. She has reached out to me regarding the success of our graffiti wall on the Helper Parkway. My son, Ryū, along with the rest of our family took on this graffiti wall as a community project. We cleaned up a large wall under the bridge just below Hill St. and painted an area letting passers-by know that this wall is available for graffiti/street art as long as it is respectful and clean. Included with our own artwork is the hashtag #helperstreetart. Many have added to this wall since it's creation in May of 2019 and we have proudly shared their work under the instagram handle @helper_street_art.

Ashley is wanting to expand this project to the underpasses throughout the town. I think this is an amazing idea and I have actually had this in mind since we started the smaller project. We were hoping that this first wall would prove that this could be a success in the way that people would respect the parameters and enjoy the opportunity to share. It has indeed been a raving success! Not only have we only seen respectful artwork, but each of the artists have been respecting each other's work. They have been paying attention to when the art is painted and have been leaving it up for ample amounts of time to be enjoyed by others before painting over the top of it. One thing we have seen is that there is enough interest that if we had more surface area we would have more art going up on a more regular basis. Adding more available walls would allow more artists to paint their great works and allow them to do so more often.

We have also seen many tourists taking photos of themselves in front of the wall and are posting these photos on instagram and facebook using #helperstreetart. Some have even sent their photos to the instagram inbox to be shared. It has also been very humbling to see that many have used these areas to post large memorials to some of the residents of our area that we have lost to covid and to tragic accidents over the last few years.

I hope you will consider Ashley's proposal. It would benefit the town greatly. It will add aesthetic appeal and also create more draw for visitors. I also offer the Helper Street Art logo, Instagram handle and hashtag to be used throughout the town.

A handwritten signature in black ink that reads "Keisha Way". The signature is fluid and cursive, with a large loop at the end of the last name.

Sincerely,

Keisha Way

Exhibit B

Mayor and Members of Helper City Council,

We have been requested to provide a statement which covers aspects of the City's cash/check recording, along with the processes of receipting those funds and the disbursing of those funds. This is not to be considered an all-inclusive list of items pertaining to this process. We would be happy to discuss any questions further.

Each year the mayor and members of the City Council are required to sign and provide a representation letter in connection with the audit of the financial statements of Helper City. That representation letter addresses several areas, of which one is the internal controls established by the City in relation to funds collected and disbursed.

The following is a few of those representations pertaining to internal control:

- 1) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- 2) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 3) We have no knowledge of any fraud or suspected fraud that affects the City and involves –
 - a) Management,
 - b) Employees who have significant roles in internal control, or
 - c) Others where the fraud could have a material effect on the financial statements.
- 4) We have no knowledge of any allegations of fraud or suspected fraud affecting the City's financial statements communicated by employees, former employees, regulators, or others.
- 5) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
- 6) Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
- 7) Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed.
- 8) In order for the City to make a representation statement of internal controls relating to the handling of cash/checks and the subsequent receipting and disbursing of these funds, the City is required to follow certain protocols and established best practices in relation to funds collected that are within the control of the City.
- 9) The City has a recorder and a treasurer with specific requirements pertaining to the handling of the City funds. These individual positions are bonded. They are also required to identify and report on the City's funds collected and funds disbursed to the City Council and Mayor.
- 10) No other individual or individuals (volunteers or board members of a City organization) have the ability to perform these functions on behalf of the recorder or treasurer. No other individuals should be accepting cash/checks on behalf of the City, without the governing boards approval and within the realm of established internal controls. The City has policies and procedures in place for collection and depositing of City funds.

- 11) When fundraisers are performed on behalf of the City, an authorized City employee should be assigned to assist the City in the collection of these funds. This should not be a volunteer, or someone not associated with the City government.
- 12) The governing body of the City is required to establish internal controls to safeguard the assets of the City. This requires a strict adherence to established practices and policies.

Sincerely,



Smuin, Rich & Marsing
Helper City Consultants

Exhibit C

Proclamation

A PROCLAMATION BY THE MAYOR AND CITY COUNCIL OF HELPER CITY PROCLAIMING SEPTEMBER 2021 TO BE SUICIDE PREVENTION AND AWARENESS MONTH

WHEREAS, the state of Utah has consistently been in the top ten states for suicide deaths since 2012; and

WHEREAS, Carbon, Emery, and Grand Counties lead the state of Utah in suicide deaths per capita; and

WHEREAS, people who lose a loved one to suicide are at a 30% higher risk of ending their lives to suicide as a learned coping mechanism and learned behavior, and

WHEREAS, according to the American Foundation for Suicide Prevention's statistics, suicide is the number **one** leading cause of death amongst Utahans ages 10-24, **second** leading cause of death amongst ages 25-55, **fourth** leading cause of death amongst ages 45-54, **fifth** amongst ages 55-64, and **seventeenth** amongst ages 65 and older, and

WHEREAS, the risk of suicide can be reduced through awareness, training, proper education resources, and treatment; and

WHEREAS, suicide affects each and every one of us, suicide is everyone's business, and suicide is one of the most preventable deaths that can be avoided by learning the warning signs of depression and suicidal ideation, knowing how to ask about one's suicidal thoughts, being aware of life-saving measures, and familiarizing ourselves with the resources available locally as well as state-wide;

NOW, THEREFORE, I, Helper City Mayor Lenise Peterman, on this 2nd day of September 2021, do hereby proclaim September 2021 to be

SUICIDE PREVENTION AND AWARENESS MONTH

In Helper City and encourage all residents of Helper City to recognize how serious suicide is and the steps each of us can take to protect those around us from this preventable tragedy; one with devastating generational and community-wide affects.


Lenise Peterman, Mayor

ATTEST:

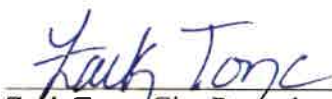

Zach Tonc/City Recorder

Exhibit D

Price River Flooding

Phase IV site conditions

Federal



Project objectives

- Our Phase IV project objectives were to provide for fish passage and improve safety for recreation
- Our project objectives were to not change the pre project maintenance and operations of the Sacco Diversion
- Our Objective was to not change the pre-project flood hazard.
- The location is prone to flood issues including erosion, sedimentation, and overbanking.
- All our in-channel work was downstream of the head gate.

Project Site Background

- Project objectives were not to maintain the diversion under all flooding conditions
- Project objectives were not to create a completely maintenance free situation for a diversion structure.
- It appears that additional work was done along the river upstream of our work in the last few years.
- The location, **WITHIN THE FLOODPLAIN** is prone to issues due to constraints on the channel and build up of berms on both sides of the river upstream of the RV Park (river left) and along the Morgantown Site (river right)

Pre-project conditions of the Gay (Sacco) Diversion

Maintenance has always been needed



Pre-project conditions with debris



Price River Diversion Images

Post project conditions

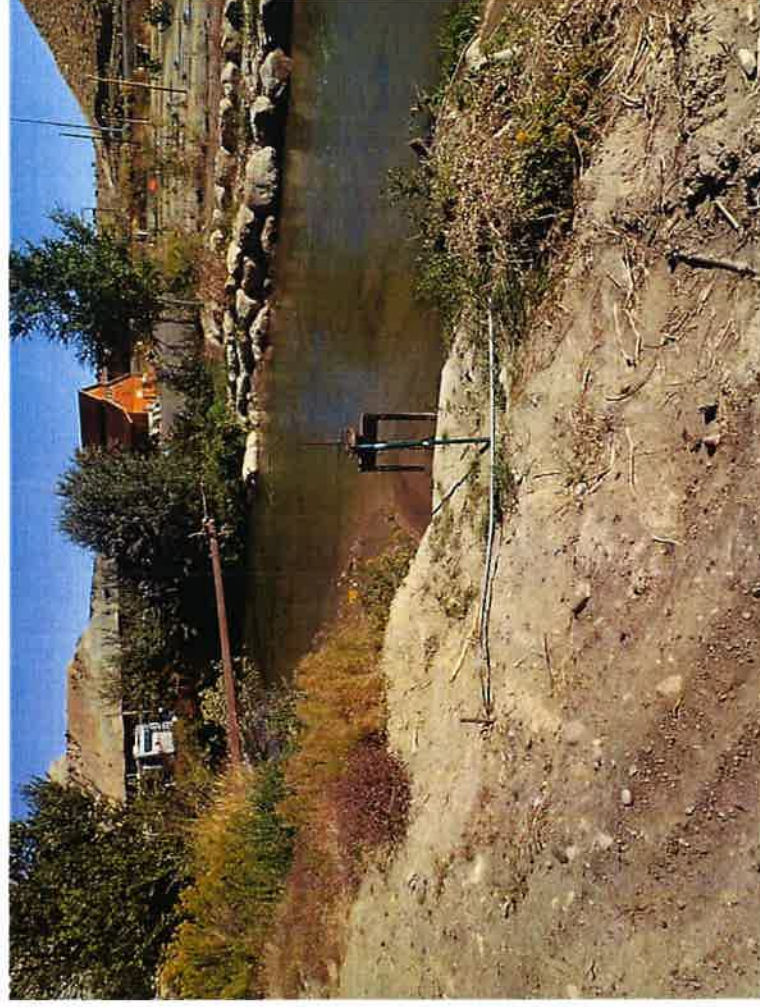


Post flood conditions



Price River Diversion

Post project 2019



Post flood 2021



Price River Diversion

Post project 2019



Post flood 2021



Price River Flooding 2021

- Price River has high sediment load and flashy floods and that increased with the fire from 2021
- Maintenance has always been needed at this location
- It is located in the 100-year floodplain and highly constrained by berms and infrastructure within the 100-year floodplain
- We implemented a project that held the hydraulic grade level from pre-project
- The river flooded and the site still needs to be maintained, as before the project, and with or without the project