

MINUTES OF THE HELPER CITY COUNCIL MEETING
Thursday, October 20, 2022
at 6:00 p.m.
in the Council Chambers
19 South Main Street
Helper, Utah 84526

ATTENDANCE:

Mayor Lenise Peterman

Council Members:

David Dornan
Michelle Goldsmith
Gary Harwood
Malarie DeVincent
Amanda Wheeler

City Staff

City Recorder: Zack Tonc
Attorney: Dominique Kiahtipes
Public Works Director: Michael Mastin
Police Chief: Chris Gigliotti

Citizens: Traci Bishop, Pamela Juliano, Annabell Romero, Aaron Lee, Marilou Kundmueller, Ellis Powelson, Tim Riley, Lita Riley, DJ Romero, and Bradley Mortensen.

PUBLIC COMMENT:

Pam Juliano –

She is here to discuss a couple of concerns regarding some disturbing news that has presented itself on social media this past week. Information was shared with her, that she should be concerned about the historical building that she resides in. She is investing in 69 South Main Street, which she is remodeling for her consulting business. Her concern is this, she finds it frustrating that she is hearing about this news on social media, versus having known about this through a formalized conversation within a council format or a city notification. She is further frustrated that she has learned this is a personal matter, and that Council Member DeVincent an elected official chose to put this issue in a social media format. She has a great deal of respect for the developer of the properties on Main Street, and she will always be a fan of Gary DeVincent's work, but she is not a fan of learning about concern through a "call to action". This concerns her because she is about to invest money in a building that she had no idea there were real concerns about. You are elected officials, your responsibility is to the constituency that you were elected to serve. Whether it be a federal, state, municipal, or county government you take an oath to serve the constituency and to honor and respect the constitution of the United States, the State of Utah, and the ordinances of the municipal and county government you serve. The same goes for appointed positions. We are all responsible for managing ourselves in a professional manner. If she is on a committee and has a personal conflict, or has an issue with her business, she is not taking it up on

social media, she is coming to the mayor or the council, and she will have that conversation. She wishes she would have been allowed the privilege of knowing what was going on before someone read it and informed her she needed to be concerned. The term "call to action" is widely used in FEMA-type standards, whether it is an emergency assistance, a hurricane, or a fire, and for volunteers to work on projects. The term "call to action" in this instance concerns her because it was almost highly emotional. She is in a position where she wants to invest in Main Street and be part of the business community. It is disheartening that you can take a social media platform and position a very private matter in a public platform. You are also responsible for honoring your position as an elected official, without personal gain. It would have been much better managed had you recused yourself from the particular issue and allowed your husband the developer to manage the request. She thinks we could have come up with a solution, but now it is heightened by emotions and she is disappointed in this. She thought we could have done a far better job on a one-to-one basis. With all due respect, I hope you all revisit your oath and consider what public comments on social media look like.

Council Member DeVincent stated the issue affects nearly 180 buildings in the flood plain, and it is not just a personal issue. Many of those buildings are also eligible and contribute to the recently expanded historical district. It is something she has been worried about for many months. She apologizes that she has not heard about it from an official city standpoint and she is also waiting for that to happen. She is also a private citizen, who has a private Facebook page, but she is allowed to put what she wants on her Facebook page. She is sorry that Pam Juliano was upset by reading that on her Facebook page, and she will take that into consideration in the future. Just know that it is not merely a private matter, NFIP and FEMA regulations affect the entire city. With all due respect she loves this city, she does not just help her husband but also her neighbor, who is in the same circumstance. She has reached out for help and has fallen on deaf ears, but thank you for coming.

APPROVAL OF THE MINUTES FROM SEPTEMBER 15, 2022.

Council Member Goldsmith moved to approve minutes from September 15, 2022, with noted corrections. Council Member Wheeler seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, Wheeler, DeVincent, and Harwood all voted yes.

REVIEW OF THE WELL-BEING SURVEY WITH DR. COURTNEY FLINT.

Dr. Flint was not present, item was skipped.

DISCUSSION AND POSSIBLE APPROVAL OF LOCAL CONSENT FOR MAVERIK TO SELL ALCOHOL.

No one was present from Maverik.

Council Member Harwood moved to approve local consent for Maverik to sell alcohol. Council Member Dornan seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, Wheeler, DeVincent, and Harwood all voted yes.

DISCUSSION AND POSSIBLE APPROVAL OF 73 S MAIN ALLOCATION TO PUBLIC WORKS.

Mayor Peterman invited the Public Works staff to discuss what they would like to do with the Old City Hall.

Public Works Director Mastin and his staff asked to have the Old City Hall allocated to Public Works.

DJ Romero stated he would like for the department to have space for training, so they are not having to interrupt other activities at the Fire Station or the City Office. In the wintertime, he sleeps in the Public Works Garage, when it snows. He does this because he lives in Price and they have 16 to 20 hour days. If he goes home during a snow storm he only gets a couple of hours to sleep before he needs to be back at work.

Brad Mortenson stated they do not have enough space where they are currently at. They do not have easy access to a drinking fountain or bathroom. We need a shower and locker room because they get dirty. They cannot go from working on a sewer line to working on a water line. Things are put off until the next day when this happens.

Police Chief Gigliotti stated that the plans included a fitness area. This would be beneficial to all of the city staff, and some insurance companies offer discounts on premiums for implementing a fitness program. Also with the city growing, we will eventually need to take over the building, why prolong it?

Public Works Director Mastin stated we have 7 employees now and we need the space because we are growing.

Council Member Dornan moved to approve the allocation of 73 South Main to Public Works starting April 1, 2023. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, Wheeler, and DeVinent voted yes, with Harwood voting no.

DISCUSSION OF EVENT STORAGE FOR THE HELPER ARTS FESTIVAL.

Mayor Peterman stated Cole Staply was unable to make it. He wanted to let the council know that the Arts Festival would like consideration if event storage comes up in the future.

DISCUSSION AND POSSIBLE APPROVAL OF CAREER LADDER.

Public Works Director Mastin stated that he would like a 75-cent raise per certification. This is a goal for the employees, so we will have a well-trained staff.

Council Member Wheeler stated the raises will still need to be approved by the council. This is to help Public Works Director Mastin stay organized, and update our policies.

Exhibit A - Career Ladder.

Council Member Wheeler moved to approve the Public Works Career Ladder. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, Wheeler, DeVinent, and Harwood all voted yes.

DISCUSSION OF SAFETY INCENTIVES.

Public Works Director Mastin asked the council to consider a safety incentive. He explained how he would like the program to work, by handing out embroidered playing cards with the Helper City logo on them. These cards can be used or exchanged for paid time off. This program will be for the whole city, not just for Public Works.

Council Member Harwood stated he likes the idea is good, and that we should have done this sooner. Council Member Dornan agreed but did not like the cost of custom embroidered playing cards. He would like an alternative to playing cards.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2022-09 BOARD DECORUM.

Mayor Peterman stated in the past couple of months she has had several members from different boards, indicating some members are not conducting themselves in the best manner. She asked legal to draft an ordinance to remind board members, that they are representing the city and act in a professional manner.

Council Member DeVincent stated it is a good start, but she has a day to prepare for the resolution and would like more time. Also, she would like to add a section on transparency. She thinks the conflict of interest section is a very tricky thing in a small community, where everyone has relationships with everyone else. Council Member DeVincent read, in order to ensure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence governmental decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest. The word "appearance" is opening a can of worms. Also, a board of a non-profit should be placed in this section as well. Council Member DeVincent read, in accordance with law, members shall disclose investments, interest in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist. She could see circumstances where we would be unable to make decisions on a topic, because of a conflict of interest. Take the Historic Registry we have the largest historic district in the state of Utah. So Council Member Goldsmith, Council Member Dornan, Mayor Peterman, and herself, all have historic properties. Council will not be able to make decisions related to the historic district, due to a lack of quorum. Also having a city employee on the city council is a conflict of interest.

Council Member Goldsmith stated from her observation, isn't this the wording from the State Of Utah's conflict of interest law? City Attorney Kiahtipes responded the wording mirrors the state law and is not exact but close. Council Member Dornan stated a while back when I asked if I was able to vote on issues of parking on Main Street since I own a business on Main Street and you said that I could. City Attorney Kiahtipes responded this is a more nuanced conversation. When it comes to a conflict of interest it is exactly what it states, where there is a personal or financial gain, there is something immediate. Once the decision is made it will affect you in whatever way, Council Member DeVincent is right, in small towns any decision made has a small trickle effect, but the conflict has to be immediate action.

Council Member DeVincent stated it is like "or a personal relationship" so if my barber wants to get a business license or whatever it is, I better not vote because I have a personal relationship with them. When something is so vague and in a small town where everyone knows everybody. Where does the line stop? Jana Larson gave me a candle for my birthday, do I need to disclose that? How does this become more definitive?

City Attorney Kiahtipes responded she drafted this by looking at the Utah code and other ordinances and resolutions passed by municipalities. We can play around with this if the council wants. But the conflict of interest is about your mental state. Is this going to influence your vote? Council Member Dornan asked what if they say that there was no influence on their vote. City Attorney Kiahtipes stated you look at the situation and the facts around the situation.

Council Member DeVincent asked if Council Member Goldsmith should have recused herself from voting on the park because she is on the Friends of Helper board. Council Member Goldsmith informed Council Member DeVincent that she is not on the board, she is a member.

Council Member DeVincent moved to table. Council Member Wheeler seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Wheeler, and DeVincent voted yes and Goldsmith and Harwood Voted No.

POSSIBLE CLOSED MEETING - DISCUSSION ON PROPERTY AND/OR PERSONNEL ISSUES.

Mayor Peterman stated there is no cause for the closed meeting and the item was skipped.

ADJOURNMENT:

There being no further business Council Member Wheeler moved to adjourn. Council Member DeVincent seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, Wheeler, DeVincent, and Harwood all voted yes.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Helper City Council meeting held on Thursday, October 20, 2022.



Lenise Peterman
Mayor

Zack Tong
City Recorder

Approved on November 17, 2022

Exhibit A

	Laborer	Operator II	Operator III	Senior Operator					
Purpose	Performs a variety of full performance level skilled work in the operation and maintenance of heavy equipment.	Performs a variety of Journey level skilled work in the operation and maintenance of heavy mechanized equipment.	Performs a variety of Journey level skilled work in the operation and maintenance of heavy mechanized equipment.	Performs a variety of Journey level skilled work in the operation and maintenance of heavy mechanized equipment.					
Duty Areas	1. Loaders 2. Skidsteers 3. Trucks-snowplows/sanders/dumptrucks 4. Motorgraders 5. Backhoes 6. Sweepers 7. Laydown machine	1. Loaders 2. Skidsteers 3. Trucks-snowplows/sanders/dumptrucks 4. Motorgraders 5. Backhoes 6. Sweepers 7. Laydown Machine	1. Loaders 2. Skidsteers 3. Trucks-snowplows/sanders/dumptrucks 4. Motorgraders 5. Backhoes 6. Sweepers 7. Laydown Machine	1. Loaders 2. Skidsteers 3. Trucks-snowplows/sanders/dumptrucks 4. Motorgraders 5. Backhoes 6. Sweepers 7. Laydown Machine					
Requirements & Capability	Some duty areas 2 of the 7 duty areas Skill in operation of equipment	Majority of the duty areas 4 of the 7 duty areas Skill in operation of equipment	Most of the duty areas/some carpenter crosstraining 6 of the 7 duty areas Skill in operation of equipment/MUTCD training	All duty areas/crosstrained in carpenter career ladder 7 of the 7 duty areas Highly skilled in operation of equipment/MUTCD training					
		Valid CDL Collection or Distribution	Valid CDL Collection or Distribution	Valid CDL Collection Distribution					
	Consistently Demonstrates Workplace and Personal Safety	Leads by example in safety and Consistently Demonstrates Workplace and Personal Safety	Leads by example in safety and policy and procedures Has good communication and relationship skills Consistently Demonstrates Workplace and Personal Safety	Leads by example in safety and policy and procedures Has very good communication and relationship skills Consistently Demonstrates Workplace and Personal Safety					
Supervision Received	Street Supervisor or Senior Operator	Street Supervisor or Senior Operator	Street Supervisor or Senior Operator Progress to becoming Road Scholar	Street Supervisor Road Scholar					
Supervision Exercised	None	Acts as lead worker and supervises laborers	Acts as crew leader on city projects	Leads City projects/Makes decisions in the best interest of the City/ Acts as Street Supervisor in his/her absence					
Years									
Experience	1 to 2	2 to 3	3 to 5	5 to 6					