

MINUTES OF THE HELPER CITY COUNCIL MEETING
Thursday, February 2, 2023
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 Tonic
City Attorney: Dominique Kiahtipes
Public Works Director: Michael Mastin
Police Chief: Chris Gigliotti

Citizens: Cindy Lund, Debbie Pappas, Hollie Stapley, David Johnsen, Rick Harper, Amy Anderson, Marilou Kundmueller, Larry Jensen, and Bobie Mabbutt.

PUBLIC COMMENT:

APPROVAL OF THE MINUTES FROM JANUARY 5, 2023.

Council Member Harwood moved to approve minutes from January 5, 2023. Council Member Wheeler seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Wheeler, DeVincent, and Harwood all voted yes.

DISCUSSION AND POSSIBLE APPROVAL OF LOCAL CONSENT FOR CLUE NIGHT AT THE MUSEUM.

Hollie Stapley a museum board member, is working on a fundraiser, for the museum. The fundraiser for the museum on March 25, 2023, is called Clue Night at the Museum. The fundraiser will consist of a Clue-like game, with appetizers, wine, and beer. She is asking for local consent to serve beer and wine at the event.

Council Member Wheeler asked Hollie Stapley what the event's time frame was. Hollie Stapley responded she is looking at 6 pm to 9 pm.

Council Member Wheeler moved to approve local consent for Clue Night at the Museum. Council Member Dornan seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Wheeler, DeVincent, and Harwood all voted yes.

DISCUSSION AND POSSIBLE APPROVAL OF LOCAL CONSENT FOR HELPER BREWING.

Amy Anderson of Helper Brewing stated she is requesting a change of liquor license, from a limited restaurant to a full restaurant. This will allow for the whole space to be family-friendly, instead of having to put an 8-foot high partition wall dividing the space.

Council Member Dornan moved to approve local consent for Helper Brewing. Council Member Goldsmith 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 FOR HELPER PROJECT WOULD LIKE TO DO A MEMORIAL FOR TOM WILLIAMS TO BENEFIT THE BASKETBALL COURT AT LOCUST STREET PARK.

Dave Johnsen representing Helper Project, stated Helper Project asked to do a memorial project for Tom Williams. He thought Tom Williams would like to see the basketball court restored or redone, and have the court dedicated to Tom Williams. The Helper Project has the money available and would like approval from the council before proceeding.

Council Member Dornan asked if we have a plan or layout. Mayor Peterman agreed and asked for a plan to be made.

Council Member Dornan moved to approve the project. 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.

DISCUSSION AND POSSIBLE APPROVAL OF APPOINTMENTS.

Mayor Peterman presented her appointments and assignments to the council.

Exhibit A – Appointments

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

DISCUSSION AND POSSIBLE APPROVAL OF HVAC AT RIO THEATER.

Mayor Peterman stated that a second bid was procured, and asked Public Works Director Mastin for his recommendation.

Public Works Director Mastin recommended accepting Air-Temp.

Council Member Dornan moved to approve accepting the bid from Air-Temp. Council Member Harwood seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, Wheeler, DeVinent, and Harwood all voted yes.

DISCUSSION AND POSSIBLE APPROVAL OF PURCHASING A NEW FIREWALL FROM LES OLSON IN THE AMOUNT OF \$4460.

Public Works Director Mastin explained, Tanalus the company we are working with for our new electric meters needs access to our network in order to run the new meters. However, our firewall will not allow for the new connection that Tanalus will need.

Council Member Wheeler moved to approve purchasing a new firewall from Les Olson in the amount of \$4,460. Council Member DeVinent seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, Wheeler, DeVinent, and Harwood all voted yes.

DISCUSSION FOR DAMAGES FOR DEVINCENT ENTERPRISES INCURRED DURING THE FLOODPLAIN DEVELOPMENT PERMITTING PROCESS AND BUILDING PERMIT PROCESS.

Council Member DeVinent moved from her spot at the council table to the present area of the council chambers.

City Attorney Kiahtipes advised the council to be cognizant of the fact that DeVincent Enterprises has hired a legal council, and what is said here can be used in future legal proceedings. We have been engaged with their attorney, and recommend comments be limited if any at all.

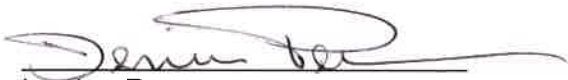
Council Member DeVincent and Gary DeVincent presented a presentation to the council about damages DeVincent Enterprises incurred during the Floodplain Development Permit and Building Permit process.

Exhibit B – Presentation.

ADJOURNMENT:

There being no further business Council Member Dornan 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, February 2, 2023.


Lenise Peterman
Mayor


Zack Tunc
City Recorder

Approved on March 2, 2023

Exhibit A

Appointments/Council Responsibilities 2023

The following is my proposed appointment to replace Vikki Ori.

Planning and Zoning

David Palacios, a long-term resident of Helper, is excited to get involved in the community and provide service. Dave has served in law enforcement and is extremely familiar with the law and how to deal with the public in a fair and equitable manner. He is extremely level headed and can be objective in all situations. He will be replacing Vikki Ori who resigned effective 1/2023.

Malarie DeVincent

1. Historic Preservation
2. Helper Walkability
3. Outlaw Car Show

David Dornan

1. Planning & Zoning
2. Parks/Grounds/Pool
3. Helper Vibes

Michelle Goldsmith

1. Main Street America Board Liaison
2. Helper Library
3. Dark Skies
4. Helper Arts, Music & Film Festival

Gary Harwood

1. Electrical
2. Buildings
3. Christmas Town

Amanda Wheeler

1. Helper Museum
2. City Human Resource Policies
3. Social Media/Website
4. First Friday

Exhibit B

River Houses Restoration Project

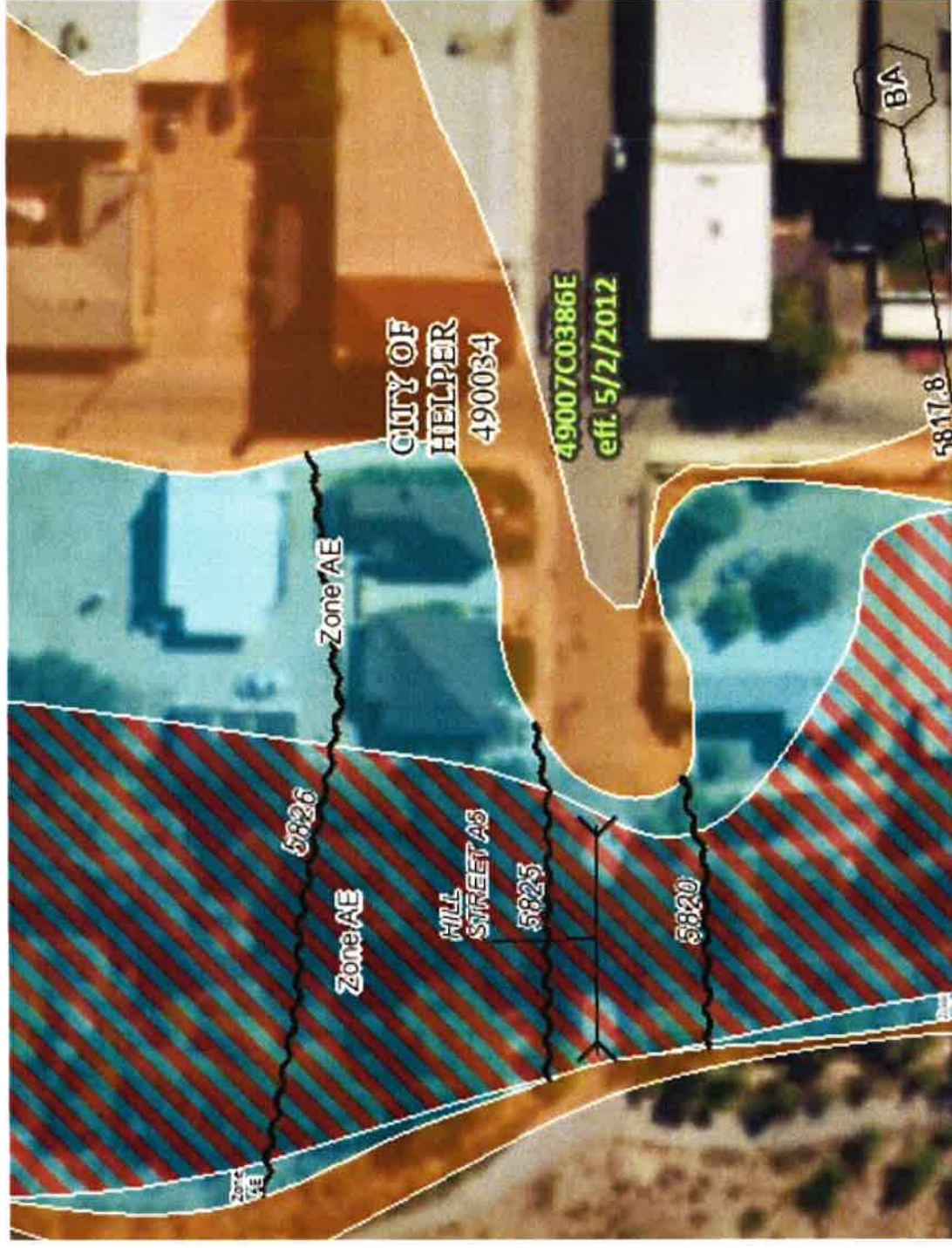
Timeline, Damages, Repairing Harm

Goals of project

- *Maintain, preserve, restore, and revitalize historic structures built in 1930.
- *Correct health and safety issues on the three existing homes.
- *Revitalize the corner of 100 West and Hill Street expanding the revitalization efforts of Main Street to 100 West.
- *Rebuild a new structure where the garage was and build a new garage adjacent to blue casita. (Site plan approved by Helper City in June 2022)
- *Work with Helper City on property line to entrust the riverwalk to the city for future generations.



Discussions with Carbon County first began in November 2021. A meeting was held at the county office to discuss the floodplain rules since we were aware of the floodway rules and wanted to make sure we knew the do's and don'ts of the floodplain. We were told not to worry about the existing homes they could be repaired no issues there and that we could rebuild on existing footprints even if they were in the floodway.



There are 3 homes and one garage footprint on 0.49 acre parcel. The parcel has two separate legal descriptions

The single family home on the corner 104 Hill St. had been gutted and vacant for several decades. A building permit application was submitted in February 2022 and approved in March 2022. Construction began on this home in March. This was going to be a slow project that our contractor could work on while the other trades were in the Key Suites.

There were no plans to do anything with the other two homes until a later time since they had families living in them and we were finishing up the Key Bank project.



In late February 106 Hill St, 108 Hill St, 110 Hill St, 98 S 100 W... the four-plex saw a meltdown of the boiler system which provided heat for the homes. We started installing a new HVAC system. Some of the tenants understandably began relocating to avoid the mess.

The remaining tenants were using space heaters to get by which was causing some issues with the power.



The Casita
82 W 100 N
84 W 100 N

On March 18th, 2022 there was a near electrical fire at this duplex. The wiring melted in the walls. Rocky Mountain Power refused to reconnect the power. Tenants were looking for emergency housing. The home was no longer safe to live in. The two families moved temporarily over to the duplex.

In short it was pretty much a nightmare for all involved.

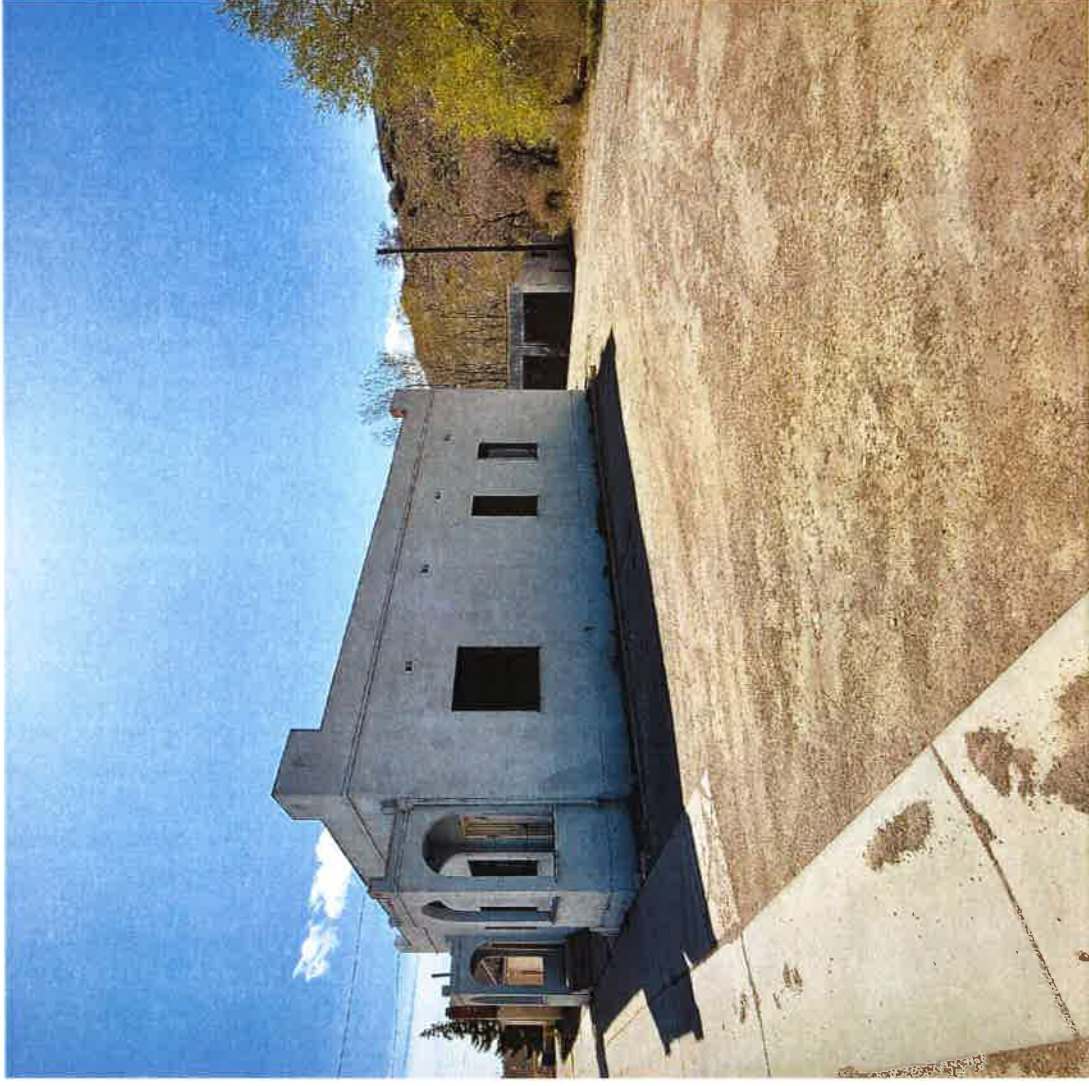


Once all the families had found housing the decision was made to quickly begin demo work inside the homes so that they would be on time for the homes to be finished before winter set.

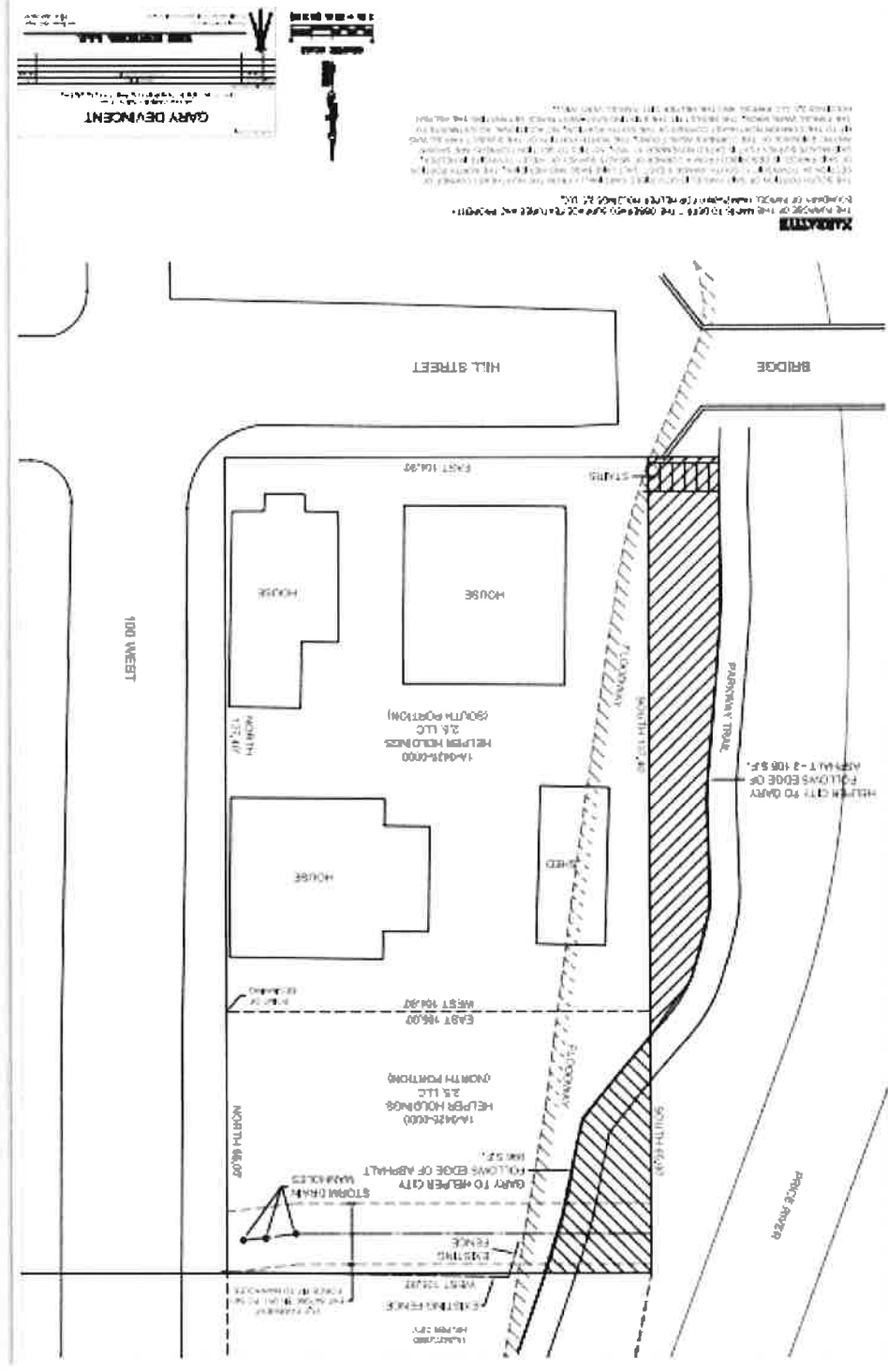
Documentation was gathered on the garage for the existing footprint because of the floodway rules. Then was demolished.

We knew we needed to replace the sewer and water lines and work began on this. Communication with Helper City Public Works director Gary Harwood was maintained throughout this phase.

We owe Gary a huge thank you for his guidance and support as we scrambled to get our plan together. Later Mike stepped in and has been nothing but helpful and supportive. We appreciate you both.



We met with the Mayor at the property in May to fill her in on the situation as we were trying to figure out what to do with the property lines. At this time we discussed the property line issues since the trail goes on the property. We all agreed it would make sense to do a property swap to ensure the city has ownership of the riverwalk. Per her recommendation surveying work was done to create the necessary documentation to do the property swap. During the June 2022 P & Z meeting the board voted unanimously to make a positive recommendation to the city council for the property swap.



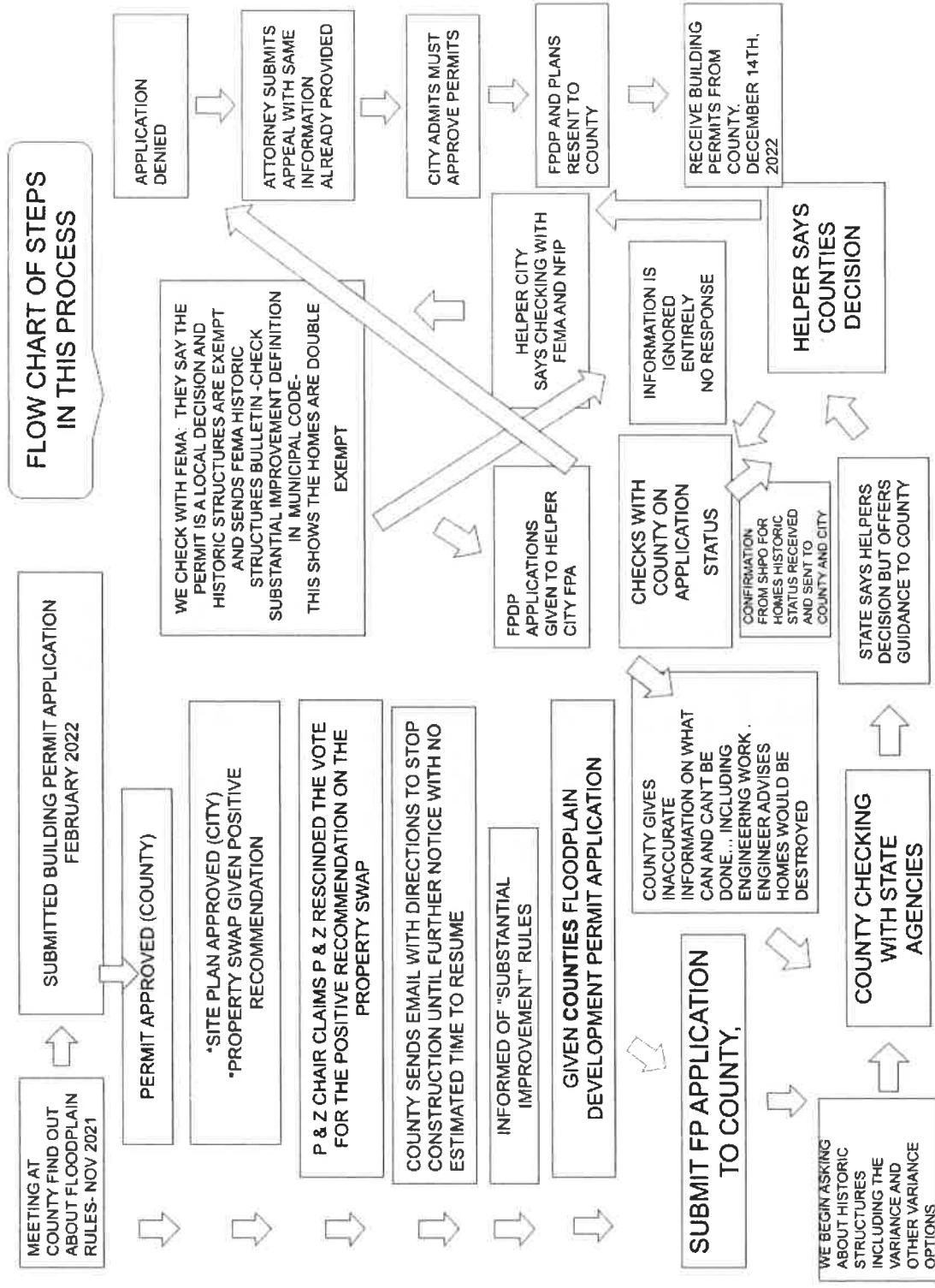
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NORTH

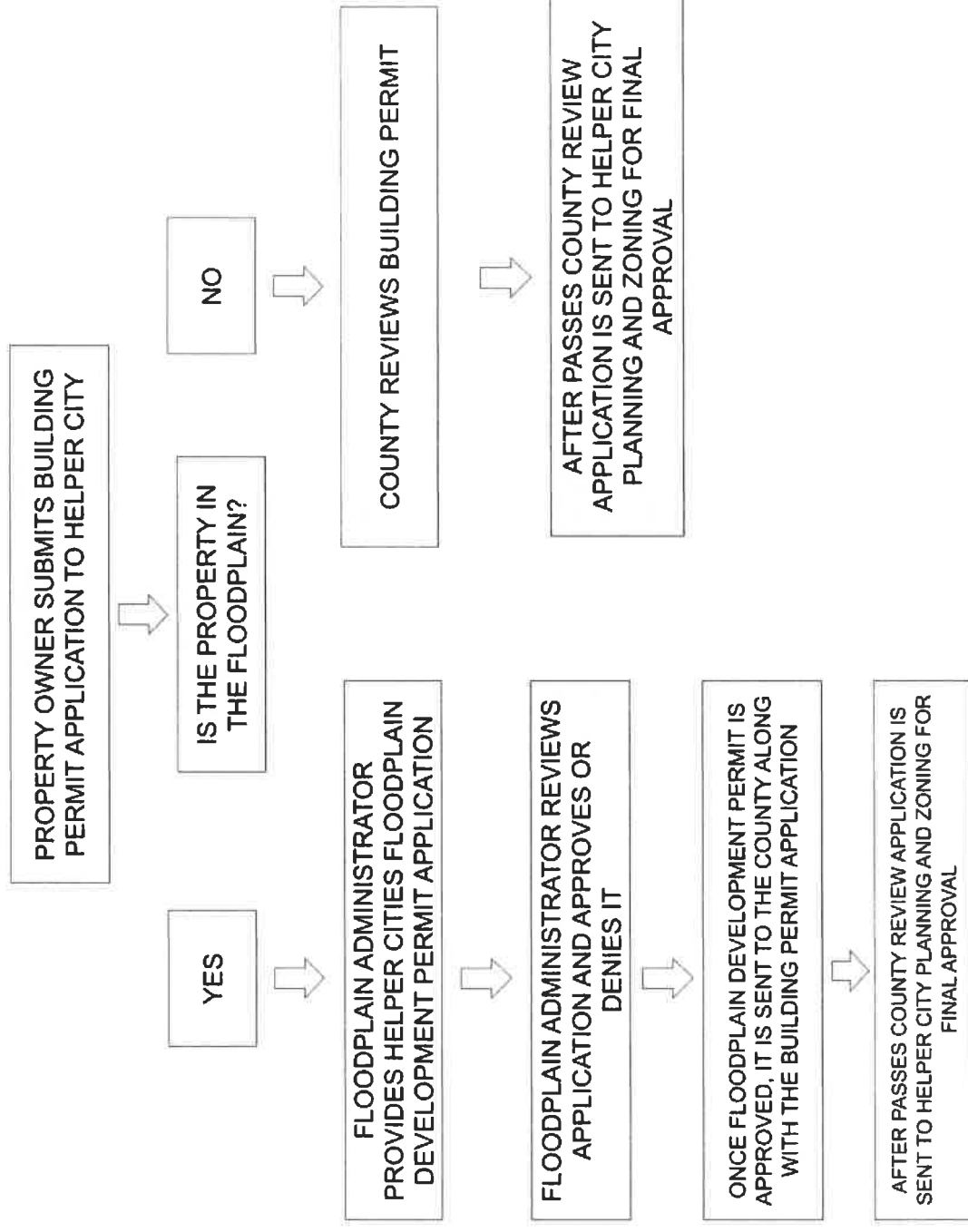
Building Plans

Plans were developed to adhere with existing building codes and make these homes safe and liveable. They were submitted to the county as soon as they were prepared. Gary has a good standing of being in compliance with all building codes and health department requirements on all of his projects within Helper City.

The actual process we went through...



What the
process
should
have
been...



Final Conclusion

The homes had been exempt from substantial improvement requirements **all along**. At no point did anyone either from the city or the county discuss or refer us to Helper Cities Floodplain Management Ordinance where the exemption was and which is what Helper Cities Floodplain Manager/Administrator is tasked with enforcing. The construction had been halted entirely unnecessarily. We were sent on a frustrating, heartbreaking, expensive wild goose chase for months and months.

What would have happened had we not pushed back? If we had accepted what officials were telling us the homes would have been demolished setting a precedent for all of the other property owners in the floodplain. Many more historic structures would have met the same fate.

*There has been an insinuation that these "substantial improvement" rules were somehow new. That is not correct. The Floodplain Management ordinance had been codified for over ten years, since March of 2012. It had never been entirely enforced. Helper City is NOT in compliance with NFIP requirements. The rebuttal that this was necessary so that future federal funding wouldn't be jeopardized is a moot point.

Gary was the first property owner to be met with the "substantial improvement" enforcement, even though he was not the first property owner to do a "substantial improvement" which also has been insinuatedddd.

DAMAGES:

Engineering Fees

Surveying Fees

Elevation Certificate Fees

Dominion work increase fees

Interest Rate Hike

Estimated Floor Damage

Missed Rental Income- Homes would have been completed by November

Attorneys Fees

Malaries pay for research that saved time for attorney, pulled me away from other work I needed to be doing putting me months behind

Contractor Pay- took many weeks away from time that we needed to be working on the key suites, trying to problem solve with rules that were constantly changing

Gary's Time

Additional cost of wintertime construction

Mental duress and loss of drive to continue restoration work. Strained relationships with community members.

Who all missed out on this work:

Plumber

HVAC

Drywaller

Electrician

Stucco- had waited a year to be on this schedule

Carpenter

Tile

Carpet

Painters

Roofer

Excavator and Concrete

We had to lay off laborers, which was very detrimental to local families.

*This is not the first time that Gary has been on the receiving end of a fumbled and/or illegal process while trying to accomplish construction projects in Helper City.

Yet, it wasn't always that way...