

MINUTES OF THE HELPER CITY COUNCIL MEETING

Thursday, March 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 Officer: Lara Olson

Citizens: Jake Gray, Justin Needles, Jean Boyack, Marilou Kundmueller, George Waldren, and Gary DeVincent.

PUBLIC COMMENT:

APPROVAL OF THE MINUTES FROM FEBRUARY 2, 2023.

Council Member Goldsmith moved to approve minutes from February 2, 2023. 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.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2023-01
CONFIRMING HELPER CITY'S COMMITMENT TO UPDATING AND REVISING THE
CARBON COUNTY PRE-DISASTER MITIGATION PLAN.**

Justin Needles Carbon County's Emergency Manager stated pre-disaster mitigation plan needs to be updated every 5 years. The current Pre-Disaster Mitigation plan expires in October 2023. The county is in the process of updating information. What a Pre-Disaster Mitigation plan does is it groups all mitigation projects together into one plan. Helper City can add its concerns and plans to the county's plan. Being a part of Carbon County's Pre-Disaster Mitigation plan will help open up funding opportunities

that you can only receive if you are part of a local Pre-Disaster Mitigation plan. If you partner with the county you can use the county's contractor.

Council Member Dornan asked if Moab had joined Grand County's plan. Justin Needles responded it is his understanding that Moab was not part of Grand County's plan and now is not eligible for federal funding from FEMA.

Council Member DeVincent asked if this will make a public process for the plan and how will it work. Justin Needles responded the plans will be out for public comment and will adjust plans according to public comments. Then the plan will go to the State and FEMA for approval. Council Member Devincent asked if FEMA will be reevaluating the floodplain map in May. Justin Needles responded FEMA is in the process of updating the maps for Carbon, Emery, Grand, and San Juan Counties this year and is not part of Carbon County's Pre-Disaster Mitigation plan.

Council Member Dornan moved to approve Resolution 2023-01 Confirming Helper City's commitment to updating and revising the Carbon County Pre-Disaster Mitigation Plan. 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 OF EASTERN UTAH BABE RUTH USING THE WALT BORLA AND HERITAGE BASEBALL FIELDS BEGINNING MARCH 20, 2023.

Mayor Peterman stated this is for the little league teams that use the fields. They will start practice in March but will not start playing until April. Jennifer Black is the representative that has asked for the use of the fields.

Council Member DeVincent moved to approve Eastern Utah Babe Ruth using the Walt Borla and Heritage Baseball Fields beginning March 20, 2023. Council Member Harwood 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 RELOCATING THE STAR AT OLD CITY HALL TO THE RIO THEATER.

Public Works Director Mastin asked to relocate the star at Old City Hall to the Rio Theater, to make room for new signage.

Council Member Harwood asked where the star would be located at the Rio Theater.

Public Works Director Mastin responded the star would be outside, the exact location he is unsure of.

Council Member Dornan stated he would like the star outside so it can be lit with colored lights. He feels this will be aesthetically pleasing and match the feel of the theater.

Council Member Goldsmith moved to approve relocating the star at Old City Hall to the Rio Theater. 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 PURCHASING A FLASHING STOP SIGN WESTBOUND AT THE INTERSECTION OF N. MAIN AND BRYNER ST. IN THE AMOUNT OF \$1700.

Police Officer Olson stated on Tuesday, February 28th she watched the intersection for 30 minutes from about 1:00 pm to 1:30 pm. In the 30 minutes, she counted 30 cars using the intersection, 10 cars stopped, 11 slowed and rolled, and 9 did not stop. She would like to try a flashing stop sign to get people's attention and help people get in the habit of stopping. The stop sign she has picked out is solar-operated so it will not need to be connected to power.

Council Member Dornan asked if she found more people violating stop signs going west to Pick & Rail. Police Officer Olson responded, westbound in general. The stop sign by Ron's Meats, is the stop sign that people are running, whether they are turning or going straight. People are stopping at the other 4 stop signs, it is just the one-stop sign of the intersection.

Council Member DeVinent moved to approve purchasing a flashing stop sign westbound at the intersection of North Main and Bryner St. not to exceed \$1700 as well as refreshing the stop line. 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 ORDINANCE 2023-01 A SECOND ORDINANCE EXTENDING THE LIMITS OF THE CITY OF HELPER TO INCLUDE THE ANNEXATION OF THE RV PARK.

City Recorder Tonc stated the previous ordinance from 2018 had the wrong legal description. This ordinance is to correct the legal description.

Council Member Dornan explained we had an issue with a water report that led us to learn the annexation was not completed.

Jean Boyack explained we never received a Certificate of Annexation from the Lieutenant Governor's Office. When she did some research on the matter she discovered the legal description on the plat did not match the legal description on the ordinance. To correct and complete the annexation we need to correct the legal description with Ordinance 2023-01, and send it to the Lieutenant Governor's Office.

Council Member Wheeler moved to approve Ordinance 2023-01 a second ordinance extending the limits of the City of Helper to include the annexation of the RV Park. 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 ON PROHIBITING DOGS IN CEMETERIES, PARKS, AND PARKWAYS.

Council Member DeVincent stated she is not in favor of banning dogs, but it has come to her attention there is a lot of dogs crap everywhere. It is all down Main Street and on the riverwalk everywhere you go you are stepping over dog poop. The council approved dogs on the riverwalk back in 2017. The Helper Projects donated the receptacles and the city would provide the bags. Dogs are to be on leashes not to exceed 8 feet. Here we are now and people are not picking up after their dogs. Also, dogs are not allowed in parks and cemeteries. She would like to find ways to remedy the situation. We will soon have an ordinance officer. We should have him start give tickets.

Council Member Wheeler asked if we could post on social media that the council is considering banning dogs on the parkway because people are not cleaning up. Council Member DeVincent stated we can try that again, and should try that again.

Council Member Goldsmith stated if we ban dogs, can we make a specific area for dogs?

City Attorney Kiahtipes asked how often the city checks on the bags. Council Member Harwood responded the bags are checked weekly on Mondays.

Police Officer Olson asked what the violation is. Council Member DeVincent responded it is considered an infraction. Council Member Harwood asked which means, Police Officer Olson responded the person ticketed will go to the justice court and pay a fine. Council Member DeVincent stated we should find out how much the fine will be so we can post it on social media, and start ticketing people.

Council Member Dornan stated that dog-friendly towns are wise if we can get the problem under control. Council Member Harwood stated he agrees.

UPDATE REGARDING RECEIPT OF NOTICE TO FILE A CLAIM FROM DEVINCENT ENTERPRISES.

Mayor Peterman stated she wanted to make sure the council is aware that DeVincnet Enterprises has submitted 2 claims to our insurance.

City Recorder Tonic stated both claims have been submitted to the insurance company and the claims have been assigned a claims professional and a claim number.

Council Member Wheeler asked what the amount of the claim is. Council Member DeVincnet stated the amount is a maximum of \$1 million per claim. She also stated, as a citizen of Helper she thinks the city should increase the liability policy.

Council Member Dornan stated it is a difficult situation with FEMA and the county. From his view, more things occurred at the county level. Council Member DeVincnet responded the reason why Gary DeVincnet and herself chose to file claims against Helper City's insurance provider is that the city's ordinance lists the floodplain manager's role and does not state it is the county's responsibility. They feel and it was advised to them, that it was the city's responsibility and the city dropped the ball.

Council Member Dornan stated to get a building permit you have to go through the county. We represent all the citizens here, and if FEMA decides we have stepped out from under them, we will lose their backing when we have a flood.

Gary DeVincnet interrupted and asked if he could speak. Council Members Wheeler and Goldsmith both stated this discussion is not open for public comments. Council Member DeVincnet stated he could come up and speak. Council Member Wheeler does not think it should be opened. Gary DeVincnet stated he did not want to get Council Member DeVincnet in trouble, she responded that she is recusing herself.

Gary DeVincnet stated he wanted to mention one thing and explain another. He does not think the city should pull out of FEMA for him. He also stated when Council Member Wheeler asked the amount the claims were for, he feels he needs to explain why he is asking for \$1 million per claim. During the stall in development, his bank's interest rates increased from 3.25% to 9.5%. When stalls on his end happen during development he is unable to take advantage of low-interest rates. The difference between the 2 interest rates on a 30-year mortgage is well over \$1 million on just one item. He is still going to move forward because everything is ripped apart and he has to finish. The difference in interest rates gets passed down the community. He can't rent an apartment for \$500 when the mortgage payment is \$1000. Council Member DeVincnet stated that Gary DeVincnet and herself understand that Helper City is a small municipality and relies on

volunteers. But when mistakes are made, there are real-world consequences for those who are on the receiving end of their mistakes. Council Member DeVincent also stated that in order to get funding from FEMA, the natural disaster has to be recognized by the President of the United States. That is the only way we can get funding from FEMA. Pulling out of the program is something to look at because of all the restrictions on the floodplain property owners. She has been trying to contact FEMA but no one from FEMA will talk to her.

Council Member DeVincent stated that during the process of getting the floodplain permit, no one would reach out to her asking if they needed help. Instead, no one would reach out to her about it because they would sue the city.

Council Member Dornan stated that when someone involves litigation reaching out has to be done through specific channels.

Council Member DeVincent stated that the work Gary DeVincent and herself do to the buildings is very mentally draining.

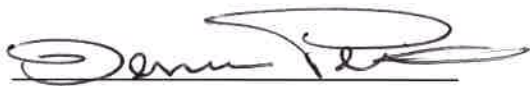
Mayor Peterman stated during the process she communicated with Council Member DeVincent and Gary DeVincent that we are trying to do the right thing. The city was given the runaround and we had to keep going back and telling FEMA this does not resonate. Council Member DeVincent stated that she understands knowledge gets lost when new representatives take office.

Mayor Peterman stated that now it is in the hands of the insurance company, and we don't know how long the process will take.

ADJOURNMENT:

There being no further business Council Member DeVincent moved to adjourn. Council Member Harwood 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, March 2, 2023.


Lenise Peterman
Mayor


Zack Tonic
City Recorder