

1 **MINUTES OF THE HELPER CITY COUNCIL MEETING**
2 **Thursday, May 2, 2013**
3 **6:00 p.m.**
4 **Helper Auditorium**
5 **Council Chambers**
6 **19 South Main**
7 **Helper, Utah 84526**

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10 **ATTENDANCE:**

11 Mayor Edward Chavez

City Staff

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13 **Council Members:**

14 Kirk Mascaro (Absent Excused)
15 Chris Pugliese
16 Robert Bradley
17 Gary Harwood
18 Jason Llewelyn (Absent Excused)

City Recorder Jona Skerl
Chief Trent Anderson
City Attorney Gene Strate

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21 Citizens: John Jones, Erica Kardelis, Walter Borla, Eric Allred, Dave Dornan, Jennifer
22 Elder, Josh Goodmansen, Chad Brown, Brandon Peterson and John Serfustini.

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24 **PLEDGE OF ALLEGIANCE**

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26 Mayor Chavez directed the Pledge of Allegiance.

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30 The regular meeting of the Helper City Council was called to order by Mayor Chavez at
31 6:00.

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37 **APPROVAL OF MINUTES April 4, 2013.**

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39 Council Member Bradley moved to approve the minutes of April 4, 2013. Council
40 Member Harwood seconded the motion. Motion Carried. Pugliese, Bradley and
41 Harwood voting yes.

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50 **DISCUSSION AND/OR APPROVAL ON BRYNER PLOUTZ DITCH.**

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52 Attorney Strate informed council about how state law actually allows a city take over a
53 secondary system. Attorney Strate contacted Attorney Steve Clyde and Bond Attorney
54 Eric Johnson on this matter, In order for the city to use bond money without getting
55 disqualified, there must be a justified benefit to the city. Attorney Strate had concerns
56 with using city money for this project, the ditch company may not finish the project and
57 the city would have spent money unnecessarily. John Jones spoke about the right-a-
58 way issue since the gutters have been used for years. Mr. Jones felt if the city took the
59 use of the gutters away from the ditch this would take the property right away from the
60 ditch uses. Erica Kardelis explained the cost of the project currently is \$136,000, which
61 means for each 26 shareholders effected a payment of \$4,250 would be needed. The
62 original plan was to work with the city during the project to pipe the remaining ditch for
63 the remaining shareholders. Franson Engineers had told Ms. Kardelis the contractors
64 would not allow private citizens to place the pipe while they are working. Dave Dornan
65 suggested allowing 30 more residents in the area of the project to purchase shares to
66 help with the cost. Chad Brown, Franson Engineer, stated in his opinion the ditch is a
67 utility that needs to be moved and is the cities responsibility. The shareholders would
68 have to pay the cost of the laterals to their property. Council Member Harwood and
69 Bradley stated they want to work with the ditch company, not to take the water right
70 away from them. Council Member Pugliese suggested having a special meeting on
71 May 8 at 6:00 PM to give the ditch company time to contact shareholders and potential
72 shareholders.

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74 **MORGAN LUND ON RIO THEATER.**

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76 Morgan Lund recounted he would like to have a business at the Rio Theater, hiring two
77 part-time employees to fulfill the obligation to the CDBG so the funding would be
78 available to use. Attorney Strate explained Debbie Hatt stated the CDBG will accept the
79 contract and suggested to add a clause that if he does not fulfill the contract the money
80 will be repaid to the city. Council Member Bradley suggested Attorney Strate, Mayor
81 Chavez and Council Member Mascaro meet with Mr. Lund and review the contract.

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86 **DISCUSSION AND/OR APPROVAL ON TENTATIVE BUDGET FOR 2013-2014.**

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88 Council Member Pugliese moved to approve the tentative budget for 2013-2014.
89 Council Member Harwood seconded the motion. Motion Carried. Pugliese, Bradley and
90 Harwood voting yes.

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APPOINTMENT OF NEW PLANNING AND ZONING BOARD MEMBER.

Mayor Chavez advised council of the vacancy on the Planning and Zoning Board. Mayor Chavez stated it was recommended by Planning and Zoning that Charlie Jones fill the vacancy on the board.

Council Member Bradley moved to approve Charlie Jones for the Planning and Zoning Board. There being no second motion not carried.

DISCUSSION AND/OR APPROVAL ON WATER, SEWER, STORM DRAIN PROJECT.

Council Member Harwood reported the contractors have started on Area 1 and have broken a water and sewer line. Maple and Locust Street is buckling which will increase the paving cost on the project. Brandon Peterson will be the onsite Franson Engineer Project Manager.

DISCUSSION AND/OR APPROVAL ON SELLING POLICE CARS.

Chief Anderson asked council permission to sell one old police car and the old fire car using the online Public Surplus Auction website. The second police car will go to the fire department, it is in better shape than the one they have.

Council Member Bradley moved to approve the sale of the police and fire cars. Council Member Pugliese seconded the motion. Motion Carried. Pugliese, Bradley and Harwood voting yes.

MOTION FOR CLOSED SESSION.

Council Member Harwood moved to go to a closed session on a personnel matter. Council Member Pugliese seconded the motion. Motion Carried. Pugliese, Bradley and Harwood voting yes.

Council Member Pugliese moved to an open session. Council Member Harwood seconded the motion. Motion Carried. Pugliese, Bradley and Harwood voting yes.

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REPORTS FROM COUNCIL MEMBERS AND HEADS OF DEPARTMENT.

Council Member Pugliese reported on new Ordinance recommended by Planning and Zoning to allow chickens in residential areas. Public Hearing will be May 15 at the next Planning and Zoning meeting.

Council Member Bradley reported hiring pool staff has began and they will start preparing the pool for opening on May 26.

Council Member Harwood reported the Jackson Sheep Water Project is complete and we need to start working on the easement to complete the fencing in spring canyon. The legion field is just about level with the help of the prisoners, who have also been painting and clearing weeds thought out the city.

Attorney Strate reported the RAP tax will be on the next County Commission meeting agenda for approval.

Mayor Chavez reported Steve Christensen asked to be contacted on any 5K running activities before the council approval. The Veteran Memorial will be dedicated on May 27 at 1:00 PM. The library will be closed in June for a week for the transfer of the Bookmobile.

There being no further business Council Member Pugliese moved to adjourn. Council Member Bradley seconded the motion. Motion Carried: Bradley, Mascaro, and Harwood voting yes. Meeting adjourned.

I hereby certify that the fore going represents a true, accurate, and complete record of the Helper City Council meeting held on Thursday, May 2, 2013.

Edward Chavez Jr
Mayor

Jona Skerl
City Recorder

Approved on June 6, 2013

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