

MINUTES OF THE HELPER CITY COUNCIL MEETING
Thursday, August 6, 2009
6:00 p.m.
Helper Auditorium
Council Chambers
19 South Main
Helper, Utah 84526

ATTENDANCE:

Mayor Mike R. Dalpiaz (Absent Excused)

City Staff

Council Members:

Kirk Mascaro
Chris Pugliese
Robert Bradley
Dean Armstrong
Brandon Wise

City Recorder Jona Skerl
Officer Stephen Boyer
Public Works Orlando Ochoa

Citizens: Shane Baggs, Chris and Ashley Marcum, Bernell Martinez, Wendy Fischer & Xanya Cassill, Tom Paluso (Chairman Planning and Zoning), Casey Petersen, Mark Harrington.

The regular meeting of the Helper City Council was called to order by Mayor Pro Tempore Mascaro at 6:00

APPROVAL OF MINUTES July 16, 2009.

Council Member Pugliese moved to approve the minutes of July 16, 2009. Council Member Wise seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

PUBLIC HEARING ON ORDINANCE 2009-4 AMENDING ZONING PROVISIONS OF THE HELPER CITY DEVELOPMENT CODE SET BACK REQUIREMENT TO ZERO LOT LINE.

Council Member Armstrong moved to open the public hearing at 6:05 pm. Council Member Wise seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

Wendy Fischer told the council that approving this ordinance would keep people building legally and bring in more tax dollars for the city. Ms. Fischer stated that she has been trying to get a building permit for a carport and with the current zoning requirements she would be unable to build. Council Member Armstrong expressed concerns with the ordinance stating that he would not want a townhouse effect in Helper. Council Member Armstrong asked Chairman Paluso if the Planning and Zoning was ready for the change. Chairman Paluso told the council that Planning and Zoning felt that this would help the residents who want to build carports, garages, etc. The lots in Helper are so small it makes it impossible for a homeowner to add anything to their home. The zero lot line will allow some flexibility for building stated Chairman Paluso. Council Member Pugliese asked if the neighbors would be notified before the permit is issued. Chairman Paluso referred to the last paragraph of the ordinance it states that anyone building to the zero lot line must get a recorded easement from their neighbor. Council Member Pugliese commented that this was only for maintenance and drainage we need language in the ordinance that the neighbors must be notified and given a written approval before building. Ordinance 2009-4 will be rolled to the next agenda.

Council Member Pugliese moved to close the public hearing and change the language in Ordinance 2009-4 stating that the effected neighbor must be notified and written approval. Council Member Armstrong seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

SHANE BAGGS, BEH COMMUNICATIONS AGREEMENT ON USING TOWER SITE.

Shane Baggs addressed the council on the agreement to use the Helper Tower site. Mr. Baggs had sent City Attorney Strate an agreement to review, however Attorney Strate was unable to attend the meeting. Jason Llewelyn, Technical Support employee, had sent an email voicing his concerns. Council Member Wise reported some concerns as power issues and access to the city property. Mr. Baggs explained that he could put his equipment on the outside of the building and there would be very little power used.

Council Member Armstrong moved to approve the agreement with BEH Communications pending approval from City Attorney Strate, Jason Llewelyn and Chief Anderson. Council Member Pugliese seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

KASEY PETERSON ON MORGANTOWN MACHINE ADDITION.

Kasey Peterson explained the plans for a new addition to Morgantown Machine. The business will be a separate entity from Morgantown. Council Member Armstrong asked what they needed from Helper. Mr. Peterson replied that right now the road needs payment and gutters and the power may need to be upgraded. Council Member Armstrong told Mr. Peterson that Morgantown would have to deed the road to the city before the city could do anything. Helper City had load testers put on the line that goes into Morgantown and it showed that there was 150 KVA. The council all agreed that they would support Morgantown and would like to see growth and the development of the industrial park.

ASHLEY MARCUM ON SPEED LIMIT SIGN FOR GARDEN STREET.

Ms. Marcum presented a signed petition from some of the residents on Garden Street requesting a speed limit sign to be posted. There are several children on Garden Street and cars are driving too fast on the street. Ms. Marcum told the council that Samantha McCourt signed an agreement giving permission to the city to place the sign on her property. The council told Ms. Marcum that they would have a Children Playing sign with a recommended 15 mph posted on Garden Street. The council asked that once the sign had been up for a time that Ms. Marcum let them know if it fixed the problem.

DISCUSSION AND/OR APPROVAL ON BUSINESS LICENSE FOR REGIS CLUB AT 138 SOUTH MAIN.

The council discussed the issue that Mr. Gutierrez did not pass a fire inspection. Council Member Armstrong stated that if Mr. Gutierrez works on getting up to code and gets a certificate of occupancy. The council agreed that it would be up to Mr. Gutierrez to get his building up to fire and health code standards before opening.

Council Member Armstrong moved to approve the business license for the Regis Club at 138 South Main with the stipulation that all applicable health, fire and building and occupancy codes. Council Member Wise seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

DEPARTMENT APPOINTMENT FOR COUNCIL MEMBER ROBERT BRADLEY.

Mayor Pro-Tempore Mascaro appointed Robert Bradley to the Electric Department.

Council Member Wise moved to appointment Robert Bradley over the Electric Department. Council Member Wise seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

DISCUSSION AND/OR APPROVAL ON SINGLE EVENT BEER AND LIQUOR LICENSE LOCAL CONSENT FOR ST. ANTHONY CARNIVAL.

Council Member Mascaro moved to approve the single event beer and liquor license and local consent for the St. Anthony Carnival. Council Member Pugliese seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro and Wise voting yes. Armstrong abstaining.

DISCUSSION AND/OR APPROVAL ON PURCHASING NEW AIR CONDITIONER FOR COUNCIL ROOM IN THE AMOUNT OF \$600.

Council Member Wise moved to approve the purchase of the air conditioner for the council room in the amount of \$600. Council Member Pugliese seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

DISCUSSION AND/OR APPROVAL ON MUSEUM PROJECT ISSUES.

Mayor Pro Tempore Mascaro asked council to approve hiring Tom Paluso to over see the Museum Project. Mr. Paluso would be checking on the construction of the building and reporting to the city on any issues.

Council Member Armstrong moved to approve the hiring Tom Paluso to over see the Museum Project. Council Member Wise seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

Mayor Pro Tempore Mascaro asked council to approve hiring AGEC test for soil compaction and concrete inspection.

Council Member Armstrong moved to approve the hiring AGEC for testing on the Museum Project. Council Member Mascaro seconded the motion. Motion Carried. Pugliese, Bradley, Mascaro, Armstrong and Wise voting yes.

UNFINISHED BUSINESS:**BOYACK RIGHT-A-WAY.**

Nothing to report.

FRANCHISE RIGHTS FOR EMERY TELCOM.

Nothing to report.

INTERCONNECTION WITH PRICE RIVER WATER IMPROVEMENT DISTRICT.

Nothing to report.

DON JACKSON WATER ISSUE.

Nothing to report.

UTAH POWER PAYMENT AGREEMENT.

Nothing to report.

MOTION FOR EXECUTIVE SESSION.

There was no motion.

ADJOURNMENT:

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

I here by certify that the fore going represents a true, accurate and complete record of the Helper City Council meeting held on Thursday, August 6, 2009.

Kirk Mascaro
Mayor Pro-Tempore

Jona Skerl
City Recorder

Approved on August 20, 2009