

**MINUTES OF THE HELPER CITY COUNCIL MEETING**

**Thursday, March 5, 2009**

**6:00 p.m.**

**Helper Auditorium**

**Council Chambers**

**19 South Main**

**Helper, Utah 84526**

**ATTENDANCE:**

Mayor Mike R. Dalpiaz

**City Staff**

**Council Members:**

Kirk Mascaro

Larry Ganser

Dean Armstrong

Brandon Wise

City Recorder Jona Skerl

Attorney Gene Strate

Chief Trent Anderson

Public Works Director Orlando Ochoa

Citizens: Donald Mortensen, Matt Mascaro, Jesse McCourt, Summer McBride, Mike James, Chris Pugliese, Pat Scherschel, Lynnda Johnson, Jeff Cisneros, Tino Gutierrez, Walter Borla.

The regular meeting of the Helper City Council was called to order by Mayor Dalpiaz at 6:00 p.m.

**APPROVAL OF MINUTES February 19, 2009**

Council Member Ganser moved to approve the minutes of February 19, 2009. Council Member Armstrong seconded the motion. Motion Carried. Ganser, Mascaro, Armstrong and Wise voting yes.

**JEFF CISNEROS AMERICAN LEGION UPDATE.**

Jeff Cisneros addressed the council on the events for American Legion Baseball. The first tournament is schedule for June 25-28 and a Babe Ruth tournament will be held July 13-18. Mr. Cisneros explained that was his goal to get more tournaments at the Legion Field because it is the best baseball field in the county. Mr. Cisneros asked the council for permission to build a batting cage on right field side. The council agreed to allow the batting cage and offered the Public Works employees to help.

### **TINO GUTIERREZ DISCUSSION ON REOPENING A BAR.**

Mr. Gutierrez explained his plans to reopen the Regis Club at 138 South Main Street. Mr. Gutierrez asked if the council would approve the opening of the club before he went to the State Liquor Commission. Mr. Gutierrez was also considering opening a Thrift Bread Store in the adjoining building.

Council Member Armstrong moved to support the reopening of the Regis Club. Council Member Mascaro seconded the motion. Motion Carried. Ganser, Mascaro, Armstrong and Wise voting yes.

### **DISCUSSION AND/OR APPROVAL ON HANDYMAN BUSINESS LICENCE FOR RONALD BERNECHE AT 258 ROOSEVELT STREET.**

Council Member Wise moved to table this item until Mr. Berneche could come to explain what would be stored at the home. Council Member Mascaro seconded the motion. Motion Carried. Ganser, Mascaro, Armstrong and Wise voting yes.

### **DISCUSSION AND/OR APPROVAL ON APPOINTMENT FOR COUNCIL VACANCY.**

Mayor Dalpiaz spoke to the candidates about the process on choose the person to fill the council vacancy. Mayor Dalpiaz told the candidates that even if they were not chosen they could file to run in the November election. All candidates were given a few minutes to introduce themselves and give a brief summary of why they applied. Candidates Summer McBride, Chris Pugliese, Donald Mortensen, Matt Marasco, Jesse McCourt and Pat Scherschel all addressed the council with the exception of candidate Steve Zamantakis who was not present.

Council Member Mascaro moved to nominate Chris Pugliese. Council Member Ganser seconded the motion. Motion Carried. Ganser, Mascaro, Armstrong and Wise voting yes.

Council Member Wise moved to nominate Jesse McCourt. Council Member Wise seconded the motion. Motion Carried. Armstrong and Wise voting yes Mascaro voting no and Ganser abstaining.

Having the two candidates the council then voted again.

Council Member Armstrong moved to vote between the two candidates. Council Member Wise seconded the motion. Motion Carried. Ganser, Mascaro, Armstrong and Wise voting yes.

Council Members Armstrong and Wise voting for Jesse McCourt, Council Members Ganser and Mascaro voting for Chris Pugliese Mayor Dalpiaz breaking the tie voting for Chris Pugliese.

Council Member Chris Pugliese was then sworn in by the City Recorder.

### **DISCUSSION AND/OR APPROVAL ON GK UNIFORMS CONTRACT.**

Council Member Wise told the council that for six employees the cost of the uniforms would be \$1800 per year that is \$300 per employee per year. These would be pants and shirts for the public works plus seasonal employees. The council had budget concerns signing a three year contract. Attorney Strate had prepared an addendum to the contract that gives the council an option to cancel in one year.

Council Member Armstrong moved to approve the contract with the addendum option. Council Member Mascaro seconded the motion. Motion Carried. Pugliese, Mascaro, Armstrong and Wise voting yes. Ganser voting no.

### **UNFINISHED BUSINESS:**

#### **BOYACK RIGHT-A-WAY.**

Tom Boyack addressed the council on the easement issue on his property. Mr. Boyack told the council that had given Attorney Strate a lease agreement for \$350 per month. Mr. Boyack pointed out that the Union Pacific Railroad had the lease agreement with the city before. Mr. Boyack felt that the appraisal that was done of his property did not reflect the true value of his property. Mayor Dalpiaz asked Mr. Boyack if his position on the lease agreement was still the same. Mr. Boyack answered that the lease agreement would be the only option unless the council would like to purchase the property for \$50,000. The council will discuss the property issue in an executive session.

**FRANCHISE RIGHTS FOR EMERY TELCOM.**

Attorney Strate told the council that Price City add an addendum to the Precis franchise agreement. Attorney Strate will look at the Price City agreement and the original franchise agreement and get back to the council. Council Member Armstrong felt that there was no reason to not sign an agreement so that the services would be offered to our residents.

**APPOINTMENT TO PLANNING AND ZONING BOARD.**

Mayor Dalpiaz will make the appointment and council reassignments next meeting.

**INTERCONNECTION WITH PRICE RIVER WATER IMPROVEMENT DISTRICT.**

Council Member Armstrong is waiting for the cost estimate.

**DON JACKSON WATER ISSUE.**

Attorney Strate told the council that the Jackson's Attorney was in agreement with the storage tank and new troughs. Mayor Dapliaz asked if the tank could be placed up the road about a mile from the present location so there would be more room to get a tanker in to fill the storage tank. Orlando Ochoa, Public Works Director, told the council that a 25,000 gallon tank would cost about \$1,200 and a float valve could be installed to save water. Attorney Strate will inquire about the location of the tank and about how many sheep will be at that location.

**MOTION FOR EXECUTIVE SESSION.**

Council Member Mascaro moved to close the regular meeting for an executive session to discuss personnel issue and legal strategy. Council Member Wise seconded the motion. Motion Carried. Pugliese, Ganser, Mascaro, Armstrong and Wise voting yes.

Council Member Ganser moved to adjourn the executive session. Council Member Wise seconded the motion. Motion Carried. Pugliese, Ganser, Mascaro, Armstrong and Wise voting yes.

ADJOURNMENT:

There being no further business Council Member Wise moved to adjourn. Council Member Ganser seconded the motion. Motion Carried Pugliese, Ganser, 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, March 5, 2009.

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Mike R. Dalpiaz  
Mayor

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Jona Skerl  
City Recorder

Approved on March 19, 2009