

MINUTES OF THE HELPER CITY COUNCIL MEETING

Thursday, June 16, 2022

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 – Absent

Amanda Wheeler – Absent

City Staff

City Recorder: Zack Tonc

Chief: Chris Gigliotti

Attorney: Dominique Kiahtipes

Public Works Director: Michael Mastin

Citizens:

Pam Juliano, Traci Bishop, Sean Draper, Lara Olson, Richard Gallegos, Solomon Cazares, and Deb Cazares.

PUBLIC COMMENT:

Pam Juliano -

Pam Juliano gave an update on 69 S Main. The drop ceiling has been removed and the work so far has been inspected by a building inspector. An electrician has done a walk-through and can start to install new lighting. Also, most of the supplies for renovation will be purchased through Central Commission.

APPROVAL OF THE MINUTES FROM MAY 19 & 20, 2022

Council Member Harwood moved to approve minutes from May 19 & 20, 2022. Council Member Dornan seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

EMPLOYEE APPRECIATION OF RICHARD GALLEGOS AND SALOMON CAZARES.

Mayor Peterman presented Richard Gallegos and Salomon Cazares with an Employee Appreciation Certificate. She thanked them for all of their hard work, and let them know

it is appreciated. They made our cemetery look phenomenal for Memorial Day. We have received many positive comments about how good the cemetery looked.

DISCUSSION ON GARY DEVINCENT PROPERTY AT HILL ST AND 100 WEST.

Speaker not in attendance, item skipped.

DISCUSSION AND POSSIBLE APPROVAL SATURDAY VIBES LEASE FOR 73 S MAIN.

Mayor Peterman stated the only changes from the previous lease are the utilities, alcohol, and keys. Both Council Member Goldsmith and Harwood stated they like the new lease.

Council Member Goldsmith moved to approve the lease for 73 S Main. Council Member Dornan seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

DISCUSSION AND APPROVAL OF POLICE DISPOSAL SALE.

Sergeant Draper gave a handout to the Council and Mayor. He explained there are 2 different parts to the police disposal sale. The first is evidence, and the second is found property. He explained the process for both the different types of property in Utah code 24-3-1 and 77-24a-5.

Sergeant Draper explained the purpose of the disposal is due to lack of room in the evidence lock-up.

Mayor Peterman asked if we need to vote on each item or will one motion work for all of the property. City Attorney Kiahtipes stated for evidence we should vote by case number, and by the group will be good for found property.

Sergeant Draper highlighted in blue all found properties that cannot be utilized by the city, and would like to sell. All non-highlighted items he would like to repurpose for city use, donate, or throw away based on condition. The list is on his public notice in the handout.

Exhibit A – Handout that was given to Council and Mayor.

Council Member Dornan moved to approve selling property associated with case 210156 dated April 7, 2010, for police disposal sale. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

Council Member Dornan moved to approve the notice of intent to dispose of unclaimed property as presented by Sergeant Draper. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

DISCUSSION AND POSSIBLE APPROVAL OF CREATING A WATER CONSERVATION BOARD.

Public Works Director Mastin would like to bring knowledge to the community about how to conserve water. Council Member Dornan asked if there is overflow, Council Member Harwood responded we currently have no overflow. Council Member Dornan asked if we have been purchasing water from PRWID. Council Member Harwood replied no, we only purchase water from PRWID if our springs quit producing or have issues with equipment. Council Member Goldsmith asked if the Water Conservation Board will be an advisory board and how many people will be on the board? Public Works Director Mastin responded, yes it will be an advisory board and he is thinking about 10 people.

Several water conservation methods were discussed.

Council Member Dornan moved to approve creating a Water Conservation Board. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

DISCUSSION AND POSSIBLE APPROVAL TO PURCHASE A SOD CUTTER.

Public Works Director Mastin stated there is a lot of time spent digging up and putting sod down at the cemetery. Having a sod cutter will cut down on labor time. Mayor Peterman stated this will be cleaner and easier.

Council Member Goldsmith moved to approve purchasing a sod cutter in the amount of \$6,500. Council Member Dornan seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

DISCUSSION AND POSSIBLE APPROVAL OF PAY INCREASE TO DJ ROMERO FOR NEW CERTIFICATIONS.

Public Works Director Mastin explained to the council DJ Romero has recently completed 2 new certifications. The new certifications are CDL and Pool Certified.

Council Member Goldsmith moved to approve a pay increase of \$1.25 for DJ Romero for new certifications. Council Member Harwood seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

DISCUSSION AND POSSIBLE APPROVAL OF NEW STATE AND FEDERAL HOLIDAY JUNETEENTH.

City Recorder Tonc stated Juneteenth has been a federal holiday since 2021. The state of Utah during the last legislative session adopted the holiday. This is now a holiday that we will have to pay time and a half for. Council Member Dornan asked if all cities are adopting this. City Attorney Kiahtipes and City Recorder Tonc both responded, yes cities and counties are adopting the new holiday.

City Recorder Tonc drafted the ordinance and had the date determination backwards. City Attorney Kiahtipes corrected the date determination.

Council Member Dornan moved to approve Ordinance 2022-03 adopting the new state and federal holiday Juneteenth as a paid holiday. Council Member Harwood seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

DISCUSSION OF POOL CONTRACTS.

Council Member Goldsmith stated we had an incident at the pool about signing contracts. She would like to remind everyone that the council needs to vote on all contracts. Directors do not have the authority to sign contracts.

DISCUSSION OF THE CAREER LADDER.

Speaker not in attendance, item skipped.

ADJOURNMENT:

There being no further business Council Member Harwood moved to adjourn. Council Member Goldsmith seconded the motion. Motion carried, the council roll call vote is as follows: Dornan, Goldsmith, and Harwood all voting yes.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Helper City Council meeting held on Thursday, June 16th, 2022.



Lenise Peterman
Mayor



Zack Tunc
City Recorder

Approved on July 7th, 2022

Exhibit A

Effective 5/5/2021

24-3-103 Disposition of property.

- (1) If a prosecuting attorney determines that seized property no longer needs to be retained for court proceedings, the prosecuting attorney may:
 - (a) petition the court to apply the property that is money towards restitution, fines, fees, or monetary judgments owed by the owner of the property;
 - (b) petition the court for an order transferring ownership of any weapons to the agency with custody for the agency's use and disposal in accordance with Section 24-3-103.5, if the owner:
 - (i) is the individual who committed the offense for which the weapon was seized; or
 - (ii) may not lawfully possess the weapon; or
 - (c) notify the agency with custody of the property or contraband that:
 - (i) the property may be returned to the rightful owner if the rightful owner may lawfully possess the property; or
 - (ii) the contraband may be disposed of or destroyed.
- (2) The agency shall exercise due diligence in attempting to notify the rightful owner of the property to advise the owner that the property is to be returned.
- (3)
 - (a) For a computer determined to be contraband, a court may order the reasonable extraction and return of specifically described personal digital data to the rightful owner.
 - (b) The law enforcement agency shall determine a reasonable cost to extract the data.
 - (c) At the time of the request to extract the data, the owner of the computer shall pay the agency the cost to extract the data.
- (4)
 - (a) Before an agency may release seized property to a person claiming ownership of the property, the person shall establish in accordance with Subsection (4)(b) that the person:
 - (i) is the rightful owner; and
 - (ii) may lawfully possess the property.
 - (b) The person shall establish ownership under Subsection (4)(a) by providing to the agency:
 - (i) identifying proof or documentation of ownership of the property; or
 - (ii) a notarized statement if proof or documentation is not available.
- (5)
 - (a) When seized property is returned to the owner, the owner shall sign a receipt listing in detail the property that is returned.
 - (b) The agency shall:
 - (i) retain a copy of the receipt; and
 - (ii) provide a copy of the receipt to the owner.
- (6)
 - (a) Except as provided in Subsection (6)(b), if the agency is unable to locate the rightful owner of the property or the rightful owner is not entitled to lawfully possess the property, the agency may:
 - (i) apply the property to a public interest use;
 - (ii) sell the property at public auction and apply the proceeds of the sale to a public interest use; or
 - (iii) destroy the property if the property is unfit for a public interest use or for sale.
 - (b) If the property described in Subsection (6)(a) is a firearm, the agency shall dispose of the firearm in accordance with Section 24-3-103.5.

- (7) Before applying the property or the proceeds from the sale of the property to a public interest use, the agency shall obtain from the legislative body of the agency's jurisdiction:
 - (a) permission to apply the property or the proceeds to public interest use; and
 - (b) the designation and approval of the public interest use of the property or the proceeds.
- (8) If a peace officer seizes property that at the time of seizure is held by a pawn or secondhand business in the course of the pawn or secondhand business's business, the provisions of Section 13-32a-116 shall apply to the disposition of the property.

Amended by Chapter 230, 2021 General Session

Case Number: 210156

Date: April 7, 2010

Brief Summary: A Helper City Police Officer conducted a traffic stop on a vehicle in the early morning hours on April 7, 2010. During interaction with the driver, it was discovered he was driving a stolen vehicle. Outside of the stolen vehicle, it was discovered numerous items of stolen property were inside the vehicle as well. A 120GB iPod as well as approximately 10 hand tools (screw drivers, razors, pliers, etc.) were located and discovered to be stolen and the owner was identified as a male named, Justin Hatch who resides in the Utah County area. Chief Trent Anderson made contact with Provo City Police Department and they made contact with Justin Hatch and requested he come and pick up his property to which he never did.

After having the evidence approved to be destroyed and disposed of by the Carbon County Attorney's Office, I have made numerous attempts to contact Justin Hatch and have been unsuccessful in speaking with him to return his property. I have left him numerous voicemails and have been trying to contact him over the past several weeks. I am unable to obtain a current address for him at this time. Due to exhausting my due diligence, I am requesting the approval of the city council to sell the 120GB iPod on public auction and to utilize the hand tools for a public interest use at the police department/fire department.

77-24a-5 Disposition of unclaimed property.

- (1)
 - (a) If the owner of any lost or mislaid property cannot be determined or notified, or if the owner of the property is determined and notified, and fails to appear and claim the property after three months of its receipt by the local law enforcement agency, the agency shall:
 - (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b);
 - (ii) post a similar notice on the public website of the political subdivision within which the law enforcement agency is located; and
 - (iii) post a similar notice in a public place designated for notice within the law enforcement agency.
 - (b) The notice shall:
 - (i) give a general description of the item; and
 - (ii) the date of intended disposition.
 - (c) The agency may not dispose of the lost or mislaid property until at least eight days after the date of publication and posting.
- (2)
 - (a) If no claim is made for the lost or mislaid property within nine days of publication and posting, the agency shall notify the person who turned the property over to the local law enforcement agency, if it was turned over by a person under Section 77-24a-3.
 - (b) Except as provided in Subsection (4), if that person has complied with the provisions of this chapter, the person may take the lost or mislaid property if the person:
 - (i) pays the costs incurred for advertising and storage; and
 - (ii) signs a receipt for the item.
 - (3) If the person who found the lost or mislaid property fails to take the property under the provisions of this chapter, the agency shall:
 - (a) apply the property to a public interest use as provided in Subsection (4);
 - (b) sell the property at public auction and apply the proceeds of the sale to a public interest use; or
 - (c) destroy the property if it is unfit for a public interest use or sale.
 - (4) Before applying the lost or mislaid property to a public interest use, the agency having possession of the property shall obtain from the agency's legislative body:
 - (a) permission to apply the property to a public interest use; and
 - (b) the designation and approval of the public interest use of the property.
 - (5) Any person employed by a law enforcement agency who finds property may not claim or receive property under this section.

Amended by Chapter 394, 2013 General Session

Helper City Police Department

97 South Main Street
Helper, Utah 84526
Phone (435) 472-3719
Fax (435) 472-3514



To: Public Notice
From: Sergeant Sean Draper
Re: Notice of Intent to Dispose of Unclaimed Property
Date: May 12, 2022

To Whom It May Concern,

The Helper City Police Department hereby publishes its notice of intent to dispose of unclaimed property as follows. The Department has taken possession of one or more of each of the following property items, the owners of which have not been identified:

(2) Sets of Golf Clubs with Golf Bag

Trolling Motor

Power Washer

(2) Sets of Roller Blades

(5) Car Subwoofers with Enclosure

Binoculars

(10) Cell Phones

(2) Wallets

Tablet

(4) Prescription Eye Glasses

(2) Safety Glasses

(4) Sunglasses

(50+) Pocket Knives

(10+) Backpacks/Duffle Bags/Suitcases with various clothing items

(8) Bicycles

Propane Tank

Outside Heater

(2) Scooters

Gatorade Cooler

Gas Can

Shop Vacuum

Numerous Hand Tools

Numerous Power Tools

This property has been held at the Helper City Police Department in excess of 90 days and will be disposed of on May 31, 2022. The rightful owner may claim this property by contacting Sergeant Sean Draper with the Helper City Police Department at 435-472-3719 extension 3 prior to the disposal deadline of May 30, 2022 at 5:00 PM. The rightful owner claiming the property will be required to provide an accurate description and proof of ownership of the property prior to taking the property into their possession.

Respectfully,

Sergeant Sean Draper