

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON TUESDAY, NOVEMBER 28, 2023, PURSUANT TO ADJOURNMENT ON TUESDAY, OCTOBER 24, 2023, AT THE HOUR OF 7:00 P.M., AT THE EMIGRATION CANYON FIRE STATION 119, 5025 E EMIGRATION CANYON ROAD, SALT LAKE CITY, UTAH.

COUNCIL MEMBERS PRESENT: ROBERT PINON
DAVID BREMS
CATHERINE HARRIS
JENNIFER HAWKES, Deputy Mayor
JOE SMOLKA, Mayor

OTHERS IN ATTENDANCE: POLLY MCLEAN, LEGAL COUNSEL
NICHOLE WATT, DEPUTY CLERK

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Mayor Smolka, Chair, presided.

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PUBLIC MEETING

Pledge of Allegiance

The Pledge of Allegiance to the Flag of the United States of America was recited.

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Citizen Public Input

None.

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Reports from other Municipal Providers

Emigration Canyon Community Council (ECCC)

No report was given.

Unified Police Department (UPD)

Detective Dawn Larsen reviewed statistics for October stating there were 52 calls for service with 16 initial reports and 20 citations issued.

Unified Fire Authority (UFA)

Chief Bryan Case stated there were six calls for service in the last month. The main calls are for unintentional smoke and carbon dioxide alarms, and motor vehicle accidents. The strategic plan has been finalized and all the data has been collected from internal and external stakeholders. The wildland fire division has wrapped up its season.

Salt Lake County Animal Services

Gary Bowen, Emigration Canyon Metro Township Council Representative, stated the quarterly meeting was held on November 2. Coyotes have been a problem in the Salt Lake City benches area. Animal Services is studying a formal field rank policy. Talia Butler, Director, Salt Lake County Animal Services Division, presented the budget.

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Council Business

2024 Consolidated Fee Schedule

The Council reviewed the following resolution considering the 2024 Consolidated Fee Schedule:

Resolution No. 2023-11-01

Date: November 28, 2023

A RESOLUTION OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL ADOPTING A FEE SCHEDULE FOR FEES AND OTHER ASSESSMENTS FOR SERVICES PROVIDED BY THE ECMT FOR 2024 AND REPEALING AND REPLACING RESOLUTION 2022-11-01

RECITALS

WHEREAS, the Emigration Canyon Metro Township (“Emigration”) contracts with the Greater Salt Lake Municipal Services District (“MSD”) to provide planning and development services; and

WHEREAS, in addition to Emigration Canyon, the MSD provides planning and development services to the metro townships of Copperton, Kearns, Magna, White City, and the Town of Brighton as well as unincorporated Salt Lake County; and

WHEREAS, Section 3.42.040(A)(1) of the Emigration Canyon Code states that all “fees to be charged by [an Emigration Canyon] office or agency shall be proposed by the agency each year as part of the annual budget processes;” and

WHEREAS, Section 3.42.040(A)(3) states that “[u]pon review and approval of fees by the ... council, the fee schedule shall be placed on file with the...clerk;” and

WHEREAS, the MSD board approved the attached 2024 fee schedule for the planning and development services the MSD provides; and

WHEREAS, the Council feels it is necessary to repeal and replace the previously adopted fee schedule to reflect increase costs and other changes in the Township activities with the attached 2024 fee schedule.

NOW, THEREFORE BE IT RESOLVED BY THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL that:

1. The 2023 Fee Schedule which was adopted by resolution 2022-11-01 is repealed.
2. The attached 2024 fee schedule is adopted pursuant to Section 3.42.040 of the Emigration Canyon Metro Township Code: and
3. Except as otherwise stated with the attached 2024 fee schedule, the 2024 fee schedule does not modify or alter any civil penalties set forth within the Emigration Canyon Metro Township Code, including but not limited to the civil penalties set forth in Section 19.94.070.
4. This resolution shall be effective January 1, 2024.

APPROVED and ADOPTED this 28th day of November 2023.

EMIGRATION CANYON METRO TOWNSHIP COUNCIL

By: /s/ JOE SMOLKA
Mayor

ATTEST

/s/ LANNIE CHAPMAN
Clerk/Recorder

Council Member Pinon, seconded by Council Member Brems, moved to adopt the resolution approving the 2024 Consolidated Fee Schedule. The motion passed unanimously.

2024 Tentative Budget and the Setting of a Public Hearing

The Council reviewed the following resolution considering the 2024 Emigration Canyon Tentative Budget and setting a public hearing:

RESOLUTION NO. 2023-11-02

Date: November 28, 2023

A RESOLUTION ADOPTING THE EMIGRATION CANYON METRO TOWNSHIP'S TENTATIVE 2024 BUDGET

WHEREAS, Emigration Canyon Metro Township (“Emigration Canyon”) is a municipality and political subdivision of the state of Utah; and

WHEREAS, as a metro township, Utah Code §10-3c-202 requires Emigration Canyon to comply with the Uniform Fiscal Procedure Act of Utah Cities as set forth in Title 10, Chapter 6 of the Utah Code.

WHEREAS, Emigration Canyon is required to adopt a tentative budget for the upcoming fiscal year pursuant to Utah Code §10-6-111; and

WHEREAS, Emigration Canyon prepared a budget for the upcoming 2024 fiscal year and desires to adopt it as its tentative 2024 budget and to schedule a public hearing to take public comment on the same.

NOW, THEREFORE, BE IT RESOLVED by the Emigration Canyon Metro Township Council:

1. The attached budget is hereby adopted as Emigration Canyon’s tentative budget for the 2024 fiscal year.
2. The Emigration Canyon Council will hold a public hearing on December 6, 2023, at 7:00 p.m. at the Emigration Canyon Fire Station, 5025 Emigration Canyon Road, Emigration Canyon, Utah 84108, to receive public comments on the tentative 2024 Emigration Canyon budget.
3. Notice of the public hearing will be posted pursuant to Utah Code §10-6-113.
4. A copy of this tentative budget shall be made available for public inspection for a period of at least ten days prior to the public hearing, pursuant to Utah Code §10-6-112.
5. This resolution shall take effect upon its adoption.

APPROVED and ADOPTED this 28th day of November 2023.

EMIGRATION CANYON METRO TOWNSHIP COUNCIL

By: /s/ JOE SMOLKA
Mayor

ATTEST

/s/ LANNIE CHAPMAN
Clerk/Recorder

Council Member Brems, seconded by Council Member Hawkes, moved to adopt the resolution approving the 2024 Tentative Budget and setting a public hearing. The motion passed unanimously.

DATE TUESDAY NOVEMBER 28, 2023

2023 Tentative Amended Budget and the Setting of a Public Hearing

The Council reviewed the following resolution considering amendments to the 2023 Emigration Canyon Metro Township Budget and setting a public hearing:

RESOLUTION NO. 2023-11-03

Date: November 28, 2023

A RESOLUTION TENTATIVELY ADOPTING PROPOSED AMENDMENTS TO THE EMIGRATION CANYON METRO TOWNSHIP'S 2023 BUDGET

WHEREAS, the Emigration Canyon Metro Township ("Emigration Canyon") is a municipality and political subdivision of the state of Utah; and

WHEREAS, as a metro township, Utah Code §10-3c-202 requires Emigration Canyon to comply with the Uniform Fiscal Procedures Act of Utah Cities as set forth in Title 10, Chapter 6 of the Utah Code.

WHEREAS, the Emigration Canyon Metro Township Council ("Council") adopted a final 2023 budget for Emigration Canyon on December 20, 2022; and

WHEREAS, the Council desires to amend the 2023 budget pursuant to Utah Code §10-6-128.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Council will hold a public hearing to receive public comment on the proposed amendments to the 2023 Emigration Canyon budget at 7:00 p.m. on December 6, 2023, at the Emigration Canyon Fire Station located at 5025 Emigration Canyon Road, Emigration Canyon, Utah 84108.
2. Notice of the public hearing will be posted pursuant to Utah Code §§10-6-113 and 10-6-127.
3. A copy of the attached proposed amendment to the 2023 Emigration Canyon budget will be made available for public inspection for a period of at least ten days prior to the public hearing.
4. This resolution will take effect upon its adoption.

APPROVED and ADOPTED this 28th day of November 2023.

EMIGRATION CANYON METRO TOWNSHIP COUNCIL

By: /s/ JOE SMOLKA
Mayor

ATTEST

/s/ LANNIE CHAPMAN
Clerk/Recorder

Council Member Brems, seconded by Council Member Pinon, moved to adopt the resolution approving the tentative 2023 Amended Budget and setting a public hearing. The motion passed unanimously.

Water-Efficient Landscapes

Mayor Smolka stated the state has a reimbursement program for water-efficient landscaping. For the residents to take advantage of the reimbursement program, the Council needs to have an ordinance or resolution in place.

Matt Starley, Planner, Greater Salt Lake Municipal Services District (MSD), stated Emigration Canyon is unique in how it regulates landscaping in the canyon. The primary focus is promoting naturalistic landscaping and preserving and restoring natural landscapes. There are a lot of design standards that preserve the natural landscape. He put together a website for some communities that addresses waterwise landscaping that he can share. If the Council wants to adopt an ordinance, he will have the planning commission look at it.

Polly McLean stated the ordinance must meet certain requirements to get those rebates.

Council Member Harris stated there are about 60 communities that have adopted this program throughout Utah. Utah Division of Natural Resources has a model ordinance that shows what needs to be included.

Mr. Starley stated FCOZ regulates a lot of the landscaping in the canyon. He will review the program and see if the requirements can be worked into the code.

Mayor Smolka stated he would like Mr. Starley to look at what other communities have passed and then have Ms. McLean write the ordinance.

Ms. McLean stated it should be done by March, April, or May at the latest so the residents can take advantage of the program.

2024 Meeting Schedule

The Council reviewed the following ordinance considering the 2024 Emigration Canyon Metro Township 2024 Regular Meeting Schedule:

ORDINANCE NO. 2023-11-01

Date: November 28, 2023

AN ORDINANCE OF THE EMIGRATION CANYON METRO TOWNSHIP
COUNCIL APPROVING AND ADOPTING THE 2024 EMIGRATION CANYON
METRO TOWNSHIP COUNCIL REGULAR MEETING SCHEDULE

DATE TUESDAY NOVEMBER 28, 2023

WHEREAS, Utah Code §10-3-502 requires the council by ordinance prescribe the time and place for holding its regular meeting and hold a regular meeting at least once each month; and

WHEREAS, Utah Code §52-4-101 et seq. requires that metro township council meetings be compliant with the Utah Open and Public Meetings Act; and

WHEREAS, the Emigration Canyon Metro Township Council (“Council”) met in regular session on November 28, 2023, to consider adopting Emigration Canyon Metro Township’s 2024 regular meeting schedule;

NOW, THEREFORE, BE IT ORDAINED by the Emigration Canyon Metro Township Council, the Council adopts the attached 2024 Emigration Canyon Metro Township Regular Meeting Schedule.

APPROVED AND ADOPTED in the Emigration Canyon, Salt Lake County, Utah this 28th day of November 2023.

APPROVED and ADOPTED this 28th day of November 2023.

EMIGRATION CANYON METRO TOWNSHIP COUNCIL

By: /s/ JOE SMOLKA
Mayor

ATTEST

/s/ LANNIE CHAPMAN
Clerk/Recorder

Council Member Harris, seconded by Council Member Pinon, moved to adopt the ordinance adopting the 2024 Council Regular Meeting Schedule. The motion passed unanimously.

Legislation Converting Townships to Cities and Towns

Polly McLean stated the bill went to the interim committee and passed.

H.B. 374 – County Sheriff Amendments

Council Member Brems stated reorganization remains ongoing.

Legal Issues

There are no legal issues to review.

Budget Items

Mayor Smolka stated invoices for clerking services, legal counsel, quarterly water bill on the property, and property taxes for the first 8 months were received.

Restroom Budget

David Richardson, Capitol Hill Construction, stated the project has some cost overruns. The biggest change that was encountered was the slope behind the outhouse. The original plan was to excavate the dirt going back a few feet and creating a concrete retaining wall. What actually happened was the excavator ended up chasing the hillside. There were choices made to make the project fit in the environment and stabilize the slope at the same time which created a lot of unanticipated work. A few things that the Council requested also increased the costs. There were cost overruns in other areas due to the increased time. Because the project took longer than originally anticipated there were added labor costs.

There was a good contingency in the budget; however, it is still a bit over, largely because of excavation costs that happened early on. The township still owes \$14,000 and the overrun costs are about \$19,000. He is asking for \$33,000 in payment. The true additional costs were closer to \$40,000.

Mayor Smolka stated he is concerned about the excavation and the way it started and ended. There are 12 feet of retaining wall now and it extends a long way to the left. It does not appear to be much of a reason to go that far over.

Mr. Richardson stated the excavator went back that far from the building to allow space for the building to breathe. The dirt was removed and hauled off. The structure was gradually built up and will remain for many years.

Council Member Harris asked if the \$19,000 overage was because of the excavation and retaining walls and if the wall was the first thing done in the project.

Mr. Richardson stated the overage was \$25,000; however, other areas had savings. The excavation was early on in the project, and it was assumed that the costs could be absorbed in the contingency. As the project moved forward, there were other issues that came up. The cedar shingles quadrupled and there was a little bit extra on the mason costs.

Council Member Harris asked if Mr. Richardson considered coming to the Council to update it on the costs. These costs come as a surprise.

Mr. Richardson stated he thought the costs could be absorbed.

Council Member Brems asked what the reason for the extended time was.

Mr. Richarson stated a lot of the delay was scheduling subcontractors then winter weather was a problem.

Deputy Mayor Hawkes asked if the footing was part of the original bid.

Mr. Richardson stated no, it was not in the original drawings.

Council Member Pinon stated this project was a design-build. When the project was awarded all the design components would be the responsibility of the team that did the work. He met with Mr. Richardson and reviewed why the retaining wall incurred extra costs. They looked at the accounting behind the scenes of how the project was executed. He does not like to see a company go into the red, even though it was responsible for the design. These were unforeseen conditions that caused a challenge to the budgets that were presented. The Council needs to find a way to work with the firm to resolve the contract and maintain a future relationship.

Council Member Brems asked what the budget for the retaining wall was.

Mr. Richardson stated \$14,300 was budgeted for excavation and \$8,750 for the retaining wall but almost \$40,000 was spent.

Council Member Harris stated there was a 20 percent contingency, but it was used and then some. She thinks that the firm bears some of the responsibility. Over the last two years, the Council has never been informed of the costs. She proposes that the firm takes 20 percent off of what it is asking from the Council.

Council Member Brems stated he thinks that is fair.

Polly McLean stated the Council has a few options; it can amend the budget to allow for the extra amount to be paid. The Council can refuse to pay the extra amount and pay the contracted amount, or it can do something in between.

Mayor Smolka stated he thinks 20 percent is a good option. He asked Mr. Richardson what he was prepared to offer the Council.

Mr. Richardson stated he can justify 20 percent less to his partners. That would put the overage costs at about \$15,000.

Mayor Smolka, seconded by Council Member Harris, moved to settle the contract at the additional cost of \$15,000 above the contracted amount. The motion passed unanimously with a roll call vote showing Council Member Harris voting "Aye," Council Member Brems voting "Aye," Council Member Pinon voting "Aye," Deputy Mayor Hawkes voting "Aye," and Mayor Smolka voting "Aye."

Council Member Pinon asked to clarify where the funds came from for this project.

Deputy Mayor Hawkes stated the Department of Water Quality provided a grant of \$40,000, and Salt Lake County matched the grant with \$40,000. The out-of-pocket expense for the township was \$80,000 and now the additional overage of \$15,000.

Minutes

There were no minutes to approve.



Council Member Reports

Unified Police Department (UPD) & Salt Lake Valley Law Enforcement Service Area (SLVLESA)

Council Member Brems stated UPD is preparing the budget. Salt Lake County is considering withdrawing from SLVLESA which is causing a lot of problems.

Emigration Canyon Metro Township Planning Commission

Council Member Brems stated the planning commission will be working on new ordinances.

Community Renewable Energy Program

Council Member Brems stated the Council passed a resolution approving an interlocal cooperation agreement regarding the Community Renewable Energy Program.

High-Density Development

No information is available for this item.

Unified Fire Authority (UFA) & Unified Fire Service Area (UFSA)

Council Member Harris stated there will be two public hearings coming up. UFSA will hold a public hearing on December 5, 2023, at 6:00 pm to consider the tax increase. On December 12, 2023, at 7:30 am a public hearing to adopt the budget for the coming year will be held.

Watershed Plan

Council Member Harris stated she had a brief meeting with Sandy Wingert, Department of Water Quality, and Quinn Donnelly, River Restoration, and will meet with them again to go over the remaining points of the plan.

Wasatch Front Waste and Recycling District (WFWRD)

Council Member Pinon stated the tentative budget for 2024 was adopted. The district is testing out a QR code system to receive vouchers to the landfill. After testing, it will get rid of the paper vouchers and move to QR codes. The budget for next year includes eight garbage trucks that have been ordered but not delivered. The budget shows that another rate increase will be imminent. WFWRD has gone through several audits, and everything looks good. A storm is expected on Friday; he encouraged residents to visit WFWRD's website to get information on garbage pickup.

Utah Broadband

Council Member Pinon stated Utah Broadband is applying for grant money.

Website

Deputy Mayor Hawkes stated she would update the website with information regarding garbage pickup and information on water-wise landscaping.

CodeRED

Deputy Mayor Hawkes stated if necessary, she could send out a CodeRED regarding the storm and garbage pickup.

Restrooms

Deputy Mayor Hawkes stated she would like to put up a sign that states the restroom will be opening in the spring of 2024.

Association of Municipal Councils

No report was given.

Utah League of Cities and Towns (ULCT)

Polly McLean stated the league does training for new council members. It is also a good refresher for current council members. She asked if there was a date for the Council to canvass the election.

Nichole Watt stated December 6, 2023.

Greater Salt Lake Municipal Services District (MSD)

Mayor Smolka stated the 2024 MSD budget was adopted. A Halloween lunch and Thanksgiving lunch were held for the MSD employees.

Landfill Council

Mayor Smolka stated pod eight is under construction. The perimeter road is almost designed. A report on the five-year plan for equipment purchases will be presented.

Wasatch Front Regional Council (WFRC)

Mayor Smolka stated some projects were awarded for freeway reconstruction and bridge repairs.

Council of Governments (COG)

Mayor Smolka stated overflow shelters for the unhoused are being determined.

Legislative Update

No further updates were given.



Other Announcements

Mayor Smolka stated he appreciated the four individuals running for election. The results have come in but are not final. He attended the Meet the Candidates night, and all the candidates were professional in their presentations and the emails and letters were appropriate. He congratulated those that were victorious and gave condolences to those that were not.



Closed Session

Council Member Harris, seconded by Council Member Brems, moved to close the meeting to discuss pending or reasonably imminent litigation. The motion passed unanimously.



THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned.

MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

LANNIE CHAPMAN, METRO TOWNSHIP CLERK

By: _____
Deputy Clerk

