

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON TUESDAY, OCTOBER 24, 2023, PURSUANT TO ADJOURNMENT ON TUESDAY, SEPTEMBER 26, 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: CAMERON PLATT, LEGAL COUNSEL
GORDON BENNETT, ADMINISTRATOR
NICHOLE WATT, DEPUTY CLERK



Mayor Smolka, Chair, presided.



WORKSHOP MEETING

Unified Police Department Reorganization

Chief Jason Mazuran, Unified Police Department (UPD), stated H.B. 374 had a significant impact on UPD and the Sheriff's Office. The bill removed the Sheriff as UPD's CEO, necessitating the reevaluation of statutory functions. The reorganization relies on solid proven principles and shared services for efficiency. The Metro Township had the opportunity to decide what it wanted to see in its law enforcement. Entities could contract with another municipality or self-provide. The UPD model is effective and allows some self-governance and a seat at the table. With a contract model, the entity often does not have a voice.

Council Member Brems stated if the Council choose to stay with UPD, it would be a member as it currently is. If it chooses to retain services from the Sheriff's Office, Emigration Canyon would not have a seat at the table because the Sheriff answers to the Salt Lake County Council.

Council Member Harris asked what the reorganization is for the canyons and if the different equipment is factored into the split.

Chief Mazuran stated canyon patrol will be under the Sheriff's Office. UPD and the Sheriff's Office will continue to work together.

Lieutenant April Morse stated there would be different chiefs with the reorganization. She has compiled a list of equipment that will need to be installed in canyon patrol vehicles.

Richard Moon, Treasurer, Salt Lake Valley Law Enforcement Service Area (SLVLESA), reviewed the numbers for the UPD model.

Chief Mazuran stated he was instructed to get to 7 percent or less across the board.

Council Member Brems asked if there would be less law enforcement and increased costs.

Chief Mazuran stated there is a tug-of-war between paying less and a reduction of services or paying more for more services. It is a constant struggle. He would like to go back and see what the difference will be between the allocation of 1 officer and 1.5 officers. He will get those numbers back to the Council.



PUBLIC MEETING

Pledge of Allegiance

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



Citizen Public Input

Janet Haskell stated she has questions about legislation converting the metro townships to towns or cities.

Greg Peterson encouraged the Council to withdraw from the Community Renewable Energy Program. Not enough is known about the upsides and downsides, as well as costs. He read an article where it discussed the benefits of the program and listed the decreased running of fossil fuel plants. Those plants are built to run 24/7, if they are turned on and off, inefficiencies and costs are driven up. The article indicated that costs would be capped at 10 percent, but it is unclear what that is based on. For Emigration Canyon Metro Township, the cost structure is unknown. Rocky Mountain Power already has several programs underway for clean energy.



Council Business

Unified Fire Service Area Potential Tax Increase

Rachel Anderson, Legal Counsel and District Manager, Unified Fire Service Area (UFSA), stated UFSA is a special district that serves as the taxing entity that collects taxes that are used to pay member fees to Unified Fire Authority (UFA). She delivered a PowerPoint

presentation reviewing the purpose for the proposed tax increase and the UFSA tax increase timeline.

Chief Dominic Burchett, UFA, continued with the PowerPoint presentation reviewing general inflation, wage inflation, capital replacement inflation, fire station bonds for upgrades, and building construction inflation.

Tony Hill, Chief Financial Officer, UFA, reviewed future needs, cost per average taxpayer, property tax rates, and property tax revenue. The public hearing will be held on December 5, 2023, at 6:00 p.m. Parcel-specific notices have been sent out to residents in the service area.

Council Member Brems stated the increase would be 12 percent with another increase in a year. How much will that increase be?

Ms. Anderson stated approximately 10 percent.

Chief Burchett stated Emigration Canyon and Copperton are the two stations that do not have a four-person crew. There are units relatively close, and they have low call volumes. The Emigration Canyon fire station runs approximately 60 – 70 calls a year. Four-handed staffing is still the goal of the board and will remain a topic of conversation.

Salt Lake Valley Law Enforcement Service Area

Rachel Anderson, Legal Counsel, Salt Lake Valley Law Enforcement Service (SLVLESA), stated she is seeking approval of a resolution approving a 2024 tax rate in excess of the certified tax rate. With the passing of H.B. 374, requiring the separation of the Sheriff's Office from Unified Police Department (UPD), has created a lot of uncertainty. The separation itself will affect SLVLESA because there is a loss of economy of scale. SLVLESA is getting close to the tax cap. For the legislature to increase the tax cap or get funding elsewhere, the current tax cap needs to be reached.

Richard Moon, Treasurer, Salt Lake Valley Law Enforcement Service Area (SLVLESA), delivered a PowerPoint presentation regarding the tax increase, purpose of the tax increase, 2021-2024 SLVLESA history, and FY 2022 UPD budget for SLVLESA.

RESOLUTION NO. 2023-10-01

Dated: October 24, 2023

A RESOLUTION OF THE EMIGRATION CANYON METRO TOWNSHIP
COUNCIL APPROVING A 2024 TAX RATE IN EXCESS OF THE CERTIFIED TAX
RATE BY THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA

WHEREAS, the Salt Lake Valley Law Enforcement Service Area ("SLVLESA") was created by Resolution of the Salt Lake County Council dated August 18, 2009; and

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WHEREAS, the area of the Emigration Canyon Metro Township is included in the boundaries of SLVLESA for the funding and provision of law enforcement services to the areas within the boundaries of SLVLESA; and

WHEREAS, SLVLESA has proposed to budget a 7% increase in the tax rate in excess of the certified rate as defined in Section 59-2-024 of the Utah Code in 2024 to fund the increased costs of providing local law enforcement services and has proposed to increase property taxes solely for the purposes of maintaining its fund balance, paying increases in the costs assessed to SLVLESA by the Unified Police Department and, as needed, to other providers such as a newly reinstated Salt Lake County Sherriff's Bureau, and allowing new growth in its tax base to be used for the provision of required new services; and

WHEREAS, pursuant to Section 17B-1-1003 of the Utah Code, SLVLESA submitted a report on the proposed tax increase to the Emigration Canyon Metro Township Council ("Council") at a duly noticed meeting on October 24, 2023, and

WHEREAS, the Council allowed time during the duly noticed meeting on October 24, 2023, for comment on the proposed tax increase from members of the Council and the public; and

WHEREAS, Section 17B-2a-903 of the Utah Code requires the prior approval of an increase in the certified rate by SLVLESA from the legislative bodies of any municipality and county whose territory is located within SLVLESA, or approval of a majority of the municipalities and two-thirds (2/3) of the County legislative body; and

WHEREAS, before the SLVLESA Board of Trustees considers to levy a tax rate that exceeds the certified tax rate, the SLVLESA Board of Trustees shall hold a public hearing to provide to all interested parties the opportunity to be heard regarding the proposed tax rate increase; and

WHEREAS, SLVLESA shall provide notices of the public hearing as required by Section 59-2-919 of the Utah Code; and

WHEREAS, after considering all public input from the public hearing and all other information available to them, the SLVLESA Board of Trustees will vote on whether to levy a tax rate that exceeds the certified tax rate.

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

1. The Emigration Canyon Metro Township Council hereby approves for 2024 the budgeting of a 7% increase in property tax revenues in excess of revenues budgeted in the prior year and the imposition of property taxes in excess of the certified tax rate to generate the increase in budgeted property tax revenues as defined in Section 59-2-924 of the Utah Code.

APPROVED BY THE COUNCIL in Emigration Canyon, Salt Lake County, Utah this 24th day of October 2023.

FOR THE EMIGRATION CANYON METRO TOWNSHIP:

/s/ JOE SMOLKA
Mayor

ATTEST:

/s/ LANNIE CHAPMAN
Clerk

Council Member Brems, seconded by Deputy Mayor Hawkes, moved to adopt Resolution 2023-10-01. The motion passed unanimously.

H.B. 374 County Sheriff Amendments

Cameron Platt stated Salt Lake County is waiting on the final human resource numbers.

Community Renewable Energy Program

Christopher Thomas, Senior Energy and Climate Program Manager, Salt Lake City Department of Sustainability, presented a PowerPoint presentation regarding the utility agreement, what the Utah Renewable Communities have been doing, steps to design and launch the Utah Renewable Communities Program, noticing cost estimates, and FY 2024 budget guidance. He is recommending approval of the following resolution.

RESOLUTION NO. 2023-10-02

Date: October 24, 2023

A RESOLUTION OF THE EMIGRATION METRO TOWNSHIP APPROVING AN INTERLOCAL COOPERATION AGREEMENT AMONG PUBLIC ENTITIES REGARDING THE COMMUNITY RENEWABLE ENERGY PROGRAM

WHEREAS, the Emigration Canyon Metro Township Council (“Council”) met in regular session on October 24, 2023, to consider, among other things, approving an agreement with a qualified utility for the purpose of participating in a renewable energy program; and

WHEREAS, in 2019, the Utah State Legislature enacted H.B. 411 that was codified at Utah Code Ann. § 54-17-901 et seq. and is known as the “Community Renewable Energy Act” (“Act”); and

WHEREAS, the Act authorizes the Public Service Commission of Utah (“Commission”) to establish a community renewable energy program whereby qualified municipalities may cooperate with a qualified utilities to provide electric energy for participating customers from

renewable energy resources, in an amount that equals their annual consumption (“Program”); and

WHEREAS, the Act authorized the Commission to adopt rules to implement the Act, and the Commission has adopted such rules as set forth in Utah Administrative Code R746-314-101 through -402 (“Rules”); and

WHEREAS, the Act and Rules provide that communities must satisfy requirements to offer a Program, including adopting a resolution as required by Utah Code Utah Code § 54-17-903(2)(a) (“Qualifying Resolution”), entering into an agreement among eligible communities that establishes a decision-making process as described in Utah Administrative Code R746-313-101 (“Governance Agreement”); and entering into an agreement with a qualified utility as required by Utah Code § 54-17-903(2)(b) (“Utility Agreement”); and

WHEREAS, on or about December 9, 2019 the Emigration Canyon Metro Township adopted a Qualifying Resolution and on or about May 24, 2022, the Emigration Canyon Metro Township signed the Governance Agreement; and

WHEREAS, the Utility Agreement has been presented to the Council for review and approval; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of Emigration Canyon Metro Township’s residents to so act;

NOW, THEREFORE, BE IT RESOLVED that the Utility Agreement, in substantially final form as attached to this Resolution, is approved, and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution assigned No. 2023-10-02, shall take effect immediately on passage.

PASSED AND APPROVED by the Emigration Canyon Metro Township Council this 24th day of October 2023.

EMIGRATION CANYON METRO TOWNSHIP COUNCIL

/s/ JOE SMOLKA
Mayor

ATTEST:

/s/ LANNIE CHAPMAN
Clerk

Council Member Harris, seconded by Council Member Brems, moved to approve Resolution 2023-10-02. The motion passed 4 to 1, showing Mayor Smolka voted in opposition.

Deputy Mayor Hawkes, seconded by Council Member Brems, moved to base the decision to move forward on information regarding the number of solar users in the canyon, total

customer counts, expenses, and receiving information promptly. The motion passed unanimously.

Emigration Canyon Improvement District Request for an Exclusion or Modification of the Current Road Moratorium Ordinance

Jeremy Cook, Legal Counsel, Emigration Improvement District (EID), stated the EID operates in the canyon and has the same tax base as the Emigration Canyon Metro Township. After the Metro Township imposed a moratorium on the roads, it has increased costs that the EID incurs anytime it needs to make improvements and cut the road. Pre-moratorium, the cost to finish a project was \$2,500 every time a patch was needed. Those costs are now \$10,000 - \$60,000 per patch. Depending on the number of patches that are needed in a year, it uses up a significant portion of the EID's budget. He is asking the Council to consider an exception and allow the EID not to comply with the moratorium.

Mayor Smolka, seconded by Council Member Brems, moved to direct Jeremy Cook and Cameron Platt to work on drafting an agreement that would allow the EID to be exempt from the moratorium and go back to previous standards of two feet around the opening. The motion passed unanimously.

Emigration Canyon Metro Township 2024 Fee Schedule

Mayor Smolka stated the Greater Salt Lake Municipal Services District (MSD) hired a consultant to review and compare fees with surrounding jurisdictions.

Council Member Harris stated she would like someone from the MSD to review the document with the Council.

This agenda item was deferred until next month.

Water-Efficient Landscape

Deputy Mayor Hawkes stated she would like someone to look at the state program that provides credit for the removal of grass.

This agenda item was deferred until next month to gather more information.

Emigration Canyon Metro Township Council Meeting Schedule Amendment

Mayor Smolka, seconded by Council Member Pinon, moved to amend the November and December Emigration Canyon Metro Township meeting schedule and meet on November 28, 2023, and December 6, 2023. The motion passed unanimously.

Justice Courts

Mayor Smolka stated there is nothing new to report on.

Legislation Converting Townships to Cities and Towns

Cameron Platt stated the fourth draft of the bill to convert metro townships to cities or towns has gone to the Legislative Interim Committee. The bill as drafted will go to the legislature in January. The formation of government will stay the same with the exception of the Mayor who will need to be elected in 2 years by the citizens. There are questions if the Salt Lake County Clerk’s Office can serve in the same function that it has been.

Legal Issues

None.

Budget Items

Mayor Smolka stated invoices for clerking services, legal counsel, nameplates, and phone were received.

Minutes

Council Member, seconded by, moved to approve the minutes of the Emigration Canyon Metro Township meeting held on September 26, 2023. The motion passed unanimously.



Reports from other Municipal Providers

Emigration Canyon Community Council (ECCC)

Bill Tobey stated the final application for the Emigration Canyon Metro Township Community Wildfire Defense Grant will be submitted with five requests. There is an estimated cost of \$500,000 with the funding request being \$375,000 and \$125,000 community match.

Unified Police Department (UPD)

Detective Dawn Larsen stated there were 46 calls for service with 11 initial reports and 13 citations issued. Cameras will be installed in her vehicle with cameras. She is working on getting a grant to fund an additional electronic sign.

Unified Fire Authority (UFA)

Council Member Harris stated she would email the fire report to the Council Members.

Salt Lake County Animal Services

No report was given.



Council Member Reports

Administrative Report

Gordon Bennett stated he reached out to the Salt Lake City Planning Commission regarding the possible high-density development at the mouth of the canyon, and there is no new update. A traffic study is being conducted.

Mr. Bennett informed the Council that this will be his last meeting as he will be moving to New York.

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

Nothing further to report.

Emigration Canyon Metro Township Planning Commission

Council Member Brems stated he would talk to Matt Starley, Planner, regarding planning issues.

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

Council Member Harris stated UFSA is holding a special meeting regarding the sell of the old fire station.

Watershed Plan

Council Member Harris stated work continues on the plan, it is close to being completed. The plan cannot be finalized until Sandy Wingert, Department of Water Quality, says it is done.

Wasatch Front Waste and Recycling District (WFWRD)

Council Member Pinon stated 44 individuals participated in the recycling survey. The results showed that residents are satisfied with the recycling services and would like to keep the same level of service.

Utah Broadband

Council Member Pinon stated efforts continue to get internet access throughout the canyon. The shadow areas are being looked at; however, those areas will need fiber. Applications for funding through the BEAD program are being looked into.

Website

Deputy Mayor Hawkes stated she has revamped the website and is converting the domain to .gov to comply with state statutes. She is also working on getting emails converted to .gov.

CodeRED

Deputy Mayor Hawkes stated events continue to be added as they come up.

Restrooms

Deputy Mayor Hawkes stated the restroom is over budget in part because of the wall and slope.

Council Member Brems stated his concerns about the contractor doing its own survey and then did not come back to the Council with the change. He is willing to get on a call to discuss the costs.

Cameron Platt stated the Council can commit to fulfilling the contract and negotiating the rest of the amount.

Deputy Mayor Hawkes stated she would like to hold an open house in the spring.

Association of Municipal Councils

Deputy Mayor Hawkes stated discussions on the advantages of community coalitions were held.

Utah League of Cities and Towns (ULCT)

Deputy Mayor Hawkes stated December 9, 2023, ULCT is holding a training for elected officials. Wasatch Choice will hold a meeting on November 20, 2023, and highly recommends the Council attend.

Greater Salt Lake Municipal Services District (MSD)

Nothing further to report.

Landfill Council

Nothing further to report.

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Wasatch Front Regional Council (WFRC)

Nothing further to report.

Council of Governments (COG)

Mayor Smolka stated on the homeless side, 400 blankets and towels among other supplies are needed to help the unsheltered community.

Legislative Update

No further updates were given.

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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

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