



CITY COUNCIL MEETING
Minutes

Tuesday August 20, 2024
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Marcus Stevenson

COUNCIL MEMBERS: Council Member Paul Glover
Council Member Bonnie Billings
Council Member Dustin Gettel
Council Member Bryant Brown
Council Member Heidi Robinson

STAFF: Matt Dahl, City Manager; Rori Andreason, HR Director/City Recorder; Garrett Wilcox, City Attorney; Glen Kennedy, Public Works Director; Nate Rockwood, Assistant City Manager; Mariah Hill, Administrative Services Director; Adam Olsen, Community Development Director; Wendelin Knobloch, Planning Director; Laura Magness, Communications Director; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Juan Rosario, Systems Administrator.

6:00 PM – WORKSHOP

- Employee Policy: Telework on Red Air Quality Days

Rori Andreason discussed the handout regarding the Remote Work Policy Pilot Program.

Matt Dahl discussed the pilot program and reiterated that if employees are working from home one day a week, a bad air day does not permit them to take another day. He also said those employees that want to come into work, can.

Council Member Bryant Brown said he likes the program but does not want it to be a mandatory program.

Council Member Dustin Gettel recommended starting with the mandatory air action days and making it voluntary, but highly encouraged, for employees to work from home. He said this policy is very popular with the State; employees really like it. He said the more cities that incorporate this type of policy will greatly reduce the bad air quality.

Mariah Hill suggested employees be encouraged to use alternative means of travel as well.

Council Member Dustin Gettel said he felt the employees would feel good about participating in this program and helping the city. He also doesn't think the policy will be problematic. He asked how the employees will be informed about the mandatory action air days?

Matt Dahl said an employee will be responsible for looking at the website to inform the managers of the mandatory action air days.

Mariah Hill asked if it would be determined by mandatory action air days in Salt Lake County or other counties since employees live in several different counties.

Council Member Dustin Gettel said the State relies on the information for Salt Lake County.

Matt Dahl said he and Rori Andreason will finalize the policy and send it to the Council before distributing to the staff. He said he will plan on implementation by the second Council meeting in September.

6:30 PM – REGULAR MEETING

Mayor Marcus Stevenson called the business meeting to order at 6:32 p.m.

I. GENERAL BUSINESS

A. WELCOME AND PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. Unified Police Department Report — *[Chief Randy Thomas]*

Chief Randy Thomas began with the June stat report, there were 2,621 calls for service with 809 resulting in a first offense or general offense report. In July they took 3025 calls for service with 998 being general offense reports. He recalled that in May the calls were unusually low and then June and July jumped up to the usual number of calls.

Chief Thomas reminded everyone that school has started, and the Chief has asked the day shift crews to be present and visible at random school zones to spread the message to motorists to slow down in school zones. Also, Jenny Peterson has been assigned to make sure all resources are being used properly to address concerns they have received concerning safety issues near Midvale Middle school.

Trina Chacon has replaced Grant in dealing with the homeless population. A thank you to Trina for conducting a warrant service at the property on 260 East and 7100 South, resulting in a drop in the number of homeless individuals coming and going in the area, and a resulting drop in burglaries and criminal activity in the area.

The Chief thanked the Gardner Group for their help in mitigation efforts dealing with a large homeless encampment behind the Public Works building. The Gardner Group went

in and cleared the trees and brush on their property, something they had planned to do later, resulting in the encampment dispersing without any further abatement efforts.

Chief Thomas reported that the Century Link building on California Drive has been scheduled for demolition. UPD has coordinated with the owners to allow SWAT to use the building for explosives training. The training is going well, and with no complaints from the public.

The Chief recognized the Directive Enforcement Unit for their work investigating and helping to solve the recent hit and run in Millcreek. The DEU was also instrumental in safely apprehending the suspect involved in a shooting and pursuit through the valley last week. This was great work on their part.

Chief Thomas pointed out that the department is currently short staffed resulting in mandatory overtime to fill in the gaps.

The Chief introduced Norma Wood, she began in 2007 as a volunteer serving Midvale City in a variety of positions, most recently she has served as a victim advocate. Norma described how she became involved with the Police Department as a volunteer as a way to give back to the community by responding to an ad in the local journal asking for volunteers. The first assignment was directing floats at a Harvest Days celebration, but future volunteer opportunities soon turned into victim advocacy with the police and courts. Norma is retiring and will be missed.

MOTION: Council Member Dustin Gettel moved to proceed to Mayor and Council reports and then come back to public comments. The motion was **SECONDED** by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

II. MAYOR REPORT

Mayor Marcus Stevenson said he is hosting Beer and Bingo with the Mayor at 2 Row Brewing on Tuesday, August 27th at 6:30 pm. There will be prizes donated by local businesses. He said he is looking forward to this event.

III. COUNCIL REPORTS

A. Council Member Bonnie Billings – echoed what Chief Thomas said about the shooting and pursuit through her neighborhood, she thanked UPD for their safe handling of the situation.

B. Council Member Paul Glover – received some resident complaints about dead trees that need to be removed on Catalpa near the park and ride.

C. Council Member Heidi Robinson - had nothing to report.

D. Council Member Bryant Brown – said the state announced they are holding a special session on a constitutional amendment change to take away the right of citizens to place legislation on the ballot for a referendum. He feels like the short notice is lame and he urges citizens to vote no on this constitutional amendment designed to limit citizen power and participation in decision making processes.

E. Council Member Dustin Gettel – said it will be tomorrow when the state legislature goes into the special session so the Council does not have time to pass a resolution asking them not to do that but, the Council could pass a resolution stating that Midvale City Council opposes the amendment to try to keep the amendment from going on the ballot. He related a story that will be in the news about Salt Lake County Animal Services. They had a serious event that took place regarding a dog that had been impounded. The dog owner arrived to claim the dog and did not want to pay the \$200 impound fee. The owner caused a lot of drama over the fee, left the facility, came back later, and at that point the dog owner was arrested for threatening the staff.

IV. CITY MANAGER REPORT

A. Matt Dahl, City Manager, discussed the process to hire a Police Chief to replace Chief Randy Thomas when he retires. Interviews will be held on September 10th. As part of the selection process there will be three representatives from Midvale, Matt and Mayor Stevenson would like to have one Council member involved in the interviews. Council Member Dustin Gettel nominated Council Member Heidi Robinson to serve on the committee. The other Council members agreed, and Council Member Heidi Robinson accepted. The committee will come back with the name of the candidate that was selected at the September 17th City Council meeting.

V. PUBLIC COMMENTS

Shae Spray thanked Mayor Stevenson for his response to her email and thanked Matt for meeting with her on Thursday. She reported that a family with a 10-year-old son has been sleeping in the park, waiting to get into the homeless shelter. They have been waiting to get into the shelter since June 26th. Shae said that the employees at the shelter are rude and told her and the family to stop calling the shelter or they wouldn't allow them into the shelter. She said that the City is funding illegals to stay in the shelter and she believes the City should stop the funding for illegals in homeless shelters.

Council Member Dustin Gettel pointed out that TANF is a Federal Program.

Mayor Stevenson said that TANF only supports fully documented residents, and a resident can be in the USA and be non TANF eligible and still be here legally.

Council Member Bryant Brown requested that when anyone speaks with the Council or

the homeless shelter please do not disclose an individual's residency status and personal details. TANF is a federal program that the City does not administer and there simply is not enough beds at the shelter.

Zach Jacob, a resident and City Council Member of West Jordan, said he came to speak to urge consideration of the Community Renewable Energy Program. He said he works with Stewardship Utah and is interested in seeing this program moving forward, however; the program needs a critical mass of cities to participate to be effective and sadly, West Jordan chose not to participate. Hopefully, the Midvale Council will move forward in joining the program. If there are questions, let's take steps and figure them out as we go. He encouraged participation in the program.

Michael Ronier, lives on Wilson Street, said he is concerned about a halfway house that is in the neighborhood and appears to be a permanent part of the neighborhood. He read the code citation concerning who can live there and is asking if the city has confirmed that the residents fall into the restrictions of the code.

Garrett Wilcox explained that the City is responsible for the issuance of a business license but adherence to administrative code falls onto the federal and state agencies.

Mayor Stevenson said that Adam Olsen and Garrett Wilcox will speak with Michael Ronier in the foyer to answer specific questions.

Jack Frost, said he does not trust the Midvale police, Mr. Frost recently called the Midvale police about someone doing drugs by his house and the police didn't show up for 45 minutes. He called Murray City police and they were there in two minutes. His wife's bike was stolen recently and he chose not to call the police because he didn't have faith in them doing anything for him. He found the bike online for sale, he called Midvale police, they arrested the thief but neglected to tell Mr. Frost that the thief is also a convicted murderer. He said Chief Thomas is not responsive and the City is not well run.

V. CONSENT

- A. Consider Minutes of July 16, 2024 and August 13, 2024

MOTION: Council Member Dustin Gettel MOVED to Approve the Consent Agenda. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

VI. ACTION ITEM

A. CONSIDER RESOLUTION NO. 2024-R-41 AUTHORIZING THE MAYOR TO SIGN THE COMMUNITY RENEWABLE ENERGY AGENCY INTERLOCAL AGREEMENT AND COMMUNITY RENEWABLE ENERGY PROGRAM AGREEMENT, APPROVING THE PLAN FOR LOW-INCOME ASSISTANCE FOR MIDVALE, AND APPOINTING MIDVALE CITY REPRESENTATIVES TO THE COMMUNITY RENEWABLE AGENCY BOARD.

Erin Summers said the Community Renewable Energy Agency (Agency), also known as Utah Renewable Communities Program, was established under HB411, in 2019 (Utah Code Ann. § 54-17-901). The Agency is an interlocal entity, made up of Utah communities who have their electricity provided entirely, or in part, by Rocky Mountain Power (RMP). The Agency collaborates directly with RMP to provide net-100% renewable electricity by 2030 to participating communities. The renewable energy assets needed for the program must be acquired through a competitive solicitation process (such as a request for proposals) and must provide RMP with the option to own or purchase the assets. The Agency will not own any assets, including real property (as per section 12(e) of the interlocal agreement). The cost for obtaining and maintaining the assets will be covered through the participating customer rates and not by the Agency members. Each member of the Agency is responsible for paying a portion of the organization's operational costs (legal and technical consultants, RMP program design and filing, etc.), which is calculated by both population and electricity usage. Participating customers in member communities will see anywhere from \$2 to \$7 extra in their monthly energy bills due to the higher price of renewable energy production, unless they are a part of the Low-Income Lifeline Program (LILP). LILP enrollees will receive a credit on the monthly bill to offset the increase in cost from the program. RMP customers in member communities who are not interested in participating in the program will have the opportunity to opt-out of the program.

The interlocal agreement has a term of 50 years, and the utility agreement with RMP will remain in effect as long as the program is in effect and the communities have residents who are participating customers. Entities can withdraw from the Program with 30 days' notice prior to the passage of an ordinance. In the event of a withdrawal from the program, any payments already made will not be refunded. Should the Agency dissolve, any unspent fund balances will be returned to the communities.

On June 18, Midvale City Council passed Resolution 2024-R-26 authorizing Mayor Stevenson to submit an application on behalf of Midvale City. To move forward with joining the Agency, Midvale needs to sign onto the Community Renewable Energy Agency Interlocal Agreement and Community Renewable Energy Program Agreement, approve the Plan for Low-Income Assistance for Midvale, pay a \$11,000 fee, and appoint a representative to the Agency board, by August 31, 2024. Midvale City will have to pay an additional \$11,000 fee by August 31, 2025, as well as pass an ordinance outlining details of the final program, if the City Council determines that they want to implement the program.



Community Renewable Energy Agency

August 20, 2024

Community Renewable Energy Program

The Community Renewable Energy Program (Agency) was established in 2019 through legislation (HB 411; § 54-17-901) enabling communities to form an interlocal entity to collaborate directly with Rocky Mountain Power (RMP) to provide participating communities net-100% renewable energy by 2030.

- Each member is responsible for paying a portion of the Agency's operational costs.
- Participating community members can expect to see \$2 to \$7 increase in their monthly power bill – all community members will have the opportunity to opt out.
 - Low-income participants receive a monthly credit to offset the increase.

Community Renewable Energy Agency Interlocal Agreement

- Term: 50 years
- Purpose: establish an interlocal entity and decision-making process for Program design, cost share allocation, resource solicitation and acquisition, and other Program issues, enabling communities to implement the Program in their respective communities.
- Withdrawal: Before passing the ordinance, member communities can withdraw from the Agency with 30-days notice.
 - No refunds
 - Failure to Appropriate Funding: should a community's governing body fail to appropriate funding, the community will be withdrawn from the Agency (and will not be considered in breach of the agreement).
- Dissolution: Any unspent funds will be returned to member communities.

Community Renewable Energy Agency Utility Agreement (and MOU)

- Term: As long as the program is active and there are participating customers.
- Purpose:
 - Member Communities are agreeing to pay actual cost for the 2 sets of notices which RMP will send out to all customers in the boundaries of the community.
 - The Agency will pay up to \$200,000 for third-party experts for Program Design and implementation (this money comes from the fees paid by participating municipalities to the Agency).
 - RMP will notify eligible customers and administer the Program.

Community Renewable Energy Agency Next Steps

- The Agency is preparing to go to solicitation through a request for proposals to obtain a Power Purchasing Agreement (PPA) for a renewable energy plant which can connect to RMP's grid.
 - RMP or the third-party will retain ownership of the plant.
 - The premium for the power will be covered through the extra \$2-\$7 monthly from participating customers.
- After there is a PPA in place, the Agency and RMP will take the Program Design and agreements to the Utah Public Service Commission, which must approve the Program.
 - Once the approved program comes through, communities will have 90 days to adopt the ordinance.
 - If the Commission denies the Program, the agreements are terminated.

Next Steps for Midvale?

If Midvale City is interested in joining the Agency, Midvale City must execute the following by August 31, 2024:

- Sign onto the interlocal agreement and the utility agreement,
- Pay the initial fee of \$10,942.10 (one of two, the second payment is due August of 2025),
- Appoint a representative and alternate to the Board (via resolution),
- Approve a plan for low-income assistance,
- Submit a geographical map of Midvale to the Agency.

After August 31, 2024

Should Midvale City Council approve all the requirements due by August 31, 2024, we can expect the following milestones:

- Pay the second (and final) fee of \$10,942.10 by due August of 2025,
- Adopt the Ordinance within 90 days of Commission approval of the Program.

Midvale Low Income Assistance Plan

- Programmatic Design
 - Low-income participants receive a monthly credit to offset the increase (not to exceed \$7.00 per month).
 - Should a participant who is low income wish to opt-out of the program, even after the notice period, the termination fee will be waived.
- Outreach Strategies
 - The Agency will provide informational marketing materials and FAQs for participating communities to distribute to community partners and promote.
 - This promotion can be more broadly executed as well, to help reach more Midvale residents.

Program Design: Opting Out

The program is designed as an opt out program because it was required by state statute § 54-17-905. In order to reduce the burden on residents, the program design does the following:

- Requires 2 separate notices to go out to all eligible customers in participating municipalities,
 - These notices must be separately sent from the statements/bills and must both be sent during the implementation period (before there is a termination fee).
- Outreach to community groups and general promotion by participating communities to help spread the word within the community that the program is coming (and how it will work, including opting out).

Blue Sky compared to the Community Renewable Energy Program

Blue Sky® Block 2024 Prospective Product Content Label¹

Blue Sky Block is sold in blocks of 100 kilowatt-hours. Blue Sky Block is a Renewable Energy Certificate (REC) product and does not contain electricity, which is billed separately. A REC represents the environmental benefits of 1 megawatt-hour of renewable energy.

In 2024, Blue Sky Block will be made up of the following new renewable resources averaged annually.

Green-e® Energy Certified New ² Renewables in Blue Sky Block 2024		Generation location
Solar	27%	OR, WA, CA, ID, UT and/or the broader western region ³
Wind	73%	
Total Green-e® Energy Certified New Renewables	100%	

1. These figures reflect the renewables that we plan to provide. Actual figures may vary according to resource availability. We will annually report to you before August 1 of next year in the form of a Historic Product Content Label the actual resource mix of the RECs you purchased.

2. New Renewables come from generation facilities that first began commercial operation within the past 15 years.

3. The western region is defined as the states listed above, plus AZ, CO, NV; parts of WY, NE, MT, NM, TX and SD; the Canadian provinces of BC and AB; and the northern part of Baja California.

Council Member Dustin Gettel thanked Erinn for putting the information together so the Council can make an informed decision and said he appreciates the passion for renewable energy.

Council Member Bryant Brown said he is concerned that some larger cities aren't joining the program, and he is questioning what will happen to Midvale if not enough cities join. He asked if larger cities can join the program at a later date?

Christopher Thomas, Sr. Energy and Climate Program Manager with the Salt Lake City Sustainability Department, said there is currently no way for a city to join after the application is submitted to the Utah Public Service Commission.

Garrett Wilcox said he understands the program to be right sized for the communities that initially join and cities that join later would have to do their own program based on their city and any others that join with them.

Christopher Thomas agreed with what Garret Wilcox said. He then explained that the program is in its infancy and the board will first seek to acquire energy from a resource. For the power purchase agreement to go into effect, the board must raise a reserve amount to cover the cost of the power purchase agreement. The reserve fund can be used to cover the portion of the power purchase agreement left if customers have opted out.

Garrett Wilcox said he believes that the cost would be between two to seven dollars per customer. Once the program is adopted and in place the individual cities are not obligated to each other.

Christopher Thomas said that he anticipates that Rocky Mountain Power will insist on a termination clause so that if the program ceases to exist, the power purchase agreement is legally void.

Matt Dahl reminded everyone that this is a due diligence phase so the City can see what the final project will look like. The City can still say no.

Garrett Wilcox made it clear that the City would be joining an Interlocal Agreement that night if the Resolution is passed.

Council Member Dustin Gettel said as concerns about other cities participation and if the City is bound for 50 years or can a future Council terminate the program?

Garret Wilcox said based on other similar agreements, this agreement will be binding.

Council Member Dustin Gettel said he wants to know if the fee could be raised in the future.

Erinn Summers said that there is a cap, and costs would raise for everyone if there were a drop in participation.

Christopher Thomas said if a price adjustment were needed it would have to be approved by everyone involved, but there is a 10% cap.

MOTION: Council Member Dustin Gettel MOVED to Approve Resolution No. 2024-R-41 Authorizing the Mayor to Sign the Community Renewable

Energy Agency Interlocal Agreement and Community Renewable Energy Program Agreement, Approving the Plan for Low-Income Assistance for Midvale, and Appointing Midvale City Representatives to the Community Renewable Agency Board. The motion was SECONDED by Council Member Bonnie Billings. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Nay
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

VII. POSSIBLE CLOSED SESSION

The City Council may, by motion, enter into a Closed Session for:

- A. Discussion of the Character, Professional Competence or Physical or Mental Health of an Individual;**
- B. Strategy sessions to discuss pending or reasonably imminent litigation;**
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property;**
- D. Discussion regarding deployment of security personnel, devices, or systems; and**
- E. Investigate proceedings regarding allegations of criminal misconduct.**

MAYOR: Mayor Marcus Stevenson

COUNCIL MEMBERS: Council Member Paul Glover
Council Member Bonnie Billings
Council Member Dustin Gettel
Council Member Bryant Brown
Council Member Heidi Robinson

STAFF: Matt Dahl, City Manager; Rori Andreason, HR Director/City Recorder; Garrett Wilcox, City Attorney; Nate Rockwood, Assistant City Manager; Adam Olsen, Community Development Director; and Wendelin Knobloch, Planning Director.

Motion: Council Member Dustin Gettel moved to enter into closed session to discuss character, professional competence or physical or mental health of an individual SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

The Council recessed at 8:11 p.m.

The Council went into closed session at 8:20 pm

MOTION: Council Member Dustin Gettel **MOVED** to reconvene into open session. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The Council reconvened into open session at 9:12 pm

VIII. ADJOURN

MOTION: Council Member Bryant Brown **MOVED** to adjourn the meeting. The motion was **SECONDED** by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 9:12 p.m.



Rori L. Andreason, MMC
H.R. DIRECTOR/CITY RECORDER



Approved this 3rd day of September, 2024