

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ELECTRONICALLY ON TUESDAY, NOVEMBER 16, 2021, PURSUANT TO ADJOURNMENT ON TUESDAY, OCTOBER 26, 2021, AT THE HOUR OF 7:00 P.M., VIA ZOOM.COM.

COUNCIL MEMBERS

ELECTRONICALLY PRESENT: DAVID BREMS  
GARY BOWEN  
CATHERINE HARRIS  
JENNIFER HAWKES, Deputy Mayor  
JOE SMOLKA, Mayor

OTHERS IN ATTENDANCE:

POLLY MCLEAN, LEGAL COUNSEL  
CAMERON PLATT, LEGAL COUNSEL  
NICHOLE WATT, DEPUTY CLERK



**Mayor Smolka**, Chair, presided.



Pursuant to Utah Code 52-4-202 the undersigned, as Mayor of the Emigration Canyon Metro Township Council, hereby declares that providing an anchor location for the electronic meetings of the Council will present a substantial risk to the health and safety of those who may be present at the anchor location for the following reasons:

The Township is located in Salt Lake County and is still under an “Yellow” alert stage for the COVID 19 pandemic; and

The regular meeting place for the Council (the Fire Station in the Canyon) does not have sufficient space in the meeting room to provide for the recommended physical distancing to keep people safe from infection.



STAFF MEETING

The Council reviewed the following items:

- Emigration Canyon Metro Township General Plan
- Mayor Smolka updated the Council on the following items:
  - Installation and removal of power poles.
  - Pinecrest Canyon paving project has been delayed while a culvert is replaced.
  - An additional \$600,000 has been allocated for repaving in Pinecrest Canyon.
  - The turnaround for the fire trucks in Killyons Canyon had its final inspection.
  - The sinkhole at the bottom of Sunnydale has been repaired.

DATE TUESDAY NOVEMBER 16, 2021

- Applications for the MSD General Manager position have been received and four of fifty qualify.
  - MSD bond documents are in the process of being completed.
- Public Notice postings
- Assign a Record's Officer



PUBLIC MEETING

Public Hearing

*2021 Emigration Canyon Metro Township Budget Adjustment*

THIS BEING THE TIME heretofore set for a public hearing to consider the 2021 Emigration Canyon Metro Township Budget Adjustment.

Council Member Bowen, seconded by Council Member Brems, moved to open the public hearing. The motion passed unanimously.

**Mayor Smolka** reviewed the 2021 budget adjustment is to recognize the CARES Act and ARPA funding.

No one spoke in favor of or in opposition to the 2021 budget adjustment.

Council Member Bowen, seconded by Council Member Brems, moved to close the public hearing. The motion passed unanimously.

Council Member Bowen, seconded by Council Member Harris, moved to approve the following Resolution 2021-11-01, opening and amending the 2021 annual budget:

RESOLUTION NO. 2021-11-01

Date: November 16, 2021

A RESOLUTION OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL OPENING AND AMENDING THE ANNUAL BUDGET FOR THE YEAR 2021 FOR THE OPERATION OF THE TOWNSHIP.

WHEREAS, the Emigration Canyon Metro Township Council has previously adopted a budget for the 2021 budget year; and

WHEREAS, the Emigration Canyon Metro Township needs to open and amend the adopted budget because of changes that have occurred during the year; and

WHEREAS, the Emigration Canyon Metro Township Council has held a public hearing on the proposed amended 2021 amended annual budget for the Township;

DATE TUESDAY NOVEMBER 16, 2021

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

1. That the attached exhibit A is hereby adopted as the amended 2021 annual budget for the operation of the Emigration Canyon Metro Township for the 2021 calendar year.
2. This resolution shall take effect upon passing.

Mayor

/s/ JOE SMOLKA

Mayor

ATTEST:

/s/ SHERRIE SWENSEN

The motion passed unanimously.

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*2022 Emigration Canyon Metro Township Budget*

THIS BEING THE TIME heretofore set for a public hearing to consider the 2022 Emigration Canyon Metro Township annual budget.

**Mayor Smolka** reviewed the 2022 annual budget.

Council Member Harris, seconded by Deputy Mayor Hawkes, moved to open the public hearing. The motion passed unanimously.

No one spoke in favor of or in opposition to the 2022 annual adjustment.

Council Member Harris, seconded by Council Member Brems, moved to close the public hearing. The motion passed unanimously.

Council Member Brems, seconded by Council Member Bowen, moved to approve the following Resolution 2021-11-02, considering the 2022 annual budget:

RESOLUTION NO. 2021-11-02

Date: November 16, 2021

A RESOLUTION OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL ADOPTING THE ANNUAL BUDGET FOR THE YEAR 2022 FOR THE OPERATION OF THE TOWNSHIP

WHEREAS, the Emigration Canyon Metro Township Council has previously adopted a tentative budget for the 2022 budget year; and

WHEREAS, the Emigration Canyon Metro Township has made the tentative budget available to the public for review and consideration as required by law; and

WHEREAS, the Emigration Canyon Metro Township Council has held a public hearing on the proposed 2022 annual budget for the Township;

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

1. That the attached exhibit A is hereby adopted as the 2022 annual budget for the operation of the Emigration Canyon Metro Township for the 2022 calendar year or until such time as it may be amended.
2. This resolution shall take effect upon passing.

Mayor

/s/ JOE SMOLKA  
Mayor

ATTEST:

/s/ SHERRIE SWENSEN

The motion passed unanimously.

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Citizen Input

None

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Rocky Mountain Power Community Renewable Energy Program

**Lindsay Beebe**, Senior Campaign Representative, Utah Sierra Club, stated she has worked with city advocates and Rocky Mountain Power to help draft legislation to create the Community Renewable Energy Program. The program is the first of its kind in Utah that allows for community directed renewable energy development that would achieve 100 percent net renewable electricity for participating communities by 2030. There is an opportunity to build close to 7,200 gigawatts of clean energy in Utah, which would provide benefits to the local economy as well as reduce the load on long transmission lines. Salt Lake and Summit County were the original participants that brought Rocky Mountain Power to the table to negotiate. Since then, there have been 15 other municipalities, cities, and counties across Utah that have signed on to join the program. The program is voluntary and allows municipalities to exit the program during the opt out period. If Emigration Canyon Metro Township joins the program it would be responsible to pay an administrative cost of \$456 in phase one. During phase two there would be another cost of \$456 and then a second payment of \$446. The Council would need to pass a resolution approving the governance agreement. The deadline to join is May 31, 2022.

**Council Member Brems** asked how many homes in Emigration Canyon currently have photovoltaic arrays or the amount of renewable energy that is being produced in the Canyon.

**Ms. Beebe** stated she does not have that information.

**Council Member Brems** stated he would like Emigration Canyon Metro Township to support and be part of this program.

**Mayor Smolka** stated he does not think the Council should support the program. The Metro Township will have to pay into the program for quite a few years and it locks the residents into a higher rate on their power bills. The Council passed a resolution in 2019 to acknowledge its intent to study and consider participation in the program. The Council requested additional information from Rocky Mountain Power but has never received it.

**Council Member Brems** stated the funds being asked for will be used to allow the Metro Township to remain active in the program and gather more information. Even if the Metro Township chooses to participate in the program, individuals can opt out. This is a good deal for residents in the canyon.

**Ms. Beebe** stated the cost for the first and second year is \$456 per year for administrative fees that will help determine program rates and cost projections. During the program design phase, the Utah Public Service Commission will be presented with more detailed information on impact rates for municipalities and individual residents. In approximately two years, municipalities that want to participate will need to pass an ordinance to finalize its participation in the program.

**Council Member Harris** stated it makes sense to be involved in a program like this. It does require a small financial commitment that works out to be about \$.30 per resident. There has not been a lot of discussion since the program was introduced in 2019. It would be beneficial to get regular updates to keep the Council informed.

**Council Member Bowen** stated given the growth of other technology, he questions if this program is worth participating in.

**Deputy Mayor Hawkes** stated she is inclined to support the program for the next two years so she can get more information. The presentation that Rocky Mountain gave to the Council in 2019, was not informative and the Council has not been given information since. If the Council decides to participate, it needs more information and will need to be continuously updated.

**Council Member Brems** stated the Council needs to be kept updated on the program, how it is working, and how it effects residents.

**Ms. Beebe** stated the Community Renewable Energy Agency has a public meeting once a month and if the Metro Township joins the program, it will have a voting seat on the Agency.

**Mayor Smolka** stated because nobody has reached out to the Council to provide information is a big negative. The Council was promised it would receive additional information and it has not heard anything.

**Council Member Brems** asked what is being requested from the Council tonight.

**Ms. Beebe** stated there are a couple of different options the Council can take. If it would like more information about the program, there are representatives from the Agency that can present and answer questions. If the Council feels it has enough information at this time, it can proceed with a resolution approving the governance agreement.

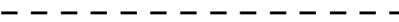
**Council Member Brems** suggested that the Council review the information that Ms. Beebe emailed to the Council and then have a representative attend the next meeting to provide a more thorough explanation of the program and answer questions. In the meantime, Polly McLean can review the governance agreement.



*Emigration Canyon Community Council Report (ECCC)*

**Mayor Smolka** stated Bill Tobey is unable to update the Council tonight.

**Council Member Harris** stated she will forward the email with Bill Tobey's update to the Council.

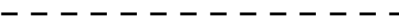


*Unified Police Department (UPD)*

**Detective Jake Elsasser** reviewed calls for service for the month of October. In future reports, he will include the time that the incident took place.

**Cameron Platt** asked if there are any updates on the resolution of the citations that were issued for noise.

**Chief Wayne Dial** stated the court report is showing that individuals that were issued a citation are paying the fine and not fighting it in court. He will continue to follow-up with the courts to see how the other cases are being finalized. As the warmer months approach and more people are out, UPD will continue to monitor and enforce the noise ordinance. As the Council considers funding for the next year, he would like it to consider purchasing a sign board for the top of the canyon to educate people on enforcement actions.



*Unified Fire Authority (UFA)*

**Captain Michael Conn** updated the Council on Captain Merrill Bone's passing. UFA and Salt Lake County Fire is celebrating its 100<sup>th</sup> anniversary in November 2021. Several new employees have been hired including paramedics that have been hired on a lateral process from other organizations. There will be a lot of movement within UFA after the first of the year with several promotions and retirements. Recruit camp starts in February with 30 new members. Some of the older UFA fire stations are going through a seismic retrofit. He has put in a request for an operations chief to attend the next meeting to discuss and answer questions regarding the budget process.



Council Business

*Resolution 2021-11-03 – 2022 Consolidated Fee Schedule*

The Council reviewed the following Resolution adopting the 2022 fee schedule:

RESOLUTION NO. 2021-11-03

Date: November 16, 2021

A RESOLUTION ADOPTING A FEE SCHEDULE FOR FEES AND OTHER ASSESSMENTS FOR SERVICES PROVIDED BY THE EMIGRATION CANYON METRO TOWNSHIP FOR 2022 AND REPEALING AND REPLACING RESOLUTION 2020-11-03

RECITALS

- A. The Emigration Canyon Metro Township (“Emigration Canyon”) is a municipality pursuant to Utah Code Annotated (“UCA”) §§ 10-2a-401 *et seq.* and as such has the power to assess and collect fees for services and to recover the reasonable cost of regulating certain activity within the Township.
- B. The Emigration Canyon Metro Township Council (the “Council”) is the municipal legislative body of Emigration Canyon pursuant to UCA §10-3b-501.
- C. The Township provides services and regulates activity within the Township and in this regard has previously established or been the successor of Salt Lake County to previously established fees and assessments for these services and activities.
- D. 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.

RESOLUTION

NOW THEREFORE BE IT RESOLVED, by the Emigration Canyon Metro Township Council that the attached Exhibit A hereto is hereby adopted as the Fee Schedule for the Emigration Canyon Metro Township to be in effect on January 1, 2022 until amended or replaced pursuant to law and Resolution 2020-11-03 is hereby repealed.

DATE TUESDAY NOVEMBER 16, 2021

APPROVED AND ADOPTED in Emigration Canyon Metro Township, Salt Lake County, Utah, this 16<sup>th</sup> day of November 2021.

MAYOR

/s/ JOE SMOLKA

ATTEST:

/s/ SHERRIE SWENSEN

Clerk

Council Member Bowen, seconded by Council Member Harris, moved to adopt Resolution No. 2021-11-03. The motion passed unanimously.

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*Ordinance 2021-11-01 – 2022 Meeting Schedule*

The Council reviewed the following Ordinance adopting the 2022 Emigration Canyon Metro Township Council meeting:

ORDINANCE NO. 2021-11-01

Date: November 16, 2021

AN ORDINANCE OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL APPROVING AND ADOPTING THE 2022 EMIGRATION CANYON METRO TOWNSHIP COUNCIL REGULAR MEETING SCHEDULE

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 16, 2021 to consider adopting Emigration Canyon Metro Township’s 2022 regular meeting schedule;

NOW, THEREFORE, BE IT ORDAINED by the Emigration Canyon Metro Township Council, the Council adopts the attached 2022 Emigration Canyon Metro Township Regular Meeting Schedule.

APPROVED AND ADOPTED in Emigration Canyon Metro Township, Salt Lake County, Utah, this 16<sup>th</sup> day of November 2021.

MAYOR

/s/ JOE SMOLKA

ATTEST:



/s/ SHERRIE SWENSEN  
Clerk

Council Member Harris, seconded by Council Member Brems, moved to approve Ordinance 2021-11-01. The motion passed unanimously.

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*Legal Issues*

**Polly McLean** stated if Robert Pinon, Council Member elect, has any questions, he can reach out to her. She will also send out the training information for newly elected officials.

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*Budget Items*

**Mayor Smolka** reviewed the Clerk’s and Acorn Hills fire break invoices.

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*Minutes*

Council Member Brems, seconded by Deputy Mayor Hawkes, moved to approve the minutes of the Emigration Canyon Metro Township Council meeting held on October 26, 2021. The motion passed unanimously.



Council Member Reports

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

**Council Member Brems** stated UPD is working with a lobbyist to help research different sources of revenue to fund UPD.

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*Planning Commission*

**Council Member Brems** stated he and Robert Pinon will meet with a prospective planning commission member in the next week or so.

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

**Council Member Bowen** stated the seismic upgrade to the Emigration Canyon fire station has been completed, the upgrades were very minimal. There will be a major remodel of the plumbing system at the Emigration Canyon fire station and will be completed early next year. The process of replacing Chief Dan Peterson has begun.

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*Animal Services*

Nothing to report

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*Wasatch Front Waste and Recycling District (WFWRD)*

**Council Member Harris** stated the 2022 budget was passed by the Board without a fee increase. For the last three months, it is earning money for recycling and that is a huge turnaround.

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*Watershed Plan*

**Council Member Harris** stated she will be meeting with Sandy Wingert, UDWQ, and River Restoration to discuss future items.

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*Website*

**Deputy Mayor Hawkes** stated she has made some updates and will be posting the Emigration Canyon Metro Township 2022 budget. The domain name needs to be transferred to the program that is used for the Council's website. She will try and get that transferred over a holiday weekend.

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*CodeRED*

**Deputy Mayor Hawkes** stated she would like to send a CodeRED message to residents regarding the helicopters.

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*Restrooms*

**Deputy Mayor Hawkes** stated while cleaning the restroom vault it was discovered that there are two vaults. She asked the Council for its thoughts on if it wants to leave the configuration the way it is. She will be attending an upcoming grant workshop to see if there are additional opportunities to fund the restrooms.

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*Greater Salt Lake Municipal Services District (MSD)*

The MSD report was given in the Staff Meeting.

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*Landfill Council*

**Mayor Smolka** stated the next meeting is on December 8.

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*Legislative Update*

**Mayor Smolka** stated he is watching H.B. 1003 that will take jurisdiction away from municipalities on home inspections and plan permitting.

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Other announcements

**Captain Michael Conn** recognized Council Member Bowen for being a supporter of UFA and thanked him for always being informed and engaged.



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

SHERRIE SWENSEN, METRO TOWNSHIP CLERK

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

DATE

TUESDAY

NOVEMBER

16, 2021

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