



EMIGRATION
CANYON

EMIGRATION CANYON CITY COUNCIL MEETING

OCTOBER 28, 2025, 7:00 PM

UNIFIED FIRE AUTHORITY STATION 119

5025 E. EMIGRATION CANYON ROAD, SALT LAKE CITY, UT 84108

EMIGRATION CANYON CITY COUNCIL MEETING MINUTES October 28, 2025

Council Members Present:

Joe Smolka, Mayor
Jennifer Hawkes, Deputy Mayor
Catherine Harris, Council Member (via Zoom)
Robert Pinon, Council Member
David Brems, Council Member

Council Members Absent:

Staff Present:

Cameron Platt, Legal Counsel
Diana Baun, City Recorder
Det. Dawn Larsen, Unified Police Department
Chief Bryan Case, Unified Fire Authority

Others Present:

1. Welcome and Determine Quorum

Mayor Joe Smolka, presiding, called the meeting to order at 7:00 PM and determined a quorum was present.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Recognize Visiting Officials - None

4. Public Comments

Justin Kahn -a homeowner on Emigration Canyon Road, stated that he had identified two issues affecting property owners along Emigration Canyon Road. He said he had discovered through a title search that Salt Lake County had never lawfully obtained fee title to much of the land beneath the roadway, including the portion crossing his property. He explained that the 1955 right-of-way deeds granted only an easement and that the county never exercised eminent domain, never compensated landowners, and never received fee title ownership. He

EMIGRATION COUNCIL MEMBERS

MAYOR JOE SMOLKA, DEPUTY MAYOR JENNIFER HAWKES,
COUNCIL MEMBER CATHERINE HARRIS, COUNCIL MEMBER ROBERT PINON,
COUNCIL MEMBER DAVID BREMS

said county tax records still showed property owners being taxed for the land under the roadway, meaning the city and county were treating privately owned land as public right-of-way without formally acquiring it. He requested that the city order a full title and right-of-way audit before proceeding with any road-widening or grant-funded work, stating that acting without clear title exposed the city to legal and financial risk. He also addressed variance law. He said draft notes from the May 26, 2025, council meeting showed that Council Member Harris had asked for a process allowing property owners to seek a variance, and that City Attorney Cameron Platt responded by stating that opening that door meant applicants would “have to figure out how to do what they want by variance,” and that variance opportunities should be seen as extremely valuable rather than something to which applicants were entitled. Justin Conn said these remarks did not appear in the official minutes filed with the State of Utah, which he believed raised transparency concerns. He further stated that the city attorney’s interpretation was legally incorrect under Utah Code sections 10-9a-702 and 10-9a-703 because a variance was a lawful relief mechanism intended to prevent unnecessary hardship and was not a privilege. He said independent counsel and the Utah Office of the Property Rights Ombudsman confirmed that the attorney’s interpretation misrepresented the law, and he requested that the council replace the attorney with counsel experienced in Utah land-use and property-rights law. Justin Conn urged affected homeowners to protect their property rights by seeking variances through the Municipal Services District and the land use hearing officer. He asked the council to immediately halt all grant-related work on the road-widening project until a free title and right-of-way audit was completed and until the city created its own variance process independent of the Municipal Services District. He said these issues of ownership, process, and transparency were central to public trust and that residents deserved a city that acted lawfully, openly, and with full respect for private property rights.

5. Stakeholder Reports

A. Unified Police Department

Detective Dawn Larsen reported that during September Unified Police responded to 54 calls for service in Emigration Canyon. She said officers handled a shots-fired call on the east side of the canyon and located five individuals shooting near the top of Little Mountain Ridge Trail on the sheriff’s office side of the boundary, three of whom had been drinking; citations were issued. She said there was also a DUI accident at the intersection of Pinecrest Canyon Road and Emigration Canyon Road in which a guardrail was damaged and injuries were minor; Unified Fire Authority assisted and the driver was cited for DUI. She added that officers responded to a 911 call involving an intoxicated individual inside a residence where there was uncertainty about access to weapons. She said the individual was noncompliant with officers, noncompliant with Unified Fire Authority responders, and later noncompliant with hospital staff, and that the individual was ultimately cited. She said these incidents represented the main activity in the canyon for the month.

Council Member David Brems asked whether Detective Dawn Larsen had seen a large peloton riding up the canyon that evening. He said he had encountered the group while driving home, counted more than 50 riders, and believed the size created a dangerous situation because

they extended into the traffic lane and left drivers with no safe route of travel. He said the city needed a manageable approach that still allowed groups to ride but within limits.

Detective Dawn Larsen said she and Cameron Platt had been discussing the issue and planned to seek ownership information for the Instagram group organizing the weekly “T and E” rides. She said they intended to approach the problem differently and that in the spring she hoped to coordinate with Millcreek and the motorcycle unit to increase officer presence on Tuesday nights, because attempting to stop the entire group alone had not been effective.

Council Member David Brems said he believed groups of 20 riders were workable but should be the maximum.

Council Member Jennifer Hawkes said she had concerns that even breaking riders into groups of 20 would not solve the issue if the larger gathering was still considered a single event. She said riders understood where officers tended to be stationed, adjusted their behavior accordingly, and that the event-based definition might need to be clarified in ordinance.

Detective Dawn Larsen said she had not yet reviewed the newly implemented code changes but suggested that an “advertised event” definition might address the issue. She asked for clarification from Cameron Platt.

Cameron Platt said the latest amendments defined participants as anyone reasonably associated with an event, including those who registered or showed up the day of the ride.

Council Member David Brems asked whether the peloton counted as an event requiring registration.

Council Member Jennifer Hawkes said the rides occurred every Tuesday and were consistently advertised on Instagram, and that in the previous month there had been rides on Tuesday, Wednesday, and Thursday from several different groups. She said the events were clearly advertised but difficult to regulate.

Detective Dawn Larsen said one of the groups had been smaller and noted that earlier rides had occurred before the 20-person limit replaced the previous 50-person limit, which had limited enforcement options at the time. She said officers had only been able to enforce the two-by-two or single-file requirement above the fire station.

Council Member Jennifer Hawkes said she did not know how enforcement could succeed even with 20-person groups, describing the situation as chaotic.

Detective Dawn Larsen said she would continue working with Cameron Platt through the winter to develop a regulatory approach and would coordinate with the motorcycle sergeant to increase enforcement on Tuesdays. She said this would help with management of the main weekly group, with additional responses as needed for others.

Council Member Jennifer Hawkes said she had seen the large groups congregate at the top after their rides and suggested that enforcement might occur there.

Detective Dawn Larsen said enforcement at Little Mountain was difficult because it fell under the sheriff's office jurisdiction and rules changed once riders crossed into that area. She said she tried to remain within the canyon to avoid jurisdictional issues.

Council Member Jennifer Hawkes asked how coordination could be improved to prevent such complications.

Detective Dawn Larsen said it would require changes to county unincorporated jurisdiction.

Council Member Jennifer Hawkes asked whether the matter was county-level or related to another jurisdiction.

Detective Dawn Larsen said the area was Forest Service land.

Mayor Joe Smolka said the area beyond Little Mountain was unincorporated and required county council action.

Council Member Jennifer Hawkes said county ordinances applied in that area.

Detective Dawn Larsen said the parking lot was Forest Service property.

Council Member Jennifer Hawkes said the restrooms were maintained by the Forest Service.

Detective Dawn Larsen clarified that the restrooms were cleaned by Salt Lake County Watershed but were still under Forest Service authority.

B. Unified Fire Authority

Chief Bryan Case reported that Unified Fire Authority handled 29 incidents between July 1 and September 30. He said just under 50% of these calls were emergent. He noted that July 2025 had been unusually busy for the station, after which calls returned to the normal range of seven in August and six in September. He said the quarterly totals reflected a busy period similar to 2023 and 2025, with 2024 having been roughly half as active. He said no fires occurred during the quarter. Among the primary EMS calls, he listed falls within homes or yards, two auto-versus-motorcycle or bicycle incidents, unknown medical issues, traumatic injuries, and bleeding calls. He said additional responses included three flammable spills or leaks such as natural gas releases, two false alarms, one unintentional detector activation, and one mutual aid response from an outside agency. He said that 90% of calls in Emigration Canyon were handled directly by Station 119. He explained that additional support sometimes came from Station 106 in East Millcreek and, on one occasion, from Station 110 in Cottonwood Heights. He said specialized rescue responses were provided by Station 117 in Taylorsville or Station 121 in Riverton when needed. He reported that nearly 87% of ambulance responses into Emigration Canyon were provided by East Millcreek, which he said was intentional for

coverage purposes. Ambulance 101 from West Millcreek responded once during the quarter, and ambulance 104 from Holladay also responded, for a total of 15 ambulance unit responses. He said the 90th percentile dispatch-to-arrival time was 11 minutes and 35 seconds, meaning that 90% of the time a UFA unit arrived within that timeframe, excluding call-processing time.

Chief Bryan Case stated that the wildland fire season had slowed significantly, although UFA crews were continuing risk-reduction prescribed burns into November as conditions allowed. He reported that UFA had graduated 20 new recruits and planned to begin another recruit school in February. He said public CPR courses remained available through the Unified Fire website for \$60, with each course lasting four hours and providing a two-year American Heart Association certification; he said courses could also be hosted within the city. He added that he would not discuss House Bill 48 because it was scheduled later on the agenda. He said he had prepared fire-safety messaging for seasonal use and would share it with Deputy Mayor Jennifer Hawkes for possible inclusion on the city website.

C. Salt Lake County Animal Services

Gary Bowen reported that there had been no Advisory Animal Services Board meeting for the past couple of months and that the next meeting was scheduled for the following week. He said the previous meeting had been held via Zoom and that the upcoming meeting would also be on Zoom, but he had requested and received permission to attend in person. He stated that if any significant matters arose at that meeting that affected the city, he would report them to Mayor Joe Smolka.

D. Land Use Updates

Claire Gillmor with Smith Hartvigsen stated that she represented the Emigration Canyon Planning Commission and handled land use and code enforcement matters for Emigration Canyon City. She said her purpose in attending was to ensure the council remained aware of current applications and any legal or land-use matters under review. She said she would provide her contact information and noted that legal questions appropriate for a closed session should be addressed in that setting, while her report would cover only matters of public record. She said the first item was the Ryan Leick litigation, in which Emigration Canyon had been named in a complaint involving access. She said two of the other parties had filed motions to dismiss and that the litigation remained pending. She said she would continue to provide updates as filings occurred and confirmed that Emigration Canyon City was being represented by Matt Church through the Utah Governmental Trust. She said the upcoming Planning Commission agenda would include a subdivision application submitted by Evan Glassman. She said the Planning Commission would review the preliminary plan to ensure compliance with Utah Code, the fire code, and all provisions of the Emigration Canyon code. She said the Planning Commission was also continuing its work updating the land use ordinances and expected to present a revised commercial zone ordinance and a revised forestry zone ordinance the following month, consolidating some zones and clarifying related language. She invited council input on those updates and said she would ensure any feedback was relayed to the Planning Commission. She also said Justin Conn's application was also under consideration and that the Planning Commission was aware of the right-of-way issues he had

raised. She said the city was researching the law related to those matters and noted that coordination with the Office of the Property Rights Ombudsman was beneficial. She said her firm worked closely with that office and emphasized the importance of ensuring private property rights and statutory requirements were properly aligned in each application. She concluded by stating that she would be glad to provide additional detail in future meetings if requested.

6. Project Updates

A. Engineering Updates

Tamaran Woodland was unable to attend in person, so she sent an email beforehand with the detailed updates for the council to review. Mayor Smolka had not been able to review it before the meeting and asked if any of the council members would be willing to read the email for the record. After a few refusals, Council Member Pinon expressed his willingness to read the email for the council and public.

Council Member Robert Pinon read the email from Tamaran Woodland providing updates on the five capital improvement projects in Emigration Canyon City. He said the first project was the Municipal Services District transportation master plan, a district-wide effort for all seven municipalities. He explained that the contract had been established, the consultant had begun work, and the initial focus would be an asphalt condition assessment. He said the assessment would be periodically updated to track road conditions and help direct maintenance, and he noted that work would begin in the canyons to collect high-elevation data before snowfall.

The second project was the Emigration Canyon Road improvement project. He reported that Avenue Consultants had been selected and that contract negotiations on the scope were underway. He said the grant total was \$6.5 million, with a local match of \$360,000 funded through MSD. He said the concern now was that the UDOT project manager estimated the total project budget to be higher than the fully funded amount. He said that if the cost exceeded the grant, the local government would be responsible for the remainder. He said that after this issue arose, Tamaran Woodland contacted Mayor Joe Smolka, who was exploring outside funding options, noting that Mayor Bush of Kearns had been successful in similar efforts. He said MSD and WFRC were reviewing possible scope reductions to fit the available budget. He said once the scope was finalized, the contract could be established and work could begin. He said the scope included two public meetings—one open house and one public meeting—and two city council presentations, one early in the project and one at the end of phase one, and that scheduling would occur after the project start.

The third project was the Emigration Creek culverts. He said the MSD engineer who had managed the project had resigned and the position had not yet been filled. He said Tamaran Woodland had not had the capacity to take over the project but expected to be able to turn attention to it soon. He said MSD had hired another engineering manager who would begin December 1 and could advance the project if she was unable to do so. He said the intent was for the new manager to serve as assistant city engineer for Emigration Canyon, Copperton, and Brighton, while she would serve as assistant city engineer for Magna. He said the next steps were to contact the two property owners who had not signed agreements allowing

staking, meet with them, and deliver temporary construction easement offers. He said MSD anticipated going to bid in the spring, followed by construction next fall.

The fourth project was the Freeze Creek wall reconstruction, a new project funded last year by MSD. He said a consultant would be hired soon to begin design work.

The fifth project involved the FEMA flood map update for Emigration Canyon. He reported that multiple iterations of information had been submitted to FEMA. He said FEMA requested additional information, MSD responded, and the matter was now awaiting further review, requests, or approval. He concluded by reading Tamaran Woodland's final note that these were the updates presently available.

Mayor Joe Smolka thanked Council Member Robert Pinon for reading the updates.

Council Member Jennifer Hawkes asked whether concerns about items in the update should be sent directly to Tamron Woodland with a copy to the council. She said she wanted to ensure earlier discussions were incorporated into one of the projects since the council had not been able to review the RFP.

Mayor Joe Smolka said that was the appropriate approach, adding that the answers were not available at the meeting. He also said the county public works operations crews had been performing ditch grading in preparation for winter drainage and would continue for several months. He said he did not have a new update on road signage, only that installation was expected soon.

Council Member Jennifer Hawkes asked whether the signage would be installed before winter. Mayor Joe Smolka said that was the plan, although it depended on receiving the stencils needed to complete the work.

Council Member Jennifer Hawkes asked that the area near Ruth's Diner be reviewed, explaining that the striping between the bike lane and the parking area lacked clarity. She said the minimum five-foot bike lane was not visually defined where the roadway curved, causing drivers to park in the bike lane. She said the white line should either connect fully to the road edge or be dashed so the entire width of the bike lane was clearly outlined.

Detective Dawn Larsen asked whether a sign would be posted in that location.

Council Member Jennifer Hawkes said signs would help but that striping was still necessary because drivers would park wherever space appeared available unless the boundary was clearly marked.

Detective Dawn Larsen said she could enforce either signs or striping.

Mayor Joe Smolka said the signs had been ordered and he expected they would be installed soon.

B. Other City Updates - None

7. Consent Agenda - None

8. Public Hearing Items – None

9. Presentation Items

A. Discussion and Potential Decisions Regarding 2026 Council Date Schedule

Diana Baun said she had evaluated scheduling issues that had made it difficult for MSD staff to attend Emigration Canyon City Council meetings, including the conflict demonstrated earlier in the meeting when Tamaran Woodland was unable to be present. She said overlapping meeting schedules among MSD communities had been creating persistent problems, and the goal was to align all MSD community meetings so only one meeting occurred per night. She said this would ensure that the appropriate MSD staff could attend each meeting and provide proper support. After hearing the council's previous concerns about fire station availability, she contacted the station's scheduling representative. She said the station had no regular bookings on Tuesdays, including during the previous year, and she had tentatively asked the station to reserve the third Tuesday of every month in 2026. She said the intent was to move Emigration Canyon City's meetings from the fourth Tuesday to the third Tuesday, at the same time of day, without displacing any existing users. She said this shift would prevent overlap with other MSD community meetings and resolve the scheduling issues. She said the dates did not conflict with holidays and that she was presenting the proposal now to begin discussion, not for required approval that night.

Council Member Jennifer Hawkes asked whether she had spoken with Magna, noting that Magna's twice-monthly meeting schedule created greater complications.

Diana Baun said she had, but because Magna met twice monthly, adjusting their dates caused conflicts with other MSD municipalities, which made it difficult to coordinate all schedules. She said this was why she was proposing the third Tuesday for Emigration Canyon, as it aligned cleanly with the overall schedule.

Council Member David Brems said the proposal seemed reasonable and thanked her for the work.

Council Member Robert Pinon said his only concern was the July 21 meeting date.

Diana Baun said such conflicts were common around holidays and could be adjusted if needed.

Council Member Jennifer Hawkes said she wanted to ensure legal counsel confirmed that the new schedule would work for their availability.

Council Member Robert Pinon also asked again about fire station availability.

Diana Baun reiterated that the station had confirmed the space was open on the third Tuesday and that no existing reservations would be displaced.

Chief Bryan Case said the fire station could adjust if necessary and that he had sufficient notice to accommodate the proposed schedule.

Council Member Jennifer Hawkes asked whether the change worked for law enforcement as well. Detective Dawn Larsen said she was flexible and could accommodate the schedule.

Council Member David Brems noted that July 24 fell on a Friday, creating a long weekend, and he believed the July meeting date would be manageable.

Diana Baun said any needed adjustments could be made once specific concerns were identified and that staff would verify no conflicts with other MSD cities before finalizing anything. She emphasized that the change would ensure the council had consistent access to the appropriate MSD personnel.

Council Member Catherine Harris said the proposal sounded like a good approach and thanked Diana Baun for the work, adding only that she saw no reason to delay discussion unless the council needed more time.

Cameron Platt said the meeting schedule needed to be approved by resolution, but that the council could vote on the schedule concept now and she or staff could prepare a formal resolution for adoption.

Council Member Brems moved to approve the 2026 City Council Meeting schedule as presented and published tonight. Council Member Pinon seconded the motion; vote was 4-0 with Mayor Smolka abstaining from the vote due to the end of his term on the council being the end of 2025. The 4-0 vote was unanimous in favor.

B. Future Election Process Updates

Diana Baun said the legislative and election-related update had been difficult to prepare because many items remained unsettled. She said she had reviewed recent changes but noted that several issues were still in flux at the state level, including upcoming ballot adjustments. She said one of the proposed future changes would require voters to opt in to mail-in voting rather than receive a ballot automatically, but she emphasized that this would not take effect for at least two to four years. She said legislation regarding election procedures continued to shift, making it difficult to present definitive information.

Council Member Jennifer Hawkes said the Utah League of Cities and Towns had recently reviewed election proposals and that many were being held for further discussion in the next interim session. She said there were also proposed changes involving political signs, which she found noteworthy.

Diana Baun said political sign issues had come up in several MSD communities. She said many cities already prohibited campaign signs in public spaces, but disputes had arisen over sign placement, removal, and enforcement. She said those rules depended on each city's code.

Council Member Jennifer Hawkes said the proposed legislation would require cities to designate a location for removed campaign signs, restrict who was allowed to remove them, and classify unauthorized removal as a misdemeanor. She said the legislation would also address sign size and require disclosures identifying who paid for the sign.

Diana Baun said some of those requirements already existed in city code, such as designating a place for collected signs and allowing retrieval. She said other elements—such as sign size rules and some of the removal provisions—might be new. She said additional changes were also being discussed for ballot security, including requiring identifying information on paper ballots such as a portion of a voter's Social Security number. She said the proposals had not yet been finalized, and she hesitated to present details because legislators were still revising them. She said another anticipated change would eliminate the automatic mailing of absentee ballots and instead require voters to opt in, though she said it was still unclear when that rule would take effect.

Council Member Jennifer Hawkes said that part had not been discussed in the League's update, though she recalled related conversations.

Diana Baun said the change was being considered in legislative discussions provided to MSD staff. She said additional adjustments to election timelines were also possible, including deadlines before and after Election Day, though those changes did not directly affect the voting process itself. She said so many items remained unresolved that it was difficult to provide a concrete summary.

Mayor Joe Smolka said the council should plan to place the topic on the agenda in March, after the legislative session concluded.

Diana Baun agreed and said Council Member Jennifer Hawkes would have the most current information at that time, but she also received regular updates from the county and would forward any major changes. She encouraged council members or the public to contact her with questions, adding that if she did not know an answer she would reach out to county staff and follow up.

10. Council Business

A. Discussion and Potential Action Regarding HB 48 Wildland Urban Interface Modifications with Updates on Compliance

Cameron Platt reported that House Bill 48, the wildland firefighting amendments, imposed new requirements on counties and municipalities. He said the bill required adoption of the Wildland-Urban Interface Code, which the city had already completed. He said it also required a

community wildfire preparedness plan, which had been prepared and filed with the State of Utah through Forestry, Fire and State Lands as part of the city's emergency management process. He said the bill further required a cooperative agreement with Forestry, Fire and State Lands, and because the city was served through a special service district, that requirement was fulfilled through the Unified Fire Service Area's existing agreement. He said the final requirement was adoption of a map designating all wildland-urban interface areas within the city. He said the council had adopted that map for the entire town, and the remaining step was to record it with the Salt Lake County Recorder, after which the city would be in full compliance.

Mayor Joe Smolka asked whether there were additional comments.

Chief Bryan Case said draft rules had been released but did not appear comprehensive, noting that some aspects—particularly calculation elements—were still under discussion.

Council Member Catherine Harris said she wanted to share information for the record, noting that a public meeting on House Bill 48 was scheduled for Thursday, November 6 at 6 p.m. at the Utah Department of Natural Resources auditorium at 1594 West North Temple Street in Salt Lake City. She said the meeting would include a 30-minute presentation followed by a question-and-answer period from 6:30 to 7:30 p.m., and she said she would provide the full address to the council so it could be posted on the city website. She added that the city had maintained a Community Wildfire Protection Plan for several years and that she had spoken with Mike Swinsick of Forestry, Fire and State Lands, who indicated that minor updates might be needed. She said the Firewise community recertification was due in about a month and that he would be providing her the current copy of the plan.

Council Member Jennifer Hawkes asked whether hours submitted for Firewise participation needed to be gathered for the recertification.

Council Member Catherine Harris said the requirements were based on resident participation and total dollar amounts spent. She said the Emigration Oaks subdivision had invested more than the entire canyon was required to spend through its work on common areas, which meant the city met the necessary thresholds. She said no additional email to residents was needed.

B. Discussion and Potential Action Regarding Telecom and MET Tax Enactment with Update

Cameron Platt reported that the council had previously adopted ordinances imposing the telecommunications tax and the municipal energy use tax. He said the next step was to enact the corresponding sections of city code required by state law. He said the code language had been circulated to the council earlier in the day and that the provisions set tax rates, defined the terms used in administering the taxes, and established the process by which the State Tax Commission would collect and remit the revenue. He said the telecommunications code had already been published for public hearing at the prior month's meeting and now reflected updated legislative changes. He said he would be seeking a motion to adopt the ordinance.

Council Member Jennifer Hawkes said the Utah League of Cities and Towns had discussed recent legislative changes related to property tax procedures. She said 35 entities had been unable to enact property tax increases because of procedural errors and asked whether similar procedural rules applied to the municipal energy use tax.

Cameron Platt explained that the errors discussed by the League involved truth-in-taxation requirements for property tax increases, which he said did not apply to either of the taxes under consideration. He said telecommunications and energy use taxes followed a different statutory process requiring notice to the State Tax Commission, an agreement with the commission, and a certification that the city had met statutory requirements. He said those materials had been sent to the State Tax Commission on October 3 and that the commission had a 90-day review window. He said that if the commission approved everything, the taxes would begin collection on January 1. If any correction were required, the next possible start date would be the first day of the next fiscal quarter.

Council Member Jennifer Hawkes said the League had emphasized that public hearings for taxes being enacted or increased had to be the only item on the meeting agenda. She asked whether such a requirement applied to the telecommunications or energy use taxes and whether a separate hearing should have been held to avoid technical noncompliance.

Cameron Platt said that requirement existed only for truth-in-taxation property tax hearings. He said those hearings had detailed rules, including being held after 6 p.m., appearing as the last agenda item if part of a regular meeting, and avoiding conflicts with any other public meeting. He said they also required publication of countywide tax rate information and involved an extensive checklist. He said none of those procedures applied to the telecommunications or energy use taxes. He said the city had completed all required notices and public hearings for these taxes over the past two years and that, to his knowledge, the city was fully compliant. He said the city would await formal confirmation from the State Tax Commission.

Council Member Jennifer Hawkes said she understood and noted the level of concern circulating among municipalities regarding compliance.

Council Member Brems moved to adopt Ordinance 2025-O-15, Officially Adopting the MET Tax for Emigration Canyon. Council Member Harris seconded the motion; vote was 5-0, unanimous in favor.

Council Member Brems moved to adopt Ordinance 2025-O-16, Officially Adopting the Telecommunications Tax for Emigration Canyon. Council Member Pinon seconded the motion; vote was 5-0, unanimous in favor.

C. Healthy Utah Designation Updates

Council Member Robert Pinon said that he had begun working on several initiatives he discussed the previous month and that he was actively pursuing one of them. He said he did not yet have information ready for the public record but would continue to update the council

as the work progressed, noting that the effort was gaining traction with ideas from the community.

Council Member David Brems asked whether the initiative was connected to the Local Perceptions Project or the Utah State wellness survey.

Council Member Robert Pinon said it was not related to the survey but originated through the Utah League of Cities and Towns. He said the program encouraged municipalities to increase resident engagement by designing and implementing community activities. He said earlier discussions had included possible events at Camp K, a gathering at the local brewery, or a bike ride or bike event for residents. He said the purpose of the initiative was to strengthen community interaction and involvement within Emigration Canyon.

D. City Design Standards and Design Guidelines - None

11. City Attorney Updates - None

12. Council Member Reports

A. Council Member Brems

- 1. Unified Police Department (UPD) & Salt Lake Valley Law Enforcement Service Area (SLVLESA)**
- 2. Emigration Canyon Planning Commission**
- 3. Community Renewable Energy Program**

Council Member David Brems reported that he attended the most recent Unified Police Board meeting. He said Chief Mazuran announced that the department was only down two positions and was not experiencing a recruiting problem, noting that the agency was essentially fully staffed and functioning well. He said the board also recognized Mayor Silvestrini of Millcreek, who would resign on November 10. He said Mayor Silvestrini had been an effective leader and had played a major role in the Community Renewable Energy Project, for which the council expected to receive a status presentation at its December meeting. He said he had learned a great deal from Mayor Silvestrini and hoped to continue seeking his counsel in the future. He also said the upcoming budgeting process would be challenging because both the Unified Police Department and the Sheriff's Office had funding requests that exceeded the available budget, and he anticipated a difficult balancing effort ahead. He said the report provided earlier by Claire Gillmor sufficiently addressed Planning Commission matters for the moment. He concluded by stating that he had nothing further to add.

B. Council Member Harris

- 1. Unified Fire Authority (UFA) & Unified Fire Service Area (UFSA)**
- 2. Watershed Plan**

Council Member Catherine Harris reported that the Unified Fire Authority budgeting process was still underway internally and that more detailed discussions would begin after the first of the year. She said she served on the committee participating in facilitation talks between the Unified Fire Service Area and Salt Lake County. She said the term “facilitation” implied that both sides brought forward proposals, but in this case the county was the sole party seeking a change, specifically its desire to stop contributing the approximately \$3.1 million it had provided for many years to support emergency services in Big and Little Cottonwood Canyons, Parleys Canyon, and portions of Herriman. She said the exact contribution had varied over time, with \$3.1 million being the most recent amount. She said the county initiated the talks, but the county representatives participating in them did not have decision-making authority; any change would ultimately be determined by the Salt Lake County Council. She said that while the funding had historically supported essential services, UFSA had no legal authority to compel its continuation. She said current indications suggested the county would still contribute somewhat over \$2 million this year, but she expected the contribution to decline over the next one to three years, eventually disappearing. She said that when the contribution ended, the remaining cost burden would fall on the UFSA member cities and towns, even though they represented less than half the population of southern Salt Lake County, which she said was troubling. She said committee members had expressed their disappointment but lacked the authority to change the county’s course without legislative action. She said the watershed project was continuing to progress. She said work had reached the review of chapter five and that the Division of Water Quality had asked her not to share information publicly yet. She said she hoped updates would be available soon.

Mayor Joe Smolka added a clarification that the earlier discussion regarding the FEMA floodplain map was separate from the watershed plan related to water quality.

C. Council Member Pinon

- 1. Wasatch Front Waste and Recycling District (WFWRD)**
- 2. Utah Broadband**
- 3. Update on Possible High-Density Development**

Council Member Robert Pinon reported that he had received an email from Courtney Flint at Utah State University regarding the Utah Wellbeing Survey, noting that Emigration Canyon had participated in the 2024 survey and that the results showed residents were highly satisfied with their quality of life, especially with access to nature and outdoor activities. He said the prior survey also included canyon-specific questions about cyclists and resident interactions, which he found useful. He said Utah State University had invited the city to participate again in the 2026 survey, which was now free unless the city added custom questions. He said the city would likely want to include tailored questions, resulting in an estimated cost of about \$500. He recommended that the council plan for this in next year’s budget.

Council Member Jennifer Hawkes asked whether the budget for the coming year had already been established. Mayor Joe Smolka said the city was midway through its fiscal year and the expense would fall into the July budget unless an amendment was made. Council Member Robert Pinon asked that the matter be placed on the next agenda.

Diana Baun asked whether the council wanted the item discussed next month with a potential vote the following month, or whether the council wanted the option to vote next month. Cameron Platt said staff could prepare a budget amendment in advance so the council could consider it and adopt it if desired.

Council Member Robert Pinon added that the 2024 Utah Wellbeing Survey results were available online and said he would provide the link for inclusion in the meeting minutes.

Council Member Jennifer Hawkes questioned whether the city could distribute its own survey, noting that \$500 was modest but that crafting questions internally might yield results more closely aligned with concerns frequently expressed during council meetings. Council Member Robert Pinon agreed that tailoring questions was important and said the fee was essentially a small administrative charge. Mayor Joe Smolka noted that customized questions were what triggered the fee, and Council Member Robert Pinon said he supported customizing the survey.

Council Member Robert Pinon then reported on the Wasatch Front Waste and Recycling District board meeting. He said a new general manager and CEO, Evan Tyrell, was performing well. He said the board reviewed a feasibility study analyzing the implications of Harriman potentially exiting the district. He said the district hoped Harriman would remain but that each city had the right to withdraw if it chose. He reported that the board also discussed the seasonal container program. He said Emigration Canyon could not support roll-off bins but continued to receive equal service through trailer access. He said he had offered Emigration Canyon as a pilot location for a new program under consideration that would provide centralized trailer sites for canyon communities. He said residents would be able to bring items for disposal to a staffed, temporary drop-off location on a designated Friday and Saturday. He said potential sites included the upper Pinecrest dumpster area and the Sunnysdale dumpster area. He said the program would supplement, not replace, the existing trailer program and would provide convenience similar to the valley's scrap program.

Mayor Joe Smolka asked whether the service would replace the trailer program, and Council Member Robert Pinon said it would be in addition to it. Council Member David Brems said the idea sounded beneficial. Council Member Robert Pinon said multiple trailer types could be provided for different waste streams so items such as tires, batteries, and green waste could be separated to reduce landfill disposal. Mayor Joe Smolka said that would be helpful, noting the cost at landfills for tire disposal. Council Member Robert Pinon said he would continue working toward establishing the pilot.

Council Member Robert Pinon said the board had also adopted a tentative budget for the upcoming year and that projections indicated a likely \$1 monthly fee increase within the next three years for Emigration Canyon.

He then reported that he had no new updates from Utah Broadband and no new information regarding possible high-density development proposals, stating that no active discussions appeared to be underway.

D. Deputy Mayor Hawkes

- 1. Website (www.emigration.utah.gov)**
- 2. CodeRED**
- 3. Association of Municipal Governments**
- 4. Utah League of Cities and Towns (ULCT)**

Council Member Jennifer Hawkes said she would update the city website and planned to reach out to Chief Bryan Case to gather information that could be helpful to residents. She said a new mayor from another city had recently spoken at the Utah League of Cities and Towns about how legislators interact with residents, and that this prompted the idea of adding educational content to the Emigration Canyon website explaining how cities function. She said some residents still did not realize Emigration Canyon was an incorporated city rather than a metropolitan township, and suggested that links or explanatory materials could help people understand where to go with questions and how city processes worked. She said that if the council agreed, she would start drafting ideas for this content and refine it over time. She also wanted to focus on Code Red notifications at the beginning of the year. She said she had been working with the provider to clean up the notification list, which she believed included duplicate contacts and entries for people who had moved away, noting that the city did not have direct access to the underlying database. She said the initial number of emails and calls shown before a Code Red alert went out was significantly higher than the number actually reached, suggesting duplicate or outdated contact information. She said she wanted to work with the vendor to clean up the list and then conduct a test of the system to ensure that backend issues, including message speed and bandwidth, had been resolved.

Council Member David Brems asked who controlled the system bandwidth. Council Member Jennifer Hawkes said the vendor controlled it but had been responsive when performance issues were reported. She said she wanted to conduct periodic tests, at least annually, similar to other emergency alert systems, to ensure that the system functioned properly before an actual emergency. Mayor Joe Smolka asked whether the test should be conducted after the duplicate cleanup was complete, and Council Member Jennifer Hawkes agreed, adding that updated training for officials on using Code Red was also needed since training had not been provided in several years.

Council Member Jennifer Hawkes then reported on recent Utah League of Cities and Towns activities. She said there had been extensive discussion about property tax procedures and upcoming issues and that she would send the council an email with key dates and links. She said the League's City Summit would be held on the 19th in Salt Lake City, with options for one-day registration, and that a state night event would be held on the 21st for networking and meeting other officials. She said newly elected and current officials training would be held in person on December 6, followed by a virtual session on December 13. She said additional courses would run from December through January, including sessions on land use, municipal building finance, governance basics, conflict management, understanding the Utah Legislature, and running a small community, and she said she believed the "running a small community" course would be particularly useful. She said she would send registration information by email.

Council Member Jennifer Hawkes said the League had provided detailed guidance on property tax enactment and increases, including a checklist of procedural requirements, and she offered to print or circulate those materials so the council would be aware of them for the future. She said they also discussed potential changes to the motor fuel tax that could affect cities, noting that some of those proposals appeared to be on hold. She said they covered transportation utility fees and the distinctions between property tax and such fees. She said the League encouraged participation in discussions on House Bill 48 implementation and related meetings. She added that the League reported ongoing updates to state housing and land use laws, including affordable housing requirements from which Emigration Canyon was currently exempt due to its location and services. She said that although the current changes did not apply to the city, the council should stay informed in case future amendments affected Emigration Canyon. She said the League also touched on potential election law changes but indicated many of those items were also on hold. She concluded by reiterating that she would email the council the calendar of training and registration links.

E. Mayor Smolka

- 1. Greater Salt Lake Municipal Services District (MSD)**
- 2. Landfill Council**
- 3. Wasatch Front Regional Council (WFRC) Transportation Committee**
- 4. Council of Governments (COG)**
- 5. Legislative Update**

Mayor Joe Smolka reported that the Greater Salt Lake Municipal Services District held multiple meetings during the month and that progress continued, although slowly, on engineering matters. He said MSD had hired another coordinating lead engineer to work alongside Tamaran Woodland, noting the position had been difficult to fill.

Council Member Jennifer Hawkes asked whether the new staffing arrangement meant Tamaran Woodland would handle Magna while the new engineer handled all remaining communities. She said she was concerned because Emigration Canyon had already experienced several transitions in assigned engineers, and she believed a strict division of responsibilities could be disruptive. She said she would prefer a more balanced workload.

Mayor Joe Smolka said the division was roughly even when considering Magna's heavy workload and noted that the engineers' offices were next to each other, allowing for collaboration. He said he believed the impact on Emigration Canyon would be minimal and that Tamaran Woodland might continue handling the culvert project.

Council Member David Brems said he shared Council Member Jennifer Hawkes's concern. He said he did not want Emigration Canyon to lose Tamaran Woodland until her replacement was fully trained. He also said it was not ideal that she had missed the meeting without sending someone in her place. Council Member Jennifer Hawkes added that she had also missed the previous month's meeting. Council Member David Brems said the city needed direct, consistent attention from MSD engineering.

Mayor Joe Smolka said he would relay these concerns. He said Justin Conn had attended the most recent MSD meeting and made public comments, which resulted in a closed session and extensive discussion, but he could not share the details because the discussion was confidential.

Mayor Joe Smolka then reported on the Landfill Council, stating that revenues were approximately \$900,000 above projections. He said this was positive because the council needed to reserve funds for future final cover obligations. He said their budget was complete and that the landfill was not part of the 16%–19% tax increase being proposed elsewhere because it was self-funded. He said operations were running smoothly and that he reminded the council he would need to be replaced on that body through the Council of Governments. He reported that the Wasatch Front Regional Council had not yet met and would meet later in November. He said the Council of Governments recently held a meeting with a tribute to Mayor Silvestrini, who received a standing ovation. He said there were no new legislative updates to add and reminded residents to vote. He noted the deadline for mail-in ballots had changed.

Diana Baun clarified that ballots must now be physically in the hands of election officials or placed in an approved drop box by 8 p.m. on Election Day. She said a postmark no longer counted.

Council Member Jennifer Hawkes asked for the information so she could post it on the website and said it might warrant a Code Red alert. Mayor Joe Smolka agreed this could serve as a good Code Red test. Diana Baun said ballots must be deposited by 8 p.m. on November 4.

The council then reviewed the financial report. Diana Baun explained that monthly financials were included as required by law and that quarterly presentations would be provided by finance staff beginning in November. Mayor Joe Smolka reviewed the quarterly financial summary, noting that most expenditures aligned with the expected 25% benchmark and that some categories were higher due to annual, one-time payments. He said overall expenditures were at 21.1%, indicating strong budget performance.

Council Member Jennifer Hawkes asked why the document listed a 2026 budget when the city was in 2025. Mayor Joe Smolka said the fiscal year ran July to July and was labeled as fiscal year 2026. Diana Baun said state terminology sometimes identified budgets by the fiscal year in which they concluded.

13. Public Comments

Gary Bowen wanted to supplement Detective Dawn Larsen's earlier report about bicyclists. He said that when he first moved to the canyon, large groups of cyclists appeared only once or twice a year, but during the recent spring and summer he observed weekly groups of about 20 riders, often followed closely by two or three additional groups of similar size. He said this resulted in 20, 40, or even 60 riders moving up the canyon within minutes of each other. He said the groups rode two or three abreast by necessity, and he did not believe they were complying with regulations. He said cycling in the canyon was no longer an occasional individual activity and that further investigation and regulation were needed.

Janet Haskell from Killians Lane asked whether the council understood what Tamaran Woodland had referenced as the Emigration Canyon transportation plan. Mayor Joe Smolka responded that it was part of a broader Municipal Services District effort covering all MSD communities, involving pavement surveys, road quality assessments, and analysis of roadway conditions, and that this work had been ongoing and was currently in process. Janet Haskell then said she was pleased to see the new financial reports and suggested the council add a regular agenda item for discussion of the city's monthly financials. She said it was important for the council to actively monitor expenses, identify line items that were out of alignment with the budget, and look for ways to reduce or control costs rather than only reacting to rising costs. She said her experience running a business taught her that changing spending patterns could take several months, so early attention to trends was important and she would be very interested in the council more actively managing costs on a monthly basis. Council Member David Brems said he thought this was a good suggestion and said he supported having MSD financial staff present quarterly, with adjustments to the frequency if needed.

Jessica Steed from the main canyon road asked what the Freeze Creek wall project referenced in the earlier email entailed. Mayor Joe Smolka said the city had been working on two projects in the Freeze Creek drainage and Marguerite area: one involving the upper section of Marguerite Road and another addressing failed retaining walls in the Freeze Creek drainage. Council Member Jennifer Hawkes explained the location area, above the roadway where the drainage crossed under the road. Jessica Steed then commented on the Utah Wellbeing Survey, saying she had located the report online and was surprised to see that the adult population of Emigration Canyon was estimated at 1,200, with only 145 viable survey responses. She said many residents she spoke with reported never receiving the survey and that she found some of the questions difficult to answer because they did not seem tailored to local issues. She said she strongly supported Council Member Jennifer Hawkes's suggestion that the city consider conducting its own survey focused on the issues that mattered most to canyon residents and how strongly residents felt about those issues. Council Member David Brems agreed.

Justin Kahn said he wanted to respond to Mayor Joe Smolka's earlier statement to Janet Haskell, clarifying that the Municipal Services District had existed only about 10 years and therefore had not been conducting its transportation planning "forever and ever and ever." Mayor Joe Smolka replied that the pavement and road-condition work had been done for many years under public works prior to the creation of the Municipal Services District. Justin Conn said that as far as MSD operations were concerned, the mayor's earlier answer was incorrect. Justin Conn then said he wanted to place a concern on the record regarding a potential conflict of interest. He said Claire Gillmor also represented the Municipal Services District and that, because Emigration Canyon City and the MSD could have opposing interests related to land use variances and right-of-way ownership, this dual representation created a conflict under Utah Rules of Professional Conduct 1.7 and 1.13. He respectfully requested that Claire Gillmor recuse from advising Emigration Canyon City on matters involving the Municipal Services District, the roadway project, and right-of-way issues, and that the council retain independent legal counsel for those topics. He further requested that all meetings concerning the right-of-way and road-widening project be held in an open public forum rather than in closed session so residents could observe and participate in the decision-making process. He said he was

glad the MSD Board of Trustees had discussed his comments but stated that the Municipal Services District and its actions needed close attention and that he believed Emigration Canyon City's reliance on MSD decisions that directly affected homeowners was poor governmental practice. He concluded by stating that he was astonished that Claire Gillmor would represent both the Municipal Services District and Emigration Canyon City on these types of issues.

14. Future Agenda Items

Diana Baun informed the council that the next regular meeting would be held on November 17 and that the Board of Canvass meeting would need to occur the following day, November 18. She said she wanted the council to be aware that the two meetings would fall back-to-back. Council Member David Brems noted that the change to November 17 was helpful because he would not have been available on the 20th.

Diana Baun then asked Cameron Platt whether the Board of Canvass could be held electronically. Cameron Platt said an electronic meeting was permissible as long as there was a physical anchor location available to the public. Diana Baun said she could be at the physical location, such as the MSD office, which would allow her to conduct canvass meetings for multiple cities more efficiently. She asked whether the council would be willing to hold its canvass meeting virtually under those conditions. Mayor Joe Smolka and other council members indicated they were comfortable with that approach. The council agreed that the canvass meeting is typically brief, and an electronic format would be acceptable.

Diana Baun then turned to the November 17 council meeting, which would include the public hearing on the agricultural application. She said she was concerned that the fire station would be too small and that parking could not accommodate the anticipated crowd based on the level of public interest. She said she had begun looking into larger venues. Suggestions were raised, including the fire station bay, an MSD meeting room, county facilities, and local libraries or meeting houses. Council Member Jennifer Hawkes mentioned the Anderson Library as a possibility. Chief Bryan Case said he could help if the fire station bay were chosen, provided he received a formal request.

Mayor Joe Smolka said he preferred keeping the meeting in the canyon and that the fire station bay could work despite acoustics challenges. Diana Baun said her primary concern was parking, given the number of residents already asking whether the meeting could be held elsewhere. After discussion, the council leaned toward keeping the meeting at the fire station, with the potential use of the apparatus bay to accommodate the crowd.

Diana Baun then asked whether the council preferred starting the meeting earlier than the usual 7 p.m., anticipating that the public hearing might run long. Mayor Joe Smolka said he was comfortable keeping the 7 p.m. start time, especially since many public comments at the Planning Commission meeting had been duplicative, and he expected the same pattern at the council hearing. Cameron Platt noted that the public hearing and the council meeting could technically be held on different days, but the council preferred to keep them together.

The council then considered whether the canvass meeting could be moved to November 18 as an in-person session, but Diana Baun said that was not feasible due to the county's timing: election results would not be released until the afternoon of November 18, and by law canvassing must be completed by the end of that same day. She explained that managing five canvass meetings across MSD cities required the flexibility provided by electronic meetings, and that attempting to conduct them all in person would not be possible.

Given these constraints, Mayor Joe Smolka recommended keeping the public hearing and regular meeting on November 17 at the fire station, beginning at the usual time, and proceeding with a virtual canvass meeting on November 18 with Diana Baun serving as anchor at the MSD office. Council members agreed with this plan. Council Member Catherine Harris said she supported keeping the November 17 meeting in the originally publicized location so residents would not be confused.

The council concluded that the November 17 meeting would remain scheduled as planned, with the public hearing held first, and that the Board of Canvass would be held electronically on November 18 at a time to be announced.

15. Closed Session per Utah Code §52-4-205

- A. Discussion of the Character, Professional Competence or Physical or Mental Health of an Individual.
- B. Pending or Reasonably Imminent Litigation.
- C. Purchase, Exchange, or Lease of Real Property.
- D. Deployment of Security Personnel.

16. Adjourn

Council Member Hawkes moved to adjourn the October 28, 2025 Emigration Canyon Council Meeting. Council Member Brems seconded the motion; vote was 5-0, unanimous in favor.

The October 28, 2025 Emigration Canyon Council Meeting adjourned at 8:53 PM.

The October 28, 2025 City Council Meeting Minutes were Approved by the City Council on the 17th day of November 2025:

ATTEST:



Joe Smolka, Mayor



Diana Baun, City Recorder