

DATE THURSDAY FEBRUARY 28, 2019

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON THURSDAY, FEBRUARY 28, 2019, PURSUANT TO ADJOURNMENT ON THURSDAY, JANUARY 31, 2019, AT THE HOUR OF 7:00 P.M., AT THE EMIGRATION CANYON FIRE STATION 119, 5025 E EMIGRATION CANYON ROAD, SALT LAKE CITY, UTAH.

COUNCIL MEMBERS

PRESENT: ROBERT PAINE
DAVID BREMS
GARY BOWEN
JENNIFER HAWKES
JOE SMOLKA, Mayor

OTHERS IN ATTENDANCE: DAVID CHURCH, LEGAL COUNSEL
SHERRIE SWENSEN, METRO TOWNSHIP CLERK
By: NICHOLE WATT, DEPUTY CLERK

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Mayor Smolka, Chair, presided.

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STAFF MEETING

The Council reviewed the following items, which it will consider at its public meeting to be held tonight or at a future public meeting:

- Rocky Mountain Power presentation on electrical reliability
- FCOZ amendments
- Senate Bill 34 – Affordable Housing Modification
- Senate Bill 60 – Automatic Local District Withdrawal
- House Bill 93 – County Formation Amendments
- Emigration Canyon Metro Township General Plan Steering Committee
- Salt Lake County Engineering update
- Road paving funds
- January 31, 2019, Emigration Canyon Metro Township local government training & social
- Legislative update

Council Member Paine, seconded by Council Member Hawkes, moved to close the staff meeting. The motion passed unanimously.

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PUBLIC MEETING

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



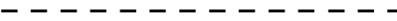
Community Input

Citizen Comments

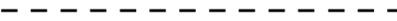
James Zwick, Sports-AM, stated Sports-AM hosts a half marathon in Emigration Canyon in April. He wants to make sure that residents of the canyon are not inconvenienced. The race has started at 9:00 am in prior years; this year he would like to start the race at 8:00 am to get the majority of the runners out of the canyon by 9:00 am. He has worked with Unified Police Department (UPD) to provide officers for the race.

Lieutenant Wayne Dial, Unified Police Department (UPD), suggested setting up electronic message boards a week prior to the race so the public knows what to expect.

Mr. Zwick stated he puts small signs on the ground and a large banner at the mouth of the canyon several days before the event. Electronic signs make sense; however, he is worried about the cost.

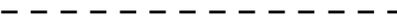


Michael Jimenez, Emigration Canyon Community Council, stated there is a lot of pressure in the canyon from foot traffic, Sunday drivers, dog walkers, and heli-skiers. The canyon has roads in disrepair, extensive power outages, a lot of suspicious people and he is concerned about flooding.



Emigration Canyon Community Council

Steve Borst, Chair, Emigration Canyon Community Council, stated the trails plan continues to be worked on, recommendations will be presented to the Metro Township Council in the spring. Firewise will be held on May 4, 2019.



Unified Police Department (UPD)

Lieutenant Wayne Dial, Unified Police Department (UPD), introduced himself and stated he is the Lieutenant over Special Operations and if the Council needs anything to let him know.



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Council Business

Encroachment Agreement

Dale Berreth stated he has a steep slope and was having a hard time maintaining it so, he found a contractor that could build a retaining wall and moved forward without thinking about getting a permit. Salt Lake County Planning and Zoning noticed the wall and issued a statement of non-compliance. He has worked with Salt Lake County and he has been cleared and was issued a certificate of occupancy.

Mayor Smolka asked Mr. if he has read the contract and understands that the Council has the right to ask him to remove the wall at his expense.

Mr. Berreth stated yes, he has signed the agreement.

Council Member Bowen, seconded by Council Member Paine, moved to approve the encroachment agreement. The motion passed unanimously.

Road Excavation Moratorium

The Council reviewed the following Ordinance to prohibit excavation of Township right-of-ways in certain circumstances and establishes minimum standards for repairs following excavations in right-of-ways:

ORDINANCE NO. 19-02-02

Date: February 28, 2019

AN ORDINANCE OF THE LEGISLATIVE BODY OF THE EMIGRATION CANYON METRO TOWNSHIP, UTAH, AMENDING TITLE 14 CHAPTER 16 SECTION 010 OF ITS CODE OF ORDINANCES, TO PROHIBIT EXCAVATION OF TOWNSHIP RIGHT-OF-WAYS IN CERTAIN CIRCUMSTANCES AND ESTABLISHES MINIMUM STANDARDS FOR REPAIRS FOLLOWING EXCAVATIONS IN RIGHT-OF-WAYS

The Emigration Canyon Metro Township Council ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations. Renumbering is designated by parenthesis indicating where the text has moved from or moved to.

SECTION II. Section 010, Chapter 16 of Title 14 of the Emigration Canyon Metro Township Code of Ordinances is amended to read as follows:

A. No right-of-way of any Township road shall be dug up or excavated and no approach, road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign,

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SECTION IV. Immediately following this ordinance, the recorder shall make or cause to be made a certificate stating the date of passage of the date of publication or posting, as required.

APPROVED AND ADOPTED in Emigration Canyon Metro Township, Salt Lake County, Utah, this 28th day of February, 2019.

By: /s/ JOE SMOLKA
Mayor

ATTEST:

By: /s/ SHERRIE SWENSEN
Clerk

Council Member Payne, seconded by Council Member Bowen, moved to adopt the Ordinance. The motion passed unanimously.

Emigration Canyon Metro Township Council Meeting Rules and Procedure

The Council reviewed the following Ordinance amending Title 2 of the current applicable code concerning the conduct of meetings of the Township Council:

AN ORDINANCE AMENDING TITLE 2 OF THE CURRENT APPLICABLE CODE CONCERNING THE CONDUCT OF MEETINGS OF THE TOWNSHIP COUNCIL

RECITALS

A. Utah State Code section 10-2a-414 provides that when a metro township is incorporated that each county ordinance that is in effect on the day that metro township is incorporated will remain in effect as a metro township ordinance until the metro township council amends or repeals the ordinance.

B. The current code applicable in the Township establishes procedures for the conduct of the meetings of the council.

C. The Township Council desires to amend the provisions to fit the actual practice of the Township Council.

NOW, THEREFORE, IT IS HEREBY ORDAINED, by the Council of the Emigration Canyon Metro Township:

I. The current code section 2.04.180 is amended to read as follows:

2.04.180 – Rules of order – General.

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- A. Procedural rules not specifically provided herein or by state law, or Township ordinance, shall be regulated, interpreted and construed in accordance with the Township Council Meeting Rules of Procedure as may be adopted by resolution from time to time by the Council.
- B. As circumstances may reasonably require, the council may, upon a two-thirds vote of the members present, temporarily suspend the rules with respect to the specific matter before it.

II. This ordinance shall take effect upon publication and posting as required in Utah Code 10-3-711.

III. Immediately following this ordinance, the recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required.

APPROVED AND ADOPTED in Emigration Canyon Metro Township, Salt Lake County, Utah, this 28th day of February, 2019.

By: /s/ JOE SMOLKA
Mayor

ATTEST:

By: /s/ SHERRIE SWENSEN
Clerk

Council Member Payne, seconded by Council Member Brems, moved to adopt the ordinance. The motion passed unanimously.

The Council reviewed the following Resolution adopting rules of procedure to govern the conduct of its meetings:

RESOLUTION NO. 19-02-01

Date: February 28, 2019

A RESOLUTION OF THE COUNCIL OF EMIGRATION CANYON METRO TOWNSHIP ADOPTING RULES OF PROCEDURE TO GOVERN THE CONDUCT OF ITS MEETINGS

RECITALS

A. Utah Code 10-3-606 requires all municipal councils to adopt rules of meeting procedure and conduct.

B. The Metro Township council has previously adopted Roberts Rules of Order to govern its procedures and now wishes to adopt a less formal set of meeting rules that represents the procedures the council has customarily followed.

RESOLUTION

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NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Council of the Emigration Canyon Metro Township:

1. The attached Exhibit A is hereby adopted as the meeting rules of procedure for the meetings of the Emigration Canyon Metro Township Council.

APPROVED AND ADOPTED in Emigration Canyon Metro Township, Salt Lake County, Utah, this 28th day of February 2019.

By: /s/ JOE SMOLKA
Mayor

ATTEST:

By: /s/ SHERRIE SWENSEN
Clerk

Council Member Payne, seconded by Council Member Brems, moved to adopt the Resolution. The motion passed unanimously.

Emigration Canyon Metro Township Planning Commission Members

Council Member Brems stated he does not have any recommendations for new Planning Commission members. He would like the Council to think about potential individuals to fill the vacancies.

Legal Issues

David Church updated the Council on the bicycle lawsuit. The complaint has been amended to include Salt Lake County. The defendants are the other bicyclist, Emigration Canyon Metro Township, Greater Salt Lake Municipal Services District (GSLMSD), and Salt Lake County. There will be two or three months of discovery and then mediation and probably a trial.

He also updated the Council on the conditional use application that is being appealed. The application was for a conditional use permit to have a private recreation facility on his property and it was denied by the Emigration Canyon Metro Township Planning Commission. The applicant filed an appeal, the appeal will go before a hearing officer. The hearing has been set for March 6, 2019, at 1:00 pm, at the Salt Lake County Government Offices. The hearing officer will hear arguments from the applicant on why the Planning Commission made an error. The applicant has the burden of proof that the Planning Commission was arbitrary, illegal or capricious. The hearing officer will take two or three weeks to make a decision, after the decision is made either side has the right to challenge the decision in district court.

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Approval of Minutes

The Emigration Canyon Metro Township approved the minutes of the Emigration Canyon Metro Township Council meeting held on January 24, 2019 and January 31, 2019. The motion passed unanimously.

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Council Member Reports

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

Council Member Brems stated body cameras are being discussed and will continue to be discussed. The Board is still working out a fair way to split the assets with Herriman City; however, it may end up in litigation. SLVLESA has hired Frank Nakamura as the District Manager and Legal Counsel.

Emigration Canyon Metro Township Planning Commission

Council Member Brems stated there are ongoing issues that are being worked on.

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

Council Member Bowen stated the Board is reviewing the hiring of a new auditor.

Salt Lake County Animal Services Advisory Board

Council Member Bowen stated Salt Lake County Animal Services will hold an event in March at the fire station.

Mosquitos

Nothing to report.

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Wasatch Front Waste and Recycling District (WFWRD)

Council Member Paine stated areas of Salt Lake County are annexing into various cities and will require WFWRD services. The logistics of providing services to new areas is being figured out. The transfer station is remaining open and WFWRD is putting out a request for proposal (RFP) to find an entity to run it. Employee satisfaction is good and WFWRD is running well.

Storm Drain Fee

Mayor Smolka stated the Greater Salt Lake Municipal Services District (GSLMSD) is in negotiations with Rocky Mountain to put the storm water fee on its bills.

Website

Council Member Hawkes stated revisions are being made to the website and Municode is visible and it is doing some tweaks.

CodeRED

Council Member Hawkes stated she has created polygons of different neighborhoods and will continue to divide the canyon into different sections. This will make it possible to communicate with specific areas or the canyon as a whole. Scripts have been developed for different types of necessary communications.

Greater Salt Lake Municipal Services District (GSLMSD)

Mayor Smolka stated the GSLMSD has created an Audit Committee and a Planning and Development Committee to oversee the transition from Salt Lake County to the GSLMSD. He is on the Planning and Development Committee.



Other Announcements

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David Church asked the Council how it would like to handle the ordinances that have not been amended to reflect Emigration Canyon Metro Township Council's policies. He can change one ordinance at a time or he can do one change to all the ordinances.

Council Member Paine stated he would like to see a table of context and make an educated guess on what universal changes can be made.

Council Member Hawkes asked who she could contact regarding graffiti on the restrooms and "no dumping" signs.

Lieutenant Wayne Dial stated let Officer Jake Elsasser, Unified Police Department (UPD) Department, know and he will get someone to clean it up.

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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

CHAIR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

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