

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ELECTRONICALLY ON TUESDAY, AUGUST 24, 2021, PURSUANT TO ADJOURNMENT ON TUESDAY, JULY 27, 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  
SHERRIE SWENSEN, METRO TOWNSHIP CLERK  
By: 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
- Emigration Canyon road noise.
- Septic Smart Week



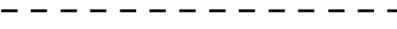
PUBLIC MEETING

Citizen Input



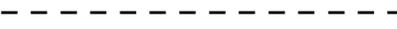
*Emigration Canyon Community Council Report (ECCC)*

**Bill Tobey** stated the cost for the Acorn Hills fire break was a little over \$9,900. The invoice has been mailed to the Metro Township. The Sustainability Alliance requested that the ECCC fund a portion of the Watershed Celebration on September 18. Before the ECCC could convene a meeting to discuss funding, the Emigration Canyon Improvement District (EID) Board agreed to fund the Watershed Celebration in full. The ECCC is now going to help make the celebration successful, they will work with UFA to provide information on wildfire preparedness. The Council is going to try and hold the Firewise Open House this fall; however, with the rise in COVID cases, it does not seem likely that it will be held before May 2022. The next issue of the electronic newsletter is anticipated to be sent out on September 1.



*Unified Police Department (UPD)*

**Officer Jake Elsasser** reviewed calls for service for July, there were 108 calls with 18 initial reports taken. The archery hunt started on Saturday, August 21. Several UPD units were dispatched to Lambs Canyon to assist with the road closures caused by the fire up Parley's Canyon. There are continuing parking issues at Killyons Canyon, the cars are being issued citations. Once the paving is done in that area, the gate will be locked to help prevent parking issues.



*Unified Fire Authority (UFA)*

**Captain Michael Conn** stated the fire in Parleys Canyon is official contained. It was determined that it was human causes as is 55 percent of the fires this year. UFA decided that they would open stations and being tours; however, with the current surge in COVID cases the tours have been discontinued. Community events will be allowed as long as there are face masks and social distancing is maintained. Fire crews have been deployed to Oregon, Washington, Montana, and California among others to help with fires in those states. UFA continues to get EMAC requests, especially from California. Each EMAC request is evaluated individually and balanced so that services are not inhibited. Members of the Utah Task Force teams have been deployed throughout the United States to help with the tropical storms. The 4<sup>th</sup> and 24<sup>th</sup> of July saw an increase in calls and community complaints for fireworks. A couple members retired in the last month and there have been promotions. UFA is trying to get Fire School 101 started again and made available to the Council Members.



Council Business

*Resolution No. 2021-08-01 – 2021 General Election Cancellation*

The Council reviewed the following Resolution cancelling the Emigration Canyon Metro Township’s November 2, 2021 election:

RESOLUTION NO. 2021-08-01

Date: August 24, 2021

A RESOLUTION, PURSUANT TO UTAH CODE 20A-1-206, CANCELLING EMIGRATION CANYON METRO TOWNSHIP’S NOVEMBER 2, 2021 LOCAL ELECTION AND DETERMINING THE UNOPPOSED DECLARED CANDIDATES TO BE ELECTED TO THE TOWNSHIP COUNCIL

WHEREAS, the Emigration Canyon Metro Township (hereafter “ECMT”) is a metro township under Utah Code Ann. § 10-2a-401 et seq., and

WHEREAS, ECMT is governed by a five-member elected Council, each of whom is elected at-large under Utah Code Ann. § 10-3-205.5, and

WHEREAS, the terms of two members of the Council are set to expire at the end of 2021, and

WHEREAS, because of the expiration of terms, an election was called for November 2, 2021, pursuant to applicable sections of the Utah Code, to fill those two positions on the Council, and

WHEREAS, notice of the election was duly noticed to the public, and

WHEREAS, only two candidates filed declarations of candidacy to run for the two open positions on the Council, said candidates being ROBERT PINON and JOSEPH SMOLKA, and

WHEREAS, as of August 24, 2021, no other individual gave notice of intent to run as a write-in candidate, pursuant to Utah Code §20A-9-601, and

WHEREAS, the deadline for write-in candidates to declare is August 30, 2021, and

WHEREAS, due to ballot printing deadline requirements for mail in ballots the determination of whether to print ballots is needed prior to September 17, 2021, and

WHEREAS, pursuant to Utah Code Section 20A-1-206, municipal legislative body can choose to cancel an election where the number of declared candidates, including declared write in candidates, do not exceed the number of open council positions subject to election, and may certify the unopposed declared candidates to be elected to the council and

WHEREAS, a significant amount of money will be saved by ECMT by not holding a formal election as allowed by the Utah Code, and

DATE TUESDAY AUGUST 24, 2021

WHEREAS, the Emigration Canyon Metro Council wishes to inform the clerk of its intention to cancel the election upon the expiration of the deadlines for others to declare for candidacy, so ballots could be finalized, and committed to ratify the same at its next regularly scheduled meeting.

NOW THEREFORE, IT WAS HEREBY RESOLVED, APPROVED AND CERTIFIED, by the Council of the Emigration Canyon Metro Township that:

1. The scheduled election for members of the Council, set for November 2, 2021 (the "Election") shall be cancelled if no write in candidates are submitted by August 30, 2021, and due to the herein certified fact that in such case only two declared candidates are running, pursuant to statutory requirements, for the two open positions on the Council that were to be chosen by the Election.
2. Effective January 3, 2022, the two unopposed candidates for the two open positions on the Council, are hereby deemed to be elected to those positions, which unopposed candidates are: ROBERT PINON and JOSEPH SMOLKA.
3. Council's clerk is instructed to take whatever action is required to give notice of the cancellation of the election pursuant to Utah Code Section 20A-1-206 after August 30, 2021 if it is determined that there are no write in candidates.

Approved this 24<sup>th</sup> day of August 2021.

By: /s/ JOE SMOLKA  
Mayor

ATTEST:

/s/ SHERRIE SWENSEN  
Metro Township Clerk

Council Member Bowen, seconded by Council Member Harris, moved to approve the Resolution cancelling the November 2, 2021 election pursuant to there are no write-in candidates. The motion passed 4 to 1, showing that Mayor Smolka abstained from the vote.

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*Resolution No. 2021-08-02 – 2022 SLVLESA Tax Increase*

The Council reviewed the following Resolution to approve the decision by the Salt Lake Valley Law Enforcement Service Area (SLVLESA) Board of Trustees to increase the property tax revenues:

RESOLUTION NO. 2021-08-02

Date: August 24, 2021

A RESOLUTION OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL APPROVING A DECISION, IF MADE BY THE BOARD OF TRUSTEES OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA (SLVLESA) FOLLOWING PROCESSES REQUIRED BY UTAH LAW, TO

DATE TUESDAY AUGUST 24, 2021

INCREASE SLVLESA BUDGETED PROPERTY TAX REVENUES BY 16.5% FOR CALENDAR YEAR 2022 WHICH WOULD RESULT IN THE LEVY OF A PROPERTY TAX RATE IN EXCESS OF THE CERTIFIED TAX RATE PURSUANT TO SECTION 17B-2a-903 OF THE UTAH CODE.

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

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

WHEREAS, SLVLESA contracts with the Unified Police Department (the “UPD”) to provide law enforcement services within its boundaries; and

WHEREAS, the SLVLESA Board of Trustees, by a duly adopted Resolution dated August 19, 2021, stated its intent to increase its budgeted property tax revenues from prior year budgeted property tax revenues by 16.5% for calendar year 2022 which would result in the levy of a property tax rate in excess of the certified rate as defined in section 59-2-924 of the Utah Code; and

WHEREAS, a report dated August 19, 2021 (the “Report”), a copy of which is attached, was submitted to the Emigration Canyon Metro Township Council (the “Council”) pursuant to section 17B-1-1003 of the Utah Code, providing the purposes for the increase in SLVLESA budgeted property tax revenues; and

WHEREAS, the purposes for the increase in SLVLESA budgeted property tax revenues by 16.5% for calendar year 2022 as stated in the Report include the need to maintain the viability of SLVLESA, increase compensation to be able to recruit and retain police officers, increase staffing to meet rising caseloads, pay for the increased costs of cars, equipment and supplies, to ensure that the target reserves for SLVLESA are met, to hedge against future loss of revenues and unexpected expenditures and generally to meet the costs of law enforcement services for SLVLESA members; and

WHEREAS, the Council allowed time during the duly noticed meeting on August 24, 2021 for comment on the proposed tax increase from members of the Council and the public; and

WHEREAS, section 17B-2a-903 of the Utah Code requires that before the SLVLESA Board of Trustees can adopt a property tax levy for calendar year 2022 in excess of the certified tax rate, it must have prior approval of the property tax increase from the legislative bodies of any municipality and county whose territory is located within SLVLESA or approval of a majority of the legislative bodies of the municipalities and two-thirds (2/3) vote of the county legislative body; and

WHEREAS, before the SLVLESA Board of Trustees considers levying a property tax rate that exceeds the certified tax rate, the SLVLESA Board of Trustees shall hold a public hearing on December 16, 2021, to provide to all interested persons the opportunity to be heard regarding the proposed property tax increase; and

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

WHEREAS, after considering all public input from the public hearing and all other information available to them, the SLVLESA Board of Trustees will vote on whether or not to increase its budgeted property tax revenues for calendar year 2022 by 16.5% that would result in the levy of a property tax rate that exceeds the certified tax rate.

NOW THEREFORE, be it resolved by the Emigration Canyon Metro Township Council as follows:

1. The Emigration Canyon Metro Township Council hereby reaffirms its authorization of the SLVLESA Board of Trustees to impose property taxes on the areas within the boundaries of SLVLESA.
2. Pursuant to section 17B-2a-903 of the Utah Code, the Emigration Canyon Metro Township Council hereby approves a decision, if made by the SLVLESA Board of Trustees following the processes required by Utah law, to increase SLVLESA budgeted property tax revenues for calendar year 2022 in excess of prior year property tax revenues by 16.5% and to levy a property tax rate in excess of the certified tax rate to generate the increase in its budgeted property tax revenues as defined in section 59-2-924 of the Utah Code.

DATED this 24<sup>th</sup> day of August 2021.

EMIGRATION CANYON METRO TOWNSHIP  
COUNCIL

/s/ JOE SMOLKA  
Chair

ATTEST:

/s/ SHERRIE SWENSEN

The Council opened the discussion to the public to receive input regarding the SLVLESA tax rate increase.

**Bill Tobey** asked to have the specific request reviewed.

The resolution was shared during the meeting via Zoom, so the Council and those in attendance could review it.

**Robert Macfarlane** posted a comment in the chat section of the Zoom meeting. He stated could SLVLESA look at an alternative total compensation plan that offered less of a defined benefit program and increase the hourly wage.

Council Member Brems, seconded by Deputy Mayor Hawkes, moved to approve Resolution 2021-08-02. The motion passed unanimously.

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*Crosswalks*

**Deputy Mayor Hawkes** stated she needs to coordinate with the engineers and tabled the discussion until next month.

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*Special Event Permits*

**Mayor Smolka** stated there were some issues with the Deseret News marathon. When the policy for permits was rewritten, there were requirements put in place for how many cones needed to be placed in the road to show that runners were on one side and cars were on the other side of the road. The requirement on cones needs to be determined. There is an event in September and the Haunted Half marathon in October.

**Deputy Mayor Hawkes** stated there is a requirement that if there are over 400 participants then an electric sign needs to be placed at the bottom of the canyon. If there are an additional 400 participants, then an electric sign needs to be placed at the top of the canyon as well. These same guidelines could be followed with the cones.

**Mayor Smolka** stated Salt Lake City needs to make sure they are better coordinated.

**Officer Elsasser** stated he will work with Salt Lake City and educate them on the requirements.

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*Road Repairs*

**Mayor Smolka** stated a gas line was hit yesterday and today but were repaired relatively quickly. There was a small issue during the rainstorm, work will be done on the shoulders. There will be complete road closures as early as Thursday. Miller Paving received the contract to pave Killyons Canyon and part of Pinecrest. The existing pavement and the dirt will all be paved in Killyons Canyon. Miller Paving are doing some prep work with curbing and culverts. He has not received a timeline on the restriping of the main road.

**Deputy Mayor Hawkes** stated Public Works is doing the regrading on Little Mountain, is the drainage ditch by Pioneer Road going to be fixed.

**Mayor Smolka** stated that is on Black Forest's list.

**Deputy Mayor Hawkes** stated there are areas where water is shooting across the road because of the fill that came down from the jersey barriers.

**Mayor Smolka** stated he has talked to Public Works about it. Some of those turnouts in Little Mountain keep getting bigger and bigger, there is no where to put the dirt. He

thought about having them fill the backside of the turnarounds so the dirt has some place to go and cut down on the number of areas that people can pull out and park.

**Council Member Harris** stated she drove the road during the rainstorms and mud and water were coming from behind the jersey barriers. Is there an estimated timeframe that it will be finished so Miller Paving can begin their work?

**Mayor Smolka** stated Miller Paving will work on the lower part of Pinecrest, about four or five houses below where the paving will stop. It will pick up again in upper Pinecrest, there was not enough money to complete the entire road.

**Council Member Harris** stated how will the residents be notified of the road closures?

**Mayor Smolka** stated there will be fliers and a message will be sent by CodeRED.

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*Hiring of an Administrative Assistant*

**Mayor Smolka** stated a job description needs to be created for an administrative assistant and what the Council expectations are.

**Council Member Harris** stated Council Member Hawkes and herself have been working on defining what the duties and expectations are for an administrative assistant.

**Council Member Bowen** stated the most effective way to determine a job description is to sit down with the other townships that have administrative assistants and find out what they are doing.

This item will be discussed at a future meeting.

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*Legal Issues*

**Polly McLean** stated the Planning Commission should convene to discuss accessory dwelling units and if they need to be regulated. The flood insurance and FEMA resolution needs to be updated to make sure the requirements are met.

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*Budget Items*

**Mayor Smolka** reviewed the approved expenditures for July that include UFA for Jim Woodward, Watershed Plan, and Clerk services. .

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*Minutes*

Mayor Smolka, seconded by Council Member Harris, moved to approve the minutes of the Emigration Canyon Metro Township meetings held on May 24 and May 25. The motion passed unanimously.



Council Member Reports

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

**Council Member Brems** stated there is nothing more to report.



*Planning Commission*

**Council Member Brems** stated a couple members of the Planning Commission attend tonight's meeting, hoping that the Council is making progress on the General Plan.



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

**Deputy Mayor Hawkes** stated she attend the UFA and UFSA Board meetings for Council Member Bowen as he was unable to attend. The UFA Board reviewed invoices from the ARPA fund in relation to COVID. The capital improvement fund has been depleted due to COVID expenses and they are looking to member entities to replenish the fund. The mask guidelines have been changed due to the increase in COVID cases. There will be a patch created with each municipality's logo and name that the firefighters will wear. The UFSA Board provided updates on the building construction and budget, discussion on lease agreements and administrative reports.



*Animal Services*

**Council Member Bowen** stated he received an email from the MSD regarding the USDA program, he forwarded that to Deputy Mayor Hawkes. She recommended that rather than posting it, the township will reference the service and then provide a link to the actual website.



*Wasatch Front Waste and Recycling District (WFWRD)*

**Council Member Harris** stated WFWRD has initiated the process to become a local district. The Salt Lake County Council voted to move forward with the reorganization. An intent to reorganize will be drafted and then a comment period. After both of those take place

there be a resolution on the Salt Lake County Council agenda for approval. WFWRD is dealing with a surge of COVID cases.

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*Watershed Plan*

**Council Member Harris** stated she met with Eric McCulley, River Restoration, and Bob Thompson, Salt Lake County, regarding the watershed project. Mr. Thompson suggested to call this plan a supplement to the existing watershed plan. There will be some public meetings held for canyon residents and other stake holders to discuss best practices.

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*Website*

**Deputy Mayor Hawkes** stated she continues to update the website with information that is provided to her.

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*CodeRED*

**Council Member Hawkes** stated she sent out a CodeRED message regarding the Parley's Canyon fire. Captain Michael Conn and Chief Wayne Dial kept her informed of the situation with the fire.

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*Restrooms*

**Deputy Mayor Hawkes** stated the restrooms are moving forward. She is working with Polly McLean, Attorney, to get a cost-plus contract together.

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*Greater Salt Lake Municipal Services District (MSD)*

**Mayor Smolka** stated Bart Barker, General Manager, MSD, is no longer with the organization. The MSD has done a large reorganization and changed who is managing who. August 27, there will be a session on capital improvement projects. Emigration Canyon has a couple of projects on that list to be funded.

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*Landfill Council*

DATE TUESDAY AUGUST 24, 2021

**Mayor Smolka** stated the Board is looking at a slight rate increase at the transfer station.

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*Legislative Issues*

**Mayor Smolka** stated there are two issues being worked on; one is the federal bill for infrastructure and the other is HB98.

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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

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MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

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