

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ELECTRONICALLY ON TUESDAY, SEPTEMBER 28, 2021, PURSUANT TO ADJOURNMENT ON TUESDAY, AUGUST 24, 2021, AT THE HOUR OF 7:00 P.M., VIA ZOOM.COM.

COUNCIL MEMBERS

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

COUNCIL MEMBERS EXCUSED: CATHERINE HARRIS

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
- Update on sinkhole on Sunnyvale
- Road work bond
- Project updates
- River Restoration update



PUBLIC MEETING

Citizen Input

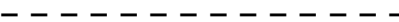
Robert Macfarlane stated when the sign indicating violators of the noise ordinance would be sited, the noise level went down for a bit; however, the noise level has increased again. He thinks that the public may have a sense that the noise violations are not being aggressively enforced and that is why the noise levels are up. There is an equipment violation that is easily identifiable and can be easily managed, it is not impossible to enforce. Probable cause is obvious when vehicles are driving loudly.

Council Member Bowen thanked Mayor Smolka and the employees at the MSD for talking about ditch work that is being done to help keep water off the road. There is a tremendous asset to this work, and he hopes that it will be done on an annual basis. It is not just water but when they widen the road, there was a massive amount of gravel and rocks in the bike lanes. Instead of doing a weekly sweep in the canyon, he recommends that the cleaning and widening the ditch and keeping the ditch a place where rocks can come down is done on an annual basis. He also thanked Wayne Dial and Jake Elsasser from UPD for the benefits that the community has received from enforcing the noise ordinance. An individual that does not live in the canyon is also benefiting from the noise ordinance because of the sign that has been placed at the bottom of the canyon. He hopes the sign will remain to help continue reducing noise.



Emigration Canyon Community Council Report (ECCC)

Mayor Smolka stated Bill Tobey, Chair, emailed the monthly report for the Emigration Canyon Community Council. The newsletter was distributed on September 13. They celebrated the Canyon Watershed with the EID and Sustainability Alliance and manned a booth with information on wildfire safety and took house sign orders. They still do not have an invoice for UFA's work on the Acorn Hills fire break. There may be an opportunity to utilize \$15,000 from a fire grant funding that is available this year for roadside fuel reduction, to make the road corridors more passable in the event of a fire.



Unified Police Department (UPD)

Officer Jake Elsasser reviewed calls for service for the month of August. The Haunted Half Marathon may not take place this year due to the timing and some staffing issues that Salt Lake City is having. He continues to work on the noise issues and has been meeting with the Health Department, Emigration Canyon's attorney, and the District Attorney's Office. The District Attorney's Office said it will prosecute the noise ordinance. The next two Saturdays he will be doing enforcement with the Health Department. There has been training done with officers to identify what equipment is illegal.

Unified Fire Authority (UFA)

Captain Michael Conn stated recruitment has started; 779 individuals have taken the initial exam, with 42 of those individuals moving through the background checks and going through recruit camp. The Magna station will be demolished and rebuilt. Eagle Mountain will get a new station and one is being rebuilt near the current station. UFA continues to respond to EMAC requests, sending people to California and back east. He reviewed retirements and the passing of a Captain Hancock and Captain Cowdell.



Council Business

Resolution No. 21-08-01 – Ratification to Cancel the 2021 Election

Mayor Smolka stated last month the Council approved Resolution No. 21-08-01, cancelling the Emigration Canyon Metro Township Election. The Council needs to ratify that decision.

Council Member Bowen, seconded by Council Member Brems, moved to ratify Resolution No. 21-08-01. The motion passed unanimously.

Ordinance No. 21-09-01 – Internal Accessory Dwelling Units

ORDINANCE NO. 2021-09-01

Date: September 28, 2021

AN ORDINANCE ADOPTING TITLE 19, CHAPTER 15 TO REGULATE
INTERNAL ACCESSORY DWELLING UNITS

WHEREAS, Emigration Canyon Metro Township recognizes the Internal Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for Emigration Canyon Metro Township.

WHEREAS, State of Utah legislation allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;

WHEREAS, Emigration Canyon Metro Township wishes to ensure that building permits or licenses are not issued for an IADU until the applicant has provided written confirmation from the applicable water supplier that the IADU complies with all applicable water service requirements.

WHEREAS, Emigration Canyon Metro Township wishes to allow opportunities for property owners to provide social or personal support for family members were independent living is desirable and to provide for affordable housing opportunities;

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WHEREAS, Emigration Canyon Metro Township wishes to preserve the character of single-family neighborhoods by providing standards governing development of Internal Accessory Dwelling Units; and

WHEREAS, Emigration Canyon Metro Township wishes to ensure that Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an IADU prior to renting the IADU.

WHEREAS, the Planning Commission noticed and conducted a public hearing on September 16, 2021, forwarded a recommendation to the Metro Township Council;

WHEREAS, legal notice was properly published;

WHEREAS, the Emigration Canyon Metro Township Town Council ("Council") met in regular session on September 28, 2021 to consider this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by Emigration Canyon Metro Township Council that:

Section 1. Adopt. Title 19, Chapter 15 of the Emigration Canyon Metro Township code is hereby adopted as indicated in Attachment A.

Section 2. Effective Date. This ordinance shall go into effect upon publication.

PASSED AND APPROVED THIS 28th Day of September 2021.

EMIGRATION CANYON METRO TOWNSHIP

By: /s/ JOE SMOLKA
Mayor

ATTEST

/s/ SHERRIE SWENSEN
Metro Township Clerk

Council Member Bowen, seconded by Council Member Brems, moved to approve Ordinance 2021-09-01 with amendments. The motion passed unanimously.

Ordinance No. 21-09-02 – Floodplain Development Standards and Flood Damage Prevention

ORDINANCE NO. 2021-09-02

Date: September 28, 2021

FLOOD DAMAGE PREVENTION AND CONTROL

AN ORDINANCE OF THE EMIGRATON CANYON METRO TOWNSHIP
COUNCIL REPEALING CHAPTER 19.72 OF THE EMIGRATION CANYON

METRO CODE AND ENACTING A NEW CHAPTER 19.72 TO ESTABLISH FLOODPLAIN DEVELOPMENT STANDARDS AND FLOOD DAMAGE PREVENTION

RECITALS

WHEREAS, the Emigration Canyon Metro Township (“Emigration Canyon”) is a municipality pursuant to Utah Code Ann. §10-2a-401, *et seq*; and

WHEREAS, one of the natural disaster risks that exist in Emigration Canyon is the risk of flooding; and

WHEREAS, pursuant to Utah Code Ann. §§10-3-701 and 10-9a-101 *et seq.* the Utah Legislature delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, Emigration Canyon inherited and formally adopted Chapter 19.74 – Flood Damage Prevention Ordinance – of the Salt Lake County Code in Chapter 19.74 of the Emigration Canyon Metro Code (“ECMC”); and

WHEREAS; most of the Emigration Canyon area is designated by the Utah Geological Survey as a high risk flood hazard area; and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) mandates the municipality adopt a flood control development ordinance that adequately covers and addresses the flood control for risks that exist in Emigration Canyon to be a member entity of the National Flood Insurance Program (“NFIP”) and

WHEREAS, the current ordinance that was inherited by Emigration Canyon, namely Chapter 19.74 of the ECMC incorporating Chapter 19.74 of the Salt Lake County Code, has been deemed unsatisfactory by the State and FEMA for covering and addressing Emigration Canyon’s flood damage prevention measures due to development; and

WHEREAS, adopting a new ordinance to conform with the regulations of FEMA and the State will ensure Emigration Canyon ability to maintain its membership in the National Flood Insurance Program;

NOW THEREFORE BE IT ORDAINED: by the Emigration Canyon Metro Township Council the following ordinance amendments, repeals, and additions to the Emigration Canyon Municipal Code of Ordinances:

- A. Chapter 19.74 is repealed in its entirety; and
- B. Chapter 19.74 is adopted in the form attached hereto as Exhibit A
- C. This ordinance shall become effective fifteen days after its passage and upon publication of the ordinance, or a summary thereof on the Utah state notice website.

APPROVED AND ADOPTED in Emigration Canyon, Salt Lake County, Utah this 28th day of September, 2021.

DATE TUESDAY SEPTEMBER 28, 2021

EMIGRATION CANYON METRO TOWNSHIP

By: /s/ JOE SMOLKA
Mayor

ATTEST

/s/ SHERRIE SWENSEN
Metro Township Clerk

Mayor Smolka, seconded by Council Member Bowen, moved to approve Ordinance No. 2021-09-02 with amendments. The motion passed unanimously.

Bond Agreement

Mayor Smolka stated the Greater Salt Lake Municipal Services District (MSD) Board is working on approving a bond to fund various projects within the MSD boundaries. Emigration is getting around \$2 million for slope stabilization in several areas. The MSD Board has gone through different scenarios on how the funding will be played out, depending on some additional funding. It will commit under 50 percent of the Class B Road funds for the next 10 years to repay the bond. There was an opportunity to have a public offering and a private offering, the MSD Board is leaning towards a public offering, but the decision has not been made.

Polly McLean stated she recommends that the Council wait until the October Council meeting approve the agreement because there are still amendments being made and it has not been presented to the Bond Council yet.

Administrator Position

Council Member Hawkes stated a list of job duties has been created and it has been sent to Polly McLean for review. It was suggested to use the MSD for internal HR support.

Mayor Smolka stated Brooke Barnes, HR, MSD, can help us with posting the job and the interviewing process.

Emigration Canyon Metro Township Council Meeting Schedule

Mayor Smolka due to holidays and the MSD budget schedule, the Emigration Canyon Council needs to reschedule its November and December meetings.

Mayor Smolka, seconded by Council Member Brems, moved to amend the Emigration Canyon Metro Township Council meeting schedule, and hold the Council meetings on November 16, 2021, and December 14, 2021, at 7:00 pm via Zoom. The motion passed unanimously.

Enforcement of the Noise Ordinance

Cameron Platt, Legal Counsel, stated Polly McLean and himself met with UPD, the District Attorney's Office and Salt Lake City Police administration to see how other agencies have dealt with noise ordinances. Through those meetings we have gone through a workable way to enforce the noise ordinance. The officers would use probable cause or would use their body camera to identify extreme or unusual vehicles to make the stop. The Health Department will come out with sound monitoring devices to identify vehicles that are exceeding the noise levels.

Chief Wayne Dial, UPD, stated working with the Health Department will help make the prosecution of the violation more successful. He is going to try to get a grant from Highway Safety to fund overtime patrol. The sign has been a tremendous help and he would like to get another sign board to put at the top of the canyon. He is also looking at a legislature fix to bring back vehicle inspections to help prevent the loud mufflers upfront.

Mayor Smolka asked about the effectiveness of the decibel meters in the Canyon.

Chief Dial stated that is why the officers will work with the Health Department so there are experts that can testify to the equipment.

Legal Issues

Polly McLean stated there are no additional items.

Budget Items

Mayor Smolka reviewed the UFA reimbursement that was approved last month and the invoice for Clerk Services. The Township has received the first payment of ARPA funds and it can be used for some infrastructure projects.

Minutes

Mayor Smolka, seconded by Council Member Brems, moved to approve the minutes of the Emigration Canyon Metro Township Council meetings held on June 22, July 27, and August 24, 2021. The motion passed unanimously.



Council Member Reports

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

Council Member Brems stated the UPD Board are looking for ways to increase officer pay including the use of ARPA funds and funding from other entities. SLVLESA is in the process of raising taxes. He has been asked to work with the lobbyist to talk about a fee for service instead of property taxes.

Planning Commission

Nothing to report.

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

Council Member Bowen stated the budget is close to being adopted. UFA is in the process of creating patches for the individual fire stations and communities it represents. Chief Dan Peterson is getting close to retiring. Firework legislation is being discussed. There are several fire stations that will be rebuilt or retrofitted to comply with earthquake standards.

Animal Services

Council Member Bowen stated Animal Services is having an adoption event next week.

Wasatch Front Waste and Recycling District (WFWRD)

Nothing to report.

Watershed Plan

Nothing to report.

Website

Deputy Mayor Hawkes stated she will update the website with the watershed Zoom meeting information and update the meeting dates.

CodeRED

Deputy Mayor Hawkes stated she continues to send messages when there are issues.

Restrooms

Deputy Mayor Hawkes stated she met with Salt Lake County Engineering and are discussing funding and how to get the funding together for the restrooms. There were two bids that came in and the lowest bidder was very involved in getting information and asking questions. She is working on various ways to get funding and working with Salt Lake County to get the \$40,000 that was originally allocated.

Greater Salt Lake Municipal Services District (MSD)

Mayor Smolka stated the budget and bond is moving forward. Brian Hartsell was offered the General Manager position; however, he declined. The Board appointed Mr. Hartsell as the interim General Manager until the position is filled. Tabitha Mecham is the new administrative assistant. The newsletter has been sent out to all homeowners. Maridene Alexander, MSD, discussed communications and branding with the Board.

Landfill Council

Mayor Smolka stated there have been no violations and the north slope of the landfill is getting its final cover.

Council of Governments (COG)

Mayor Smolka stated the Board heard a presentation on homelessness and appointments were made to the WFRC.

Council of Mayors (COM)

Mayor Smolka stated it discussed police throughout the valley and how to recruit new officers. An overflow shelter is needed to house 300 beds for homeless individuals.

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Future Agenda Items

Deputy Mayor Hawkes stated the Council may need to discuss the option of grants at the October meeting.

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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

MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

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