

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ELECTRONICALLY ON TUESDAY, MARCH 22, 2022, PURSUANT TO ADJOURNMENT ON TUESDAY, FEBRUARY 22, 2022, AT THE HOUR OF 7:00 P.M., VIA ZOOM.COM.

COUNCIL MEMBERS

ELECTRONICALLY PRESENT: DAVID BREMS  
ROBERT PINON  
CATHERINE HARRIS  
JENNIFER HAWKES, Deputy Mayor

COUNCIL MEMBER EXCUSED: JOE SMOLKA, Mayor

OTHERS IN ATTENDANCE: POLLY MCLEAN, LEGAL COUNSEL  
CAMERON PLATT, LEGAL COUNSEL  
NICHOLE WATT, DEPUTY CLERK



**Deputy Mayor Hawkes**, 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 a “Low Level of Transmission” 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:

- Expanding wireless access throughout the canyon.
- Review of the dark sky ordinance and process.
- Community solar presentation.
- Direction on how Council Members can complete the Open and Public Meetings Act training.
- Consideration of in-person meetings.



PUBLIC MEETING

Citizen Input

None.



Council Business

*WPA Pinecrest Restroom and Restoration*

**David Richardson**, President, Capitol Hill Construction, stated there have been some questions about needing permits to finish the restroom. Because it is a smaller structure, a permit is not required nor is a permit for sanitation required as there is no running water. The Greater Salt Lake Municipal Services District (MSD) would like documentation submitted as a formality. He has been working with the Utah State Historic Preservation Office to make sure all standards are being met. The two vaults were vacuumed out to remove the debris and remain in good condition. The stalls can be combined into one or left as two stalls. By leaving them as a two-stall facility, it will save money and time and would be more appropriate for historical preservation. The hillside will be stabilized with boulders then reseeded. A historical masonry contractor will be brought in to disassemble and reassemble the building. Stainless steel toilets and sinks will be installed. The existing red cedar shingles will be replaced with historical shingles. Wooden doors will be fabricated instead of using metal ones. The restroom should be completed during this construction season.

**Council Member Brems** stated he does not want to run into any liability issues by not making the restroom ADA accessible. There is a restroom at the top of the canyon that is ADA accessible.

**Polly McLean** stated she has reviewed the ADA requirements and consulted with the MSD planning staff. Since the restroom is a preexisting pit toilet that has been there since the 1930's, ADA requirements do not need to be met. If a brand-new restroom was built, then ADA requirements would need to be met.

**Mr. Richardson** stated if the Council's intention is to have a fully accessible bathroom, the Council can provide an accessible portable restroom nine months out of the year.

**Council Member Pinon** stated that he reviewed the drawings, and the dimensions for the stairs and handrails are not shown. He wants to ensure that all building codes are being met so we can avoid any potential liabilities.

**Mr. Richardson** stated he will address Council Member Pinon's concerns.

**Council Member Harris** stated cedar shingles can potentially take a great deal of maintenance and they have been banned in a lot of areas. She would like other types of shingles to be considered because Emigration Canyon is a fire wise community.

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**Mr. Richardson** stated cedar shingles are naturally fire resistant; however, he will also look at other options.

**Deputy Mayor Hawkes** stated that they could look at the different shingle options and look at fire resistant options.

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*Child Abuse Prevention Month*

**Deputy Mayor Hawkes** read the following proclamation declaring April 2022 as Child Abuse Prevention Month:

Emigration Canyon Proclamation  
April 2022

WHEREAS, the children of Emigration Canyon are the future of our state's success and investing in their general welfare, safety and livelihood are of utmost priority; and

WHEREAS, all children deserve to grow up in a safe and nurturing environment to assure they reach their full potential as they grow and develop; and

WHEREAS, the protection of children and strengthening of families is of concern and responsibility of all Emigration Canyon citizens because the wellness of children affects our lives now and will continue to affect us in the future; and

WHEREAS, child abuse is a serious problem with 3,741 confirmed child victims in Salt Lake County last fiscal year, with each of those cases impacting an entire family and affecting the community as a whole: and

WHEREAS, child abuse respects no racial, religious, socio-economic or geographic boundaries, and

WHEREAS, all citizens of Emigration Canyon need to become more aware of child abuse and its prevention within their respective communities and actively encourage and support parents to raise their children in a safe and nurturing environment, and

WHEREAS, preventing child abuse requires each member of the community to be attentive to the problems of families around them and commit to do everything they can to help.

NOW THEREFORE, the Mayor and City Council of Emigration Canyon on behalf of the 1,466 citizens, proclaim April 2022 as CHILD ABUSE PREVENTION MONTH and we call upon all our citizens to renew their commitment to be educated on the impact of child abuse and join in working for its prevention within our communities.

ADOPTED on this the 22<sup>nd</sup> day of March, 2022 in Emigration Canyon, Utah.

/s/ JENNIFER HAWKES

Emigration Canyon Deputy Mayor

Council Member Harris, seconded by Council Member Pinon, moved to adopt the proclamation declaring April 2022 as Child Abuse Prevention Month. The motion passed unanimously.

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*Emigration Canyon Metro Township General Plan*

The Council reviewed the following Ordinance adopting the Emigration Canyon Metro Township General Plan:

ORDINANCE NO. 2022-03-01

Date: March 22, 2022

AN ORDINANCE ADOPTING A NEW GENERAL PLAN FOR THE EMIGRATION CANYON METRO TOWNSHIP

WHEREAS, the Emigration Canyon Metro Township (“Emigration Canyon”) incorporated as a municipality in 2017; and

WHEREAS, the Municipal Land Use, Development, and Management Act (the “Act”) requires each municipality to prepare and adopt a comprehensive, long-range general plan; and

WHEREAS, the Salt Lake County Council adopted the current general plan for Emigration Canyon in September 11, 2012, when Emigration Canyon was an unincorporated community; and

WHEREAS, on July 2, 2019, the Emigration Canyon Planning Commission (the “Planning Commission”) oversaw the creation of a general plan steering group to develop a new and updated general plan that would account for Emigration Canyon’s status as an incorporated municipality (collectively, the “General Plan”); and

WHEREAS, on January 14, 2021, the Planning Commission held a public hearing to take public comment on the General Plan after complying with the procedures in the Act, including but not limited to the public hearing and notice requirements of Utah Code Ann. §§ 10-9a-204 and 10-9a-404; and

WHEREAS, after taking public comment on the General Plan, the Planning Commission recommended the General Plan to the Emigration Canyon Council with some minor amendments, which have been incorporated; and

WHEREAS, the Emigration Canyon Council has reviewed the General Plan as recommended by the Planning Commission and determined that it is in the best interest of Emigration Canyon and its residents.

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

1. The attached General Plan and all other related documents and appendices is approved.
2. The prior general plan the Salt Lake County Council adopted in 2012, is repealed in its entirety.
3. A copy of the General Plan will be filed and retained by the Emigration Canyon Metro Township Clerk, Recorder, and Auditor and posted to the Emigration Canyon Metro Township website.
4. If a court of competent determination determines that any of the sections, sentences, clauses, or provisions of the General Plan are invalid, such a ruling will not invalidate the remaining portion(s) of the General Plan.
5. Staff is directed to identify those portions of the Emigration Canyon Metro Township Code that need to be updated to conform to the General Plan and to recommend proposed changes to the Council.
6. Pursuant to Utah Code Ann. §§ 10-3-711 and –712, this ordinance will take effect twenty (20) days after its publication in a newspaper published in and having general circulation in Salt Lake County or 30 days from the effective date of this ordinance, whichever is closer to the effective date.

APPROVED and ADOPTED this 22 day of March, 2022.

EMIGRATION CANYON METRO TOWNSHIP COUNCIL

By: /s/ JENNIFER HAWKES  
Deputy Mayor

ATTEST

/s/ SHERRIE SWENSEN  
Clerk/Recorder

Council Member Brems, seconded by Council Member Pinon, moved to adopt Ordinance No. 2022-03-01. The motion passed unanimously.

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*Wildland-Urban Interface (WUI) Code*

**Polly McLean** presented the Wildland-Urban Interface ordinance stating the entire metro township is within the wildland-urban interface.

**Council Member Pinon** asked if a list and definition of fire resistance plants need to be included as an attachment to the ordinance. He wants to enough information to ensure the ordinance is complied with.

**Ms. McLean** stated there is a Utah fire resistance species list that can be included as an attachment to the ordinance.

Council Member Pinon, seconded by Council Member Brems, moved to approve the following Ordinance, including pages 19 and 21 of the 2006 Utah Wildland-Urban Interface Code. The motion passed unanimously.

ORDINANCE NO. 2022-03-02

Date: March 22, 2022

AN ORDINANCE AMENDING TITLE 9 CHAPTER 9.90 AND ADOPTING SECTION 9.90.25 UTAH WILDLAND-URBAN INTERFACE CODE

WHEREAS, the Emigration Canyon Metro Township Council (“Council”) wished to promote the health, safety and welfare of those who live in properties in the Emigration Canyon Metro Township; and,

WHEREAS, the entire Emigration Canyon Metro Township is within a Wildland-Urban Interface area; and,

WHEREAS, wildfire risk is an issue for the properties in the Township;

NOW, THEREFORE, BE IT ORDAINED BY THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, UTAH, THAT:

SECTION I: Amended and Adopted: The following are hereby amended or adopted:

Chapter 9.90 FIRE RESTRICTIONS IN WILDLAND URBAN INTERFACE AREAS

9.90.010 Findings

The council finds that certain wildland-urban interface areas exist in the township and that preservation of public health, safety and welfare requires the restriction of fireworks, smoking and other fires in such areas and certain surrounding areas as specified below, to reduce the risk of potentially devastating wildfires in the township.

(Ord. No. 1768, § 1, 6-3-2014)

9.90.020 Land Subject To Utah Wildland-Urban Interface Code

All the lands within the township limits of the Emigration Canyon Metro Township are designated by the Utah Division of Forestry, Fire and State Lands as Wildland-Urban Interface. (Ord. No. 1768, § 1, 6-3-2014)

9.90.025 Wildland-Urban Interface Code

1. The Utah Wildland-Urban Interface Code, 2006 Edition, published by the International Code Council, is hereby adopted as the Wildland-Urban Interface Code of the Emigration Canyon Metro Township for the regulation and governance of the mitigation of hazard to life and property from the intrusion of wildland exposure, fire

- from adjacent structure, and prevention of structure fires from spreading to wildland fuels in the metro township.
2. Utah Wildland-Urban Interface Code, 2006 Edition, published by the International Code Council, together with any future amendments thereto shall, be maintained as public records with the Metro Township Clerk are incorporated as a part of this Section.

9.90.030 Fire Restrictions

1. The following restrictions on open flames and smoking are imposed on, over and within 300 feet of all wildland-urban interface areas:
  1. Setting, building, maintaining, attending or using open flames of any kind is prohibited, except campfires built within the facilities provided for them in improved campgrounds, picnic areas or permanently improved places of habitation; and
  2. Smoking is prohibited, except within an enclosed vehicle or building, a developed recreation site or while stopped in the center of an area of at least ten feet in diameter that is barren or cleared to mineral soil or is covered by concrete or asphalt.
2. The following restrictions on fireworks, tracer ammunition or other pyrotechnic devices are imposed:
  1. Discharging or using any kind of aerial device firework, tracer ammunition or other pyrotechnic devices on, over or within three hundred feet of any wildland-suburban interface area is prohibited; and
  2. Discharging or using any kind of class C common state-approved explosives on, over or within fifty feet of any wildland-suburban interface area is prohibited.
3. The following definitions are applicable to this section:
  1. "Class C common state-approved explosives" is as defined in Utah Code § 53-7-202(5), as amended.
  2. "Aerial device firework" is as defined in sections R710-2-2(2.2) and R710-2-6(6.3.1), Utah Administrative Rules, as amended.

(Ord. No. 1768, § 1, 6-3-2014)

9.90.040 Exemptions

The following persons are exempt from the prohibitions in section 9.90.030:

1. Persons with a permit from the county, from the state of Utah or the United States of America, specifically authorizing the prohibited act at the specific location; and

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2. Any county, state or federal firefighting or firefighting forces, including the Unified Fire Authority, or any peace officer, in the performance of an official duty.

(Ord. No. 1768, § 1, 6-3-2014)

9.90.050 Penalty

Each violation of this chapter shall be a Class B misdemeanor.

Section II: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED by the Emigration Canyon Metro Township, Utah, this 22<sup>nd</sup> day of March in the year 2022.

EMIGRATION CANYON METRO TOWNSHIP

/s/ JENNIFER HAWKES  
Jennifer Hawkes, Deputy Mayor

ATTEST:

/s/ SHERRIE SWENSEN  
Township Clerk

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*Community Renewable Energy Program*

**Council Member Brems** stated he sees a lot of good in the Community Renewable Energy program and would like to stay in the program to see how it unfolds.

**Council Member Harris** stated she likes the program; however, she is frustrated that the Council has not been provided with information on how the program works or the technology being used.

**Council Member Pinon** stated the first payment is minimal and by moving forward in the program, it will force the Council to learn more about it. If it does not work out, the Council can opt out of the program.

**Council Member Brems** stated someone needs to present more information about the next phase to the Council during the next meeting.

Council Member Brems, seconded by Council Member Pinon, moved to allocate funds to join the Community Renewable Energy Program. The motion passed unanimously.

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*Emigration Canyon Metro Township Administrator*

**Council Member Harris** stated she has sent the information for the hiring of an administrator to Brooke Barns, Human Resources and Payroll Specialist, Greater Salt Lake Municipal Services District (MSD), but has not heard back. She would like to have a meeting with Ms. Barns and Council Member Brems to discuss the position more.

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*Watershed Preliminary Report*

**Council Member Harris** stated she received the preliminary summary from River Restoration and will forward it to the Council. They are in the process of writing the report and summarizing its recommendations. The Council will have the opportunity to review the report and then a formal presentation will be made. Eric McCulley, River Restoration, would like to apply for grants on behalf of Emigration Canyon Metro Township. The grants would help fund a pilot project in a small area in the canyon and a fuels reduction project. She would like direction from the Council on how to proceed.

The Council Members agreed to give direction for River Restoration to proceed with grant applications on behalf of Emigration Canyon Metro Township.

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*Legal Issues – Parking Enforcement*

**Cameron Platt** stated he is working with Unified Police Department (UPD) to figure out a process for civil citations and how the process will work with the Greater Salt Lake Municipal Services District (MSD). There will be initial screening on the citation and there needs to be an appeal process. He hopes to have the process finalized by the next meeting.

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*Budget Items*

None.

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*Consideration of Minutes*

Council Member Harris, seconded by Council Member Pinon, moved to accept the minutes of the Emigration Canyon Metro Township Council meeting held on February 22, 2022. The motion passed unanimously.

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Reports from Municipal Service Providers

*Emigration Canyon Community Council (ECCC) Report*

**Bill Tobey** stated a mailer is ready to be sent out to residents that will include the wildfire research teams findings. Before the mailer is sent out, the ECCC is waiting for a response from UFA, confirming that they will be ready for an increase in home inspection requests. The ECCC is working with the team to create an online tool for residents to review the results of their homes fire preparedness survey. Work continues on the fuel’s mitigation plan for the canyon. UFA has lifted its COVID restrictions for the fire stations, which means the Firewise event can be held there. The ECCC is looking into resuming in-person meetings.

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*Unified Police Department (UPD)*

**Detective Jake Elsasser** reviewed the monthly report for February. The Sport-AM half and 10-mile marathons will be held on April 2, 2022. He will be holding a bike education day at Little Mountain during the Utah Hill Climb being held on April 23, 2022. In conjunction with the Salt Lake County Health Department, he will be doing noise enforcement throughout the summer.

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*Unified Fire Authority (UFA)*

None.

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*Salt Lake County Animal Services*

None.



Council Member Reports

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

**Council Member Brems** stated a benefit and compensation meeting will be held next week. A UPD 101 training was held to provide an overview of how UPD shared services and the funding works. They will be holding another one at a date to be determined. SLVLESA hired a lobbyist that is working with the legislature to find additional funding opportunities. A workshop is being planned to discuss SLVLESA funding further and plan a strategy for next year.

**Chief Wayne Dial** stated the UPD 101 luncheon will be held on April 11, 2022, from 10:00 am to 1:00 pm.

**Council Member Brems** stated Sheriff Rivera wants to have a one-on-one meeting to talk about the Councils concerns and possible solutions.

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*Emigration Canyon Metro Township Planning Commission*

Nothing further to report.

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

**Council Member Harris** stated Dominic Burchett was chosen to replace Chief Dan Peterson who is retiring on April 1, 2022. The 2022-2023 budget process will begin next week with the final budget approval in June. Emigration Canyon Metro Township Council will get a new liaison to replace Captain Michael Conn. There are two people that have expressed interest in the job.

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*Watershed Plan*

Nothing further to report.

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*Wasatch Front Waste and Recycling District (WFWRD)*

**Council Member Pinon** stated WFWRD was awarded a grant to participate in a food scrap pilot program. A small bin and biodegradable bags will be provided for food scraps to be disposed of. The scraps are picked up, methane gas is extracted and harvested, and the rest is used to create compost instead of going to the landfill. The budget is not balanced because fuel and equipment costs continue to rise. There are reserve funds; however, they will eventually be depleted. There will be a fee increase at some point.

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*Website*

**Deputy Mayor Hawkes** stated she will update the website with the upcoming marathon information and the Child Abuse Prevention month proclamation.

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*CodeRED*

**Deputy Mayor Hawkes** stated she will send information on the upcoming marathons.

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*Restrooms*

**Deputy Mayor Hawkes** stated Salt Lake County committed \$40,000 to match the \$40,000 that was received by DWQ; however, the funds have not been allocated. Mayor Smolka spoke to Helen Peters, Director, Salt Lake County Regional Planning and Transportation, and she has agreed to try and find the funds. She is working on obtaining additional grants and discussed a possibility of trying to get buy-ins from the community or those that use the canyon. One option is to approach the cycling community on bicycle education day. She talked to Brian Hartsell, Associate General Manager, Greater Salt Lake Municipal Services District (MSD), about using ARPA funds, it is a possibility but there are some regulations that have changed. The grants that are in place are reimbursable costs.

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*Greater Salt Lake Municipal Services District (MSD)*

**Deputy Mayor Hawkes** stated she will attend the MSD meeting tomorrow night.

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*Landfill Council*

Nothing to report.

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*Wasatch Front Regional Council*

Nothing to report.

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*Council of Governments (COG)*

Nothing to report.

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*Legislative Update*

Nothing to report.



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

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MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

SHERRIE SWENSEN, METRO TOWNSHIP CLERK

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

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