

DATE TUESDAY NOVEMBER 15, 2022

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ELECTRONICALLY ON TUESDAY, NOVEMBER 15, 2022, PURSUANT TO ADJOURNMENT ON TUESDAY, OCTOBER 25, 2022, AT THE HOUR OF 7:00 P.M., VIA ZOOM.COM.

COUNCIL MEMBERS

ELECTRONICALLY PRESENT: DAVID BREMS
ROBERT PINON
JENNIFER HAWKES, Deputy Mayor
JOE SMOLKA, Mayor

COUNCIL MEMBER EXCUSED: CATHERINE HARRIS

OTHERS IN ATTENDANCE: POLLY MCLEAN, LEGAL COUNSEL
CAMERON PLATT, LEGAL COUNSEL
GORDON BENNETT, ADMINISTRATOR
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 a “Medium 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.



PUBLIC MEETING

Public Hearing

Municipal Energy Sales and Use Tax & Municipal Telecommunications License Tax

THIS BEING THE TIME heretofore set for a public hearing to consider the implementation of a Municipal Energy Sales and Use Tax and a Municipal Telecommunications License Tax.

Council Member Pinon, seconded by Council Member Brems, moved to open the public hearing. The motion passed unanimously.

Mayor Smolka stated the legislature passed a bill allowing metro townships to collect franchise taxes. Metro townships are allowed to collect sales tax and Class B and C road funds. The Council is considering the implementation of this tax to allow for better revenue streams and to fund the metro township itself.

Polly McLean stated there are two taxes that are being considered tonight. Both taxes have been permitted for municipalities to use and would be a first for Emigration Canyon. The Municipal Telecommunications License Tax has a 3 ½% maximum taxable amount and the Municipal Energy Sales and Use Tax has a 6% maximum taxable amount. Because this is a new tax for Emigration Canyon, an estimated tax is not available. If passed, residents will begin being taxed on April 1, 2023. Collected taxes would go into the general fund to be used in Emigration Canyon.

Greg Peterson asked why the maximum taxable percentage was chosen instead of going with a lower amount and what will the funds be used for.

Mayor Smolka stated Emigration Canyon is being subsidized and the collection of these taxes will bring it closer to being able to fund itself.

Mr. Peterson asked if the subsidy will be going away or does the Council just want to be able to fund itself.

Mayor Smolka stated it will help make Emigration Canyon self-sufficient. Funds that help support Emigration Canyon are coming from Magna, Kearns, Copperton, and White City Metro Townships and unincorporated Salt Lake County. Those jurisdictions will want to spend those funds on their own areas.

Council Member Brems stated Emigration Canyon Metro Township is part of Salt Lake Valley Law Enforcement Service Area (SLVLESA), which collects property taxes and uses those taxes to fund Unified Police Department (UPD) services in Emigration Canyon. As SLVLESA projects into the future, it anticipates a shortfall in the next couple of years. The legislature is telling SLVLESA that it will not change the tax structure until it has exhausted all its taxing authority. SLVLESA's member entities agreed to go back to its communities and discuss the possibility of implementing these taxes. Some of the money that will be collected through the Municipal Energy Sales and Use Tax & Municipal Telecommunications License Tax can be used to fund police services.

Gray Rogers asked what the priority are.

Council Member Brems stated funds are short on some road projects that need to be completed and there are numerous areas along the road where the hillside is sloping down.

Mayor Smolka stated some of the projects in the canyon are, drainage along the highway to fix water that is running across the road, slope stabilization, and removing jersey barricades. There is a need for more restrooms in the canyon to accommodate visitors and to improve water quality. There is the possibility of widening the road to accommodate bike lanes.

Mr. Rogers asked if Emigration Canyon Road is Salt Lake County's responsibility.

Mr. Peterson asked how the proposed tax is approved.

Mayor Smolka stated Emigration Canyon Road is the responsibility of Emigration Canyon Metro Township. The final decision will be made by the Council.

Barbara Dixon asked if the tax will be an annual increase.

Mayor Smolka stated no, the percentage will remain the same.

Ms. McLean stated the maximum percentage that the Council can implement is set by state law.

Ms. Dixon stated the Council decided to implement the maximum tax amount.

Mayor Smolka stated yes, and it still falls short of the ultimate goal.

Mr. Rogers asked what the ultimate goal is and how long Emigration Canyon has been obligated to maintain the roads.

Mayor Smolka stated Emigration Canyon has been maintaining the road since it became a Metro Township in 2017.

Steve Hook stated he thought the Greater Salt Lake Municipal Services District (MSD) was responsible for maintaining the road. He did not think it came out of the Emigration Canyon Metro Township budget.

Mayor Smolka stated the MSD manages funds for Emigration Canyon Metro Township; however, the Metro Township pays for all its services out of its own budget, unless grants or other funding is obtained.

Mr. Peterson stated he was not aware that the Metro Township was responsible for the canyon road. Where did the funds for the mill and overlay come from? What is the MSD?

Mayor Smolka stated the funds came from the MSD. The MSD is a district that provides services to its member municipalities. Each member municipality has a representative that sits on the Board of Trustees.

Mr. Hook asked if down the road, if there will be a line item on his bill to support the MSD.

Mayor Smolka stated currently, the MSD cannot collect property tax. Emigration Canyon Metro Township is a completely separate entity from Salt Lake County and the MSD.

Sarina Sinclair stated the highest amount to be collected is being chosen. Those funds go into the MSD pool, will Emigration Canyon Metro Township get what it puts into it? There are three restrooms in a seven mile stretch of road. We live in a canyon, there are slopes and there will always be rocks. It is not guaranteed that we will get this money back that was put in.

Council Member Brems stated all the funds collected from the tax goes directly to Emigration Canyon, not the MSD.

Mayor Smolka stated Emigration Canyon Metro Township will determine where the funds get spent.

Mr. Rogers stated he does not know why it is the Metro Townships responsibility to provide bike lanes and restrooms in the canyon, it will not benefit residents.

Mayor Smolka stated more restrooms will help with water quality and we have a public health responsibility. There have been numerous occasions where individuals are using the restrooms behind garages and trees. Residents do not want individuals coming into their yards to use the restroom.

Mr. Rogers stated he does not want a restroom in front of his home either.

Mayor Smolka stated that is why picking a location that is less intrusive is important.

Deputy Mayor Hawkes stated that the Pinecrest location is the only restroom within the boundaries of Emigration Canyon Metro Township.

Ms. Sinclair stated she thinks it is absurd to foot the bill for more restrooms. There are restrooms at the beginning and end of the ride, it does not take that long to get through the canyon.

Mayor Smolka stated if they are biking that is true; however, if they are jogging, it takes longer. There are different users in canyon.

Mr. Rogers asked if the Metro Township pays to have them built and pumped.

Mayor Smolka stated yes.

Mr. Peterson stated a lot of the canyon is on well water and there is a cost to running the wells and purifying the water. Is it paid for through the water bills?

Mayor Smolka stated the Metro Township is not supplementing the Emigration Improvement District or any other private water companies that are in the canyon. Funds collected will also provide snow plowing and other work that is contracted with Salt Lake County Public Works.

Mr. Hook asked if the Council is planning on bringing on a full-time employee.

Mayor Smolka stated the Council has hired a part-time Administrator, Gordon Bennett. Mr. Bennett is helping to manage various projects in the canyon.

Suzanne Plumb asked why the residents were not a part of the process a long time ago and why they did not know about this when Emigration Canyon became a Metro Township. It does not seem that funds have been appropriated correctly, there needs to be some accountability.

Mayor Smolka stated this tax was not available to the metro townships when they were incorporated in 2017. The legislature had to approve the tax for the metro townships.

Mr. Rogers asked how the Emigration Canyon have been getting along without funds from these taxes.

Mayor Smolka stated in 2017, the metro townships were given 14 percent for Class B and C roads. Around 2019 – 2020, the legislature cut that amount is half and revenues went down. The metro townships had to start looking for other possible funding sources.

Mr. Rogers asked if Emigration Canyon had not incorporated into a metro township, how would these projects be paid for.

Mayor Smolka stated Emigration Canyon would be part of Salt Lake County and it would fund our projects, but we would get the same level of service we had been getting prior to 2017.

Ms. Plumb asked where the accountability is for the money Emigration Canyon gets. She does not feel she has gotten a good explanation of where the money is going.

Mayor Smolka stated the estimate from the taxes would be about \$80,000. Emigration Canyon Metro Townships budget is subsidized by approximately \$244,000 by other entities. Emigration Canyon should be paying more for its share. There is better accountability for funds than ever before.

Ms. Plumb asked how the residents were informed about the proposed tax.

Nichole Watt stated information on the proposed tax was sent by mail to residents, public notices were posted to the Utah Public Notice website, the Council discussed it at previous meetings, and it is in meeting minutes.

Council Member Pinon stated the Council has been discussing this topic over the last year and it has been on the meeting agenda. These funds will provide Emigration Canyon with the opportunity to fund projects.

He read a question that Ms. Plumb asked. about where to find a list of priorities and where the transparency is.

Mayor Smolka stated potential projects and projects completed have come from a few different studies and participation from residents in the community.

Deputy Mayor Hawkes stated she will link those studies to the Emigration Canyon Metro Township website.

Ms. Plumb stated she would like to see a break down of the allocations and how the funds will used before the Council approves the implementation of the taxes.

Mr. Richard Andrew asked if the Council will be voting on the implementation of the tax tonight or at a future meeting and will the decision be in an open or closed meeting.

Mayor Smolka stated the issue is on the agenda to be voted on tonight; however, it does not need to make a decision tonight. The discussion and decision would be made in an open meeting, as this does not qualify for a closed session.

Sally Patrick stated the Council is trying to generate additional revenue so other municipalities do not have to subsidize Emigration Canyon. Would it be possible for the other municipalities to rescind its contributions and if that happens would Emigration Canyon be in trouble.

Mayor Smolka stated the municipalities currently cannot withdraw it, but they can remove its membership from the MSD, and it would take their funding with them. If that happens, Emigration Canyon would be in trouble.

Council Member Brems, seconded by Council Member Pinon, moved to close the public hearing. The motion passed unanimously.

Council Member Brems stated a list of priorities is a good idea and he would also like public input as the list is created.

Council Member Pinon stated the Emigration Canyon Metro Township General Plan helps create the list of priorities.

Deputy Mayor Hawkes stated she would like Council Member Harris to weigh in on the implementation of the taxes and get the information on the website before a vote is taken. She would like to defer the decision to a future meeting.

2023 Emigration Canyon Metro Township Tentative Budget

THIS BEING THE TIME heretofore set for a public hearing to consider the 2023 Emigration Canyon Metro Township tentative budget.

Council Member Pinon, seconded by Council Member Brems, moved to open the public hearing. The motion passed unanimously.

No one spoke in favor or opposition of the 2023 Emigration Canyon Metro Township tentative budget.

Mayor Smolka reviewed the budget stating the budget was cut by 6 -7 percent from last years budget and there were a couple of line items that increased.

Council Member Brems, seconded by Council Member Pinon, moved to close the public hearing. The motion passed unanimously.

Council Member Brems, seconded by Deputy Mayor Hawkes, moved to accept the 2023 Emigration Canyon Metro Township tentative budget. A roll call vote was taken, showing

Mayor Smolka, Deputy Mayor Hawkes, Council Member Brems, and Council Member Pinon, voting “aye”.



Citizen Input

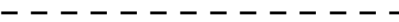
None.



Reports from other Municipal Providers

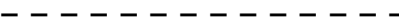
Emigration Canyon Community Council (ECCC)

Bill Tobey stated Lesley Bagley from Pinecrest, Karen Mowrer from Emigration Oaks, and Kurt Wagner from Killyons have joined the Emigration Canyon Community Council. Last month’s roadside fuel reduction project in Killyons Canyon was stopped early because Unified Fire Authority (UFA) reached its seasonal funding limit. The CERT relaunch is on hold until Salt Lake County decides on a training schedule. There are currently 20 volunteers signed up for CERT and recruiting continues. On January 10, 2023, UFA and the State Division of Forestry, Fire and State Lands will meet to update the Metro Township’s Community Wildfire Preparedness Plan and establish a plan for the 2023 fuel reduction projects. The Firewise recertification application has been submitted.



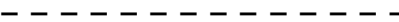
Unified Police Department (UPD)

Detective Larsen reviewed the October statistics stating there were 54 calls for service with 20 initial reports and 8 citations issued. An officer removed some campers.



Unified Fire Authority (UFA)

Mayor Smolka stated he met with Council Member Harris and Chief Dominic Burchett regarding the risk assessment report. The report will be sent to the Council and put on the next Council meeting for discussion.



Salt Lake County Animal Services

Gary Bowen, Emigration Canyon Metro Township Representative, Salt Lake County Animal Services Advisory Board, stated Carrie Sibert, Liaison Coordinator, Salt Lake County Animal Services, sent an email out with a video outlining Animal Services request to the Salt Lake County Council for a regional adoption center.

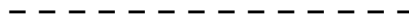


Council Business

CodeRED Usage Policy

Deputy Mayor Hawkes stated she has not received a draft policy for CodeRED.

Cameron Platt stated he will send a draft policy to the Council.



Ordinance Restricting Camping

The Council reviewed the following Ordinance restricting camping:

ORDINANCE NO. 2022-11-03

Date: November 15, 2022

ORDINANCE AMENDING TITLE 13 CHAPTER 04 SECTION 200 "CAMPING RESTRICTED TO DESIGNATED AREAS"

WHEREAS, Utah Code 10-3b-501 vests the powers of municipal government with the Metro Township Council ("Council") and Mayor; and

WHEREAS, Emigration Canyon Metro Township ("ECMT") Council has enacted ordinances to protect the public's health, safety, welfare, and quality of life within the Town, and

WHEREAS ECMT has received reports and complaints about individuals camping in vehicles and otherwise along public streets which create health and safety concerns.

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

Section 1: Title 13 Chapter 04 Section 200 "Camping Restricted to Designated Areas" is amended as follows:

13.04.200 Camping Restricted to Designated Areas

- A. No person shall camp or lodge in any public street or public right of way, except in places specifically designated and set apart for that purpose.
- B. It is unlawful to park any motor vehicle, commercial vehicle, or recreational vehicle on a public road, street, or private property, for purposes of human habitation or for overnight camping from 1:00 AM to 6:00 AM. Any vehicle parked or left standing in violation of this subsection for a period exceeding six consecutive hours may be impounded or removed by a peace officer or other designated official, and the owner may be fined as provided in municipal code.

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C. It is unlawful for any person engaging in the above activities to fail to remove the vehicle or camping equipment for more than thirty (30) minutes after being requested to do so by any police officer.

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

PASSED AND APPROVED by the Emigration Canyon Metro Township Council, Utah, this 15th day of November in the year 2022.

EMIGRATION CANYON METRO TOWNSHIP

/s/ JOE SMOLKA
Mayor

ATTEST:

/s/ SHERRIE SWENSEN

Council Member Pinon, seconded by Council Member Brems, moved to approve Ordinance No. 2022-11-03. The motion passed unanimously.

2023 Emigration Canyon Metro Township Fee Schedule

The Council reviewed the following Resolution adopting the Emigration Canyon 2023 Fee Schedule:

RESOLUTION NO. 2022-11-01

Date: November 15, 2022

A RESOLUTION OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL ADOPTING A FEE SCHEDULE FOR FEES AND OTHER ASSESSMENTS FOR SERVICES PROVIDED BY THE ECMT FOR 2023 AND REPEALING AND REPLACING RESOLUTION 2021-11-03

RECITALS

WHEREAS, the Emigration Canyon Metro Township (“Emigration”) contracts with the Greater Salt Lake Municipal Services District (“MSD”) to provide planning and development services; and

WHEREAS, in addition to Emigration Canyon, the MSD provides planning and development services to the metro townships of Copperton, Kearns, Magna, White City, and the Town of Brighton as well as unincorporated Salt Lake County; and

WHEREAS, Section 3.42.040(A)(1) of the Emigration Canyon Code states that all “fees to be charged by [an Emigration Canyon] office or agency shall be proposed by the agency each year as part of the annual budget processes;” and

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WHEREAS, Section 3.42.040(A)(3) states that “[u]pon review and approval of fees by the...council, the fee schedule shall be placed on file with the...clerk;” and

WHEREAS, the MSD board approved the attached 2023 fee schedule for the planning and development services the MSD provides; and

WHEREAS, the Council fees it is necessary to repeal and replace the previously adopted fees schedule to reflect increase costs and other changes in the Township activities with the attached 2023 fee schedule.

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

1. The 2022 Fee Schedule which was adopted by resolution 2021-11-03 is repealed.
2. The attached 2023 fee schedule is adopted pursuant to Section 3.42.040 of the Emigration Canyon Metro Township Code; and
3. Except as otherwise stated with the attached 2023 fee schedule, the 2023 fee schedule does not modify or alter any civil penalties set forth within the Emigration Canyon Metro Township Code, including but not limited to the civil penalties set forth in Section 19.94.070.
4. This resolution shall be effective January 1, 2023.

APPROVED and ADOPTED this 15th day of November 2022.

EMIGRATION CANYON METRO TOWNSHIP

/s/ JOE SMOLKA
Mayor

ATTEST:

/s/ SHERRIE SWENSEN

Mayor Smolka, seconded by Council Member Pinon, moved to approve Resolution No. 2022-11-01. The motion passed unanimously.

2023 Emigration Canyon Metro Township Meeting Schedule

ORDINANCE NO. 2022-11-04

Date: November 15, 2022

AN ORDINANCE OF THE EMIGRATION CANYON METRO TOWNSHIP
COUNCIL APPROVING AND ADOPTING THE 2023 EMIGRATION CANYON
METRO TOWNSHIP COUNCIL REGULAR MEETING SCHEDULE

DATE TUESDAY NOVEMBER 15, 2022

WHEREAS, Utah Code 10-3-502 requires the council by ordinance prescribe the time and place for holding its regular meeting and hold a regular meeting at least once each month; and

WHEREAS, Utah Code 52-4-101 et seq. requires that metro township council meetings be compliant with the Utah Open and Public Meetings Act; and

WHEREAS, the Emigration Canyon Metro Township Council (“Council”) met in regular session on November 15, 2022, to consider adopting Emigration Canyon Metro Township’s 2023 regular meeting schedule;

NOW, THEREFORE, BE IT ORDINAINED by the Emigration Canyon Metro Township Council, the Council adopts the attached 2022 Emigration Canyon Metro Township Regular Meeting Schedule.

APPROVED AND ADOPTED in the Emigration Canyon, Salt Lake County, Utah this 15th day of November 2022.

EMIGRATION CANYON METRO TOWNSHIP

/s/ JOE SMOLKA
Mayor

ATTEST:

/s/ SHERRIE SWENSEN

Council Member Brems, seconded by Council Member Pinon, moved to approve Ordinance No. 2022-11-04. The motion passed unanimously.

American Rescue Plan Act (ARPA) Funds

Mayor Smolka stated about half of the ARPA funding will be used for the FEMA maps. An additional allocation will be used to purchase equipment for the fire station to accommodate hybrid meetings. The council has until 2024 to allocate the remaining funds.

Update on Broadband

Council Member Pinon stated two residents have signed up for Utah Broadband and two more are coming online. Utah Broadband is looking for another location for a repeater to reach additional residents.

Legal Issues

None.

Budget Items

Mayor Smolka stated invoices for clerk services and legal counsel were paid. Release of a bond was approved for a building project. There will be a public hearing held for the 2022 budget adjustments at the December meeting.

Minutes

Council Member Pinon, seconded by Deputy Mayor Hawkes, moved to approve the minutes of the Emigration Canyon Metro Township Council meeting held on October 25, 2022, with amendments. The motion passed unanimously.



Council Member Reports

Administrative Report

Gordon Bennett stated he has the Owl and will be setting it up at the fire station. The Greater Salt Lake Municipal Services District (MSD) provided him with a laptop to run the Zoom meetings on. Once he gets the equipment setup, he will provide the Council with more details and keep it updated on the internet connection.

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

Council Member Brems stated there is nothing more to report.

Emigration Canyon Metro Township Planning Commission

Matt Starley, Planner, stated the Planning Commission is working on the Dark Sky Ordinance and is progressing well. The Planning Commission will hold a public hearing and then will make a recommendation to the Council.

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

Nothing to report.

Watershed Plan

Nothing to report.

Wasatch Front Waste and Recycling District (WFWRD)

Council Member Pinon stated a public hearing was held last night for the 2023 budget. The Board approved a fee increase.

Association of Municipal Councils

Nothing to report.

Website

Deputy Mayor Hawkes stated she will update the website with information on the Municipal Energy Sales and Use Tax & Municipal Telecommunications License Tax, priority list of projects, studies and information for approved projects, Emigration Canyon Metro Township General Plan, and Utah Broadband.

CodeRED

Nothing to report.

Restrooms

Deputy Mayor Hawkes stated Abstract Masonry is building the windows and door frames. They were scheduled to finish; however, Miller Paving was working on the road and had its material in front of the building, and they could not finish. The restroom will be put back on the schedule for completion.

Utah League of Cities and Towns (ULCT)

Nothing to report.

Greater Salt Lake Municipal Services District (MSD)

Mayor Smolka stated a few vacant jobs were filled and vehicles that were on order have been received. On Thursday at noon, the MSD is having a lunch that the Council is invited to.

Landfill Council

Mayor Smolka stated the landfill is planning on opening pod 8 within the next year.

Wasatch Front Regional Council (WFRC)

Mayor Smolka stated he and Gordon Bennett went to the Wasatch Choice 2050 conference. There is a section from Pioneer Road to the junction of Pinecrest that will be funded in 2032 and there is a possibility to obtain government money for active transportation projects. It is looking at connecting bike trails from Emigration Canyon to Park City.

Council of Governments (COG)

Mayor Smolka stated COG approved a temporary shelter for homeless individuals. Municipalities that have the shelter in its community must fund a percentage of the cost. It is working with the legislature to correct the funding issue.

Other Announcements

Mayor Smolka stated there is a small list of things to complete on Pinecrest that will be completed in the spring.

Deputy Mayor Hawkes asked if Cameron Platt could look into having a fee for expedited or late applications for events.

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THERE BEING NO FURTHER BUSINESS to come before the Council at this time,

DATE TUESDAY NOVEMBER 15, 2022

the meeting was adjourned.

MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

SHERRIE SWENSEN, METRO TOWNSHIP CLERK

By: _____
Deputy Clerk

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