

DATE TUESDAY APRIL 11, 2023

THE MAGNA METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON TUESDAY, APRIL 11, 2023, PURSUANT TO ADJOURNMENT ON TUESDAY, MARCH 28, 2023, AT THE HOUR OF 6:00 P.M. AT THE WEBSTER CENTER AT 8952 WEST MAGNA MAIN STREET (2700 SOUTH), MAGNA, UT 84044.

COUNCIL MEMBERS PRESENT: ERIC BARNEY
AUDREY PIERCE
STEVE PROKOPIS
TRISH HULL
DAN PEAY, Mayor

OTHERS IN ATTENDANCE: PAUL ASHTON, LEGAL COUNSEL
RORI ANDREASON, ADMINISTRATOR

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Mayor Peay, Chair, presided.

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Business Meeting

Pledge of Allegiance

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

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Citizen Public Input

Ms. Carrie Sibert, Liaison Coordinator, Salt Lake County Animal Services Division, stated Animal Services has purchased some microchip scanners for the Magna Metro Township, and it is asking anyone who uses the scanners to schedule training. Pamphlets on how to use the scanners have been prepared and given to Council Member Pierce to disburse.

Council Member Pierce stated in a later meeting, the Council needed to discuss where it wanted to place the scanners and what the protocols would be for those.

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Action/Discussion Items

Resolution 2023-04-01

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Rori Andreason reviewed the resolution awarding the bid and authorizing the Mayor to enter into a contract with Unique Welding for the construction of the Pleasant Green Cemetery sign.

Paul Ashton stated he left the provision blank on how the Council would pay for this, and included a liquidate damage provision if Unique Welding did not have the sign done by Memorial Day, for which the Council needed to set an amount.

Council Member Barney, seconded by Council Member Hull, moved to approve the following resolution 2023-04-01, with the date of Memorial Day for completion of the sign, giving the Mayor the authority to adjust the time frame depending on the contractor's capability. The motion passed unanimously.

RESOLUTION NO. 2023-04-01

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A RESOLUTION OF MAGNA METRO TOWNSHIP COUNCIL APPROVING A
CONTRACT BETWEEN MAGNA METRO TOWNSHIP AND UNIQUE WELDING
TO CONSTRUCT THE PLEASANT GREEN CEMETERY SIGN

WHEREAS, the Magna Metro Township ("Magna") is a Metro Township pursuant to Utah Code §10-2a-401 et seq, and

WHEREAS, the Magna Metro Township Council (“Council”) is a Metro Township Council pursuant to Utah Code §10-3b-504, with the Mayor acting as Chair of the Council pursuant to Utah Code §10-3b-503, and

WHEREAS, in March 2020, the Magna Metro Township purchased the Pleasant Green Cemetery; and

WHEREAS, the sign for Pleasant Green Cemetery was damaged; and

WHEREAS, the Magna Metro Township Council issued a Request for Proposal and decided on a design for a new Pleasant Green Cemetery sign; and

WHEREAS, the Magna Metro Township Council desires to retain the services of Unique Welding to perform the work set forth in the Request for Proposal for construction of the new sign for the Pleasant Green Cemetery.

THEREFORE BE IT RESOLVED by the Magna Metro Township Council as follows:

1. The Council awards the bid for the construction of the Pleasant Green Cemetery sign to Unique Welding and authorizes the Mayor to enter into a contract with Unique Welding for the Construction of the Pleasant Green Cemetery Sign marked Attachment "A" to this resolution.
2. The Resolution shall take effect immediately.

APPROVED AND ADOPTED in Magna, Utah, this 11th day of April, 2023.

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FOR THE MAGNA METRO TOWNSHIP:

/s/ DAN W. PEAY
Mayor

Council Member Barney, seconded by Council Member Hull, amended the motion to approve the following Resolution 2023-04-02, with an amendment that the resolution state the

mayor or elected designee, and that the mayor be required to stay within his spending authority for any expenditures. The motion passed unanimously.

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WHEREAS, MAGNA METRO TOWNSHIP ("Municipality") is a municipal corporation and political subdivision of the State of Utah and, with few exceptions, has the same powers and duties as a city or town pursuant to Utah Code § 10-3c-103; and

WHEREAS, the Municipality, the other Metro Townships, the Town of Brighton, and the County are also members of the Salt Lake Valley Law Enforcement Service Area ("SLVLESA"), a special district (previously known as a local district)¹ that levies taxes within its jurisdiction for law enforcement services and contracts with UPD to provide law enforcement services to the Municipality and the other areas within SLVLESA's service area; and

WHEREAS, during the 2022 Legislative Session, the Utah Legislature passed H.B. 374 with the intended purpose of dissolving UPD, raising questions about the provision of law enforcement services within the Municipality and the other UPD Members; and

WHEREAS, to accomplish its objectives, H.B. 374 effectively removes the Sheriff as the chief executive officer of UPD and SLVLESA, among other things; and

WHEREAS, effective July 1, 2025, H.B. 374 will repeal Subsection 11-13-202(4) of the Interlocal Cooperation Act (the “Title 11 Provision”), which requires the Sheriff “to provide or direct the law enforcement services provided under the [UPD interlocal] agreement;” and

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WHEREAS, effective July 1, 2025, H.B. 374 will also repeal Subsections 17-22-2(1)(o) and 17-22-2(3) (the “Title 17 Provisions”) within Title 17 of the Utah Code, which collectively: (1) authorize the Sheriff to serve as UPD’s chief executive officer as allowed under the UPD interlocal agreement; and (2) the role of the Sheriff to serve in SLVLESA; and

WHEREAS, because UPD and its related statutory provisions are unique to the County as a county of the first class, the anticipated effect of H.B. 374 is to require the Municipality and the other UPD Members to receive law enforcement services in the same manner as municipalities located outside of the County; namely, through the creation of their own police forces, contracts with the Sheriff or another municipality for law enforcement services, or the formation of an interlocal policing service; and

WHEREAS, in the near-term, however, the Municipality and the other Metro Townships lack the statutory authority to impose property taxes or otherwise fund law enforcement services outside of SLVLESA, which may limit their ability to fund and receive law enforcement services in the same way as municipalities outside of the County; and

WHEREAS, while H.B. 374 presents an opportunity for the Municipality and the other UPD Members to build and improve upon the law enforcement services that have received through UPD, implementing this goal will likely require more time than H.B. 374 affords, particularly if additional legislation is needed to provide the Municipality and the other Metro Townships with the same authority as other municipalities to fund law enforcement services; and

WHEREAS, to ensure an orderly implementation of H.B. 374 and to provide certainty to its citizens and its law enforcement officers, the Magna Metro Township Council finds that it is necessary to adopt certain positions and provide direction regarding the Council's goals and priorities for the implementation of H.B. 374; and

NOW, THEREFORE, BE IT RESOLVED by the Magna Metro Council that:

1. Direction to City Attorney: The Council directs the City Attorney as follows:
 - a. The City Attorney is authorized and instructed to engage in negotiations with UPD, the other UPD Members, SLVLESA and its members, and all other relevant persons or entities needed to implement H.B. 374 consistent with this Resolution; and
 - b. In consultation with the Mayor or Mayor's Council Member Designee, the City Attorney is authorized to secure the services of any subcontractors that may be needed for the City Attorney to carry out their duties under this Resolution, including but not limited to the hiring of facilitators and economic experts to assist the City Attorney; and
 - c. The Mayor shall oversee and direct the City Attorney with respect to the implementation of this Resolution.

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2. Near-Term Objectives: It is the Council's position that the development and implementation of an adequate successor to the current UPD law enforcement model will likely require more time than H.B. 374 affords, in which case:

a. The City Attorney is authorized and directed to negotiate a near-term law enforcement agreement or other arrangement that (1) complies with H.B. 374 and the current statutory framework so that the Municipality will continue to receive law enforcement services following the implementation of the Title 11 Provision and the Title 17 Provisions, but (2) does not preclude the Municipality from considering and implementing other law enforcement arrangements in the long-term; and

b. Notwithstanding the apparent intent of H.B. 374, the Council finds that the Title 11 Provision and the Title 17 Provisions do not necessarily require the dissolution of UPD because they are specific to the Sheriff and do not modify the authority of the Municipality and the other UPD Members under Utah Code §11-13-202 to execute interlocal agreements for law enforcement services, in which case reconstituting UPD as an interlocal policing service through a restatement of the current UPD interlocal agreement may represent the most available option for a near-term law enforcement model.

3. SLVLESA: Because the Municipality and the other Metro Townships may lack the ability to pay for law enforcement services outside of SLVLESA, the Council adopts the following positions and policies related to SLVLESA:

a. Any law enforcement arrangement the Municipality may execute in the near term under the current statutory framework will likely require compliance with the current SLVLESA funding model; and

b. The Council recognizes that H.B. 374 may require the County to develop a new funding model for the countywide services the Sheriff provides, but because such funding will benefit all municipalities within the County, it is therefore separate and distinct from the property taxes SLVLESA collects and manages to fund the law enforcement services that benefit the specific unincorporated lands within SLVLESA, in which case the Council supports the development of an agreement between SLVLESA and the County to fund the policing of such lands by the Sheriff or another law enforcement agency; and

c. While the Title 17 Provisions of H.B. 374 may require the removal of the Sheriff as SLVLESA's chief executive officer, it is the Council's position that the bill does not otherwise impact or modify SLVLESA nor does it allow the County to withdraw from or dissolve SLVLESA because: (1) the bill did not modify the withdrawal provisions that apply to special districts that provide law enforcement services; namely, Utah Code §17B-1-505 and 17B-1-505.5; (2) those provisions only allow municipalities to withdraw from such special districts; and (3) unlike a "special services district," SLVLESA is a fully independent political subdivision of the State of Utah pursuant to Utah Code §17B-1-103.

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and therefore cannot be dissolved by the unilateral action of any one of its member entities pursuant to Utah Code § 17B-1-1301, et seq.;² and

d. It is the Council's position that the funding SLVLESA collects from the County's unincorporated lands does not constitute double taxation nor qualify as a subsidy that unduly benefits the municipal members of SLVLESA because (1) the property taxes collected from the unincorporated areas of the County are not used to provide countywide services but rather to fund the policing services the unincorporated lands require, are proportionate to the large size of the unincorporated lands, and remain with those lands and communities rather than be comingled with the funding the County provides to the Sheriff for countywide services; (2) the municipal members of SLVLESA also contribute property taxes to SLVLESA for the law enforcement services they receive that are proportionate to their respective sizes; and (3) while the SLVLESA funding model may allow SLVLESA's member entities to reduce costs by pooling their collective resources, municipal participation in SLVLESA is voluntary and any municipality in the County, including the other UPD Members, can join SLVLESA to realize these cost savings if they so choose; and

e. Because of the key role that SLVLESA will play in funding law enforcement services to the Metro Townships, the Municipality calls on the SLVLESA Board of Trustees to hire a general manager and/or legal counsel as soon as possible; and

f. For the reasons stated above, the Council opposes any effort to withdraw or remove the County from SLVLESA or to dissolve SLVLESA; and

g. To provide the Municipality with maximum flexibility in developing a long-term successor to the current UPD law enforcement model, the Council supports the development and passage of legislation that will allow the Municipality and the other Metro Townships to fund law enforcement services in a manner that is similar to other municipalities in addition to the SLVLESA funding model and instructs the City Attorney, in consultation with the Mayor, to develop such legislation for the 2024 legislative session in collaboration with the other Metro Townships and their respective city attorneys; and

h. Because of the key role that SLVLESA will likely play in the provision of near-term and long-term law enforcement services to Municipality and the other members of SLVLESA, the Municipality's representative to SLVLESA is directed to (1) to work with other members of the SLVLESA Board of Trustees to jointly request and participate in training from the Utah Association of Local Districts ("UASD") on the operation of local districts generally and the specific laws and regulations that apply to SVLESA specifically; and (2) if a joint training from the UASD is not possible, to request and participate in individual training from the UASD or the City Attorney on the operation of local districts generally and the specific laws and regulations that govern SLVLESA.

² As a special district, SLVLESA is separate and distinct from “special service districts,” which are governed by Title 17D of the Utah Code. Unlike a special service district is not fully independent and is ultimately under the control of the municipality or county that created it. Cf. Utah Code § 17D-1-603(1)(authorizing counties to adopt resolutions “approving...the dissolution of a special services district”).

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4. Direction to Representatives of the Municipality:

a. The Municipality's representatives to the UPD Board of Trustees and the SLVLESA Board of Trustees are directed and required to vote in accordance with this Resolution on all applicable matters that may come before either Board of Trustees; and

b. In consultation with the Mayor and subject to the Mayor's oversight and direction, all staff and agents of the Municipality are authorized and instructed to provide the City Attorney with any assistance the City Attorney may direct or otherwise require.

5. Dissemination and Coordination

a. If one or more of the other Metro Townships and the Town of Brighton adopt similar resolutions, the Mayor is authorized to execute and send the joint letter to the County Mayor, the Chair of UPD, and the Chair of SLVLESA attached to this Resolution; and

b. The Mayor and the City Attorney are authorized to provide copies of this resolution to UPD, SLVLESA, the respective members of those entities, and to the public as they deem necessary and prudent; and

c. The Mayor and the City Attorney are authorized to develop and distribute any other joint communications or other strategies with the other UPD Members and members of SLVLESA as they deem necessary and prudent to implement this Resolution if such communications and strategies comply with this Resolution; and

d. The Mayor and the City Attorney are authorized to work with the Municipality's elected representatives and any other members of the Utah Legislature to develop and pass any legislation that may be needed to implement this Resolution.

6. Coordination with the Council: The Mayor and/or the City Attorney shall update the Council on the implementation of this Resolution at each regular Council meeting until further notice.

7. Effective Date: This Resolution will take effect immediately upon its adoption and execution.

ATTESTED:

FOR THE MAGNA METRO TOWNSHIP:

/s/ LANNIE CHAPMAN
Salt Lake County Clerk
Metro Township Clerk/Recorder

/s/ DAN W. PEAY
Mayor

8400 West Sidewalk and Railroad Issue

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Steven Kuhlmeier, Public Works Engineering Project Manager, Salt Lake County Engineering and Flood Control Division, delivered a presentation on Granite School District's request for a sidewalk at grade crossing at 8400 West at the railroad, for both sides of the street or at least the west side. The County has scheduled a site meeting with Union Pacific, the Utah Department of Transportation (UDOT), and Granite School District. UDOT wants this to be a technical meeting on what to construct and the challenges for that construction. He hoped to get an understanding of what the costs and responsibility would be. After that, he would come back to the Council.

Council Member Barney asked if Union Pacific gave any indication that it was resistant to that.

Mr. Kuhlmeier stated he did not know what Union Pacific's disposition was. He has been working with the State, which manages the railroad crossings. The State railroad engineer has been supportive of this and has been coordinating the effort with Union Pacific. He did not know what Union Pacific's disposition was, but he heard from the State that improvements at this location would be on a shorter timeline than what is typically seen for a right of way.

Council Member Prokopis stated if UDOT is going to put in a sidewalk to cross the right of way, he would like to see that sidewalk extended rather than continuing to go nowhere.

Matt Starley, Long-Range Planner, Greater Salt Lake Municipal Services District, stated the Granite School District is pushing for an established route for students to get to high school.

Mr. Khulmeier stated the school district is advocating for an overhead crossing at Cordero, which is consistent with car active transportation plans. In the current regional plan, an overhead crossing is programmed further north.

Council Member Barney stated if the safe walking route was over a skybridge and down the west side of 8400 West, then elementary kids would be encouraged to use it to get to Elk Run Elementary.

Mr. Starley stated Union Pacific is not keen on allowing pedestrian alleys across the railroad tracks, and it may have restrictions for the number of crossings it allows. He asked if the Council wanted to push for both sides.

Mr. Khulmeier stated the County and State would be looking to get an at grade crossing on both sides. Then, there will be future conversations with the school district on a skybridge.

Historic Downtown District Plan

Matt Starley, Long-Range Planner, Greater Salt Lake Municipal Services District (MSD), delivered a PowerPoint presentation on the Magna Historic District Charting a Path

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streetlights that have to be replaced now. Those streetlights would cost \$23,548, plus installation costs. If the Magna Metro Township would pay for the streetlights, the MSD would pay Public Works Operations the labor costs to install and repair the lights.

Mr. Ashton stated the Council can put this on the consent calendar in two weeks, or it can authorize the Mayor to pay for this if it is within his limit.

Council Member Prokopis stated it would be cleaner to put it on next week's agenda.

Full-Time City Manager Position and Advertisement

Rori Andreason stated she needed to get out the advertisement for a City Manager. She asked what the Council would like to include in the advertisement. She has contacted Public Health Employees Program (PEHP) and Utah Retirement Systems (URS) to get insurance and become part of URS, but they needed the employee's name. Some things, such as long-term and short-term disability would have to wait until there were more employees. She asked if the Council wanted to provide sick leave, vacation, holidays, a cell phone, and car allowance, and if it needed to amend the Webster Center agreement and have the person work here, or if the person would be working remotely.

Council Member Hull stated those are all standard benefits for a government employee, which she was okay with providing. She would also want the Magna Metro Township to pay for memberships and dues for the city manager to go to conferences and represent the Council. She thought the city manager should be here sometimes during business hours.

Council Member Barney stated the Council does not need to be specific on a job application.

Council Member Prokopis asked what salary range had been discussed.

Ms. Andreason stated it was between \$165,000 and \$185,000, and the Council wanted someone with experience.

Council Member Prokopis suggested waiting to hire the administrator until after it incorporates. If it incorporates, it will need to hire several employees.

Council Member Hull stated the city administrator could help with the incorporation process and hiring employees afterward.

Ms. Andreason stated she would get the advertisement out, and it will say the position is open until it is filled.

Paul Ashton suggested having a committee of two break down the resumes and bring applicants in for a general review.

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Council Members Barney and **Hull** expressed interest in being on that committee.

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Announcements

Council Member Prokopis stated the Unified Fire Authority has canceled fire school on Friday, April 14, 2023, and rescheduled it for May 19, 2023.

Council Member Hull stated the Drug Take Back Day will be held Saturday, April 22, 2023, from 10:00 AM to 2:00 PM in the Ream parking lot.

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

LANNIE CHAPMAN
METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, MAGNA METRO TOWNSHIP COUNCIL

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