

DATE

TUESDAY

MAY

14, 2024

THE MAGNA CITY COUNCIL, STATE OF UTAH, MET ON TUESDAY, MAY 14, 2024, PURSUANT TO ADJOURNMENT ON TUESDAY, APRIL 23, 2024, AT THE HOUR OF 6:00 PM, AT THE WEBSTER CENTER AT 8952 WEST MAGNA MAIN STREET (2700 SOUTH), MAGNA, UT 84044.

COUNCIL MEMBERS PRESENT: TRISH HULL
STEVE PROKOPIS
AUDREY PIERCE
MICK SUDBURY
ERIC BARNEY, Mayor

OTHERS IN ATTENDANCE: PAUL ASHTON, LEGAL COUNSEL
DAVID BRICKEY, MANAGER

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Mayor Barney, Chair, presided.

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Pledge of Allegiance

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

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Public Comment

Carin Crowe, CEO, Salt Lake Valley Habitat for Humanity, stated that after receiving feedback from Magna residents at last week's Magna City Planning Commission meeting, it rescinded submitted plans. It will revisit the plans to better address community concerns.

Nick Filter expressed frustration over delays in obtaining a building permit for his home addition. He began the process in September 2023 but only received meaningful communication on May 6, 2024. His concerns included a requirement for a drainage study and the installation of a retention basin on his property, which he felt were excessive for a home addition. He also noted discrepancies in permit requirements compared to others. He urged the City Council to improve customer service, ensure transparency in the permit process, and reconsider the curb and gutter installation demand.

Annabeth Nakum stated that she had lived in Magna for fifty years and is happy with Habitat for Humanity's presence in Magna and grateful for the Council's responsiveness to the community.

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Jeff Scott stated he owns the property near Habitat for Humanity. He raised concerns about the project's density, building heights, and parking. He thanked the Council for reconsidering the plans.

John Hardman stated he owns property next to Habitat for Humanity. He thanked the Council for addressing concerns and emphasized the need for clarity on maintaining single-family dwelling zoning.

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Unified Police Department Report

Chief Del Craig stated there had been a significant increase in vandalism around Matheson Jr. High and Elk Run Elementary Schools. Nearly 100 windows were broken at Matheson Jr. High with an estimated \$50,000 in damage and Elk Run Elementary's estimate for damages is approximately \$10,000. Arrests of some juveniles have been made. Multiple vehicles and LDS churches have been damaged as well. The incidents continue to be investigated.

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Community Stakeholder Reports

4th of July

Kari Duckworth stated there were 35 entries confirmed for the parade and seven sponsors, with a committed sponsorship amount of approximately \$5,500. Efforts were ongoing to secure additional sponsors. T-shirt sales had begun for the year. A meeting at the park was held the previous day to plan the layout in a way that would accommodate more visitors, aiming to position activities towards the front to reduce walking distance for attendees.

For entertainment, a local band called Jagertown, which has gained mainstream recognition, was booked. However, securing the band required additional funds beyond the initial budget. Ms. Duckworth requested an adjustment to the budget to allocate an additional \$2,500 from reserve funds. This amount would supplement the \$1,500 already secured as part of the entertainment package. Kari acknowledged that the amount requested was significant but emphasized the importance of the band for the event.

She also mentioned that efforts were being made to involve the local media to feature the event, though it was uncertain if they would attend.

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Consent Agenda

Minutes

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Council Member Hull, seconded by Council Member Sudbury, moved to approve the minutes of the Magna Metro Township meetings held on March 12, 2024 and March 26, 2024. The motion passed unanimously.

Public Hearing to Consider FY2025 Magna City Final Budget

Council Member Hull, seconded by Council Member Sudbury, moved to set a public hearing to consider the adoption of the proposed FY2025 Magna City Final Budget for June 11, 2024, at 6:00 PM. The motion passed unanimously.

Public Hearing to Consider Increases to Elected, Appointed and Executive Municipal Officers

Council Member Hull, seconded by Council Member Sudbury, moved to set a public hearing to consider increases to elected, appointed, and executive municipal officers for Magna City for June 11, 2024, at 6:00 PM. The motion passed unanimously.

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Discussion and Action Items

Fiscal Year 2025 Magna City Tentative Budget

Dave Sanderson, Financial Manager, stated a public hearing needs to be set for the FY2025 Tentative budget.

Council Member Sudbury, seconded by Council Member Hull, moved to set a public hearing to consider adoption of the FY2025 Magna Tentative Budget for May 28, 2024, at 6:00 PM. The motion passed unanimously.

FY2025 Magna City Municipal Fee Schedule

Dave Sanderson, Financial Manager, stated a public hearing needs to be set for the FY2025 Magna City Municipal Fee Schedule.

Council Member Hull, seconded by Council Member Sudbury, moved to set a public hearing to consider adoption of the FY2025 Magna City Municipal Fee Schedule for June 11, 2024, at 6:00 PM. The motion passed unanimously.

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Municipal Energy, Sales, and Use Tax, Municipal Telecommunications License Tax, and Property Tax

Paul Ashton stated now that Magna is a city, there are three available taxes. Funds are primarily needed for public safety. Funding for the Unified Police Department (UPD) for the next fiscal year was secured by drawing down reserves. While this approach is permissible and maintains the statutory minimum reserve levels, it was acknowledged that it is not an ideal budgeting practice.

Mr. Ashton reviewed the following three taxes.

1. **Energy Tax:** This tax, which can go up to 6%, is common and familiar, being applied to utility bills. It requires entering into agreements with the State Tax Commission and energy providers. The tax is primarily paid by customers.
2. **Telephone Communication Tax:** This tax, set at 3% and an additional half percent, is typically paid by utility companies, who pass the cost through the Public Service Commission process. During negotiations with utility companies for franchise agreements, it was noted that if this tax is imposed, the usual fees charged for the use of public rights-of-way could be offset by the tax. Both the energy and telephone communication taxes are available for implementation without requiring a public hearing. However, it was recommended to hold a public hearing in June to discuss the implementation of these taxes. Ordinances for the taxes and agreements with the Tax Commission would be prepared for consideration.
3. **Property Tax:** The third tax discussed was the property tax, which is more complex and often unpopular. The process for imposing a property tax was described as difficult and lengthy, requiring careful consideration and planning. A session on June 6th was mentioned, where further guidance on the process would be provided for those interested.

Revenue from property taxes, if implemented, would not be realized for at least a year, possibly longer. This raises the question of how to determine the necessary amount for property tax when the revenue from other taxes, like the energy tax and the telecommunication tax, is still uncertain. The UPD budget and other financial needs might be covered by the revenue from these other taxes, potentially making property tax collection unnecessary. However, this remains unknown at this time, and the decision will ultimately rest with the Council.

Council Member Prokopis asked whether 6% is the maximum rate for the Municipal Energy Tax and if the Council is required to implement the full 6% rate.

Mr. Ashton stated no and advised to set the Municipal Energy Tax at the maximum rate of 6% initially. Once there is a clearer understanding of the revenue generated, the rate can be adjusted downward if necessary.

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Council Member Prokopis stated Salt Lake Valley Law Enforcement Service Area (SLVLESA) has hit its cap. He suggested that the Council could request the legislature to raise the cap on what SLVLESA could levy.

Mayor Barney stated in Magna, law enforcement is funded through a special services district known as the Salt Lake Valley Law Enforcement Service Area (SLVLESA). This funding is reflected as a line item on property tax bills. SLVLESA covers law enforcement for several cities and unincorporated areas in the county.

The current discussion revolves around an anticipated shortfall in SLVLESA's funding over the next two years. As a result, participating cities, including Magna, may need to contribute additional funds to cover the gap and ensure adequate funding for their policing needs. This shortfall and the required contributions are the primary concerns being addressed.

Mr. Ashton proposed holding a public hearing on June 1st at 6:00 PM to discuss the various taxes, including the Municipal Energy Tax and other related matters.

Council Member Sudbury, seconded by Council Member Hull, moved to set a public hearing to receive public comments on the Municipal Energy Sales, and Use Tax, Municipal Telecommunications License Tax, and Property Tax for June 11, 2024, at 6:00 PM. The motion passed unanimously.

Rezone Request

REZ2023-001004 – Pablo Tovar is requesting approval to rezone a property from an M-1 Manufacturing Zone to the M-2 Manufacturing Zone located at 7251 West 2100 South.

Brian Tucker, Planning Manager, Municipal Services District, stated the property is currently a 3.996-acre parcel zoned M-1, and is used for truck storage. This use was approved a few years ago under the old M-1 zoning. With the recent update to the zoning districts, where M-1 now represents light industrial uses and M-2 represents heavy industrial uses, the current zoning no longer aligns with the property's use. To continue the existing use and extend it, the applicant is proposing to rezone the property from M-1 to M-2.

Mayor Barney stated this item will come back in two weeks for approval.

Wasatch Front Waste and Recycling District (WFWRD) Neighborhood Cleanup

Paul Ashton stated WFWRD provided the following options to support neighborhood cleanup:

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1. Landfill vouchers at no cost to the municipality.
2. Provide an 18-yard trailer rental paid by the municipality cost per residence.
3. Provide an 14-yard container delivery to residential property.
4. Provide trailers or containers parked at a central location for one day.

Council Member Sudbury suggested placing dumpsters around the town once a month, from spring to fall, in various areas for overnight use. This approach aims to facilitate widespread cleanup rather than addressing individual yards. During a conversation with Pam Roberts, General Manager, WFWRD, she indicated that WFWRD would not be able to provide that type of service.

Mayor Barney asked how WFWRD could accommodate the residents' request, noting they stopped the neighborhood cleanup program due to insufficient drivers and funding. WFWRD's resources are already committed to a reservation program this summer.

Mr. Ashton stated that the item was added to the agenda to seek Council's instructions. David Brickey is looking for approval to prepare a proposal request from other carriers, which he will then bring back to the Council.

Council Member Sudbury, seconded by Council Member Hull, moved to direct David Brickey to move forward with an RFP to obtain quotes from various dumpster companies. The motion passed unanimously.

Chapter 14 – Utility Facility Review Board Act

Brian Tucker, Planning Manager, Salt Lake County Municipal Services District, stated a high voltage transmission line is planned to extend from Tooele to near the airport, passing through approximately one-fifth of a mile in Magna. The transmission line project requires notifying the local authorities and property owners, with Kennecott being the sole property owner in Magna.

The purpose of the notice is to provide the option to request that the line be buried underground instead of being overhead. However, this would entail covering the significant cost difference between underground and overhead installation. Given the small segment in Magna and the extensive overhead lines in the surrounding areas, it is unlikely that any of the line will be buried in Salt Lake City or Salt Lake County. The decision to pursue underground installation in Magna would involve substantial expense, which would need to be considered if the Council decides to proceed with that option.

Mahogany Ridge Planned Community Amendments

File #OAM2024-001065 – Ross Dinsdale of Ivory Homes requests amendments to the Mahogany Ridge Planned Community Development Agreement.

Jeff Miller, Planner II, Municipal Services District, stated the first proposed amendment is to allow for the proposed gas station at the corner of 4100 South and 8400 West to not require the C-Store to be placed on the corner of the property. The second proposed change is to remove the requirement to require 10 feet of spacing between driveways. Ivory has recently requested exceptions to this roadway standard for their Gabler's Grove Subdivision. Ivory Homes indicated that the project developers would cooperate with Magna City to preserve an area for a monument sign at the corner.

An updated traffic study for Mahogany Ridge was reviewed, focusing on Cordero Street, which has a 28-foot-wide pavement. The study suggested that this width could be feasible, but the planning staff still recommended moving to a 35-foot cross-section. According to Section 19.04.030 of the code, a collector street is defined as one that carries traffic from local streets to the arterial street system, including principal entrance streets in residential developments. Given this definition, the planning staff considered Cordero Street a principal entrance street and therefore classified it as a collector street, which would necessitate a wider pavement.

Three options were discussed:

1. 28-foot Pavement: The current development plan, preferred by some because it acts as a traffic calming measure.
2. 35-foot Pavement: Recommended by the staff, this option allows for parking on both sides of the street and also acts as a traffic calming measure.
3. 41-foot Pavement: An option suggested by engineering, though there were concerns about making the road too wide, which might reduce its traffic-calming effect.

Contrary to initial analysis, the 35-foot pavement option would indeed allow parking on both sides of the street when accounting for the additional two feet on both sides provided by the gutter.

Council Member Prokopis stated concerns about the burden of traffic control at the intersection on Cordero Drive, particularly with the larger DR Horton development and the high school on the west side, which is expected to generate significant traffic. The question was posed as to why the traffic impact on the west side, where Cordero Drive is a big, wide road, was not accounted for more thoroughly in the planning and why the intersection on the west side was not considered for traffic control measures, given the anticipated higher traffic volumes in that area.

Mr. Miller stated the responsibility for implementing traffic control measures at the intersection on Cordero Drive should involve multiple stakeholders. This might include collaborating with the school district, DR Horton, and possibly other parties to share the burden of addressing the traffic concerns generated by the development and the high school.

Mayor Barney stated that the Utah Department of Transportation (UDOT) is open to traffic calming measures on 8400 West before 4100 South, including installing islands similar

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to those past the railroad tracks, and a possible stoplight. Despite owning the road, UDOT prefers a shared cost approach, which could be acceptable to all parties involved.

Council Member Prokopis stated initial discussions considered a taller fence between the fire training property and the east fence in the Mahogany Ridge due to the different uses, but this proposal was excluded from the final development agreement despite prior council deliberations.

Council Member Hull stated a signal needs to be installed on U-111 by August 2025.

Mr. Miller stated one option to address the traffic control needs at the intersection on Cordero Drive is to seek appropriate funds from the state legislature for signalization. However, securing these funds could be a lengthy process, potentially taking around three years to obtain the necessary resources.

Mayor Barney asked what the cost is for a stop light.

Mr. Miller stated that signalizing an intersection with UDOT in Tooele County typically costs between \$400,000 to \$500,000 for the mechanisms alone, not including road widening and other related expenses.

Mayor Barney stated developers will enhance the streetscape as part of their development process. The current focus is solely on the footing, pole, and signal technology for the intersection.

Ross Dinsdale, Ivory Homes, the updated traffic study indicated that the 28-foot asphalt width is sufficient to handle the traffic generated by the development. The study showed that traffic is heaviest at the entrances, where vehicles quickly turn and disperse throughout the development, leading to lighter traffic flow in the middle areas. When discussing with the traffic engineer, it was noted that switching from the 28-foot width to the 35-foot width would not significantly impact the traffic projections, meaning that all the traffic numbers would remain the same regardless of the road width. Cordero Drive, if expanded to a 35-foot-wide road, would allow for on-street parking. This increased width would provide additional parking capacity along the street while maintaining traffic flow.

Council Member Sudbury stated concerns in regards to increasing Cordero Drive to a 35-foot width, which would allow on-street parking. It might lead to issues similar to those already seen in the community, where streets are often congested with parked cars, making it difficult to navigate. This situation is something the community has been trying to avoid, as it was part of the argument against allowing extensive on-street parking in the first place. The goal is to prevent the same congestion problems from occurring on Cordero Drive.

Brian Tucker, Planning Manager, Salt Lake County Municipal Services District, explained that a 25-foot-wide asphalt section accommodates tight parking on both sides, with a 2.5-foot curb and gutter, and 2-foot flat portions on each side, there is 39 feet of space, allowing

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for parking while maintaining two travel lanes. This setup enhances neighborhood safety while providing sufficient space for drivers.

Mr. Dinsdale stated regardless of whether the development consists of single-family homes or townhomes, people tend to park in the closest spot available, even if it is not the most suitable parking spot. The design includes a two-and-a-half-foot curb and gutter, which provides an additional two-foot flat portion on either side of the road. This results in a total of 39 feet of space, which is sufficient to allow parking on both sides of the street while still maintaining two travel lanes. This design aims to accommodate parking needs while ensuring that traffic can continue to flow smoothly through the area.

Mr. Tucker stated that in the original development agreement, Cordero Drive was planned to be 35 feet wide. However, this was later changed to 28 feet. A comment was made by engineering regarding this change, but it was not clearly emphasized or followed up on in the amended agreement. This lack of clarity might have led to some confusion or oversight regarding the final width of the road.

Mr. Dinsdale stated the primary concern was making changes to the development agreement and plans, particularly regarding the width of Cordero Drive, would cause delays. The team is eager to begin building phase two of the development as soon as possible. They currently have crews actively building homes, and following their typical schedule, they would soon be ready to start on phase two. However, any modifications to the agreement or plans would take time, potentially pushing back the construction timeline and creating hurdles for the project.

It was proposed to explore the possibility of accommodating a trail on the west side of Cordero Drive within the development. This trail could be an eight to ten-foot-wide asphalt path, providing an alternative to a traditional sidewalk. Such a trail would enhance the neighborhood and serve as a valuable amenity for the community.

While accommodating the concerns of engineering, the biggest challenge is time. The added costs associated with the changes can be managed, but expediting the process is crucial. A request was made to explore any possible ways to accelerate the approval and implementation process to avoid delays in the development.

Council Member Hull asked if 10-foot-wide trail would be included in the 35-foot road width.

Mr. Dinsdale stated since the road is already being widened, it would be relatively straightforward to extend the width to 35 feet. Phase two and three could easily be built prior to August 2025 if the planning process does not take too much time.

To obtain a permit from UDOT for a road connection, the typical process would involve their approval of the connection from Cordero Drive to 84th West. UDOT would likely require that the connection be configured as a right-in, right-out access only. If the connection to 84th West is quickly established, it would provide UDOT with sufficient time to coordinate the connection with the city. The city could then request UDOT to conduct a warrant study. If the study determines that a traffic signal is necessary, UDOT would then be responsible for constructing it.

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Mr. Miller stated UDOT would need a traffic study completed; however, he believes that the traffic study from Ivory Homes would be sufficient.

Mr. Dinsdale stated if the connection to Cordero Drive is established and left in place, UDOT would be responsible for constructing the traffic signal. Ivory Homes would handle most of the planning for the signal to ensure that everything is correctly positioned. This would allow UDOT to focus on the installation of pole bases and the signal itself.

Mayor Barney stated the request is to allow an exception to the current code to allow Maverick to build without adhering to the usual requirement of occupying the corner of the building. Additionally, a modification to the agreement was suggested to remove the distance requirement between driveways. The plan is to widen Cordero Drive to 35 feet and add a 10-foot-wide pedestrian path.

Mr. Miller stated staff's recommendation would be the 35-foot road width and that the council provide direction to allow Ivory Homes to proceed with the 35-foot width.

Third Amendment to the Greater Salt Lake Municipal Services District (MSD) Agreement regarding Clerk Services

Paul Ashton stated the county is currently providing services for the Metro Townships and is willing to continue until the MSD can hire someone. They are prepared to manage the minutes until a new hire or an amendment to the Master Interlocal Agreement is made. This follows statutory exceptions originally for Metro Townships, now extended to the MSD. Each entity must approve a simple third amendment to the Master Interlocal Agreement for formalization.

Mayor Barney stated that the MSD is seeking to hire a clerk to provide services for all members, replacing the county clerk who has been notified to continue until a replacement is found.

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Manager / City Attorney Updates

No update given.

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Council Reports

Greater Salt Lake Municipal Services District (MSD)

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Council Member Pierce stated the MSD meeting focused on selecting contractors for the remodel at the new location in Taylorsville.

Magna Mosquito Abatement District

Council Member Pierce stated the District will be doing pre-spring treatments to prepare for upcoming events.

Unified Fire Authority (UFA)

Council Member Hull stated there will be a 5.5% increase in the member fee, which will be processed through UFSA. They noted that a tax increase had already been implemented last year, so this increase is covered. She strongly urged the community to avoid using fireworks as the season approached, emphasizing the dangers of sparklers. Sparklers can reach temperatures of 1,200 degrees Fahrenheit and cautioned against letting young children handle them due to the risk of severe burns.

Unified Police Department (UPD)

Council Member Prokopis stated the Board discussed the tentative budget and the separation between the Sheriff's Department and UPD. The board aimed to cap the budget increase at 7% for those who wished to remain with UPD, believing they could manage within that limit. The tentative budget came in with a 5.5% increase, which was below the cap but still represented an increase.

Efforts have been made to find efficiencies on both the Sheriff's and UPD sides, but progress has been slow. The sheriff intends to take forensics services back to the county. Details are still being worked out, with this process expected to continue through July 1st.

Greater Salt Lake Municipal Services District (MSD)

Mayor Barney stated it was budget season and that a public hearing for the fiscal year budget had been held. The Audit Committee also provided a report during the meeting. Additionally, there was a tentative motion to swap Mayor Bush from Kearns with Mayor Barney, placing to serve on the Audit Committee.

Public Open House

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Mayor Barney stated a public open house would be held on June 3rd to address community concerns and misinformation about recent changes, particularly around taxation. They noted that misinformation was spreading on social media and emphasized the need to provide accurate information. The session will cover the history, current status, and future outlook, including the path to taxation. Matheson Junior High has been reserved for the event, which will start at 7:00 PM, with community stakeholders and MSD partners invited to participate.

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Closed Session

Council Member Hull, seconded by Council Member Sudbury, moved to close the public meeting to discuss pending or reasonably imminent litigation. The motion passed unanimously.

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

ATTEST:

By Yvonne Smalley
City Recorder

Paula Hull
CHAIR, MAGNA METRO TOWNSHIP COUNCIL

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