

DATE TUESDAY DECEMBER 18, 2018

THE MAGNA METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON TUESDAY, DECEMBER 18, 2018, PURSUANT TO ADJOURNMENT ON TUESDAY, DECEMBER 11, 2018, 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 FERGUSON
TRISH HULL
BRINT PEEL
STEVE PROKOPIS
DAN PEAY, Mayor

OTHERS IN ATTENDANCE: PAUL ASHTON, LEGAL COUNSEL, MAGNA METRO TOWNSHIP
GREG SCHULZ, STAFF, MAGNA METRO TOWNSHIP

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Mayor Peay, Chair, presided.

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Staff Meeting

The Council discussed the following agenda items:

- Update and staff direction on the Little Valley Gateway Master Development Agreement
- Request to investigate scooters
- Strategic Planning Vision and Mission Committee
- Inland Port Authority Board
- Magna Coalition
- Community Economic Development Assistance Corporation (CEDAC) Board of Directors appointment & infrastructure projects
- Council board assignments for 2019
- Greater Salt Lake Municipal Services District Board of Trustees
- Municipal Emergency Management meeting on December 19th

Council Member Ferguson, seconded by Council Member Prokopis, moved to close the staff meeting and go into the public meeting. The motion passed unanimously.

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Public Hearing for the 2019 Magna Metro Township Budget

THIS BEING THE TIME heretofore set for a public hearing to hear public comment on the 2019 recommended budget for the Magna Metro Township.

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Greg Schulz reviewed the 2019 Magna Metro Township recommended budget, which the Council tentatively approved the end of November. There have been no changes since then, but there is one clarification – under Justice Court revenue, it should say “fines and forfeitures,” rather than “fees and fines.” The administrative budget projects revenues and shows the balance.

Paul Ashton asked if that was posted, for the record.

Mr. Schulz stated it was noticed in the commercial record two weeks in a row. It was posted here at the Webster Center, on the Magna Metro Township’s website, and on the Public Notice Website.

Council Member Prokopis, seconded by Council Member Hull, moved to open the hearing for the 2019 recommended budget. The motion passed unanimously, showing that all Council Members present voted “Aye.”

Todd Richards, Magna Metro Township Planning Commission, thanked the Council for funding the training for the planning commission, and stated it would like more funding for training.

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



Public Meeting

Council Member Hull opened the meeting with the following “Reading/Thought”:

*“The meaning of life is to find your gift. The purpose of life is to give it away.”
Pablo Picasso*



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



Approval of Minutes

Council Member Ferguson, seconded by Council Member Peel, moved to approve the minutes of the Magna Metro Township meetings held on October 9, 2018, and October 23, 2018. The motion passed unanimously.



Citizen Public Input

Mark Elieson commended the Magna Metro Township Council for the progress it made this year, but stated it still needed to get issues taken care of, such as ordinances.

Donnie Sweazey stated code enforcement infractions have cost his family \$8 million. His property is zoned M-2, which is a permitted use for towing and storage, but he does not have a business license. His family is being fined for trying to bring in an income, as opposed to being on government assistance. He asked the Mayor for an abeyance for vehicle infractions, so his family can get rid of the vehicles. Motor vehicle enforcement is only giving them 90-120 days to do so, but he needed longer than that. Then, he would list the property for sale and move.

Paul Ashton stated it is Code Enforcement's job to enforce the code as it exists. He advised Mr. Sweazey to get legal counsel.

Todd Richards thanked the Council for appointing him to the Magna Metro Planning Commission, having moved him and another alternative up to fulltime members.

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Reports from Other Municipal Service Providers

Unified Police Department

Chief Jason Ackerman, Magna Precinct, stated there were no updates today.

Council Member Hull stated she saw scooters across from the liquor store this morning and asked about safety issues.

Chief Ackerman stated riders are warned to wear helmets and protective gear, but he has never seen anyone do that. Also, some scooter companies say they are to be ridden on sidewalks, others say they should be on the road. He thought they should be treated like bikes – ridden on the road obeying traffic laws. It is tough to enforce that though because of kids riding their scooters on the sidewalks.

Paul Ashton stated cities need to regulate scooters through ordinance.

Greg Schulz stated he will look into what Salt Lake City and other entities have done in their ordinances.

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Council Business

Unified Fire Authority (UFA)

Council Member Prokopis stated he attended the Unified Fire Authority (UFA) Board of Trustees meeting this morning, where the board talked about weighted voting. There were four options and opinions were all over the board. A hybrid was suggested where there would be one vote per entity except when there was a budget item that would financially, adversely impact a larger city versus a smaller city, in which case, a weighted voting system could be imposed. It could be based on a couple options – the census, or a percentage of the vote based on population or the overall budget. Someone at the meeting pointed out that the Greater Salt Lake Municipal Services District (GSLMSD) had a weighted voting system, which seemed to be working for it, and directed the UFA attorney to take a closer look at that and see if it was something that might work for the UFA. The board did not make a decision; it will wait and see what the attorney brings back.

Paul Ashton stated the GSLMSD’s weighted vote is only used if someone petitions for it and it is on a budget item. For the UFA, a hybrid approach may be a better approach because sometimes there will not be a quorum.

Council Member Prokopis stated he felt the board was trying to address a problem that did not exist. He has attended the majority of board meetings for years and has never seen a super close vote, regardless of the size of the entity. This is a district model and there are givers and takers in any district and using a weighted vote system loses sight of that. If there is a weighted vote and as things grow, two cities - Taylorsville and Millcreek could carry the weight of the board and dictate what the other nine cities would do. He would prefer one vote per entity.

Council Member Ferguson stated he would like to go on record supporting that opinion.

Council Member Peel asked who was pushing for the weighted vote.

Council Member Prokopis stated Riverton was pushing for it, but Herriman and Millcreek are watching it closely as well.

Greater Salt Lake Municipal Services District

Council Member Peay stated the Greater Salt Lake Municipal Services District is finishing up with its budget. It has several employees now, some of them recently hired, and is getting traction to being on its own.

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2019 Magna Metro Township Budget

Council Member Peay reviewed the following resolution of the Magna Metro Township Council adopting the 2019 Magna Metro Township budget:

RESOLUTION NO. 18-12-02

Date: December 18, 2018

A RESOLUTION OF THE MAGNA METRO TOWNSHIP COUNCIL ADOPTING
THE 2019 MAGNA METRO TOWNSHIP TENTATIVE BUDGET

RECITALS

- A. The Magna Metro Township (“Magna”) is a municipality pursuant to Utah Code §§ 10-2a-401 *et seq.*
- B. The Magna Metro Township Council (the “Council”) is the municipal legislative body for Magna pursuant to Utah Code § 10-3b-501.
- C. As a part of the budget process, pursuant to Utah Code §§ 10-6-111 *et al.*, Magna was required to prepare an annual tentative budget for consideration, possible amendment, and tentative adoption.
- D. On November 27, 2018 the Council adopted the tentative budget and set the date for the public hearing for consideration and possible final adoption of the budget for December 18, 2018 at 7:00 pm at the Webster Center located at 8952 West Magna Main Street Magna, Utah.
- E. On December 5, 2018 the Greater Salt Lake Municipal Services District (GSLMSD) Services District adopted their 2019 Budget, making the funding available to Magna to fund their 2019 Budget.
- F. The noticing for the public hearing and copies of the budget (Exhibit “A” to this resolution) were made available for public consideration at least seven (7) days prior to the date of the public hearing to formally adopt the budget pursuant to UCA §§ 10-6-113 *et al.*
- G. Adoption of the FY2019 Budget will allow Magna to fund the governance work of Magna.

RESOLUTION

THEREFORE, BE IT RESOLVED, the Council hereby adopts the 2019 Magna Budget Tentative Budget, Exhibit “A,” and establishes it as the framework for funding Magna’s governance work for 2019.

APPROVED AND ADOPTED in Magna, Salt Lake County, Utah this 18th day of December 2018.

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By: /s/ DAN W. PEAY
Mayor

ATTEST

By: /s/ SHERRIE SWENSEN
Salt Lake County Clerk
Metro Township Clerk/Recorder

Council Member Ferguson, seconded by Council Member Prokopis, moved to approve Resolution 18-12-02 of the Magna Metro Township Council adopting the 2019 Magna Metro Township budget. The motion passed unanimously.

2019 Magna Consolidated Fee Schedule

Council Member Peay reviewed the following resolution of the Magna Metro Township Council adopting the 2019 Magna consolidated fee schedule.

RESOLUTION NO. 18-12-03

Date: December 18, 2018

A RESOLUTION ADOPTING THE 2019 MAGNA CONSOLIDATED FEE SCHEDULE FOR MAGNA

RECITALS

- A. The Magna Metro Township (“Magna”) is a municipality pursuant to Utah Code §§ 10-2a-401 *et seq.*
- B. The Magna Metro Township Council (the “Council”) is the municipal legislative body for Magna pursuant to Utah Code § 10-3b-501.
- C. The Greater Salt Lake Municipal Services District (the “MSD”) is a local district that provides certain municipal-type services to Magna pursuant to UCA §§ 17B-2a-1103 *et al.*
- D. The Council adopted the 2018 Consolidated Fee Schedule on February 27, 2018.
- E. In October 2018, after staff review, there changes recommended to the Fee Schedule for 2019.
- F. The 2019 Magna Tentative Budget, and recently adopted Greater Salt Lake Municipal Services District Budget both used revenue projections based on the Fee Schedule.
- G. Pursuant to State Law, Magna must annually adopt a consolidated fee schedule.

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H. Adoption of the 2019 Consolidated Fee Schedule allows Magna to comply with State Law.

RESOLUTION

THEREFORE, BE IT RESOLVED, the Council hereby approves this resolution adopting the Proposed 2019 Consolidated Fee Schedule as amended, hereinafter known as Attachment "A," to comply with State Law.

APPROVED AND ADOPTED in Magna Metro Township, Salt Lake County, Utah this 18th day of December 2018.

By: /s/ DAN W. PEAY
Mayor

ATTEST

By: /s/ SHERRIE SWENSEN
Salt Lake County Clerk
Metro Township Clerk/Recorder

Greg Schulz stated the only changes to the fee schedule for this year were the normal cost adjustments that occur under Planning and Development Services, i.e. costs per square foot, etc. The Council can choose to amend the fee schedule by adding a one-time \$750 fee for annexation, knowing it costs the Magna Metro Township about \$2,000 to do an annexation. The \$750 would help defray costs in the event of a future annexation. Right now, there is nothing allocated for that.

Council Member Peel asked how that amount compared to what other municipalities did.

Mr. Schulz stated it is on par with what most municipalities do.

Paul Ashton stated the consolidated fee schedule is based upon the old fee schedule of Salt Lake County. The Greater Salt Lake Municipal Services District (GSLMSD) is encouraging all the metro townships to draft a uniform fee schedule so developers and others can have some consistency. The County Auditor has asked the metro townships to look at their fees because they cannot use fees as a profit center; fees have to reflect cost.

Council Member Ferguson, seconded by Council Member Hull, moved to approve Resolution 18-12-03 of the Magna Metro Township Council adopting the 2019 Magna consolidated fee schedule, with the amendment that an additional \$750 Annexation Fee be added as a fee to new applicants applying for annexation. The motion passed unanimously.



Public Hearings

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THIS BEING THE TIME heretofore set for a public hearing to receive public comment regarding the following request:

Ordinance #18-12-01 – An ordinance of the Magna Metro Township Council creating Chapter 16.01 – Inland Port Authority District for the purpose of managing the land use process for properties located in the Utah Inland Port, pursuant to Utah Code § 11-58: “Utah Inland Port Authority Act.”

ORDINANCE NO. 18-12-01

Date: December 18, 2018

AN ORDINANCE OF THE MAGNA METRO TOWNSHIP COUNCIL CREATING CHAPTER 16.01-INLAND PORT OVERLAY DISTRICT FOR THE PURPOSE OF MANAGING THE LAND USE PROCESSES FOR PROPERTIES LOCATED IN THE UTAH INLAND PORT PURSUANT TO UTAH CODE § 11-58: “UTAH INLAND PORT AUTHORITY ACT”

The Magna Metro Township Council does hereby ORDAIN as follows:

RECITALS

WHEREAS, during the 2018 Utah State Legislature’s General Session, the legislature passed Fourth Substitute Senate Bill 234: “Utah Inland Port Authority,” creating Utah Code Chapter § 11.58: “Utah Inland Port Authority Act”, *et al*; and

WHEREAS, one of the key sections of the bill requires a municipality with land in the boundary of the Inland Port to create an Inland Port Overlay District to manage the local land use process for properties contained in the Inland Port; and

WHEREAS, almost ten (10) percent of the property acreage located in the boundaries of the Utah Inland Port are located in Magna, necessitates the establishment of an Inland Port Overlay District for Magna for Magna to continue providing land use governance to those properties located in the Utah Inland Port.

RESOLUTION

BE IT THEREFORE RESOLVED, the Magna Metro Township Council does hereby adopt the following ordinance, to be added to the Magna Metro Township Code of Ordinances:

Chapter 16.01 – Inland Port Overlay District

16.01.010 – Purpose: The purpose of the Inland Port Overlay District is to allow for the development of an inland port as required in Utah Code Chapter § 11-58: “Utah Inland Port Authority Act” and its successor. Understanding certain real properties in Magna are included in the Inland Port, this ordinance lays out the processes by which properties may be developed using a conditional use to a permitted use and clarifies the process of appeals based on a denial of a rezoning or a conditional use.

16.01.20 - Definitions: for the purposes of this chapter, the following definitions are provided:

- A. "Magna" means the Magna Metro Township, a municipality under State Law, or its successor.
- B. "General Plan" means the Magna General Plan, or its successor Plans that may be amended from time to time by the Planning Commission and Council.
- C. "Planning Commission" means the Magna Metro Township Planning Commission.
- D. "Council" means the Magna Metro Township Council.
- E. "MSD" means the Greater Salt Lake Municipal Services District, or its successor.
- F. "Planning and Development Services" means the MSD-contracted or MSD Department that provides land use planning services to Magna, or its successor.
- G. "Planning Director" means the Director of Planning and Development Services.
- H. "Mayor" means the Mayor of Magna.
- I. "Board of Trustees" means the Inland Port Board of Trustees that also serves as the Board of Appeals for land use decisions on property contained in the boundaries of the Utah Inland Port as designated in Utah Code§ 11-58.

16.01.30 - Applicability

- A. The Inland Port Overlay District applies to all inland port uses that are located within the Inland Port Authority Jurisdictional Land as defined in Utah Code§ 11-58.
- B. Land Uses: Uses in the Inland Port Overlay District are as specified as the designations currently shown in the General Plan and defined in Magna Ordinance Title 19: "Zoning," that may be amended from time to time. This section does not prohibit land uses that are listed as permitted or conditional in the underlying zoning district.
 - 1. Conditional Use Process and Approval Authority: Any conditional use that is within the Inland Port Overlay District is subject to the conditional use process and standards found within Magna ordinance chapter§ 19.84 - "Conditional Uses."
 - a. Expansion of Existing Conditional Uses: A new conditional use is required for the expansion of a conditional use when:
 - (1) Required by chapter §19.84;
 - (2) The land area of the existing conditional use is expanded by ten thousand (10,000) square feet or more; or

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- (3) The use was previously listed as a permitted use and is now listed as a conditional use and is expanded by ten thousand (10,000) square feet or more.
 - b. Existing Development Agreements: The applicability of this chapter in relationship to existing development agreements shall be determined based on the terms of the existing development agreements.
- C. Area: The boundaries of the Inland Port Overlay District shall be the same as the authority jurisdictional lands defined in Utah Code§ 11-58.
- D. Application Requirements
 - 1. Permitted Uses: Permitted uses located in the Inland Port Overlay District shall be subject to the site plan review requirements found in Title 19 - "Zoning.
 - 2. Conditional Uses: In addition to the requirements in chapter§ 19.84, Conditional Uses in the Inland Port Overlay District shall comply with the following additional standards and application submittal requirements.
 - a. State and Federal Permits: Evidence shall be provided that the land use applicant has acquired all required federal and state permits, unless the state and/or federal permitting agency requires municipal conditional use approval prior to their permit approval. If a state and/or federal permitting agency requires Magna's conditional use approval prior to their issuance of permits, obtaining the state and/or federal permit shall be a condition of approval of the conditional use.
 - b. Impact Mitigation Plan: An Impact Mitigation Plan that includes the following information shall be provided in order to demonstrate compliance with Utah Code§ 11-58 and to measure the detrimental impacts a conditional use may have on surrounding properties, the environment, and the ability of Magna to implement adopted master plan policies. The items listed below shall include any necessary descriptions, site plans, studies, reports, plans, and applicable state and federal permits already received.
 - (1) A description of how the proposed development will meet or exceed applicable state and federal regulations related to the development and use of the property;
 - (2) A description of the potential detrimental impacts of the proposed development on surrounding properties and the methods proposed by the land use applicant to mitigate those impacts;

- (3) A description of any potential detrimental environmental impacts the proposed development may cause including, but not limited to, impacts on air quality, surface water, and groundwater. The plan shall include methods the land use applicant intends to use to mitigate any potential environmental impact, including the extent to which the proposed development will apply the best available technology or systems, and best management practices and controls;
- (4) A description of the potential detrimental impact of the proposed development on migratory bird production areas, as defined in Utah Code § 23-28 and the methods proposed by the land use applicant to mitigate those impacts;
- (5) A transportation impact study that states the expected number of trips to be generated, the type of vehicles expected, and the times of day that the most severe impact can be expected. It shall also detail the effect on street capacity by the development, as well as nearby intersections that will be impacted by the development's traffic. The plan shall identify methods that the land use applicant proposes to mitigate detrimental transportation impacts;
- (6) The anticipated impacts on the storm water system and the methods the land use applicant proposes to mitigate the impacts. This shall include a technical drainage study which meets current Magna stormwater detention/retention requirements; information regarding how the land use will comply with any stormwater master plans; and information regarding possible flooding hazards and how the land use will comply with any flood plain development permitting requirements;
- (7) Development must be in compliance with the water and sewer, and public utility requirements of the companies and agencies that may provide such services.
- (8) An emergency response plan that indicates the detrimental impacts that the development may have on its surroundings and public resources in the event of a natural disaster or on-site accident and methods used to mitigate the impacts.
- (9) A conditional use that is considered an Inland Port Use must meet the objectives for an inland port use stated in Utah Code§ 11-58.

3. Procedures:

- a. Determination of Application Completeness: Upon receipt of an inland port land use application, the Planning Director shall make a determination of

completeness of the application pursuant to the application requirements required by this title. No processing timeline required by Utah Code§ 11-58 or by this title shall start until the application is deemed to be complete. An application that does not comply with the applicable standards in this Chapter shall not be considered a complete application.

- b. State and Municipal Procedure Compliance: Magna shall comply with all applicable application processing and noticing requirements as established in Utah Code§§ 10-9a and 11-58 and all chapters of ordinance that may apply to the application.
 - c. Third-Party Review: The planning director may request a third-party review of any element of the mitigation plan required by this chapter.
 - d. Exemptions from Impact Mitigation Plan: The following conditional uses are exempt from the Impact Mitigation Plan required by this chapter:
 - (1) Uses listed as a Conditional Use in the categories of permitted and conditional uses of the underlying zone, but listed as a permitted use in the General Plan.
 - (2) Uses not listed as an allowed use in the categories of permitted and conditional uses of the underlying zone, but listed as a permitted use in the General Plan.
 - (3) Adaptive reuse of a landmark site.
 - (4) Alcohol related establishments.
 - (5) Antenna, communication tower, exceeding the maximum building height
 - (6) Wireless telecommunications facility.
4. Appeals: Decisions related to inland port uses may be appealed by applicants using the following process pursuant to Utah code§ 11-58:
- a. Conditional Uses - If a conditional use permit is denied by the planning commission, the application
 - (1) may be appealed by the applicant to the Council for review and possible decision. If the application's denial is upheld by the Council, the application
 - (2) may be appealed to the Inland Port Authority Board of Trustees for a final consideration and decision. If the application's denial is upheld by the Board of Trustees; the application

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- (3) may be appealed to the District Court for review and a final decision.
- b. Rezones - If a Rezone Item is denied by the Council, the application
 - (1) may be appealed to the Inland Port Authority Board of Trustees for consideration and decision. If the application's denial is upheld by the Board of Trustees, the application
 - (2) may be appealed to the District Court for review and a decision.

APPROVED AND ADOPTED in Magna, Salt Lake County, Utah this 18th day of December 2018.

By: /s/ DAN W. PEAY
Mayor

ATTEST

By: /s/ SHERRIE SWENSEN
Salt Lake County Clerk
Metro Township Clerk/Recorder

Greg Schulz reviewed the ordinance stating it is similar to what Salt Lake City passed recently for managing the Inland Port. State law says whatever the zoning is on a given property in the Inland Port will remain the zoning. This ordinance just sets the process for conditional uses, rezones, etc. If a planning commission denies a conditional use, the applicant can appeal to the Inland Port Authority Board for consideration and a decision. If the Inland Port Authority Board denies it, the applicant would have to take it to court. A rezone would be a recommendation from the planning commission.

Council Member Prokopis asked what would happen if a planning commission approved a request, but the Inland Port Authority Board did not want it.

Mr. Schulz stated the only time that would come into play is if the applicant was asking for tax increment financing, and the Inland Port Authority Board did not think the project enhanced the port.

Council Member Ferguson asked if this ordinance included language not to allow gas, oil, and things related to that. Salt Lake City's decision not to allow those things was controversial.

Mr. Schulz stated that is not included in this ordinance. One thing taken from Salt Lake City's ordinance is that an application is complete when the Planning and Development Services director determines it is complete.

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Council Member Peel asked if this was presented to the Magna Metro Township Planning Commission.

Mr. Schulz stated yes. The Planning Commission requested two amendments – the first was to clean up language for consistency where the words metro township, Magna, and municipality were used interchangeably. The second was to move one of the definitions to an earlier section in the ordinance.

Paul Ashton stated if the Council approves the ordinance, he recommended it accept the amendments requested by the Planning Commission.

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

Mark Elieson asked that the Council include the Planning Commission’s amendments if it adopts this ordinance. This ordinance helps the Magna Metro Township maintain control over land use in Magna that is within the Inland Port.

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

Council Member Ferguson, seconded by Council Member Prokopis, moved to approve Ordinance #18-12-01 creating Chapter 16.01 – Inland Port Authority District for the purpose of managing the land use process for properties located in the Utah Inland Port, pursuant to Utah Code § 11-58: “Utah Inland Port Authority Act. The motion passed unanimously.



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

SHERRIE SWENSEN
METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, MAGNA METRO TOWNSHIP COUNCIL

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