

DATE        THURSDAY                      DECEMBER                      3, 2020

THE KEARNS METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON THURSDAY, DECEMBER 3, 2020, PURSUANT TO ADJOURNMENT ON MONDAY, NOVEMBER 30, 2020, AT 6:30 P.M. VIA ZOOM.COM.

COUNCIL MEMBERS PRESENT:    TINA SNOW  
   CHRYSTAL BUTTERFIELD  
   ALAN PETERSON  
   PATRICK SCHAEFFER  
   KELLY BUSH, Chair

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**Mayor Kelly Bush**, Chair, presided.

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THIS BEING THE TIME heretofore set to hold a hearing that was continued from November 30, 2020, to review Los Coyotes, LLC and Los Coyotes Centro Botanero, LLC (Collectively "Los Coyotes") business license and take action on the business license including, but not limited to, suspending, revoking, or taking other action.

**Mayor Kelly Bush** stated no public comments will be accepted during tonight's meeting. She noted that Clayton Preece, Attorney, Municipal Services District, and Shawn Smith, Attorney, Los Coyotes were present.

The Council allowed time for Mr. Smith to submitted additional documents after the last hearing and has received four exhibits from Los Coyotes. The Council will allow Mr. Smith to explain the significance of the exhibits submitted, it is not reopening the hearing for discussion of matters already raised and asked the parties to limit any statements to the exhibits submitted by Los Coyotes. The parties may continue to offer testimony by proffer and any witnesses that were sworn in at the last hearing remain under oath. She asked if there were any other witnesses that will be testifying tonight.

Both attorneys indicated there were no additional witnesses that would be testifying at this hearing.

**Mr. Smith** indicated he had no additional response that he would like to make.

**Mr. Preece** stated he would like to respond to the exhibits that were submitted. Exhibit 1 contains several documents that confirm when Los Coyotes began hiring off duty Salt Lake City Sheriff Deputies and Unified Police Department Officers as well as private security. It appears, based on the documents provided, that there has been an increased in the number of security guards over the years. This is significant because it indicates that there is knowledge about the risk and the escalating threat to safety cause by Los Coyotes. There have already been several mitigating efforts put in place; however, there are still serious problems as outlined during the November 30, 2020, public hearing. The other exhibits indicate community service that Los Coyotes has provided over the years. Public services do not offset or outweigh the public safety

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concerns that has been raised. This is an issue regarding public safety first and foremost. Staff reviewed the additional exhibits and did not change its recommendation.

**Mr. Smith** stated testimony was proffered and he does not have any additional comments.

**Mayor Bush** asked the Council if it had any questions or comments for the counsel.

All Council Members indicated they did not have any questions or comments.

Council Member Snow, seconded by Council Member Butterfield, moved to close the open session of the hearing in order to discuss the evidence that was recently submitted by Los Coyotes. The motion passed unanimously.

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Council Member Schaeffer, seconded by Council Member Snow, moved to reopen the public hearing. The motion passed unanimously.

**Mayor Bush** stated the Council requested Nathan Bracken, Legal Counsel, Kearns Metro Township Council, to make some edits to the order.

**Mr. Preece** stated for the record, that he and Mr. Smith had a detailed discussion regarding the appeals process. Mr. Smith will be given additional information on this process as well as contact numbers.

**Mr. Smith** stated he did have a lengthy discussion regarding the appeal process and will explain that process to his client.

**Mayor Bush** stated there was a letter that was submitted regarding an officer involved shooting. The address indicated the location was the Salt Lake County Jail at 900 West 3300 South. She asked Mr. Smith if this incident occurred at Los Coyotes.

**Mr. Smith** stated it was his understanding the shooting took place in the Los Coyotes parking lot. He did not know why the address was different. The surveillance video was given to UPD. The video showed the shooting to be justified.

**Mayor Bush** stated she wanted to clarify that for the record. The information that was provided by Mr. Smith on behalf of Los Coyotes was taken into consideration. However, it has not changed the Council's mind as far as the public nuisance and the public safety of Los Coyotes. It is very clear, by the evidence that has been submitted, that Los Coyotes has worked diligently trying to fix the issues that have unfortunately plague its business. However, every step that has been taken has not worked in mitigating problems. She asked Mr. Bracken to discuss the changes that have been made to the order.

**Mr. Bracken** highlighted the following changes:

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- Formatting issues
- Punctuation corrections
- Minor language changes
- Information to make it clear that on some occasions, but not every occasion, Los Coyotes has not worked with UPD
- Added a section that additional documentation was received
- Changes in the Conclusion of Law section to account for additional findings.

**Mr. Smith** indicated he was comfortable with the language.

**Mr. Bracken** asked the Council if this was consistent with what it wanted.

Members of the Council indicated the order was consistent with what it wanted. It did not have any questions or further discussion on this.

Council Member Snow, seconded by Council Member Butterfield, moved to revoke the business license for Los Coyotes and adopt the amended order. The motion passed unanimously.

**Mr. Bracken** stated he will get the order signed tonight and forward it to Mr. Preece to get to Mr. Smith. He asked Mr. Smith if he was able to accept service on behalf of Los Coyotes and if an email of the signed letter would work.

**Mr. Smith** answered yes to both questions.

**Mr. Bracken** stated this revocation will go into effect immediately upon the Mayor's signature and execution of it. The filing of an appeal will not stay the order, although the Administrative Law Judge does have the power to stay the appeal.

**Mr. Smith** stated he would convey the information to his client.

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

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SHERRIE SWENSEN  
METRO TOWNSHIP CLERK

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

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CHAIR, KEARNS METRO TOWNSHIP

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