

DATE TUESDAY JANUARY 23, 2024

THE MAGNA METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON TUESDAY, JANUARY 23, 2024, PURSUANT TO ADJOURNMENT ON TUESDAY, JANUARY 9, 2023, AT THE HOUR OF 5:30 PM, AT THE WEBSTER CENTER AT 8952 WEST MAGNA MAIN STREET (2700 SOUTH), MAGNA, UT 84044.

COUNCIL MEMBERS PRESENT: ERIC BARNEY  
AUDREY PIERCE  
STEVE PROKOPIS  
MICK SUDBURY

COUNCIL MEMBERS EXCUSED: TRISH HULL

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

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**Mayor Eric Barney** presided.

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Closed

Council Member Sudbury, seconded by Council Member Prokopis, moved to close the meeting to discuss litigation, the purchase of real property, and personnel. The motion passed unanimously.

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The Council reopened the meeting during the closed session.

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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

**Dan Peay** stated he had received calls about notices being put on telephone poles and left there for months. He thought something should be done to prevent that from occurring. Other cities, like Daybreak, and subdivisions with homeowner associations do not allow that.

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**Johnny Aguilar** stated he and his wife lived on a street that was very dark, as there was no light pole, nor was there a sidewalk. He asked if something could be done about that. He also shared a water meter with an adjacent homeowner. He would like a separate water meter, but he was told it would cost \$50,000 for that.

**Mayor Barney** suggested Mr. Aguilar give his contact information to the Magna Metro Township Manager.

**Council Member Sudbury** stated he would check with the Magna Water District about the shared water situation.



Google Fiber

**Alberto Garcia**, Government and Community Affairs Manager, Google Fiber, stated Google Fiber wants to collaborate with the Magna Metro Township and be good partners with it. He understood an issue had arisen, and he wanted to address the concerns.

**Mayor Barney** stated the Magna Metro Township received a number of phone calls and emails from residents who were concerned with Google Fiber digging up their yards while installing Google fiber. Google Fiber is not installing fiber within the requirements of the franchise agreement with the Magna Metro Township, specifically, within the right-of-way. Unfortunately, Salt Lake County Public Works Engineering's maps do not align with what is on the ground. For example, the map of Buccaneer Drive lists a 30-foot-wide back of curb, with a 50-foot road dedication. However, in some areas on Buccaneer Drive, the back of curb is 40 or 45 feet, and that does not give the contractor the right to go ten to twelve feet onto people's property to install fiber. He wanted to ensure residents' private property rights were preserved and maintained, and the rights-of-ways were respected and adhered to.

**Council Member Sudbury** stated he also noticed Google Fiber was digging in the sidewalks. That could cause future problems with sinking sidewalks, potentially resulting in people getting injured and the Magna Metro Township being liable. He asked why those boxes were not installed in the park strips.

**Dan Bartleson**, Head of Metro Technical Operations, Google Fiber, stated Google Fiber has installed thousands of boxes within sidewalks, and it does maintain the sidewalks. If a sinkage did occur, Google Fiber would replace the sidewalk. That is a safety issue. When there are gas or water lines in a park strip, the only place to install a box is within the sidewalk. Google Fiber is currently reviewing the remaining areas where it planned to install the boxes in the Magna Metro Township, and if it needed to put them in sidewalks, it would either seek approval from the Magna Metro Township or bypass those residents who would then not get service.

**Mayor Barney** stated to comply with the agreement, Google Fiber needed to install the boxes in the park strip or where there is available right-of-way in the back of a sidewalk. If it could not do that, there would need to be a review process.

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**Council Member Prokopis** asked what the timeline was for the installations to be complete.

**Mr. Bartleson** stated Google Fiber had scheduled installations through 2024, but due to adjustments to accommodate Magna Metro Township residents, he could not give the Council a confirmed final date.



Unified Police Department Report

**Chief Del Craig** presented the December crime statistics, reporting that crime was a little lower December 2023, compared to December 2022, and there had been an overall decline throughout the end of the year. However, family offense calls were still high. The Magna Precinct is having weekly meetings to seek ways to turn that trend around. It is doing lethality assessments on all domestic violence situations to try to head off worst case scenarios and following up with advocacy and help, but 99 percent of the time, that comes after a report of violence or problems in the home. The Magna Precinct is visiting schools, too, to try to build relationships with the youth to address any trauma issues, and it will start meeting with the Cyprus Network regularly. Then, it is putting together a resource list to provide consistent wrap-around services or referrals to families needing counseling, education, etc. He noted that the crime map for December listed one drive-by shooting, but that was actually a vandalism. An individual having a drug-induced psychotic episode stole a car and went on a rampage backing into other cars here in Magna, as well as in Sandy City and West Valley City, and he put bullet holes into the vehicle. He was captured and is currently in jail.



Financial Report

**Dave Sanderson** reviewed the financial report, stating revenue will increase by \$1 million to \$1.2 million from what today's report shows, as there will be two more sales tax accruals, at about \$425,000 each, and a Class C Road adjustment. Expenses for administration should not change. About \$200,000 from excess and the administration budget will be transferred into the Capital Projects Fund. Then, the Pleasant Green Cemetery is about \$44,000 in the deficit, but it was in the positive last year, and Communities that Care is about \$6,000 in the positive.



Community Stakeholder Reports

*Fourth of July*

**Kari Duckworth** stated the 4<sup>th</sup> of July committee had its first meeting last Thursday. The committee talked about having an open forum with parade participants to discuss what could be improved on, and to inform them of changes the committee would like to make so

they were not blindsided by changes. The committee also talked about doing more spectacular fireworks this year, and just making the event better overall.

A few months ago, she was told the 4<sup>th</sup> of July budget would be increased by \$5,000. There is also \$11,000 in under expend from the past two years. The committee wanted to spend a little more this year than it did in the past to provide as many activities as possible to attract more people to the park before the fireworks. It received a lot of feedback about people wanting to see more carnival type activities.

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*Pleasant Green Cemetery*

**Sharon Nichols** stated the Pleasant Green Cemetery had one full burial this month. In 2023, it had 22 burials, sold 74 plots, and set 28 headstones. Those 2023 burial records have been sent to the State and accepted. The Pleasant Green Cemetery has an upcoming burial. A family wants a deceased father buried by the deceased mother. The cemetery did not have the mother recorded in the computer, but with the help of a family member, she found the headstone and was able to get that burial recorded. The father will now be able to be buried by the mother. Two burials for that family were recorded, one on the south end and one on the north end of their plots. One of those burials is for a Mary, but the family does not know of a Mary. She would have to do more research to see if she could locate exactly where Mary was buried. That grave may turn up when digging is done for the father. She was also going to start looking for other headstones that were not recorded as the weather improves. Then, the State asked for her help in finding information on records from 2010, 2011, and 2012.

**Council Member Pierce** asked if the ground-penetrating radar (GPR) recognized graves.

**Ms. Nichols** stated the GPR showed where there was an anomaly in the ground, and the shape and size of a box, but it was not able to identify anyone. It was useful in marking where families could put headstones.

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*Magna Chamber of Commerce*

**Council Member Pierce** stated she attended last week's meeting, at which one of the main topics was to do some additional marketing to bring in more members, and to provide things to the community that it wanted in order to increase membership.

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*Code Enforcement*

**David Brickey** stated Alicia Gonzalez, Code Enforcement Officer, Greater Salt Lake Municipal Services District (MSD) asked that he give the report tonight, as she was unable

to attend. This past month, there were 50 cases opened, 7 cases closed, and 13 new cases. Code Enforcement lost one officer who was very engaged and helpful to the Magna community. A new officer will be starting on January 29<sup>th</sup>. Another officer has been working on the older side of town and he has gotten some homeowners to start cleaning up their properties. Ms. Gonzalez would like to talk to the Council to learn what its expectations are of Code Enforcement. He would reach out to each Council Member to suggest some dates to meet with her.

**Council Member Pierce** asked if former Mayor Peay had been meeting with Code Enforcement regularly.

**Mr. Brickey** stated the officer who left the MSD had been meeting with former Mayor Peay on cases that were brought to his attention by the Mayor or a community member. That officer also met with him the last couple of months before he left. He would try to establish that same relationship with the new officer.



Action Items

*Ordinance No. 2024-O-01*

**Brian Tucker**, Planning Manager, Greater Salt Lake Municipal Services District, reviewed the proposed amendment to the Magna Subdivision Ordinance, Title 18 of the Magna Municipal Code, to comply with review timeframes, review cycle limits, land use authority designations and other amendments mandated by SB174 Local Land Use and Development Revisions.

**Jay Springer**, Attorney, Smith Hartvigsen, reviewed SB 174, which was enacted in the 2023 General Session, and went into effective May 2023. At that time, it was an unfunded mandate, whereby every city and county in the state would have to enact changes to their subdivision ordinances. Then, funding became available in November, through the Department of Workforce Services, with mandates attached to it. To comply, cities and counties with 5,000 or more residents have until February 1, 2024, to adopt the amendments. The smaller cities and counties have until December 31, 2024, to adopt them. He has been working with the Greater Salt Lake Municipal Services District (MSD) and the Magna Planning Commission on these amendments.

The new legislation established a new designation of administrative land use authority, and it prohibited a Council from being involved in a subdivision approval process for single-family, two-family, or townhome subdivisions. The legislation also established a series of stringent timelines and requirements for the approval process for single-family, two-family, and townhomes subdivisions, which he reviewed. He anticipated there would be some changes at the Legislature.

**Council Member Prokopis** asked what funding was being provided and what would have to be implemented to get that funding.

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**Mr. Springer** stated the State appropriated \$3.3 million, and it put out a Request for Proposal (RFP) to a limited number of planners and attorneys who were qualified. Smith Hartvigsen responded to the RFP. It will now be doing all the administration and submittal of this ordinance. Then, it will invoice the Department of Workforce Services, which will pay it directly. Neither the municipalities nor the MSD will receive this funding.

The Magna Metro Township Council was allocated \$14,000 toward that administrative time, and Smith Hartvigsen has not used anywhere close to that amount of funding. If the Council adopted this ordinance tonight, Smith Hartvigsen would continue meeting with the MSD and Council staff to work on cleaning up other ordinances to make sure there were no conflicts, figure out how to implement this, and train for it. Then, after the legislative session was over, it would want to follow up to make sure other issues had not been created by implementing this.

**Council Member Prokopis** asked who the land use authority would be.

**Mr. Springer** stated the ordinance, as written, says it could be a planning commission, or director or designee.

**Mr. Tucker** stated the MSD staff wanted to be the administrative land use authority for anything fewer than five lots that did not require a new road to reduce the length of time it took for approval.

**Paul Ashton** stated the Magna Planning Commission wanted to be the land use authority for all subdivisions. The Council will have to make that decision when it approves the ordinance tonight.

**Mr. Todd Richards**, Magna Planning Commission stated the Planning Commission just wanted to have another set of eyes look at requests, rather than just staff.

**Mr. Springer** stated the Council could have staff be the approval authority for small subdivisions where no new road was created; the Magna Planning Commission be the preliminary approval authority for all single family, two family and townhomes; and the Council be the approval authority for commercial, mixed-use, planned unit developments, and industrial. The MSD staff recommended approval of the ordinance, subject to non-substantive changes to clean it up and make it presentable for adoption.

**Mr. Tucker** stated the MSD staff made non-substantive changes to align with Utah State Code; better clarify language; correct grammar; and for technical precisions to mirror the County Surveyor's changes.

**Council Member Prokopis** stated he was in favor of saving the developer time and would trust staff to handle minor subdivisions.

**Council Member Pierce** stated she liked the idea of all requests going through the same process but did not want to argue against saving somebody time for a minor subdivision.

**Council Member Prokopis** asked who would hear appeals.

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**Mr. Springer** stated standard appeals would be heard by a land use hearing officer, with the exception of an appeal from a subdivision improvement plan, such as for roads, sewer, etc. That would have to go through an expert committee, appointed by the developer, the city, and a neutral. That is in state law, and it was not changed.

**Mayor Barney** stated he was also in favor of staff making the determination on small subdivisions. Having those go to the Planning Commission seemed excessive.

Mayor Barney, seconded by Council Member Sudbury, moved to approve the following Ordinance 2024-O-01, with the designation that staff shall be the administrative approval authority for fewer than five-lot subdivisions that did not have new roads, subject to non-substantive and technical changes. The motion passed unanimously.

ORDINANCE NO. 2024-O-01

DATE: January 23, 2024

AN ORDINANCE OF THE MAGNA METRO TOWNSHIP COUNCIL AMENDING  
SUBDIVISION PROVISIONS AND PROCEDURES

WHEREAS, the Magna Metro Township is a municipality and has authority to regulate subdivisions in general pursuant to Utah Code Ann. Subsection 10-3c-103(2); and

WHEREAS, revisions to the existing Subdivision Ordinance of the Magna Metro Township are required to comply with Senate Bill 174 (2023); and

WHEREAS, the Magna Metro Township has authority to adopt subdivision regulations and procedures pursuant to Utah Code Ann. § 10-9a-501 or identify other statute or ordinance that provides authority in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a, Utah Code, to establish an administrative land use authority for subdivisions and other provisions as necessary and appropriate to comply with Senate Bill 174 (2023); and

WHEREAS, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of public health, safety, and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE MAGNA METRO TOWNSHIP COUNCIL as follows:

1. Title 18 is repealed and replaced to read as shown on Attachment A to this Ordinance:
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

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PASSED AND ADOPTED this 23<sup>rd</sup> day of January, 2024.

MAGNA METRO TOWNSHIP

BY: /s/ ERIC G. BARNEY  
Mayor

ATTEST:

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

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*Ordinance No. 2024-O-02*

**Brian Tucker**, Planning Manager, Greater Salt Lake Municipal Services District, reviewed a proposed amendment to Section 19.12.030 of the Magna Zoning Ordinance to reduce the number of planning commission members from seven with two alternates to five with two alternates, and to consider lowering the minimum number of “yes” votes necessary to carry an action of the commission from four to three attending members. In late November or early December, the Council passed a resolution to do this, but it also had to be done in ordinance. The Magna Planning Commission reviewed this and recommended approval.

**Council Member Pierce** stated she did not remember the Council passing anything and thought it forwarded the ordinance to the Planning Commission for its recommendation.

**Council Member Barney** stated that was correct, and the Planning Commission is now giving the Council its recommendation.

**Council Member Pierce** stated she agreed with this because the Planning Commission has had difficulty keeping enough members to maintain a quorum.

Council Member Pierce, seconded by Council Member Sudbury, moved to approve the following Ordinance 2024-O-02. The motion passed unanimously.

ORDINANCE NO. 2024-O-02

DATE: January 23, 2024

AN ORDINANCE OF THE MAGNA METRO TOWNSHIP COUNCIL AMENDING  
THE ORGANIZATION OF THE PLANNING COMMISSION

WHEREAS, the Magna Metro Township has the authority to enact ordinances establishing and organizing a planning commission in pursuant to Utah Code Ann. Subsection 10-9a-301; and

WHEREAS, the Magna Metro Township relies on its planning commission to make recommendations on land use ordinances and issues; and



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WHEREAS, the Magna Metro Township relies on its planning commission to make administrative decisions on land use applications; and

WHEREAS, the Magna Metro Township desires a planning commission organized in a manner that ensures that planning commission seats can be filled, quorums can be assembled, and actions taken in a timely and routine manner; and

WHEREAS, the Council deems it necessary to amend the organization of the planning commission accordingly, and for the protection and preservation of public health, safety, and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE MAGNA METRO TOWNSHIP COUNCIL as follows:

1. Section 19.12.030 is repealed and replaced to read as shown on Attachment A to this Ordinance:
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND ADOPTED this 23<sup>rd</sup> day of January, 2024.

MAGNA METRO TOWNSHIP

BY: /s/ ERIC G. BARNEY  
Mayor

ATTEST:

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



Manager Updates

*Coronavirus, Aid, Relief, and Economic Security (CARES) Act*

**David Brickey** stated the Council needed to resolve its expenditures for Coronavirus, Aid, Relief, and Economic Security (CARES) Act money, prior to the end of this year. It will take some time to study which projects to put that toward, but if the Council did not make that decision by then, the money would no longer be available.

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**Mayor Barney** asked if the funds had to be spent or just allocated.

**Paul Ashton** stated the money had to be committed.

**Mayor Barney** asked if the Council actually had to have a contract with someone who would provide the service for a project in order to get the money.

**Mr. Brickey** stated yes.

### *Meetings*

**Mr. Brickey** stated he would like the Council's feedback as to how it wanted to set administrative goals. He could schedule an hour at a future work session or schedule time separately from a meeting. With regard to scheduled meetings, the first meeting of the month would continue to be a work session, and the second meeting would be to address business matters.

### *Webpage*

**Mr. Brickey** stated the Council will begin redesigning its web page on January 31, 2024. The Greater Salt Lake Municipal Services District (MSD) shared 14 websites that Civic Plus has used or is using, and he sent those to Council Members. If Council Members liked any of those websites, he asked that it let him know which one, so that design could be implemented. Mayor Barney already shared some comments with him about what Magna looked like today, and he passed those comments along to Civic Plus. He also asked that Council Members let him know if they want the existing Magna Metro Township logo redesigned.

**Council Member Barney** stated depending on what happened with HB 35, "metro township" might no longer be part of Magna's name.

**Council Member Pierce** asked if there would be a separate fee for the new design of the Council logo if it chose to change that.

**Mr. Brickey** stated no, that was already paid for.

### *HB 35*

**Mr. Brickey** stated Maridene Alexander, Communications Manager, Greater Salt Lake Municipal Services District, has put together a flyer postcard that will be sent to every resident in anticipation of HB 35. On one side of the postcard, it will have a description of the new name; and on the backside, it will have an explanation of what would happen if the legislation passed. One concern from the public is what taxation would look like, since the Council would have the authority to implement a property tax increase. He will send the postcard to each Council Member for their comments. HB 35 is currently on the House Floor.

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**Paul Ashton** stated he anticipated the bill would pass out of the House in the next two days and then go to the Senate for consideration.

**Council Member Prokopis** stated he thought it was important that the public knew the bill was initiated by the Legislature and not the metro townships for the purpose of imposing a new tax. He hoped the postcard touched on that.

**Mr. Brickey** stated if the bill passes, he could ask that something be put on the Council's Facebook and webpage to link to the bill, so the public could start reading it right away.

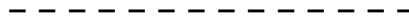
**Mr. Ashton** stated he thought Ms. Alexander did an excellent job on the postcard. It was simple, and it should be. He did not want the public getting confused by trying to read a 300-page bill. There were only two changes from going from a metro township to a city, the first of which was a mayor would be elected at large in two years. Then, it would give the Council the power to impose property tax if it chose to do that, and the push behind that by the Legislature was because of the law enforcement issue.



Council Reports

*Magna Mosquito Abatement District*

**Council Member Pierce** stated the Magna Mosquito Abatement District Board of Trustees is planning arrangements to attend annual conferences, which will be held in the next couple of months. Nothing else is happening with the district, as it is in a lull for the season.



*Emergency Management*

**Council Member Pierce** stated the Greater Salt Lake Municipal Services District (MSD) sent out an email regarding emergency management and is moving forward on its contract with the Magna Metro Township. She thanked Jake Carpenter, Social Media and Website Manager, for pushing some of the Magna Metro Township's emergency information through, especially during the storms. There was a little more focus on trying to get people to do their own personal preparedness, rather than just noticing a storm coming. Information is also going to be sent out to try to get more community engagement.



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

**Council Member Prokopis** stated the UPD is continuing to work on its reorganization process, without the Sheriff's involvement. Over the last month to month-and-a-half, the Sheriff has been trying to persuade members of SLVLESA to get services from her office. Meetings between the Sheriff and the SLVLESA members have been taking place, one on one.

The Sheriff is requesting to be on the Magna Metro Township Council's agenda in the near future to make a sales pitch for all the townships to go back to her for services. At this time, he was not swayed to get services from the Sheriff. The UPD has three large cities as members, which brings economies of scale. The bigger the base, the cheaper the cost for everybody, especially in law enforcement. Soon, the Council will need to make the final decision on which entity to go with for its law enforcement services.

The Council got a draft organization or chart from the UPD of what it would look like without the metro townships if they went back with the Sheriff. There is concern about the future of SLVLESA without the Sheriff, as well as what funds might be required of the new Sheriff's Office. There is a number attached to the Sheriff's proposal, but the Magna Metro Township needed to see that number before it could make a decision. It needed all of the numbers to compare them. The actual separation of the Sheriff from the UPD will take place July 1, 2024.

**Paul Ashton** stated the meeting with the Sheriff will be held February 6, 2024. He sent some documents to the Council, including a draft of the interlocal agreement. He asked Council Members to get together with him and Council Member Prokopolis if they had any substantive changes. He also congratulated Council Member Prokopolis for being elected Chair of SLVLESA.

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*Greater Salt Lake Municipal Services District (MSD)*

**Mayor Barney** stated at the last MSD meeting two weeks ago, the board approved an agreement between the MSD and the Utah Department of Transportation (UDOT), whereby UDOT will provide \$160,000 of Railroad Crossing Safety Grant funds to be used for the construction of the sidewalk and railroad crossing on 8400 West in the Magna Metro Township.

**Council Member Prokopolis** asked if that was enough to cover the cost. He thought the cost was \$1 billion, plus.

**Paul Ashton** stated no.

**Mayor Barney** stated 20 feet of sidewalk is \$1 million. He thought the grant funding was to do the planning. During the meeting, the board also discussed HB 35. That will require the MSD change from a calendar year to a fiscal year, which will run from July 1<sup>st</sup> through June 30<sup>th</sup>. Magna Metro Township's 2024 budget included some earmarks intended to be spent in the later half of the year, so the budget cannot just be split in half. One of Magna's big budget items is the 4th of July event. The Council will probably need to set time to discuss its budget.

**Mr. Ashton** stated the Magna Metro Township would need to adopt a new budget in May and hold a public hearing then. It should start working on the budget in the next month or so.

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**Mayor Barney** stated the MSD also discussed trying to find new office space outside of the County Government Center. Being in that building creates confusion about how the MSD operates.

**Council Member Pierce** asked if the MSD would push additional costs onto the Magna Metro Township.

**Mayor Barney** stated the MSD currently operates on sales tax from its participating members and revenue that is brought in from contract cities. Once it had property tax authority, it would have to increase those taxes to build a new building, and it would have to hold a Truth in Taxation meeting before it could do that.

**Council Member Prokopis** stated he assumed the County was charging the MSD for space.

**Mayor Barney** stated a new building would require additional funding over and above what the MSD was currently paying.

**Mr. Ashton** stated the MSD would have to give the County notice that it was vacating the building.

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*Unified Fire Authority (UFA)*

**Council Member Prokopis** stated the UFA had its grand opening for the new fire station on Magna Main Street. Both stations are now fully operational 24/7.

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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

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CHAIR, MAGNA METRO TOWNSHIP COUNCIL

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