

DATE TUESDAY JUNE 25, 2024

THE MAGNA METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON TUESDAY, JUNE 25, 2024, PURSUANT TO ADJOURNMENT ON TUESDAY, JUNE 18, 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: ERIC BARNEY
TRISH HULL
AUDREY PIERCE
STEVE PROKOPIS
MICK SUDBURY

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

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Mayor Eric Barney 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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Agenda Order

Mayor Barney stated adjustments need to be made to the agenda. Item 8. H. needed to be moved to the beginning and renumbered to 8. A. and everything else moved down, and then item 9. will need to be postponed.

Council Member Hull, seconded by Council Member Sudbury, moved to adjust the agenda as stated. The motion passed unanimously.

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Public Comment

Virginia Fish stated she lived on Jean Street and her neighbors park up and down the street on both sides, including on the night before garbage pick-up day, leaving her nowhere to put her garbage container. In addition, some of them parked halfway in her driveway, blocking her vehicle from getting in or out. She was concerned about other suspicious activity as well, and asked the Council to do its job monitoring neighborhoods.

Chad (inaudible), stated he lived by Pleasant Green Park, and for the last three years, homeless people have been camping there. He contacted the Unified Police Department a couple times, but the homeless people are still there. So, he contacted Salt Lake County's Parks and Recreation Division this morning, and it is trying to get the park cleared out. He asked how the Council was planning to rectify this situation.

Tim Draper asked why Magna was not listed on a sheet concerning the selected cities' compensation for its Council and Mayor. His understanding of this was Magna's Council and Mayor received no benefits. However, the ordinance increases the city Mayor's salary by 6.5 percent, and the Council salaries by 46.7 percent, going from \$12,918, to \$18,950. He asked for clarification of these salaries.



Unified Police Department Report

Lieutenant Shane Manwaring delivered a report on this month's call volume. He compared this year to last year, showing calls had increased by about 100 calls. He also compared this month to last month, which also showed an increase, but calls normally increased when the weather warmed up. This month, assaults increased slightly; damaged property offenses increased significantly, but that could be attributed to some juveniles who had been causing problems; family offenses, larceny, public order and public peace stayed the same; and traffic offenses increased, but that was because traffic enforcement had increased.

He responded to public comments, stating the UPD was aware of noise problems. It was making sure its officers understood noise ordinances and that enforcement was standardized, and it wanted to give people an opportunity to comply before taking enforcement action. The UPD was also working with the Council to improve parking ordinances, so it could rectify the parking problem, which was occurring across Magna City. He had not been aware of a homeless encampment at the Pleasant Green Cemetery. The Magna Precinct patrols that park every day, but it could increase patrol.

Council Member Hull stated the Council was working on a parking ordinance, and it could perhaps include in there that people had to leave empty spots in front of people's homes for garbage containers.

Council Member Sudbury suggested the Wasatch Front Waste and Recycling District (WFWRD) put something in its invoices about that.

Mayor Barney stated Magna City has a parking ordinance, which aligns with the State's requirements for parking. It prohibits parking within five feet of another person's driveway, prohibits parking on sidewalks, and does other things. He thought that ordinance could be enforced more aggressively.

Lieutenant Manwaring stated the UPD also needed some stronger language in the ordinance.



Financial Report

Mayor Barney stated no one was in attendance to present the financial report, so he needed a motion to bypass this agenda item.

A motion was made by Council Member Sudbury, seconded by Council Member Hull, to bypass this agenda item. The motion carried by a unanimous vote.



Community Stakeholder Reports

Fourth of July

Kari Duckworth stated the 4th of July event was nine days away. The final parade count, as of this morning, was 66 entries. At the event, there will be 26 vendors, 4 food trucks, 8 food booths, 3 information stands, and 11 merchandise booths, as well as 25 volunteers and 17 committee members. The committee has received \$8,350 in sponsorship money, and 184 cases of water. The lineup for the event will be the cannonade, breakfast, the 5k race, the parade, and then park activities. One of the activities this year will be a cornhole tournament, for which signups will be done at the park. Then, there were over 200 entries for the 5k. There will also be a stunt show that day, and a country band to close out the show, and announcements will be made throughout the evening acknowledging the sponsors and vendors. Power and water will be taken care of, and the flagpole will be repaired for the flag-raising ceremony. She was unable to get a choir for that ceremony, but perhaps music could be played. Golf carts will be available for some of the licensed volunteers, as well as four for the Council. Fox 13 was notified about the event and said it had that on its calendar, but she would follow up to see what that meant. Lastly, she commended her committee members, whom she could not have done without.



Pleasant Green Cemetery

David Brickey stated last month, the cemetery sold twelve resident plots and three non-resident plots, performed three full-bodied burials and one cremation burial, and reset one headstone.



Action Items

Resolution No. 2024-06-05

David Brickey reviewed the resolution authorizing the Magna City Mayor and City staff to prepare recommendations on revised voting districts and to take other actions needed to implement HB 35. This is an opportunity for the Council to choose Magna City's form of government between a council-mayor form of government; a five-member council, with one council member elected as mayor; or a six-member council, with one council member elected as mayor, as set out in Utah Code 10-3b-103, 104, and 105.

Council Member Hull stated her preference was the five-member council and mayor at large. In a strong council-mayor form of government if the mayor was a bad mayor, the city would be stuck with them; the council could not override their decisions. In a six-member council, with five council members and a mayor at large, there were checks and balances that enabled a council to tighten a mayor's authority. The majority of cities in Utah have a six-member council. If Magna continued as a five-member council, it would need to redistrict from five to four districts and use the 2020 census or pay for an evaluation of the population. She was not in favor of the five council members being at large because one neighborhood could swamp the entire council.

Mayor Barney stated the mayor was not unlimited in their power in a strong mayor form of government. He read the portion of Utah Code 10-3b-203, regarding the Council's duties in a strong form of government, demonstrating that there were checks and balances in place and that it was up to the legislative branch to use its authority to keep the executive branch in check through the power of investigation and the power of requests for removal. He favored the strong mayor form of government, as he liked the idea of the separate branches of power, and it mirrored what the State and Federal governments had. It would also grant Magna City the opportunity to initiate and execute projects and programs quickly and more efficiently than it would be able to do otherwise. Magna City was at the precipice of great things, and efficiency would be helpful.

Council Member Prokopis stated changing to anything other than a five-member council was taking advantage of the Legislature's decision without a vote of the people. The Magna Metro Township has had the power to change its form of government for the last eight years by putting a referendum on the ballot for the people to vote on, but it never did that because there was never a need to do that. Magna has been governed by five people since the day it became a township, and it has worked. Then, there could be a benefit to redistricting from five to four districts, as the population has grown in the last four years. The Council could get updated population numbers from the Governor's Office. Adding a sixth person would increase expenses for an additional salary, a computer, and a phone, and there had been a lack of interest from citizens wanting to be on the Council. He did not like the strong mayor form of government because that would limit his voice for his constituents and relegate him to the legislative arm of this board, and because there were fewer checks and balances.

Mayor Barney stated in March 2022, this Council decided to move forward with a resolution to put a referendum on the ballot to become a city, with a six-member council, not a council-mayor form of government. However, it postponed a decision on that because it heard about HB 35, which automatically converted metro townships to cities. While it is unconventional for a council to have the authority to decide its form of government, this Council would be remiss not to consider taking advantage of that.

He explained that HB 35 stipulated that a simple majority could not make this decision. There had to be a two-thirds majority, which on a five-member council meant there had to be four votes in favor of any decision. The deadline to pass a resolution changing the form of government was July 1st. If the Council did not meet that deadline, the default would be a five-member council, which was four districts, and a mayor elected at large.

Council Member Hull stated if the Council remained a five-member council, and someone outside of this Council was elected mayor, a Council Member would lose their seat.

Council Member Hull made a motion to move to a six-member council form of government, with five council members and an elected mayor at large, not a strong mayor form of government. The motion died due to the lack of a second.

Council Member Prokopolis made a motion to stay a five-member Council, with four districts and one mayor elected at large. The motion died due to the lack of a second.

Council Member Pierce, seconded by Council Member Sudbury, made a motion to move to a council-mayor form of government, with five council members. Roll was called, showing the vote to be 3 to 2, with Council Member Pierce voting "Aye," Council Member Hull voting "Nay," Council Member Prokopolis voting "Nay," Council Member Sudbury voting "Aye," and Mayor Barney voting "Aye." The motion failed due to not having a two-thirds majority.

Council Member Pierce asked if the Council could schedule this on another agenda to discuss it before it defaulted. She was not okay with not making a decision.

Paul Ashton stated the Council Members who voted in the minority won the motion, so they were the only Council Members who could seek a motion for reconsideration.

Council Member Hull stated she was not going to change her mind.

Council Member Prokopolis stated he was not going to change his position.

Mayor Barney stated he had a second choice, and asked if other Council Members would vote in favor of a motion that failed.

Mr. Ashton stated a Council Member whose motion failed due to the lack of a second could ask for reconsideration of their motion.

Council Member Hull, seconded by Council Member Pierce, made a motion to move to a six-member council, with five districts and a mayor at large and adopt Resolution 2024-06-05. Roll was called, showing the vote to be 4 to 1, with Council Member Pierce voting "Aye," Council Member Hull voting "Aye," Council Member Prokopolis voting "Nay," Council Member Sudbury voting "Aye," and Mayor Barney voting "Aye," which passed with a two-thirds majority.

Mr. Brickey stated for the record, Magna City will be moving to a six-person council, with five council districts, designated as presently described, and a mayor at large. The

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election will take place in November 2025, and the new form of government will go into effect January 2026.

RESOLUTION NO. 2024-06-05

Date: June 25, 2024

A RESOLUTION AUTHORIZING THE MAGNA CITY MAYOR AND CITY STAFF TO PREPARE RECOMMENDATIONS ON REVISED VOTING DISTRICTS AND TO TAKE OTHER ACTIONS NEEDED TO IMPLEMENT H.B. 35. (MAGNA CITY AS A FIVE-MEMBER COUNCIL FORM OF GOVERNMENT)

RECITALS

WHEREAS, On January 1, 2017, Magna incorporated as a metro township; and

WHEREAS, during the 2024 legislative session, the Utah Legislature passed H.B. 35, which converted the metro townships of Copperton, Emigration Canyon, Kearns, Magna, and White City into cities and towns based on their populations effective May 1, 2024; and

WHEREAS, among other things, H.B. 35 requires: (1) for the Mayor to stand for election at-large at the next municipal election in 2025; and (2) Magna and the other former metro townships to operate as a five-member council form of government unless the Magna City Council by a two/third vote of all members, choose by resolution, before July 1, 2024, to convert to another form of municipal government under Title 10, Chapter 3(b), Section 601(1); and

WHEREAS, to meet the requirements of HB 35, Magna City, operating as a five-member council form of government, will require the Magna City Council ("Council") to reduce and revise its council voting districts from five to four districts in accordance with Utah Code § 10-3-205.5; and

WHEREAS, the Magna City Council desires to coordinate with the Lieutenant Governor's Office and the Salt Lake County Clerk's Office on these changes and to authorize the Mayor and City staff to take any other actions that may be needed to implement H.B. 35.

NOW, THEREFORE, BE IT RESOLVED BY THE MAGNA CITY COUNCIL, EFFECTIVE IMMEDIATELY:

1. The Mayor is authorized and directed to execute and send a letter to the Lieutenant Governor and the Salt Lake County Clerk, requesting assistance to comply with HB 35 preparatory to the November 2025 municipal election.

2. The Mayor is authorized and directed to work with City staff to prepare recommended revised council voting districts that comply with all applicable laws, including Utah Code § 10-3-205.5, in consultation with the Council and to present the recommended revisions to the Council for approval as soon as reasonably practicable.

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3. The Mayor and City staff are authorized and directed to take such other actions as may be needed to implement H.B. 35 in accordance with all applicable laws and consultation with the Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF MAGNA CITY, STATE OF UTAH this 25th day of June, 2024.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN
Salt Lake County Clerk
City Clerk/Recorder

/s/ ERIC BARNEY
Mayor

Ordinance No. 2024-O-05

David Brickey reviewed an ordinance adopting the salaries for the Magna City elected officials and appointed/statutory officers for fiscal year 2025. He collected data on six cities to see what they paid their elected officials and officers, and this proposed pay for Magna's Mayor is less than the mean average, and the Council pay is slightly above the mean average. The Mayor's pay would increase from \$19,376.40 to \$24,220.50, and the Council Member's pay would increase from \$12,918 to \$16,147. The Council's present pay has not changed since the date the Magna Metro Township was created.

Mayor Barney stated the Council does not receive any benefits outside of this stipend, and there has been no discussion to consider providing that.

Council Member Pierce, seconded by Council Member Hull, made a motion to approve the following Ordinance No. 2024-O-05. The motion passed unanimously.

ORDINANCE NO. 2024-O-05

Date: June 25, 2024

AN ORDINANCE ADOPTING THE SALARIES FOR THE MAGNA CITY ELECTED OFFICIALS AND APPOINTED/STATUTORY OFFICERS FOR FISCAL YEAR 2025

WHEREAS, Magna City is a Municipality pursuant to Utah Code §§ 10-2a-201 *et seq.*,
and

WHEREAS, Magna City is governed by a five-member elected Council, which Council elects from its members a Mayor; and

WHEREAS, the Magna City Council held a duly noticed public hearing on June 11, 2024, regarding the proposed changes to the compensation of Magna City's elected and appointed/statutory officers in accordance with Utah Code Ann. 10-3-818; and

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WHEREAS, it is in the best interests of Magna City and the citizens thereof that the Elected and Appointed/Statutory Official's Salaries for FY2025 be formally adopted.

NOW THEREFORE BE IT ORDAINED by the City Council of Magna City, Utah as follows:

SECTION 1. The City Council desires to adopt the Fiscal Year 2025 Elected Officials salaries with a 46.7% increase and the City Manager's salary with a 6.5% increase.

SECTION 2. This ordinance is effective upon publication in accordance with Section 10-3-711 of the Utah Code. All salary adjustments shall be effective as of July 1, 2024.

PASSED AND APPROVED this 25th day of June, 2024.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN
Salt Lake County Clerk

/s/ ERIC BARNEY
Mayor

Resolution No. 2024-06-01

David Brickey reviewed the resolution adopting the fiscal year 2025 Magna City Consolidated Fee Schedule. This fee schedule captures the costs associated with services that the Greater Salt Lake Municipal Services District and County's Public Works and Municipal Services Department provide.

Council Member Hull asked how these fees compared to cities around Magna City.

Brian Tucker, Planning Manager, Greater Salt Lake Municipal Services District, stated the MSD did a fee study last year to find out what other cities were doing and how much time staff spent on a particular service. This fee schedule was based on that study, and it has not changed from last year. However, the form has changed. Before, a fee was charged for every element, and now some elements are combined.

Council Member Sudbury, seconded by Council Member Hull, made a motion to approve the following Resolution No. 2024-06-01. The motion passed unanimously.

RESOLUTION NO. 2024-06-01

Date: June 25, 2024

A RESOLUTION OF THE MAGNA CITY COUNCIL ADOPTING THE FISCAL YEAR 2025 MAGNA CITY CONSOLIDATED FEE SCHEDULE

WHEREAS, Magna City is a Municipality pursuant to Utah Code §§ 10-2a-201 *et seq*; and

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WHEREAS, Magna City is a five-member elected Council, which Council elects from its members a Mayor, and

WHEREAS, the Greater Salt Lake Municipal Services District (the "MSD") is a local district that provides certain municipal-type services to Magna City pursuant to UCA Section 17B-2a-1103 *et al*; and

WHEREAS, pursuant to fiscal policy for funding the FY2025 Magna City Budget, the Greater Salt Lake Municipal Services District (the "MSD") adopted the FY2025 Budget for the MSD on May 8, 2024, releasing the funding for the FY2025 Magna City Budget; and

WHEREAS, the FY2025 Magna City Budget, and recently adopted Greater Salt Lake Municipal Services District Budget both used revenue projections based on the FY2025 Consolidated Fee Schedule ("Attachment A"); and

WHEREAS, to be in compliance with state law, Magna City must annually adopt a consolidated fee schedule; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAGNA CITY COUNCIL as follows:

SECTION 1. The Magna City Council hereby adopts the FY2025 Magna City Consolidated Fee Schedule, Attachment "A".

SECTION 2. This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this 25th day of June, 2024 by the Magna City Council, Magna City, Utah.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN
Salt Lake County Clerk

/s/ ERIC BARNEY
Mayor

Resolution No. 2024-06-02

David Brickey reviewed the resolution adopting the fiscal year 2025 Magna City budget. He stated the budget has been posted for over 30 days, and in that time, there were no comments by the public.

Council Member Hull, seconded by Council Member Sudbury, made a motion to approve the following Resolution No. 2024-06-02. The motion passed unanimously.

RESOLUTION NO. 2024-06-02

Date: June 25, 2024

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A RESOLUTION OF THE MAGNA CITY COUNCIL ADOPTING THE FISCAL YEAR 2025 MAGNA CITY BUDGET

WHEREAS, Magna City is a Municipality pursuant to Utah Code §§ 10-2a-201 *et seq.*; and

WHEREAS, Magna City is a five-member elected Council, which Council elects from its members a Mayor, and

WHEREAS, the Council has complied in all respects with State Law, including holding public hearings, in establishing budgets for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025; and

WHEREAS, pursuant to fiscal policy for funding the 2025 Magna City Budget, the Greater Salt Lake Municipal Services District (the "MSD") adopted the FY2025 Budget for the MSD on May 8, 2024, releasing the funding for the FY2025 Magna City Budget; and

WHEREAS, the noticing for the public hearing to consider and copies of the FY2025 Magna City Budget, (Attachment "A") were made available for public consideration at least ten (10) days prior to the date of the public hearing for the Budget; and

WHEREAS, the adoption of the FY2025 Budget will allow Magna City to comply with State Law and the Uniform Fiscal Procedures Act for Cities;

THEREFORE, BE IT RESOLVED BY THE MAGNA CITY COUNCIL as follows:

SECTION 1. The Magna City Council hereby adopts the FY2025 Magna City Final Budget, Attachment "A".

SECTION 2. That upon the final adoption, the budget shall be in effect for the budget year and subject to later amendment as provided by law.

SECTION 3. A copy of the final budget shall be posted and made available to the public on the City's website: Magna.Utah.gov.

SECTION 4. This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this 25th day of June, 2024 by the Magna City Council, Magna City, Utah.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN
Salt Lake County Clerk

/s/ ERIC BARNEY
Mayor

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Ordinance No. 2024-O-06

Paul Ashton reviewed the ordinance establishing a Municipal Energy Sales and Use Tax and a Telecommunications License Tax for the purpose of raising revenue for Magna City. Magna City can impose property tax now that it is a city, but the Council has opted not to do that this year. These two taxes will show up on residents' public utility bills. Every city in the state imposes these taxes. He did not know how much money this would bring in, but Magna City had more costs as a city, and needed more revenue.

Council Member Prokopis stated there is a cap on what a city can collect from these taxes. He asked what rate Magna City would be imposing.

Mr. Ashton stated this resolution took the taxes to the cap because all other cities had done that; and since the Utah State Tax Commission collects the taxes, it would be cleaner for administration purposes to be at the same rate.

Council Member Pierce, seconded by Council Member Sudbury, made a motion to approve the following Ordinance No. 2024-O-06. The motion passed unanimously.

ORDINANCE NO. 2024-O-06

Date: June 25, 2024

AN ORDINANCE OF THE MAGNA CITY COUNCIL ESTABLISHING A MUNICIPAL ENERGY SALES AND USE TAX AND A TELECOMMUNICATIONS LICENSE TAX

RECITALS

WHEREAS, the Magna City Council ("Council") met in regular session on June 11, 2024, to consider, among other things, establishing a municipal energy sales and use tax ("MET") and a telecommunications license tax ("TLT"), and establishing the effective dates and rates for such taxes; and

WHEREAS, pursuant to the Municipal Energy Sales and Use Tax Act, Utah Code § 10-1-301 *et seq.*, Magna City ("Magna City") may levy a MET through ordinance; and

WHEREAS, pursuant to the Municipal Telecommunications License Act, Utah Code § 10-1-401, *et. seq.*, Magna City may levy a TLT through ordinance; and

WHEREAS, the Council has determined to enact a MET and TLT through this ordinance.

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Enactment of MET. The following is enacted as Chapter 3.80 of the Magna City Municipal Code:

3.80.010 Purpose

It is the intent of Magna City to adopt a municipal energy sales and use tax pursuant to, and in conformance with, Utah Code § 10-1-301 *et seq.*, the “Municipal Energy Sales and Use Tax Act.”

3.80.020 Definitions

All words and phrases in this chapter shall have the same meaning given them in the MET Act, with the following additions:

A. “Consumer” means a person who acquires taxable energy for any use that is subject to the MET Act.

B. “MET” means municipal energy sales and use tax.

C. “MET Act” means Utah Code § 10-1-301 *et seq.*, the “Municipal Energy Sales and Use Tax Act.”

D. “Sale” shall mean any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy or fuel for consideration. It includes:

E. “Installment and credit sale” means

1. Any closed transaction constituting a sale; and

2. Any transaction under which right to acquire, use, or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

I. “Storage” means any keeping or retention of taxable energy in Magna City for any purpose, except the sales in the regular course of business.

J. “Use” means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy, excluding the sale, display, demonstration, or trial of the taxable energy in the regular course of business and or taxable energy which is held for resale.

3.80.030 Municipal Energy Sales and Use Tax Levied

Pursuant to Utah Code § 59-12-301 *et seq.*, the Municipal Energy Sales and Use Tax Act, there is hereby levied, subject to the provisions of this Ordinance, a tax on every Sale or Use of taxable energy made within Magna City equaling 6% of the value of the taxable energy to the consumer and effective on and after October 1, 2024. This tax shall be known as the Municipal Energy Sales and Use Tax (“MET”). The MET shall be calculated on the delivered value of the taxable energy to the consumer. The MET shall be in addition to any sales or use tax imposed by Magna City under Utah Code § 59-12-201 *et seq.*, the Local Sales and Use Tax Act.

3.80.040 Exemptions

Pursuant to Utah Code § 10-1-305(2)(b), the MET exempts from its terms the sale and use of:

- A. Aviation fuel, motor fuel, or special fuel which is subject to taxation under Utah Code § 59-13;
- B. Taxable energy where the primary use is for compounding or producing taxable energy or a fuel which is subject to taxation under Utah Code § 59-13;
- C. Taxable energy that Magna City is prohibited from taxing under federal law or the Constitutions of the United States or Utah;
- D. Taxable energy purchased or stored in Magna City for resale;
- E. Taxable energy brought into the state by a nonresident for his or her own personal use while in the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
- F. Taxable energy for any purpose other than use as a fuel or energy; and
- G. Taxable energy for use outside of Magna City.
- H. Pursuant to Utah Code § 10-1-305(4), the sale, storage, use, or other consumption of taxable energy is exempt from the MET if:
 - 1. The delivered value of the taxable energy has been subject to a municipal energy sales and use tax levied by another municipality within Utah under an ordinance enacted in accordance with the MET Act; and
 - 2. Magna City shall be paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under the MET if the tax due under the MET exceeds the tax paid to the other municipality.

The MET further incorporates all other exemptions required by Utah law.

3.80.050 No Effect Upon Existing Franchises; Credits for Franchise Fees

This MET shall not alter any existing franchise agreements unless otherwise terminated or altered by agreement or applicable law. Any energy supplier who (a) pays a contractual franchise fee to Magna City pursuant to a contract which was in effect as of July 1, 1997, (b) passes the fee through to taxpayers as a separately itemized charge, and (c) accepts the franchise shall receive a tax credit equal to its contractual franchise fee.

3.80.060 Tax Collection Contract With the Tax Commission

A. On or before the effective date of the ordinance from which this chapter is derived, Magna City shall contract with the state Tax Commission to perform all functions related to the administration and collection of the MET, save those functions reserved to Magna City by law and described below. The Mayor and City Recorder are hereby authorized to enter into such agreement or amended agreement as needed with the state Tax Commission that may be necessary to the continued administration and operation of the MET.

B. An energy supplier shall pay the MET collected from its consumers directly to Magna City monthly if:

1. Magna City is the energy supplier; or
2. The energy supplier estimates that the MET collected annually from its Utah consumers equals one million U.S. dollars (\$1,000,000.00) or more and (c) the energy supplier collects the MET.

C. An energy supplier paying the MET directly to Magna City may retain the percent of the tax authorized under Utah Code § 59-12-108(2) for energy supplier's cost of collecting and remitting the tax.

3.80.070 State Statutes Incorporated

A. Except as herein provided, and except insofar as they are inconsistent with the provisions of the MET Act, as well as this Chapter, all of the provisions of Utah Code § 59-12-1, as amended, and in force and effect on the effective date hereof, insofar as they relate to the sales and use taxes levied therein, are hereby adopted and made a part of this chapter as if fully set forth herein.

B. Wherever, and to the extent that in Utah Code § 59-12-1 or the MET Act the State of Utah is named or referred to as the taxing agency, the name of Magna City shall be substituted, insofar as is necessary for the purposes of those parts. In no event shall the word "state" be substituted when used in junction with the "state tax commission," nor shall the State Tax Commission be substituted with Magna City in any way or for any matter of liability which is assigned by statute to the State Tax Commission.

C. Any amendments made to Utah Code § 59-12-1 that related to levying or collecting a municipal energy sales and use tax are hereby adopted by reference.

3.080.080 No Additional License or Reporting Required

No additional license to collect or report the MET is required, provided the energy supplier collecting the tax has a license issued under Utah Code § 59-12-106.

2. Enactment of TLT. The following is enacted as Chapter 3.90 of the Magna City Municipal Code:

3.90.010 Purpose

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6. Direction to Mayor and Staff. The Council directs the Mayor and Magna City staff to take all actions necessary to implement this ordinance.

7. Effective Date of Ordinance. This ordinance shall take effect as soon as it is posted pursuant to Utah Code § 10-3-711, deposited, and recorded in the office of the City Recorder.

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 25th day of June 2024.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN
Salt Lake County Clerk
City Recorder

/s/ ERIC BARNEY
Mayor

Ordinance No. 2024-O-07

David Brickey reviewed the ordinance adopting “Magna City” as the official name for Magna City and adopting an accompanying seal and logo, which he will submit to the Lieutenant Governor. He stated the Council has decided on “Magna City,” as the name of the city, but it has not decided on the logo yet. He had shared two logos the Magna Metro Township had previously used, but the Council did not come to a consensus on either one. Both now have “Magna City” on them, but one also includes pickaxes.

Council Member Hull stated she did not have strong feelings either way.

Council Member Sudbury stated he wanted to stay with the logo with pickaxes. People who had lived here all their lives had grown up with the mining industry.

Council Member Prokopis stated he preferred the logo that had the pickaxes on it, and the bolder font used for “Magna City.”

Mayor Barney stated he preferred the logo that removed the pickaxes. He felt that was more welcoming to new residents. Also, the more detailed the logo, the more difficult it was to render. Simplicity was preferred from a graphic design standpoint. However, he could respect history and accept the logo with the pickaxes.

Council Member Hull stated the vast majority of people would not notice the logo.

Council Member Hull, seconded by Council Member Prokopis, moved to approve the logo with the pickaxes. The motion passed unanimously.

Council Member Hull, seconded by Council Member Sudbury, moved to approve the name “Magna City” as the name of Magna City and adopt Ordinance 2024-O-07. The motion passed unanimously.

DATE TUESDAY JUNE 25, 2024

ORDINANCE NO. 2024-O-07

Date: June 25, 2024

AN ORDINANCE ADOPTING “MAGNA CITY” AS THE OFFICIAL NAME FOR MAGNA CITY AND ADOPTING AN ACCOMPANYING SEAL AND LOGO

RECITALS

WHEREAS, on January 1 2017, the community of Magna (“Magna”) incorporated as a metro township, a form of municipal government similar to cities and towns; and

WHEREAS, during the 2024 legislative session, the Utah Legislature passed H.B. 35, which converted the Magna Metro Township and the metro townships of Copperton, Emigration Canyon, Kearns, and White City into cities and towns based on their populations effective May 1, 2024; and

WHEREAS, now that Magna is a city pursuant to H.B. 35., the Magna Council (“Council”) desires to adopt “Magna City” as the official municipal name for Magna and to adopt an accompanying seal and logo pursuant to its authority under Utah Code § 10-1-202.

NOW, THEREFORE, BE IT ORDAINED BY THE MAGNA CITY COUNCIL AS FOLLOWS:

1. Enactment of Chapter 1.02. The following is adopted as Chapter 1.02 of the Magna Municipal Code:

Chapter 1.02 OFFICIAL NAME

1.02.010 Purpose and Scope

The official name of the City shall be “Magna City” All official documents, agreements, letterheads, deeds, publications, and other City property shall bear the official name.

1.02.020 Inconsistent Provisions

The enactment of this chapter shall not be construed to repeal or invalidate prior acts the City made previously as the Magna Metro Township or under any other corporate name. To the extent public documents or provisions of this code reference other public names, such documents and provisions shall be construed to incorporate the official name by this reference.

2. Adoption of City Seal and Logo. The following is adopted as the official seal and logo of Magna City:



3. Implementation. The Mayor and Magna staff are authorized and directed to take such actions as may be necessary to implement this ordinance.

4. Effective Date of Ordinance. This ordinance shall take effect as soon as it is posted pursuant to Utah Code § 10-3-711, deposited, and recorded in the office of the Magna City Recorder.

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 24th day of June 2024.

ATTESTED:

FOR MAGNA CITY:

/s/ LANNIE CHAPMAN
Salt Lake County Clerk
City Recorder

/s/ ERIC BARNEY
Mayor

Beer Policy for City Parks

David Brickey reviewed the policy for the use of beer in city parks when reserving a pavilion and the Reservation Request Form, which had eleven terms attached to it. Individuals wanting to serve beer in a park would have to sign the agreement and adhere to the terms. The terms reflect the expectations of the Utah Department of Alcoholic Beverage Control (DABC).

Mayor Barney stated his purpose in requesting this was to protect himself and the city from liability. Additionally, requests that had come before him were on a request form that was specifically for alcohol sales, not just for the distribution of alcohol, so he felt the form was inadequate and inappropriate.

Council Member Sudbury asked why the Council could not make the decision whether to approve these requests.

Mr. Brickey stated if the Mayor denied a request, the requester could appeal to the Council and the Council could override his denial.

Council Member Prokopis asked if a family wanted to bring a cooler of beer, whether they had to get the Mayor's approval.

Council Member Hull stated any use of alcohol in a public park had to be approved.

Council Member Prokopis asked what the procedure was if someone wanted to sell alcohol in a park.

Mayor Barney stated someone wanting to sell alcohol would have to go through the DABC's permitting process, and then sign Magna City's application agreeing to adhere to the terms.

Paul Ashton asked if the policy was limited to beer, or if it included other alcoholic beverages.

Mr. Brickey stated the policy applies to any beverage that has a five percent or less alcohol content.

Council Member Hull, seconded by Council Member Pierce, made a motion to approve the beer policy as presented. The motion passed 3 to 2, with Council Members Prokopis and Sudbury voting "Nay."

Fee Waiver Request

David Brickey reviewed a fee waiver application from USW392, stating one section of the application was not filled out regarding USW392's budget.

Chris Lowe, Recording Secretary, USW392, stated there was a question on the application that he had been unsure about regarding a percentage of USW392's budget. However, USW392 was willing to withdraw its request for a fee waiver.

Mayor Barney stated he thought the fee had been paid.

Mr. Brickey stated that was correct, although the fee had not been paid at the time the fee waiver request was placed on the agenda.

Council Member Hull, seconded by Council Member Sudbury, made a motion to strike 8. H. from the agenda as the request has been rescinded. The motion passed unanimously.

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Manager Update

David Brickey stated he has been meeting weekly with Daniel Torres, Economic Development Manager, Greater Salt Lake Municipal Services District (MSD), and others to let them know what Magna wants. He will meet with Mr. Torres and another individual again tomorrow about possible solutions for signage for the Copper Park and Pleasant Green Cemetery.

Council Member Sudbury stated he would like those weekly meetings to include representation from the Unified Police Department.



City Attorney Update

Paul Ashton stated now that the Council has decided on its form of government and made other decisions, he would make sure all the documents got signed and sent. He also wanted to make sure any questions regarding a six-member form of government were addressed prior to the election next year.

Council Member Prokopis asked if Magna City would benefit from the added population, now that it was not redistricting. He thought Class B and C Road funds, and other Federal and State funds were tied to redistricting. He would be interested in redistricting for that reason and to get the districts in balance.

Mayor Barney stated there was a trigger provision in HB 330 that said districts would shift if the remaining unincorporated County incorporated or annexed. Since that has happened, Magna City’s weighted vote at the Greater Salt Lake Municipal Services would shift and that was tied to Class B and C Road funds. He was not aware a municipality could re-district mid-census, but he would research that.

Mr. Ashton stated he would also look into that.



Council Reports

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

Council Member Prokopis stated the separation of the UPD from the Sheriff’s Office has taken place, and the UPD has vacated the County buildings it occupied. It has moved its administration to the precincts, but there is not much space, so it will be looking for a facility for its headquarters, so everyone from the UPD can be together. It will continue to share Property and Evidence with the Sheriff’s Office in its building for at least a year because much of that is co-mingled. The split was as amicable as could be expected, with both sides fighting for what they thought was best. However, he thought everyone would remain friends, and that both entities would back up the other entity.

Magna Mosquito Abatement District

Council Member Pierce stated at the last Mosquito Abatement District meeting, the Board discussed the schedule to spray the park to get ready for the 4th of July and Movies in the Park. It also discussed its budget. It was asked whether it would be submitting any fee increases that would show up on property tax bills, and it was not.

Council Member Sudbury asked if the Mosquito Abatement District still sprayed roads. He heard it quit doing that to protect beehives.

Council Member Pierce stated she had a conversation outside of the Board meeting and learned that the Mosquito Abatement District had a map showing where beehives were, and it avoided spraying in those areas. When it investigates for West Nile virus or the mosquito counts, it regularly traps in three permanent locations and three other areas around the entire jurisdiction. Then, it sprays more vigilantly in the areas where there are higher density mosquito populations. She did not know whether it sprayed along roadways.

She had also asked whether the unincorporated annexations changed any of the Mosquito Abatement District's boundaries, and was told no. However, at some point, it wanted to consider expanding into the Salt Lake City Mosquito Abatement District's jurisdiction around the Great Salt Lake, which bordered the Magna Mosquito Abatement District because that area is hard to treat and maintain. The Mosquito Abatement District purchased a drone, which has helped get to areas that it was not previously able to get to.

Unified Fire Authority (UFA) / Unified Fire Service Area (UFSA)

Council Member Hull stated the UFA and UFSA were just audited by an independent auditor and received a clean audit. That audit is online. The important focus now was on fireworks. The UFA had a map of where fireworks were and were not allowed, and she thought it would include a QR Code for people to scan. She would like to put that map on Magna City's website and social media pages.

Council Member Prokopis stated a QR Code will be posted at all the popup firework sale locations, and it will show where it is illegal to light fireworks. Law enforcement, with the help of the UPD, will be enforcing that.

Council Member Pierce asked if the UFA had a program that would inspect people's homes and teach them how to mitigate a fire, especially for those living close to the Wildland Urban Interface.

Council Member Prokopis stated the UFA has a wildland division that provides a community risk assessment. The UFA does not have jurisdiction over residential property, but

it can offer advice, and put homeowners in touch with others who can help them improve their property. That information is on the UFA's website.

Greater Salt Lake Municipal Services District (MSD)

Mayor Barney stated at last night's meeting, the MSD Board approved a federal-aid agreement grant to install sidewalks on Brees Drive for the Safe Walking Route for Schools initiative. This is a matching grant for a total of \$624,000. The local match is \$304,000. The board also approved a notification that will be provided to Salt Lake County informing it that the MSD was terminating its lease with the County for offices and moving to a new location. The new location is in Taylorsville at about 4700 South where the old riverboat used to be. In addition, the board discussed whether to bring Salt Lake County's engineering services over to the MSD or create its own engineering division. Currently, the MSD contracts with the County for those services. The final decision was to do a study on the costs for both options.

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Closed

David Brickey stated the Council needed to close the meeting to discuss personnel and litigation.

Council Member Hull, seconded by Council Member Sudbury, made a motion to close the meeting for the purpose of discussing the a) character, professional competence, or physical or mental health of an individual, and b) 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 
City Recorder


CHAIR, MAGNA METRO TOWNSHIP COUNCIL
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