



MAGNA CITY COUNCIL MEETING

December 10, 2024 @ 6:00 PM
WEBSTER COMMUNITY CENTER
8952 West Magna Main Street
Magna, Utah 84044

MAGNA CITY COUNCIL MEETING MINUTES

Council Members Present:

Eric Barney, Mayor
Steve Prokopis
Audrey Pierce (via Zoom)
Mick Sudbury

Council Member Excused:

Trish Hull

Staff Present:

David Brickey, City Manger
Paul Ashton, Legal Counsel
Daniel Torres, Economic Development Manager (via Zoom)
Nicole Smedley, Recorder
Diana Baun, Recorder

Others Present:

Dan Peay

6:00 PM – PUBLIC MEETING

1. Call to Order

Mayor Barney, presiding, called the meeting to order at 6:00 pm.

2. Determine Quorum

A quorum was present, allowing the meeting to proceed. Council Member Hull was excused while chairing another meeting.

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. PUBLIC COMMENTS

None

MAGNA COUNCIL MEMBERS

MAYOR ERIC BARNEY, MAYOR PRO TEM AUDREY PIERCE,
COUNCIL MEMBER TRISH HULL, COUNCIL MEMBER STEVE PROKOPIS,
COUNCIL MEMBER MICK SUDBURY

5. STAKEHOLDER REPORTS

A. Unified Police Department

Chief Del Craig provided an update on recent events, including the Santa Stroll, the tree lighting ceremony, and the Sub for Santa program scheduled for today and tomorrow. He expressed appreciation to the council and community for their continued support. Chief Craig also addressed a recent incident involving a truck that drove into a home near Herzog Avenue and 8400 West, which received media attention. He clarified that the accident resulted from a medical incident and highlighted ongoing concerns regarding speeding in the area. He stated that UPD is actively monitoring the situation and will continue enforcement efforts, including targeted blitzes.

B. Pleasant Green Cemetery

Sharon Nicholes shared they have sold six plots this month, with three full burials and another planned for Monday. There are a few more people waiting to decide on dates, including one cremation.

6. CONSENT AGENDA

A. Consider Approval of July 9, 2024 City Council Meeting Minutes.

Council Member Prokopis moved to approve the July 9, 2024 City Council Meeting Minutes as published. Council Member Sudbury seconded the motion; vote was 4-0, unanimous in favor with Council Member Hull excused from the vote.

7. DISCUSSION ITEMS

A. Discussion and Possible Action to Consider Ordinance 2024-O-16.

MSD Planning Manager Brian Tucker gave a brief overview of the previous discussion and the information included in tonight's packet.

Council Member Sudbury asked if they could now require weed barriers underneath gravel surfaces.

Mr. Tucker responded that is not in the proposed code change but could be added.

Council Member Prokopis asked for the planning commission and staff's recommendations on the proposed change.

Mr. Tucker responded that both staff and the planning commission recommended approval of the ordinance as presented in the staff report. Similar ordinances are used throughout the valley with success and this version was created from researching other areas' ordinances. The 60% coverage was used in creating the Kearns ordinance and was used as starting point.

He reviewed the specific coverage requirements including setbacks, noting residents can only cover 60% of their yard, and he gave the details of what is allowed as coverage.

Mayor Barney asked if a resident could, in theory, concrete their entire front yard if nothing was done in the back.

Mr. Tucker responded they can go up to 60% total, but no more than 60% in the front.

Mayor Barney shared his concerns with community aesthetics and green space.

Mr. Tucker said they are trying to create a balance between on and off-street parking by allowing more parking in yards. If a resident is planning to cover more than 50% of the yard, the project will require a stormwater analysis by Engineering. They can go all the way to 60% coverage in the front yard, but going over 50% will probably require some type of onsite detention of rainwater.

Council Member Prokopis noted this is a step in the right direction, as it can always be revisited if needed in the future. With any motion of a recommendation for approval, he would like to see a requirement for a weed barrier under any gravel surfaces.

Council Member Pierce was okay with how the ordinance is written but noted she would not be opposed to the recommended addition of a weed barrier requirement.

Council Member Prokopis moved to approve Ordinance 2024-O-16, with the edit requested requiring a weed barrier under gravel surfaces. Council Member Sudbury seconded the motion. AYE: Council Member Prokopis, Council Member Sudbury, Mayor Barney, Council Member Pierce **EXCUSED:** Council Member Hull **FINAL RESULT:** 4-0 Motion Passes

B. Discussion and Possible Action to Consider Ordinance 2024-O-17.

Brian Tucker gave a brief review of the proposed ordinance changes from the staff report. He discussed the proposed changes to include all-weather surfaces, required trimming height of trees, developer requirements for improvements, commercial vehicle parking in the R-1 and R-2 Zones, commercial vehicle parking uses allowed with a construction permit, one acre minimum for development in the A-1 Zone, animal rights based on lot size, and additional definitions as listed in the ordinance.

Council Member Prokopis moved to approve Ordinance 2024-O-17 as published. Council Member Sudbury seconded the motion. AYE: Council Member Prokopis, Council Member Sudbury, Mayor Barney, Council Member Pierce **EXCUSED:** Council Member Hull **FINAL RESULT:** 4-0 Motion Passes

C. Discussion and Possible Action to Consider Ordinance 2024-O-18

City Attorney Paul Ashton reviewed background information from the staff report regarding requirements for solicitation of funds or waiver of fees by third parties or organizations from Magna City. This is based on a policy adopted in 2018 and has been reviewed by the City Manager.

Mayor Barney asked if request forms would be included/available.

Mr. Ashton responded that yes, they will be available in the office.

Council Member Pierce added she is okay with this ordinance as presented.

Council Member Sudbury moved to approve Ordinance 2024-O-18 as published. Council Member Prokopis seconded the motion. AYE: Council Member Sudbury, Council Member Prokopis, Mayor Barney, Council Member Pierce **EXCUSED:** Council Member Hull **FINAL RESULT:** 4-0 Motion Passes

D. Vacating Dora Street

City Attorney Paul Ashton noted there have been numerous discussions in front of the council on this matter, including a public hearing held two weeks ago, and reviewed background information from the staff report and previous discussion. The council has two options at this point. He doesn't believe, based on the staff report in front of them tonight, that the council can approve the vacation. The council can either deny the petition to vacate at this time with the option to revisit in the future, or they can approve the vacation of the street subject to conditions they choose such as water and sewer letters showing development is possible. One problem with adding conditions is that the approval with conditions stays with the property. Even if the current developer doesn't meet the conditions, a new developer can come in later and meet the conditions without it being reviewed by the council. There has been a lot of discussion and consideration on this topic, and he noted they cannot vacate any street if harm could fall to individuals, including property owners surrounding this street and development. If the intent is to vacate the street and move the development closer to the school, that would cause the property owners on 8400 to have the street in front of them with the access road behind them.

Council Member Prokopis asked how this could be done better next time, avoiding a developer making a significant investment in the hopes of a vacation. Possibly a development agreement up front could help avoid this problem in the future.

Mr. Ashton shared some history of the subdivision, noting when these streets were developed there was an intention of continuing homes where the school is. Dora Street was just one of the streets in the development. When the apartments were developed, access should have been maintained throughout the development for water and sewer with the future in mind. Developers should always do their due diligence on water and sewer connections.

Council Member Pierce asked if this is done with conditions or restrictions, is there a time limit to develop with those conditions before the project has to go through the process again.

Mr. Ashton believes they could add a time limit for those conditions to be met, and it could be added in the motion.

Council Member Pierce believes there needs to be conditions added before approving this, but she doesn't know what the appropriate amount of time would be to give the developer; she doesn't want it left open-ended.

Council Member Prokopis noted that even if the property changed hands after the fact, a plan was agreed upon and would still have to be followed.

Council Member Pierce doesn't have concerns about it changing hands. If the city is giving up land there should be compensation, she just doesn't know what that number looks like.

Mr. Ashton responded that would be subject to an appraisal, and the developer has already agreed to comply if that condition is placed by retaining an appraiser agreed upon with the city to obtain the fair market value of the property.

Council Member Pierce is in favor of moving forward with this in lieu of any conditions.

City Manager David Brickey noted that different areas have different timelines. In similar situations, Summit County generally allows no more than seven years, while West Jordan allows five years from the council's decision.

Council Member Pierce believes the time frame should be shorter than five years.

Council Member Sudbury noted that they are trying to fix a known problem, as the council is aware of some blight and misuse of property. This would be a benefit to develop, but the city should be helping not hindering that process. If it takes additional conditions that are reasonable to get them there, they need to work towards that.

Mr. Ashton suggested delaying their decision while they wait to work out what those conditions should be.

Council Members Pierce and Sudbury expressed their agreement with delaying a decision as noted above.

Council Member Sudbury moved to delay any decisions on vacating Dora Street until such time the council can get advisement on appropriate conditions to move forward. Council Member Prokopis seconded the motion. AYE: Council Member Sudbury, Council Member Prokopis, Mayor Barney, Council Member Pierce EXCUSED: Council Member Hull FINAL RESULT: 4-0 Motion Passes

E. Discussion of Possible Action to Reconsider Resolution R2024-12-01.

City Manager David Brickey gave a brief review of the staff report regarding approval of an interlocal cooperation agreement with the Greater Salt Lake Municipal Services District related to the use of specific funds to design, mobilize, and construct certain road and sidewalk projects within the area known as The Webster Center. They wanted to adjust language to capture the ability to purchase property, and the packet contains the specific amounts along with where they are coming from. In reviewing the information in the packet, he noted the cost of Item 8 is going to double with the amount currently listed being the amount already paid, and still owing twice that to finish the project. The Pleasant Green copper sign is also showing half of what they paid to finish the project, with approximately another \$45,000 due. The CW Farms Light Improvement Project could be as much as \$45,000 to \$51,000 to complete as well. Those amounts will likely come off the available \$1.8 million by the end of the year, leaving the rest to be utilized next year on projects to benefit the city like playgrounds, roads and other projects around The Webster Center. The language has been reviewed with three additional attorneys and they were all okay with the recitals as written.

Mr. Ashton added that they would prefer to stay with the recital because it mirrors the Kearns version.

Mr. Brickey added the money must be identified and committed by next year, spending it all by December 31, 2026. The extension on committing the funds is the purpose of this resolution. If approved tonight, it will be presented to the MSD Trustees tomorrow night.

Council Member Sudbury moved to approve Resolution 2024-12-01 as published.

Council Member Prokopis seconded the motion. AYE: Council Member Sudbury, Council Member Prokopis, Mayor Barney, Council Member Pierce **EXCUSED:** Council Member Hull
FINAL RESULT: 4-0 Motion Passes

8. MANAGER/CITY ATTORNEY UPDATES

City Manager David Brickey shared the 2025 Council Meeting Schedule and asked the council members to consider a day in January for scheduling their retreat. They will require a closed session tonight for a personal matter, along with five litigation updates and several property updates.

9. COUNCIL REPORTS

Council Member Prokopis has a UPD Board Meeting on Thursday, as well as a Salt Lake Valley Law Enforcement Service Area (SLVLESA) public hearing for a tax increase on December 19.

Council Member Sudbury has a meeting on Monday.

Council Member Pierce attended the Mosquito Abatement Meeting to discuss their budget.

Mayor Barney had no MSD meeting the week of Thanksgiving, will be meeting with them tomorrow.

Council Member Sudbury moved to recess the City Council Meeting and move to Closed Session. Council Member Prokopis seconded the motion; vote was 4-0, unanimous in favor. Council Member Hull was excused from the vote.

10. CLOSED SESSIONS IF NEEDED AS ALLOWED PURSUANT TO UTAH CODE §52-4-205

- A. Discussion of the character, professional competence or physical or mental health of an individual.**
- B. Strategy sessions to discuss pending or reasonably imminent litigation.**
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property.**
- D. Discussion regarding deployment of security personnel, devices, or systems; and**
- E. Other lawful purposes as listed in Utah Code §52-4-205**

Council Member Hull joined the meeting during the Closed Session.

Council Member Sudbury moved to adjourn the Closed Session and return to the City Council Meeting. Council Member Hull seconded the motion; vote was 5-0, unanimous in favor.

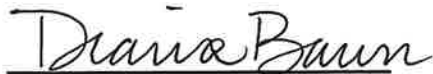
11. ADJOURN

Council Member Prokopis moved to adjourn the December 10, 2024 Magna City Council Meeting at 8:01 PM. Council Member Sudbury seconded the motion; vote was 5-0, unanimous in favor.


The December 10, 2024 Magna City Council Meeting adjourned at 8:01 PM.

This is a true and correct copy of the December 10, 2024 City Council Meeting Minutes, which were approved on January 14, 2025.

Attest:


Daria Baum

Magna City Recorder


Magna City Mayor

