

DATE

MONDAY

JUNE

10, 2024

THE CITY OF KEARNS, STATE OF UTAH, MET ON MONDAY, JUNE 10, 2024, PURSUANT TO ADJOURNMENT ON MAY 20, 2024, AT 6:00 P.M. AT THE KEARNS LIBRARY AT 4275 WEST 5345 SOUTH, KEARNS, UTAH 84118.

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

OTHERS IN ATTENDANCE: NATHAN BRACKEN, LEGAL COUNSEL  
NICHOLE WATT, DEPUTY CLERK

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

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Public Meeting

Citizen Public Input

**Michael Clyde** stated the City of Kearns' parking ordinance for on-street parking holds no teeth. He encouraged the Council to adopt something like what Sandy City has, and allow on-street parking by permit only. He stated he and his wife experience ongoing frustration with the parking situation near the Utah First Credit Union Amphitheater.

**Mayor Kelly Bush** asked Mr. Clyde to speak with Chief Levi Hughes, Unified Police Department, regarding the issue.

**Darin Nerdin** stated there are too many dogs off-leash at Mountain Man Park. This makes his wife feel uncomfortable entering the park.

**Mayor Bush** stated Mr. Nerdin should contact Salt Lake County Animal Services when this happens, and she asked Council Member Schaeffer to follow up.

**Gaye Peckham** stated the noise from the carwash on 4700 S and 4000 W has become very excessive. She asked if a sound barrier could be installed.

**Mayor Bush** asked Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District to find out who the planner was on this project and let them know a sound barrier needs to be installed.

♦♦♦ ♦♦♦ ♦♦♦ ♦♦♦ ♦♦♦

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Council Business

*Ordinance 2024-06-01 adopting the new city name and logo*

**Mayor Kelly Bush** asked if everyone had a chance to review the ordinance.

All members of the Council answered in the affirmative.

Council Member Snow, seconded by Council Member Butterfield, moved to adopt ordinance 2024-06-01 adopting the “City of Kearns” as the official name for Kearns and adopting an accompanying seal and logo. The motion passed unanimously.

KEARNS CITY COUNCIL

Ordinance 2024-06-01

June 10, 2024

AN ORDINANCE ADOPTING THE “CITY OF KEARNS” AS THE OFFICIAL NAME FOR KEARNS AND ADOPTING AN ACCOMPANYING SEAL AND LOGO.

RECITALS

WHEREAS, on January 1, 2017, the community of Kearns (“Kearns”) 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 Kearns Metro Township and the metro townships of Copperton, Emigration Canyon, Magna, and White City into cities and towns based on their populations effective May 1, 2024; and

WHEREAS, now that Kearns is a city pursuant to H.B. 35, the Kearns Council (“Council”) desires to adopt the “City of Kearns” as the official municipal name for Kearns and to adopt an accompanying seal and logo pursuant to its authority under Utah Code § 10-1-102.

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

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

Chapter 1.02 OFFICIAL NAME

1.02.010 Purpose and Scope

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

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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 Kearns 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 the City of Kearns



3. Implementation. The Mayor and Kearns 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 Kearns City Recorder

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 10<sup>th</sup> day of June 2024.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH  
Mayor

By /s/ LANNIE CHAPMAN  
Clerk/Recorder

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

There were no comments in favor of nor in opposition to the proposed budget.

**Nathan Bracken**, Legal Counsel, City of Kearns, stated for the record that Kearns adopted a budget for 2024 at the end of 2023, but since it was now a city, it was required to follow a different fiscal year and would be extending the budget it adopted before for another six months.

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

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*Resolution 2024-06-03 adopting the final 2024-2025 fiscal year budget*

Council Member Snow, seconded by Council Member Butterfield, moved to adopt resolution 2024-06-03 adopting the final 2024-2025 fiscal year budget. The motion passed unanimously.

#### KEARNS CITY COUNCIL

Resolution 2024-06-03

June 10, 2024

#### A RESOLUTION ADOPTING THE CITY OF KEARNS 2024-2025 FISCAL YEAR BUDGET

#### RECITALS

WHEREAS, the City of Kearns ("Kearns") is a municipality and political subdivision of the state of Utah; 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, as a metro township, Kearns operated on a calendar year beginning on January 1 and ending on December 31 of each year for budgeting purposes, and, as a result, Kearns adopted a budget for the 2024 calendar year that runs through December 31, 2024; and

WHEREAS, now that Kearns is a city pursuant to H.B. 35, Utah Code § 10-6-105 requires Kearns to operate on a fiscal year beginning on July 1 and ending on June 30 of each year for budgeting purposes;

WHEREAS, because the budget Kearns approved for the 2024 calendar year does not extend through June 30, 2025, Kearns must adopt a new budget for the 2024-2025 fiscal year; and

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WHEREAS, on May 13, 2024, the Kearns City Council ("Council") adopted a tentative budget for the 2024-2025 fiscal year and scheduled a public hearing on June 10, 2024, to solicit public comment on the same; and

WHEREAS, after providing notice of the public hearing pursuant to Utah Code § 10-6-113 and holding the public hearing pursuant to Utah Code § 10-6-114, the Council desires to adopt the 2024-2025 fiscal year budget.

NOW, THEREFORE, BE IT RESOLVED by the Kearns City Council that:

1. Pursuant to Utah Code § 10-6-118, the Council adopts and certifies the attached budget as the final Kearns's budget for the 2024-2025 fiscal year.
2. Kearns staff are authorized and directed to file a certified copy of the final budget with the Utah State Auditor within thirty (30) days of the date of this resolution.
3. Kearns staff shall file a certified copy of the final budget with the Kearns City recorder and such budget shall be made available to the public pursuant to Utah Code § 10-6-119.
4. This resolution shall take effect upon its adoption.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 10<sup>th</sup> day of June 2024.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH  
Mayor

By /s/ LANNIE CHAPMAN  
Clerk/Recorder

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*Public Hearing Final Adoption of 2024 Amended Budget*

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

There were no comments in favor of nor in opposition to the proposed budget.

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

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*Resolution 2024-06-02 amending the 2024 calendar year budget*

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Council Member Snow, seconded by Council Member Schaeffer, moved to adopt resolution 2024-06-02 adopting amendments for the 2024 Kearns budget. The motion passed unanimously.

KEARNS CITY COUNCIL

Resolution 2024-06-02

June 10, 2024

A RESOLUTION ADOPTING AMENDMENTS TO THE 2024 KEARNS BUDGET

RECITALS

WHEREAS, the City of Kearns ("Kearns") is a municipality and political subdivision of the state of Utah; 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, as a metro township, Kearns operated on a calendar year beginning on January 1 and ending on December 31 of each year for budgeting purposes, and, as a result, Kearns adopted a budget for the 2024 calendar year that runs through December 31, 2024; and

WHEREAS, now that Kearns is a city pursuant to H.B. 35, Utah Code § 10-6-105 requires Kearns to operate on a fiscal year beginning on July 1 and ending on June 30 of each year for budgeting purposes; and

WHEREAS, because of H.B. 35, the currently approved 2024 calendar year budget will terminate on June 30, 2024, meaning that Kearns must approve any amendments to the 2024 calendar year budget before the new 2024-2025 fiscal year budget goes into effect on July 1 pursuant to Utah Code § 10-6-105; and

WHEREAS, the Kearns City Council ("Council") intends to amend the 2024 calendar year budget to: (1) account for capital projects expenses that Kearns paid using funding from the American Rescue Plan Act ("ARPA"), 135 Stat. 4; (2) to cover any additional uses of the ARPA funding for capital project expenses before June 30, 2024; and (3) to cover any expenditures that Kearns may make before June 30, 2024 under its Small Business Assistance Loan Program; and

WHEREAS, after conducting a duly noticed public hearing on June 10, 2024, to solicit public comment on the proposed amendments to the 2024 calendar year Kearns budget pursuant to Utah Code § 10-6-128, the Council desires to adopt the amendments.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Council adopts the attached amendments to the 2024 calendar year Kearns budget; and

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2. Kearns staff are directed to make the amended 2024 calendar year budget available to the public.
3. This resolution will take effect upon its adoption.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 10<sup>th</sup> day of June 2024.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH  
Mayor

By /s/ LANNIE CHAPMAN  
Clerk/Recorder

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*Resolution 2024-06-04 adopting the 2024-2025 fee schedule*

Council Member Snow, seconded by Council Member Butterfield, moved to adopt resolution 2024-06-04 adopting the 2024-2025 fee schedule. The motion passed unanimously.

KEARNS CITY COUNCIL

Resolution 2024-06-04

June 10, 2024

A RESOLUTION ADOPTING THE 2024-2025 FISCAL YEAR FEE SCHEDULE FOR  
THE CITY OF KEARNS

RECITALS

WHEREAS, the City of Kearns ("Kearns") is a municipality and political subdivision of the state of Utah; 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, as a metro township, Kearns operated on a calendar year beginning on January 1 and ending on December 31 of each year for budgeting purposes, and, as a result, Kearns adopted a fee schedule for the 2024 calendar year; and

WHEREAS, now that Kearns is a city pursuant to H.B. 35, Utah Code § 10-6-105 requires Kearns to operate on a fiscal year beginning on July 1 and ending on June 30 of each year for budgeting purposes; and

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WHEREAS, the Kearns City Council ("Council") desires to adopt a new fee schedule for the 2024-2025 fiscal year pursuant to Section 3.42.060 of the Kearns Municipal Code, which states that all "fees or charges for services provided ... shall be set by the council;" and

WHEREAS, Kearns contracts with the Greater Salt Lake Municipal Services District ("MSD") to provide its administrative, planning and development, business licensing, and code enforcement services (the "Services"); and

WHEREAS, the MSD Board of Trustees approved the attached fee schedule to cover the Services the MSD will provide to Kearns during the 2024-2025 fiscal year; and

WHEREAS, the Kearns City Council desires to adopt the attached fee schedule for the 2024-2025 fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Kearns City Council effective immediately that:

1. The attached fee schedule is adopted as the Kearns fee schedule for the 2024-2025 fiscal year.
2. Kearns's staff are authorized and directed to file this resolution and the attached fee schedule with the Kearns City Recorder.
3. Kearns staff are authorized and directed to post this resolution and the attached 2024 fee schedule to the Kearns website and to the "Municipal Resolutions Book" within Kearns's Municode page
4. The attached fee schedule will go into effect on July 1, 2024.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 10<sup>th</sup> day of June 2024.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH  
Mayor

By /s/ LANNIE CHAPMAN  
Clerk/Recorder

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*Approval of the Greater Salt Lake Municipal Service District's Draft Audited Financial Statements*

Council Member Snow, seconded by Council Member Butterfield, moved to adopt the Greater Salt Lake Municipal Service District's draft audited financial statements. The motion passed unanimously.

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Stakeholders Updates

*Kearns Improvement District (KID)*

**Mayor Kelly Bush** stated Joe Hatch recently died unexpectedly on Wednesday. He was married to Cheryl Hatch who served on the Kearns Improvement District board. Services will be held on the 28<sup>th</sup>.

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*Kearns Library*

**Lee Whiting**, Manager, Kearns Library reported that the Kearns Night Out Against Crime went well. The Kearns Community Health Fair will be held at the library on the 17<sup>th</sup> of August.

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*My Kearns*

**Kristen Deitz** stated shared the calendar and updated the Council on the goals of MyKearns. The main goal was to reduce drug and alcohol abuse among minors. The Youth Court is being established and she will provide an update during the next meeting.

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*Wasatch Front Waste and Recycling District (WFWRD)*

**Renee Plant**, Administrative Manager, WFWRD, stated reminded everyone not to put yard waste in recycling cans. The website has an app that allows users to set reminders to put out cans and opt-in to notices for weather-related issues. It also has a function that tells users what can and cannot be recycled. She reminded everyone about the Seasonal Container Reservation Program (SCRP). It is for green waste and costs \$55 for three days. James Kelsey is the new sustainability coordinator. Paul Korth, CFO and Finance Director will be leaving WFWRD.

**Mayor Kelly Bush** stated she would like to make the vouchers available to members of the senior community. She noted QR codes can be confusing to seniors.

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*Unified Fire Authority (UFA)*

Nothing to report

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*Kearns Community Council*

**Roger Snow**, Vice Chair, Kearns Community Council, stated the Night Out Against Crime was a success. Hometown Night will be held August 2, 2024.

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*Unified Police Department (UPD)*

**Chief Levi Hughes**, Unified Police Department, stated Torrin Chambers has been reassigned and Nick Nelson will be taking his place starting July 1, 2024. Zach Young has been transferred to Midvale City and his spot as sergeant will be going to Clay Hansen. Chief Hughes did not bring statistics, but stated he would have them available by the 15<sup>th</sup>.

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Legal Updates/Information

Nothing to report

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Planning/Engineering

*Ordinance 2024-06-02 amending the PF zones*

**Kayla Mauldin**, Senior Planner, Greater Salt Lake Municipal Services District, delivered a PowerPoint presentation on the three suggested amendments to Kearns Code 19.38. They were:

1. Change “Commercial Recreation” from a prohibited to a permitted use in the PF Zone;
2. Change “Recreation Facility – Private, Public, or Commercial” from a prohibited to a permitted use in the PF Zone;
3. Add “Office – General, related to a primary use” as a new permitted use in both the PF and PI Zones.

Council Member Snow, seconded by Council Member Butterfield, moved to adopt ordinance 2024-06-02. The motion passed unanimously.

KEARNS CITY COUNCIL

DATE MONDAY JUNE 10, 2024

Ordinance 2024-06-02 June 10, 2024

AN ORDINANCE OF THE KEARNS CITY COUNCIL AMENDING ZONING PROVISIONS  
ON USES IN THE PUBLIC FACILITIES (PF) AND PUBLIC INSTITUTIONS (PI) ZONES

RECITALS

WHEREAS, the City of Kearns adopted a zoning ordinance pursuant to Utah Code Ann. Subsection 10-9a-102(2) and has authority to amend said zoning ordinance when it determines it is necessary; and

WHEREAS, the City of Kearns is a municipality and has authority to regulate land use standards in general pursuant to Utah Code Ann. Subsection 10-9a-104 (1); and

WHEREAS, the Council deems it necessary to amend its ordinances in order to allow for recreational facilities and accessory offices in the PF and PI Zones to reduce non- conforming uses in the community and further the goals of the adopted General Plan, including "Preserve and enhance recreational amenities and access to parks and open space."

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

1. Section 19.38.030 is amended and read as attached hereto as Exhibit A. The amendments made Therein are designated by underlining the new words, with words being deleted designated by brackets with a line drawn through said words.
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.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 10<sup>th</sup> day of June 2024.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH  
Mayor

By /s/ LANNIE CHAPMAN  
Clerk/Recorder

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*Ordinance 2024-06-03 amending miscellaneous provisions in Titles 18 and 19*

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**Kayla Mauldin**, Senior Planner, Greater Salt Lake Municipal Services District, reviewed the ordinance, which had been discussed at the last meeting.

Council Member Snow, seconded by Council Member Butterfield, moved to adopt ordinance 2024-06-03. The motion passed unanimously.

#### KEARNS CITY COUNCIL

Ordinance 2024-06-03

June 10, 2024

#### AN ORDINANCE OF THE KEARNS CITY COUNCIL AMENDING MISCELLANEOUS PROVISIONS IN SUBDIVISION AND ZONING ORDINANCES (TITLES 18 AND 19)

#### RECITALS

WHEREAS, the City of Kearns adopted a zoning ordinance pursuant to Utah Code Ann. Subsection 10-9a-102(2) and has authority to amend said zoning ordinance when it determines it is necessary; and

WHEREAS, the City of Kearns is a municipality and has authority to regulate land use standards in general pursuant to Utah Code Ann. Subsection 10-9a-104 (1); and

WHEREAS, the Council deems it necessary to amend its ordinances in order to improve land use ordinance usability, responsiveness to community needs, and compliance with Utah State Code.

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

1. Titles 18 and 19 are amended and read as attached hereto as Attachments 1 and 2.
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.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 10<sup>th</sup> day of June 2024.

#### CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH  
Mayor

By /s/ LANNIE CHAPMAN  
Clerk/Recorder

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Other Business

*Recognition of Kayla Mauldin*

Mayor Kelly Bush stated Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District (MSD), would be leaving the MSD effective July 3<sup>rd</sup>. She read the following resolution into the record.

Council Member Snow, seconded by Council Member Schaeffer, moved to adopt resolution 2024-06-01. The motion passed unanimously.

KEARNS CITY COUNCIL

Resolution 2024-06-01

June 10, 2024

A RESOLUTION OF THE KEARNS METRO TOWNSHIP COUNCIL EXPRESSING APPRECIATION FOR KAYLA MAULDIN

WHEREAS, the community of Kearns (“Kearns”) incorporated as a metro township on January 1, 2017, and later became a city on May 1, 2024; and

WHEREAS, since its incorporation, the Greater Salt Lake Municipal Services District (“MSD”) has provided the city’s administrative, planning and development, business licensing, and code enforcement services; and

WHEREAS, Kayla Mauldin began working for the MSD as a long-range planner on May 26, 2020, and subsequently became the MSD’s senior long-range planner with supervisory responsibilities for other long-range planners within the MSD; and

WHEREAS, during her tenure with the MSD, Kayla has worked closely with Kearns to develop and implement several instrumental projects that have significantly furthered Kearns’s interests and prerogatives; and

WHEREAS, among other important projects, Kayla played a key role in facilitating the development and implementation of the current Kearns General Plan, the restatement of Kearns’s land use ordinances in Titles 18 and 19 of the Kearns Municipal Code, and numerous other land use ordinances and actions that have significantly furthered the interests of Kearns and its citizens.

NOW, THEREFORE, be it RESOLVED, effective immediately that:

1. The Kearns Council expresses its sincere appreciation for Kayla’s years of faithful service, valuable advice, and significant contributions.

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2. The Kearns Council expresses its gratitude for the opportunity to have been associated with Kayla as a friend and colleague and wishes her the best in her future endeavors.

ADOPTED AND APPROVED this 10<sup>th</sup> day of June 2024.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH  
Mayor

By /s/ LANNIE CHAPMAN  
Clerk/Recorder

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*Future Agenda Business*

There was no future business to discuss.

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Closed Session

Council Member Snow, seconded by Council Member Schaeffer, moved to close the open session of the City of Kearns Council meeting to discuss the character, professional competence, or physical or mental health of an individual, and the deployment of security personnel. The motion passed unanimously.

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The Council reopened the City of Kearns meeting.

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

Attest:

By Kelly Bush  
City Recorder

  
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CHAIR, CITY OF KEARNS