

DATE MONDAY MAY 20, 2024

THE CITY OF KEARNS, STATE OF UTAH, MET ON MONDAY, MAY 20, 2024, PURSUANT TO ADJOURNMENT ON MAY 13, 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: NICHOLE WATT, DEPUTY CLERK

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Mayor Kelly Bush, Chair, presided.

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Public Meeting

Citizen Public Input

There was no public input.

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

Council Business

Approval of Minutes for 2/12/2024, 2/20/2024, and 10/9/2023

This item was placed on the agenda in error. The minutes were approved at a previous meeting.

Chamber West

Daniel Torres, Economic Development Manager, Greater Salt Lake Municipal Services District (MSD), stated ChamberWest had offered to extend civic membership to the City of Kearns at a reduced rate. The City of Kearns would have two seats on the governing board and a seat on the Board of Directors. The governing board meets every other month on the odd months, and the Board of Directors meets every month. ChamberWest membership allows the business community to network and learn about trends in the community. This would be a good opportunity for the City.

DATE MONDAY MAY 20, 2024

Barbara Riddle, President and CEO, ChamberWest, stated Council members from each of the cities sit on the Board of Directors. The City would also get two seats on the Legislative Affairs committee.

Mayor Kelly Bush stated ChamberWest has sent businesses to Kearns in the past. The cost of membership would be \$3,500 a year.

Council Member Butterfield, seconded by Council Member Snow, moved to have the City of Kearns become a member of ChamberWest. The motion passed unanimously.

Interlocal Agreement for Clerk Services

Mayor Kelly Bush stated under the law, the City of Kearns would no longer be allowed to contract with the Salt Lake County Clerk for services. The City must either hire its own clerk or the Greater Salt Lake Municipal Services District can hire someone for the position. In the meantime, there will be an interlocal agreement wherein the County Clerk will offer month-to-month services.

Council Member Peterson asked what services would be provided.

Nichole Watt, Deputy Clerk, stated the services would involve attending meetings, recording those meetings, taking meeting minutes, storing all files, posting to the public notice website, collecting signatures, etc.

Mayor Bush noted the duties of a City Clerk are very different from the duties of a County Clerk under state law. Because of this, it would be too great a liability for the County to continue to provide Clerk services for the City of Kearns indefinitely. Additionally, a city clerk must reside in the city of employment.

Council Member Snow, seconded by Council Member Schaeffer, moved to approve the interlocal agreement for clerk services. The motion passed unanimously.

2024 Budget Amendments

Mayor Kelly Bush stated there were a couple changes to the 2024 budget amendments last week. Specifically, \$400,000 was added for business grants and \$1.8 million was added for capital projects.

KEARNS CITY COUNCIL

Resolution 2024-05-05

May 20, 2024

DATE MONDAY MAY 20, 2024

A RESOLUTION ACCEPTING TENTATIVE AMENDMENTS TO THE 2024 KEARNS
BUDGET AND SCHEDULING A PUBLIC HEARING TO DISCUSS THE SAME

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, 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, Kearns needs to account for capital projects expenses that Kearns paid using funding from the American Rescue Plan Act (“ARPA”), 135 Stat. 4, and to cover any additional uses of the ARPA funding for capital project expenses before June 30, 2024; and

WHEREAS, pursuant to Utah Code § 10-6-128, the Council desires to amend the 2024 budget for Kearns and to schedule a public hearing to solicit public comment on the same.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Council accepts the attached tentative budget amendments to the 2024 calendar year Kearns budget; and
2. The Council will hold a public hearing on June 10, 2024, at 6:00 p.m. at the Kearns Library located at 4275 West 5345 South to receive public comments on the adoption of tentative budget amendments to the Kearns’s 2024 calendar year budget.
3. Notice of the public hearing shall be provided pursuant to Utah Code §§ 10-6-113 and 63G-30-102.
4. Kearns staff are authorized and directed to make a copy of this tentative budget amendment available for public inspection for a period of at least ten days prior to the public hearing.

DATE MONDAY MAY 20, 2024

5. This resolution will take effect upon its adoption.

ADOPTED AND APPROVED at a duly called meeting of the Kearns City Council on this 20th day of May 2024.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH
Mayor

By /s/ LANNIE CHAPMAN
Clerk/Recorder

Council Member Snow, seconded by Council Member Butterfield, moved to approve Resolution 2024-05-05 accepting tentative amendments to the 2024 Kearns Budget and scheduling a public hearing to discuss the same. The motion passed unanimously.

Economic Development Corporation of Utah Invoice

Daniel Torres, Economic Development Manager, Greater Salt Lake Municipal Services District (MSD), stated the Economic Development Corporation of Utah (EDC Utah) is a non-profit economic development corporation that is contracted through the Governor's Office to handle all the Requests for Proposals and site selection assistance for the state. EDC Utah has over two decades of experience in assisting communities with economic development issues. The proposed Kearns membership is based on population and would be 33 cents per person or \$12,461.49 per year. The corporation provides training and assistance, community assessments, workforce analysis, retail assessment, etc. It also has access to data packages that are helpful.

Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District (MSD), stated she had mentioned this business to the Council in an email several months earlier. The data availability and the community profile for Kearns were big selling points. The City of Kearns would receive proprietary data that would be a lot more expensive if the MSD purchased it. There would also be trainings available for members only that were critical for MSD staff.

Mayor Kelly Bush stated she was concerned that the data purchased may be repetitive

Mr. Torres stated the MSD has data it collects, data it purchases from the state, and data it gets from Esri software. As Kearns prepares to set up its own redevelopment agency, this service could be helpful. He assured the Council he would not recommend renewing the membership if he came to believe the services received were not useful.

Council Member Snow moved to approve the invoice and join the Economic Development Corporation of Utah. The motion failed for lack of a second.

DATE MONDAY MAY 20, 2024

The Council agreed to table the matter and get more information.



Stakeholders Updates

There were no stakeholder updates.

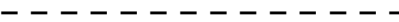


Planning/Engineering

OAM2024-001135 Proposed amendments to Section 19.28.060 “Lot Coverage” in single family residential zones and Section 19.48.040 “Standards for Parking in R-1 and R-2 Residential Zones” to consider modifications to the maximum amount of impervious surface allowed in front yards and to clarify the standards for parking motor vehicles and recreational vehicles in residential areas of Kearns.

Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District, reviewed the proposed amendments. The first would change the maximum cumulative coverage of impervious surface to a total coverage of 60 percent of the lot. The other change would clarify that any gravel pads would have to be accessible by a paved driveway. The Planning Commission recommended approval of the ordinance, but proposed an amendment to the ordinance allowing the total impervious surface coverage to go up to 70 percent if the property required that to meet the parking requirements for a detached accessory dwelling unit (ADU). With this code change, 97 percent of lots would automatically come into compliance.

Council Member Snow, seconded by Council Member Butterfield, moved to adopt the ordinance amendment as drafted in the staff report as attachment I, noting that that the Council is adopting the Planning Commission’s recommendation. The motion passed unanimously.



OAM2024-001140 Miscellaneous Amendments to Titles 18 and 19 of Kearns Code

Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District (MSD), reviewed the four amendments to Titles 18 and 19 contained in the staff report. These changes were necessitated by Kearns’ transition from a metro township to a city. She reminded the Council that MSD staff will continue to bring forward amendments as necessary to keep Kearns’ Code relevant and clean.

Council Member Snow, seconded by Council Member Butterfield, moved to approve the updates to Titles 18 and 19 of the Kearns Code. The motion passed unanimously.

DATE MONDAY MAY 20, 2024

Small Business Assistance Grant

Daniel Torres, Economic Development Manager, Greater Salt Lake Municipal Services District (MSD), stated Nathan Bracken, Legal Counsel, City of Kearns, felt it would be appropriate to pass an ordinance allowing the City of Kearns to establish a mechanism for the City to provide business assistance funding. He reviewed the criteria that would qualify a small business for funding. He also reviewed the application period.

Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District (MSD), stated there would be an accompanying resolution establishing the grant program.

Council Member Snow, seconded by Council Member Butterfield, moved to approve Ordinance 2024-05-03 establishing a small business assistance grant program. The motion passed unanimously.

KEARNS CITY COUNCIL

Ordinance 2024-05-03

May 20, 2024

AN ORDINANCE OF THE KEARNS CITY COUNCIL ESTABLISHING A SMALL BUSINESS ASSISTANCE GRANT PROGRAM.

RECITALS

WHEREAS, the City of Kearns (“Kearns”) is city and political subdivision of the State of Utah pursuant to Utah Code §§ 10-2-301 and 10-1-201.5; and

WHEREAS, the Kearns City Council (“Council”) recognizes the need to establish a small business assistance grant program (the “Program”) to assist eligible small businesses located within the corporate boundaries of Kearns; and

WHEREAS, the Council intends for the Program to operate periodically when funding is available; and

WHEREAS, the Council anticipates that the specific purposes and sources of each appropriation the Council makes to the program may vary, in which case the Council intends for the Program to establish minimum baseline standards and requirements that the Council will augment with additional standards and requirements each time it appropriates funding to the Program for a specific purpose; and

WHEREAS, the Council finds that it is in the best interest of Kearns to enact a small business assistance grant program.

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

1. Enactment of Kearns Small Business Assistance Grant Program. The following is enacted as Chapter 2.90 of the Kearns Municipal Code:

2.90.010 Establishment of the Kearns Small Business Assistance Grant Program

The Kearns Small Business Assistance Grant Program is hereby established to provide financial assistance to small businesses operating within Kearns’s corporate limits.

2.90.020 Definitions

All words and phrases in this chapter shall have the following meanings:

- A. *“Small business” means any private business that satisfies the minimum eligibility criteria set forth in Section 2.90.060 and any additional eligibility criteria the Council may establish by resolution pursuant to Section 2.90.040. “Small business” does not include a subsidiary or affiliate of another business entity that does not qualify as a small business.*
- B. *“Program” means the Kearns Small Business Assistance Grant Program established by this chapter.*
- C. *“Recipient” means a small business selected to receive a grant under the program.*

2.90.030 Purpose

The purpose of the program is to assist eligible small businesses within Kearns in covering expenses to promote business sustainability and economic development. The Council intends for the objectives of each appropriation it makes to the program to vary, in which case the Council may, by resolution, impose requirements that are in addition to the minimum requirements set forth in this chapter.

2.90.040 Appropriations

For each appropriation the Council makes to the program the Council shall specify by resolution:

- A. *The intended objective of the appropriation;*
- B. *Any eligibility criteria for the appropriation in addition to the criteria in Section 2.90.060.*
- C. *How recipients are to use the grant funding they receive under the appropriation;*
- D. *How Kearns will administer the grants it issues under the appropriation, including the application submission process, the application review and selection process, the distribution process, the reporting process, and the verification process; and*

- E. *The Kearns staff who will review each application Kearns receives under the program and who will make recommendations to the Council pursuant to Section 2.90.090 regarding which applications to approve, approve with conditions, or deny.*

2.90.050 Availability of Appropriations

The program is subject to available appropriations and shall only be effective when:

- A. *The Council has appropriated funding to the program and such funding has not been expended for its intended objective; or*
- B. *There are outstanding reporting, compliance, or other obligations for the appropriation under this chapter.*

2.90.060 Eligibility Criteria

To be eligible to receive funding under the program, the small business shall at a minimum:

- A. *Maintain its principal office within Kearns;*
- B. *Have a current business license in good standing issued by Kearns;*
- C. *Comply with all applicable laws, regulations, and ordinances and not be the subject of enforcement or legal actions brought by Kearns against the small business; and*
- D. *Satisfy any other eligibility requirements the Council has imposed with the applicable appropriation to the program pursuant to Section 2.90.040.*

2.90.070 Grant Program Guidelines

- A. *Recipients shall use the grant funding they receive under the program for the uses the Council established for the applicable appropriation.*
- B. *Recipients may not use the grant funding they receive under the program for personal uses, uses that are not related to their business, or for uses other than the use the Council established for the applicable appropriation.*

2.90.080 Application Process

For each application, small businesses shall provide:

- A. *All applicable business incorporation and registration documents needed for the business to operate, excluding its Kearns business license;*
- B. *Copies of the small business's most recent tax return; and*

DATE MONDAY MAY 20, 2024

C. *A business plan showing how the small business will use the grant funding for business-related expenses.*

2.90.090 Grant Review and Approval Process

The Kearns staff assigned to review grant applications by the Council pursuant to Section 2.90.040.E shall review each application Kearns receives under the program and shall prepare recommendations to the Council that describe whether the Council should approve, approve with conditions, or deny each application. Unless the Council directs otherwise pursuant to Section 2.90.040.D, the Council shall approve, approve with conditions, or deny each application.

2.90.100 Agreement Required

Recipients shall execute an agreement with Kearns in a form approved by the Mayor as a condition of receiving grant funding under the program.

2.90.110 Reporting and Verification Requirements

Recipients will be required to submit a report and related receipts, invoices, and other documentation that Kearns may request to ensure that recipients use the grant funding for the approved uses of the applicable appropriation. Reports shall be submitted in accordance with the reporting and verification requirements the Council established for the applicable appropriation to the program.

2. Administration of Program: The Council authorizes City staff to expend up to \$5,000 to acquire software to administer the Program.
3. 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 20th day of May 2024.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH
Mayor

By /s/ LANNIE CHAPMAN
Clerk/Recorder

Council Member Snow, seconded by Council Member Butterfield, moved to approve Resolution 2024-05-04 appropriating \$400,000 to the Kearns Small Business Assistance Grant Program with the discussed amendments. The motion passed unanimously.

DATE MONDAY MAY 20, 2024

KEARNS CITY COUNCIL

Resolution 2024-05-04

May 20, 2024

A RESOLUTION OF THE KEARNS CITY COUNCIL APPROPRIATING \$400,000 TO THE KEARNS SMALL BUSINESS ASSISTANCE GRANT PROGRAM TO PROVIDE ASSISTANCE TO SMALL BUSINESSES IMPACTED BY THE COVID-19 PANDEMIC.

RECITALS

WHEREAS, concurrently with this resolution, the Kearns City Council (the "Council") enacted Chapter 2.90 of the Kearns Municipal Code to establish a Small Business Assistance Grant Program (the "Program") to assist eligible small businesses located within the corporate boundaries of Kearns; and

WHEREAS, the purpose of the Program is to provide minimum baseline standards and requirements that will govern the funding the Council appropriates to the Program; and

WHEREAS, because the Program will operate periodically when funding is available, the purposes and sources of funding the Council may appropriate to the Program will likely vary; and

WHEREAS, to account for the varied nature of the purposes and sources of the appropriations the Council may make to the Program, Section 2.90.040 of the Kearns Municipal Code requires the Council to specify in each appropriation: (1) the intended objective of the appropriation;(2) the eligibility criteria for the appropriation in addition to the criteria in Section 2.90.060; (3) how recipients are to use the grant funding they receive under the appropriation; (4) how Kearns will administer the grants it issues under the appropriation, including the application submission process, the application review and selection process, the distribution process, the reporting process, and the verification process; and (4) the Kearns staff who will review each application Kearns receives under the program and who will make recommendations to the Council pursuant to Section 2.90.090 regarding which applications to approve, approve with conditions, or deny.

WHEREAS, for its first appropriation to the Program, the Council desires to provide funding assistance to small businesses within Kearns that were impacted by the COVID-19 pandemic; and

WHEREAS, in response to the COVID-19 pandemic, Salt Lake County provided Kearns with money from its general fund (the "Pandemic Funds") for Kearns to address the economic effects of the pandemic; and

WHEREAS, the Council desires to appropriate \$400,000 of the Pandemic Funds (the "Appropriation") to the Program to provide financial assistance to eligible businesses affected by the COVID-19 pandemic.

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

DATE MONDAY MAY 20, 2024

1. The Council hereby appropriates \$400,000 to the Program (the “Appropriation”), which shall be utilized exclusively for the objective of providing one-time grants to eligible small businesses impacted by the economic effects of the COVID-19 pandemic.
2. Pursuant to Section 2.90.040 of the Kearns Municipal Code, the Council adopts the standards and requirements set forth in Exhibit B, which is incorporated by reference, to govern the administration and use of this Appropriation.
3. Small businesses applying for a grant under this Appropriation must use the application attached as Exhibit A and incorporated by reference.
4. The Kearns City Attorney are authorized and directed to prepare a grant agreement, which the Mayor is authorized to review and approve, for selected small businesses to execute as a condition of their receipt of grant funding under the Program and this Appropriation.
5. This resolution shall go into effect on the date Ordinance 2024-05-04 becomes effective pursuant to Utah Code §10-3-711.

CITY OF KEARNS

ATTEST:

By /s/ KELLY F. BUSH
Mayor

By /s/ LANNIE CHAPMAN
Clerk/Recorder

RFQ for Kearns Community Center

Daniel Torres, Economic Development Manager, Greater Salt Lake Municipal Services District (MSD), stated as the City of Kearns explored the needs for its community center, he recommended a two-phased approach wherein the City could first hire a professional inspector to come through the building and then work with a qualified engineer. To that end, he has already reached out to various companies to perform inspection and would like to put out a Request for Qualifications (RFQ) to hire an engineer. The RFQ would be structured so that the firm could be hired to oversee the project management.

Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District (MSD), stated the RFQ would not be binding, and the City of Kearns would not be obligated to hire anyone.

Council Member Snow, seconded by Council Member Schaeffer, moved to move forward with the Request for Qualifications for an engineer for the Kearns Community Center. The motion passed unanimously.

Presentation Regarding the Implementation of Moderate Income Housing Strategy E

Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District (MSD), stated there were 23 properties currently filing for an Accessory Dwelling Unit (ADU) permit. She explained that ADUs provide rentals below market rate during a housing shortage. They also provide supplemental income for homeowners. However, there are barriers that can be an obstacle to having an ADU. She reviewed the political, regulatory, financial, and procedural barriers to operating an ADU and the results of the survey, in which the MSD asked respondents about their preferred interventions to these barriers. Kearns residents responded that the two most helpful interventions would be the following:

- A program that would provide design and planning assistance for applications and construction processes.
- An informational guide about the ADU process including the application process and regulations.

Additionally, respondents indicated it would be helpful for the City of Kearns to reduce setback standards for existing detached ADUs (an ordinance was recently passed to this effect); reduce building requirements to include only life safety regulations; provide resources with information about funding; and implement a program that would allow preexisting ADUs to come into compliance with reduced permitting fees.

Ms. Mauldin let the Council know that while this was an informational presentation, staff would be looking to the Council for guidance in the future.

Mayor Bush and the Council directed Ms. Mauldin to bring forward the top two recommendations during her report on August 1, 2024.

Thriving Communities Visit

Kayla Mauldin, Senior Planner, Greater Salt Lake Municipal Services District (MSD), stated Kearns is participating in the Thriving Communities program through the US Department of Transportation. The City of Kearns was the only community in the State of Utah that was selected to participate in the program. The program would give the City of Kearns two and a half years of technical assistance to prepare federal grant applications for projects. The City has been assigned four consultants who will be visiting June 6, 2024 through June 8, 2024. She provided a tentative agenda and stated the MSD hoped the Council could attend as many events as possible to facilitate productive discussions.



Other Business

Future Agenda Business

DATE MONDAY MAY 20, 2024

Daniel Torres, Economic Development Manager, Greater Salt Lake Municipal Services District (MSD), stated MSD staff recently met with the Smith Entertainment Group regarding the Olympic Oval. The group has a very aggressive timeline.

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

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

LANNIE CHAPMAN
CITY CLERK

By Nichole Watt
Deputy Clerk

Kyle Busch
CHAIR, CITY OF KEARNS

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆
◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆
◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆