



**CITY OF KEARNS
CITY COUNCIL MEETING**

NOVEMBER 10, 2025, 6:00 PM

KEARNS LIBRARY - 4275 W 5345 S, KEARNS, UTAH 84118

~~**DRAFT MINUTES - UNAPPROVED**~~ *Approved

CITY OF KEARNS COUNCIL MEETING MINUTES

November 10, 2025

COUNCIL MEMBERS PRESENT:

Kelly Bush, Mayor

Chrystal Butterfield

Patrick Schaeffer

Alan Peterson

Tina Snow

COUNCIL MEMBERS EXCUSED:

STAFF PRESENT:

Nathan Bracken, City Attorney

Diana Baun, City Recorder

Daniel Hoffman, Senior Accountant

Brian Tucker, Planning Manager

Dan Torres, Economic Development Manager

Others Present:

1. CALL TO ORDER

Mayor Kelly Bush, presiding, called the meeting to order at 6:00 PM.

2. DETERMINE QUORUM

Mayor Kelly Bush announced that a quorum was present allowing the meeting to proceed.

3. VISITING PUBLIC OFFICIALS – None

4. CITIZEN PUBLIC INPUT

During public comment, Darren Nerdin submitted a prepared statement (Attachment A) in which he thanked those who had run for office and expressed disappointment regarding negativity he believed had occurred within the community. He urged residents to put aside differences, focus on positive contributions, and avoid fault-finding.

Council Member Tina Snow responded by stating that Darren Nerdin's son had participated in negative online behavior during the election and asserted that if he intended to address everyone, he should also address individuals not present.

CITY OF KEARNS COUNCIL

MAYOR KELLY BUSH, DEPUTY MAYOR TINA SNOW

COUNCIL MEMBER CHRYSAL BUTTERFIELD, COUNCIL MEMBER ALAN PETERSON,
COUNCIL MEMBER PATRICK SCHAEFFER

Mr. Nerdin stated that his son had only been defending his mother.

Council Member Tina Snow replied that additional issues had occurred and reiterated that she did not want the council to be lectured, noting that this was the third time such remarks had been presented.

Mayor Kelly Bush asked Darren Nerdin to provide his written statement to the Recorder for the record.

Paula Larsen representing the Kearns Community Council stated that the recent election had been "disgusting" due to the cruelty she observed. She emphasized that calls for civility needed to apply universally. She then shifted to expressing appreciation for the city council, noting the long-standing partnership between the city and the Kearns Community Council and thanking council members for their support. She distributed small gifts to the council and highlighted the historical unpaid service many individuals had provided to the community. She then recognized several departing long-serving officials. She honored Al Peterson for approximately 22 years of community service, detailing his roles with the American Legion, the Kearns Community Council from 2004 to 2016, the Metro Township Council from 2017 to 2024, and the City of Kearns council from May 2024 through the end of the current year. She also recognized Council Member Tina Snow, who had served the community for 18 years, including work with the Kearns Community Council from 2008 to 2016, service on the Metro Township Council from 2017 to 2024, and tenure as a City of Kearns council member and deputy mayor from May 2024 to the present. She concluded by acknowledging Mayor Kelly Bush for nine years of service, citing the mayor's work as a township council member from 2017 to 2024, a City of Kearns council member in 2024, and mayor from 2018 through December 2025. She expressed gratitude for the mayor's leadership and dedication during the transition to township status.

5. PRESENTATION ITEMS

A. Special Recognition

Mayor Kelly Bush stated that she intended to provide mayoral recognition and noted that, collectively, the council and long-serving community members present had contributed 92 years of service. She acknowledged the challenges of holding public office and emphasized that those who served did so out of love for the community. She then presented two recognitions, first honoring Al Peterson, reiterating his long history of involvement in Kearns, including his work with the Community Council and the American Legion. She described him as widely known and appreciated within the community. She expressed pride in the council and stated that serving with them had been an honor. She then presented Al Peterson an award on behalf of the mayor and city council, recognizing and honoring him for 23 years of service and acknowledging his contributions to the community's growth and success. She next recognized Mayor Pro Tem and Council Member Tina Snow. She highlighted Tina Snow's long record of service, both through her volunteer work with the Kearns Community Council and through decades of running a daycare business that had supported multiple generations of local families. She presented an award honoring Tina Snow for 21 years of dedication to

Kearns residents and 10 years of service on the city council. She concluded by extending her best wishes to the council and by acknowledging the two newly elected council members present at the meeting, Lyndsay Longtin and Lorrin Colby, noting that the next chapter for the City of Kearns would be an exciting one.

6. CONSENT AGENDA

- A. Approve Council Meeting Minutes**
 - a. October 14, 2025 City Council Meeting**

Council Member Schaeffer moved to approve the October 14, 2025 City Council Meeting Minutes as published. Council Member Peterson seconded the motion; vote was 5-0, unanimous in favor.

B. Quarterly Financial Report

Daniel Hoffman presented the quarterly financial report and explained that, as part of maintaining good fiscal policy and transparency, the financials were going to be reviewed with the council every quarter. He clarified that the City of Kearns operated on a fiscal year rather than a calendar year, a change implemented recently. The report covered the first quarter of the fiscal year, July through September. He stated that revenues collected totaled \$3.5 million, representing 27% of the annual budgeted amount, which he noted aligned well with the expected 25% benchmark for a single quarter. He explained that expenses totaled \$2.5 million, or 19% of the annual budget, and that it was typical for expenditures to be lower early in the year because the fourth quarter was usually the most costly due to preparation for summer projects. He stated that based on the available data, the city was performing well and remaining within budget. He reviewed four funds associated with the City of Kearns. He first described the city's main fund and explained that the accounting system used fund accounting to separate finances into specific categories based on purpose. He then reviewed the Kearns beer tax special fund, noting that Utah collected alcohol taxes at the state level and distributed a portion back to cities for local use. He next addressed the City of Kearns Community Reinvestment Agency fund, stating that the fund had not yet been significantly active and that only minor attorney fees had been charged to it, which had been paid through a loan from the main Kearns fund. Mayor Kelly Bush noted that the fund would become active once the newly elected council took office. He then reviewed the Kearns Council Designated Fund, which consisted of MET taxes—specifically the municipal energy tax (MET), municipal telecom tax, Pacific Rocky Mountain Power tax, and Questar Gas and Dominion Energy taxes. He reported that the fund totaled \$379,000 so far in the fiscal year and that the previous year's collections were approximately \$800,000. He stated the city was trending slightly ahead of the prior year, and that total liabilities and fund equity in the fund stood at \$1 million. Mayor Kelly Bush added that differences in collection amounts were due to a mid-year implementation of the MET cap the previous year, whereas the current year reflected a full year of collection. He identified a \$22,000 charge related to Fourth of July activities and explained that MET funds were commonly used for policing services. He clarified that the city had not yet been invoiced for policing because external agencies often billed several months later, requiring the city to wait up to two months after year-end to close the books and assign bills to the correct reporting period. Mayor Kelly Bush stated that the current council had chosen to use MET tax revenue

for policing, and that the incoming council would decide how to allocate the funds going forward. He informed the council that budget meetings would begin in January and would include training for newly elected council members on the city's financial structure and budgeting process. He invited council members to review the financial documents and contact him with questions. Mayor Kelly Bush noted that the financial report would be made publicly available in the agenda packet online.

Council Member Snow moved to accept and acknowledge the quarterly financial reports as presented. Council Member Schaeffer seconded the motion; vote was 5-0, unanimous in favor

7. WORKSHOP

A. Implementation of H.B. 48 (Wildland Urban Interface Modifications)

Nathan Bracken reported on legislative requirements associated with HB 48, explaining that the bill was passed late in the most recent legislative session and was intended to clarify which areas of Utah were subject to catastrophic wildfire risk. He stated that the legislation required any city with a wildland–urban interface area to adopt and enforce the Wildland Urban Interface (WUI) code beginning January 1, and warned that failure to do so could affect eligibility for state assistance in the event of a catastrophic wildfire. He explained that although the bill envisioned updated, refined maps from the state to identify high-risk areas, those maps had not yet been produced, leaving cities uncertain about how to comply. Insurance companies had already been treating some low-risk properties as though they were in high-risk areas, raising premiums or canceling coverage, and the bill was intended to resolve those issues by clearly defining risk zones and implementing associated fees. He stated that he initially believed the requirements would not apply to Kearns because available information showed no wildland–urban interface areas in the city. He noted that the state's existing map was inaccurate and that even the one small Kearns parcel preliminarily identified did not meet criteria when reviewed by the Unified Fire Authority. However, recent state outreach meetings indicated that every city, including Kearns, would be required to adopt the WUI code and adopt a corresponding map, even if the map designated no qualifying areas. He explained that the city could adopt an ordinance with a map showing no identified wildland–urban interface areas based on currently available information, with the understanding that the map would be revised if future state data showed otherwise.

Mayor Kelly Bush asked whether the ordinance could be prepared in conjunction with the meeting scheduled for canvassing election results. Nathan Bracken stated that it could not, because the ordinance would need to go through the planning commission first, as it constituted a land-use regulation. He cautioned that the WUI code was difficult to meet and could impose significant costs on property owners due to buffer, landscaping, and construction requirements intended to withstand wildfire conditions. Because of those potential burdens, he was reluctant to designate any property unless the state confirmed that it met the criteria. He emphasized that failing to adopt the ordinance could jeopardize the city's access to catastrophic wildfire protection through a cooperative agreement that the Unified Fire Authority maintained with the state on behalf of member cities. He stated that UFA was in the process of updating that agreement and that the city's compliance was important. He explained that the

city had not planned on holding meetings in December, but due to the evolving requirements identified during meetings with Municipal Services District staff and others, both a planning commission meeting and a city council meeting would now be necessary to adopt the ordinance and complete any related business.

8. COUNCIL BUSINESS – ACTION ITEMS

A. Nominations to the JVWCD Board of Trustees

Nathan Bracken explained that both Kearns and Magna were entitled to nominate individuals to represent their communities on the Jordan Valley Water Conservancy District board. He stated that the seat was shared between the two communities and noted that it had previously been held by Ray Christensen on behalf of Kearns and was currently held by Mick Sudbury of the Magna Water District. Since Mick Sudbury's term was concluding, Kearns needed to submit nominations for consideration.

Nathan Bracken stated that he had worked with Greg Anderson, who had provided names and letters of recommendation, and that the council had received a packet containing a draft nomination letter and the résumés of two candidates. He explained that although there was only one board seat, and the final decision rested with the governor, both Kearns and Magna were permitted to nominate candidates each year. He clarified that the council was required by law to approve the nominations before they could be forwarded to the governor's office.

Council Member Snow moved to approve the nominations presented tonight for submittal to the governor's office. Council Member Butterfield seconded the motion; vote was 5-0, unanimous in favor.

B. Ordinance 2025-O-18, An Ordinance Updating Titles 18 and 19 of the Kearns Municipal Code to Implement H.B. 368 and to Make Other Changes

Nathan Bracken introduced the next agenda item by explaining that the legislature had passed a large omnibus land-use bill, HB 368, during the most recent session. He stated that the bill contained approximately 7,000 lines of statutory changes and required cities to update their land-use codes to remain compliant. He noted that although the bill had already gone into effect and the city had been operating under its requirements, the city still needed to formally amend its code before the end of the year. He stated that Brian Tucker had completed the detailed work of reviewing and incorporating the required changes, that the ordinance had already been reviewed by the planning commission, and that the commission had forwarded a favorable recommendation with one requested edit.

Brian Tucker then presented the proposed code amendments (Attachment B). He explained that HB 368 required updates to subdivision regulations, bonding processes, warranty bond timelines, inspection and release procedures, and landscaping installation standards connected to building permits and certificates of occupancy. He also stated that the city previously required developers to post a reclamation bond equal to 10% of the cost of planned improvements to ensure the city could make a project site safe if a developer abandoned it. He explained that the state now prohibited reclamation bonds, requiring the city to remove all

provisions related to upfront bonding. However, the city was still permitted to use performance bonds, which required that either the necessary infrastructure be built or a bond be posted before a developer could record a subdivision plat or sell lots.

Mayor Kelly Bush asked for clarification regarding allowable bonding instruments, and Brian Tucker confirmed that the city continued to use cash, irrevocable letters of credit, and escrow accounts, and that surety bonds had not been added back into the ordinance. Brian Tucker further noted that the code previously allowed the director to extend a standard one-year warranty period to two years under certain circumstances, but the state had already restricted such extensions, requiring removal of that provision. The city was also eliminating "fees in lieu," which allowed developers to pay for the city to later install improvements instead of constructing them themselves; he explained that the administrative requirements made that approach impractical.

Brian Tucker stated that another amendment removed a provision requiring a water master to sign off on construction plans, because this effectively required developers to meet standards the city had not formally adopted. He then explained that the city was removing code language that allowed revocation or withholding of building permits or certificates of occupancy when landscaping had not yet been installed, because the state no longer permitted such enforcement methods. He stated that the planning commission had reviewed a proposed clarification regarding internal and attached dwelling units on single-family lots. The original intent was to require lots of at least 6,000 square feet, but current wording only required the dwelling to be located in a zone with that minimum lot size. The commission recommended allowing all internal, attached, and detached accessory dwelling units on lots of at least 5,000 square feet, noting that detached units were already permitted on 5,000-square-foot lots. He then explained revisions to animal-rights provisions, stating they clarified that a property must contain at least 20,000 square feet to qualify. He next addressed changes to setback requirements in manufacturing and industrial zones. He stated that the current ordinance required a 20-foot setback for industrial uses even when adjacent properties were also industrial. The amendment removed that requirement in situations where two industrial or manufacturing uses were next to each other. The only stipulation was that if structures were within five yards of the property line, stormwater must be contained on the parcel. Setbacks would still apply when bordering single-family residential or commercial uses. He concluded by noting that a number of definitions were being added to make the ordinance clearer and more functional.

Council Member Snow moved to approve Ordinance 2025-O-18, Updating Titles 18 and 19 of the Kearns City Code, as presented tonight. Council Member Schaeffer seconded the motion; vote was 5-0, unanimous in favor.

C. Waiver/Disclosure Regarding Legal Counsel Representing the Magna Mosquito Abatement District and Kearns

Nathan Bracken reported that the City of Kearns was currently divided between two mosquito abatement districts: the Magna Mosquito Abatement District and the South Salt Lake Valley Mosquito Abatement District. He stated that both the city and the Magna Mosquito Abatement

District had independently contacted him to discuss the possibility of boundary adjustments and annexations that would allow Magna Mosquito to serve all of Kearns. He explained that because he represented both the City of Kearns and the Magna Mosquito Abatement District, he could not offer legal advice on the matter without first obtaining a formal conflict waiver from both entities. He stated that he did not believe their interests were adverse and viewed the exploration as aligned and noncontentious. However, the Utah Rules of Professional Conduct required disclosure and consent when one attorney represented two parties involved in the same matter. He clarified that granting the waiver would not authorize or commit the city to any boundary adjustment or annexation; it would only allow him to advise both bodies on the statutory process for exploring the concept. He stated that if the matter later became adverse—although he did not foresee that occurring—he would be required to withdraw from representing the city on the issue. He then emphasized that the request before the council only involved authorizing him to provide legal advice while also representing the Magna Mosquito Abatement District. He noted that the district's board would likewise need to approve a waiver. He stated that he preferred to handle the matter with full transparency to ensure there could be no suggestion that he had failed to disclose dual representation.

Council Member Snow moved to approve council support for Nathan Bracken representing Kearns with the Magna Mosquito Abatement District and signing a conflict of interest waiver allowing for that. Council Member Schaeffer seconded the motion; vote was 5-0, unanimous in favor.

D. Approval of 2026 Council Meeting Schedule

Council Member Snow moved to approve the 2026 Council Meeting Schedule as presented. Council Member Peterson seconded the motion; vote was 5-0, unanimous on favor.

9. Stakeholder Updates/Information

A. Kearns Improvement District (KID) - *Greg Anderson, General Manager*

Greg Anderson expressed appreciation to the council for the way it had worked with the Kearns Improvement District over the years, stating that the district would miss the council members and that Greg Anderson considered them friends. Greg Anderson confirmed that the district remained open to continued collaboration and thanked the council for working with the district on submitting names to Governor Spencer Cox for the Jordan Valley Water Conservancy District board. Greg Anderson clarified that, while the governor selects the nominee, the Utah Senate must confirm the appointment, and based on past experience, that confirmation typically occurs near the end of the legislative session. He reported that the Environmental Protection Agency had completed and approved its review of the Sama Boulevard water line upgrade, and the district had been authorized for a \$1 million grant for the project. Greg Anderson stated that the project would be bid out the following Tuesday and that 22 contractors had attended the mandatory construction meeting, which the district hoped would result in favorable bids. Greg Anderson further reported that phase two of the 5400 South project had been awarded, with documentation finalized with the winning contractor.

This phase would extend from Copper City to the district's tanks near the Mountain View Corridor and was anticipated to begin construction in the spring. He informed the council that the Kearns Improvement District would hold its 2026 budget public hearing the following Tuesday at 6:00 p.m. in the district boardroom. He stated that the district anticipated increasing residential water rates by 2% and sewer rates by approximately 6%, explaining that the district had worked to manage and moderate the impact of higher costs. He concluded by inviting anyone interested to attend the hearing and asked whether the council had any questions, confirming again that the meeting would be held at 6:00 p.m. next Tuesday.

B. Kearns Library - *Lee Whiting, Librarian*

Lee Whiting informed the mayor and council that the Utah Community Court was holding sessions in the library on the third Tuesday of each month from 5:00 p.m. to 7:00 p.m. to assist community members with landlord-tenant disputes. He stated that notices were posted on the bulletin board and that handouts were available at the information desk in both English and Spanish. The reverse side of the handout included a schedule of upcoming court dates. He explained that the decision to return to Kearns as a host site resulted from identifying a significant need among unrepresented individuals, particularly from nearby ZIP codes, who required assistance in landlord-related matters. He stated that pro bono attorneys, Bar Association representatives, and court clerks participated in the sessions. The court was not a walk-in service; individuals were encouraged to scan the provided QR code and complete an online application to communicate with the court and schedule an appointment. A judge would preside over the proceedings, and deputies would be present to serve in a bailiff capacity.

C. Wasatch Front Waste Recycling District (WFWRD) - *Renee Plant, Manager*

No current updates.

D. Unified Fire Authority (UFA) - *Chief Lintz*

Chief Tyler Lintz reported that he had planned to discuss HB 48 but that Nathan Bracken had already covered the subject in detail. He explained that the only area previously flagged for possible inclusion in the wildland-urban interface map was Lodestone Park, but the map used for that determination was outdated and predated the development of the park. He stated that he and Fire Marshal Watkins had inspected the area and determined that it did not qualify under current criteria, leading him to conclude that Kearns would have no designated wildland-urban interface zones.

Mayor Kelly Bush asked why the city still needed to move forward with the mapping process if a full exemption applied. Nathan Bracken clarified that there was no exemption under the law; rather, the city would adopt a required map that identified zero qualifying areas based on available information.

Chief Lintz then reported that Fire Station 107 would officially open on November 16. Crews had been assigned to the station, including three captains with 25 to 30 years of experience each. One of the captains, Captain Henderson, had previously worked in Kearns and was well

known in the community. Mayor Kelly Bush expressed personal excitement about the opening, recounting the years of effort involved in reopening the facility and emphasizing the significance of finally achieving full operational status at the station.

Chief Lintz announced upcoming CPR classes, including one scheduled for December 10 at the Magna fire station. The cost was \$60, and registration was available on the UFA website, with certification valid for two years. He also reported on the Utah firefighter chili cook-off, noting that UFA raised the highest amount of any participating agency, contributing to a total of \$70,000 raised to support burn camp programs for adolescents. He then provided a seasonal fire safety reminder, stating that Thanksgiving was the leading day for home fires, with incidents occurring at three times the national average primarily due to unattended cooking. Mayor Kelly Bush asked whether UFA could also issue public education materials on space heater safety, referencing a recent fire and noting that such incidents were common during colder months. He agreed to follow up and coordinate with UFA's public information staff. He reported that call volume remained steady, with Station 109 responding to approximately 203 calls and Station 107 responding to 98 calls. He anticipated that Station 107's volume would increase as it assumed calls currently handled by West Valley City and West Jordan.

Mayor Kelly Bush asked whether those jurisdictions might contribute personnel to reduce costs given their shared benefit. Chief Lintz stated that Chief Burchette had previously initiated discussions with neighboring departments, and Mayor Kelly Bush commented that those agencies had previously expressed willingness. Tyler Lintz said he would reach out to Chief Russell the following day and concluded his report by asking whether the council had additional questions.

E. Unified Police Department (UPD)

Chief Levi Hughes reported that a recent SWAT callout in Kearns had been traumatic for all involved. The incident required evacuating nearby homes, and the individual at the center of the response took their own life. He stated that the investigation was essentially complete and emphasized that there had been no threat to anyone outside the residence. Apart from that event, he noted that calls were down and that crime—including violent crime—continued the years-long downward trend in Kearns. He explained that "Carmageddon," the annual enforcement sweep targeting abandoned and improperly parked vehicles, had begun that day. Officers had been canvassing streets throughout Kearns, and more than 300 vehicles had been pink-tagged or otherwise identified for follow-up. He noted that many community members complained when their vehicles were marked, but officers were simply enforcing the law and informing residents when changes were required. He explained that rising household density and aging street designs created ongoing parking conflicts, so officers typically addressed complaints on a case-by-case basis during the year and conducted the full sweep ahead of potential winter storms to prevent problems for snowplows.

A member of the public asked why abandoned vehicles often sat on neighborhood streets for extended periods. Chief Levi Hughes explained that officers responded when calls were made, but the systematic sweep occurred only once a year. He stated that the department would now spend several weeks following up on the 300 identified vehicles.

Mayor Kelly Bush added context regarding parking enforcement, explaining that officers worked to balance legal compliance with compassion because towing a vehicle could severely affect a resident's ability to work, transport children, or attend appointments. She emphasized that enforcement was complex and urged residents to treat officers respectfully. She noted, however, that properties operating vehicle repair businesses out of homes fell into a different category, and Chief Hughes stated that those situations were handled more strictly.

Chief Levi Hughes continued his report by highlighting significant reductions in stolen-vehicle cases, a major concern in recent years. He credited ongoing efforts and the return of Kirk Powell, who was again working with Detective Angie Oldham in the community, for improving those numbers.

Mayor Kelly Bush asked about issuing seasonal crime-prevention reminders, particularly warnings not to leave valuables visible in cars during the holiday season when thefts typically increase. Chief Hughes said such messaging would likely be posted on the Unified Police Department's general page. Detective Oldham noted that public service announcements sometimes resulted in complaints about "victim shaming," creating a challenge in striking the right balance. Mayor Bush said education remained important because many reported thefts involved unlocked vehicles.

Detective Oldham added that the spike in stolen-vehicle cases in April had resulted from a TikTok challenge that circulated instructions for stealing certain car models.

F. Kearns Community Council – *Paula Larsen*

Paula Larsen stated that the Kearns Community Council had expanded and improved its events throughout the year and that public response had been overwhelmingly positive, with residents asking for even more community activities. She announced that the next major event would take place at the Utah Olympic Oval during the World Cup speed-skating competition, which would feature athletes from around the world. She explained that, due to a partnership she established roughly 20 years earlier and which the council had continued, the community was able to offer free tickets to attendees. She noted that postcards for the event were being mailed out, though they resembled junk mail, and encouraged residents to bring the tickets to any of the event days—Friday, Saturday, or Sunday. She added that she and representatives from the Kearns Improvement District would be present on Saturday.

Paula Larsen also announced that "Christmas on 54th," including the Lights on Hope display at the Linear Park across from the fire station, would take place on November 29 at 4:00 p.m. She stated that a special visitor would appear at the event and invited the council and community to attend. She concluded by expressing personal appreciation, stating that she had greatly valued her years of service to the community and that it had been an honor to work with the council.

10. Other Business

A. Future Agenda Business - None

No closed session needed.

11. Closed Session 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/or
- E. Other lawful purposes as listed in Utah Code §52-4-205

12. Adjourn

Council Member Snow moved to adjourn the November 10, 2025 City Council Meeting. Council Member Schaeffer seconded the motion; vote was 5-0, unanimous in favor.

The November 10, 2025 meeting adjourned at 7:04 PM

This is a true and correct copy of the November 10, 2025 City Council Meeting Minutes, which were approved on December 8, 2025.

Attest:

Diana Baun
Diana Baun, City Recorder

Kelly Bush
Kelly Bush, Mayor

Hello city council, residents, stakeholders and friends,

Let me take a moment to thank everyone who chose to run for elected office. It takes great courage to put yourself out there. Now that campaign season is over, we can now focus on the pressing matter of elevating Kearns to a higher level.

I am highly disappointed and dismayed by some of the wonderful residents of Kearns choosing to tear people down instead of building them up. If we are to continue our success, it will take contributions from all of us. Let's put aside our differences, roll up our sleeves and get to work.

As I said before, if you are tempted to say something negative about someone, take a moment to think first. Perhaps you can find something positive about that person. Sometimes it is a matter of finding the glass full instead of half empty. Let's make fault-finding a thing of the past in Kearns!

OAM2025-001501 - Kearns Omnibus and HB368 Revisions

Attachment B



**Ordinance Amendment
Kearns Council
November 10th, 2025**

BACKGROUND/ ISSUES TO CONSIDER



- Utah Legislature adopted House Bill 368 in 2025
- Bill requires city make certain changes to Title 18 Subdivisions and Title 19 Zoning
- These include:
 - Subdivision bonding processes,
 - Warranty bond timing,
 - Warranty bond inspections and releases, and
 - Regulating landscape installation relative to building permits and certificates of occupancy
- Current code requires the signature of an entity on the construction plans in violation of Utah Code

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- These include:
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 - Regulating landscape installation relative to building permits and certificates of occupancy
- Current code requires the signature of an entity on the construction plans in violation of Utah Code

PROPOSED ORDINANCE



- Proposed ordinance eliminates the requirement that a developer post a reclamation bond prior to beginning construction
- HB 368 prohibits a city from requiring that bonds be posted prior to a developer beginning construction on approved subdivision improvements if the developer chooses to complete the installation of improvements prior to recording the subdivision plat
- HB 368 also prohibits a city from requiring that the warranty portion of the bond be posted prior to the release of the improvement bond
- The developer may not record the plat until either the improvements are complete and accepted by the city or the developer posts an improvement bond
- Cities are required to allow a developer to choose either of those two paths

PROPOSED ORDINANCE

- Proposed ordinance amends the procedures and timeframes for inspecting and releasing improvement bonds to comply with HB368
- The proposed ordinance eliminates the option of extending the warranty period for two years to comply with Utah Code 10-9a-103(27)
- The proposed ordinance eliminates Fees in Lieu of required improvements
 - This is not a legislative mandate, this is a revision the engineering and planning staff recommend



PROPOSED ORDINANCE

- The proposed ordinance eliminates a requirement that a water master sign subdivision improvement construction plans
 - Utah Code 10-9a 509(1)(g),
 - A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in Chapter 10-9a-509;
 - A municipal ordinance in effect on the date that the applicant submits a complete application; or
 - A municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application
 - The owner of a ditch or canal may be able to enforce their standards, but the city cannot enforce standards unless expressed in municipal ordinance or in standards and specifications adopted by the city
 - The requirement for a water master to sign the plans is contrary to Utah Code Chapter 10-9a-509 because it has the effect of subjecting an applicant to standards and specifications that are not adopted by Magna City



PROPOSED ORDINANCE

- The proposed ordinance eliminates the ability of the city to hold or revoke building permits and certificates of occupancy based on the installation of landscaping to comply with legislative mandates in HB 368



PROPOSED ORDINANCE

- Originally this item was intended to clarify that Internal and Attached Dwelling Units may only be constructed on single family lots with 6,000 square feet or greater
- The existing ordinance allows IADU's and AADU's on lots zoned for 6,000 sf lots but does not include a minimum lot size
- The Planning Commission instead recommended that the Internal and Attached Dwelling Units be allowed on lots with 5,000 square feet
- This is the same minimum lot size that has applied to Detached Dwelling Units since the adoption of the ADU ordinance in late 2021



PROPOSED ORDINANCE

- Clarifies that a lot must include 20,000 square feet to have "animal rights"
 - A property owner in a zone that allows "animal rights" is entitled to one "animal unit" per 10,000 square feet
 - The drafting intent for this ordinance was that no lot with less than 20,000 square feet (0.46 acres) have animal rights
 - Amendment clarifies the legislative intent
 - The definition of "Animal Rights" is also amended to reflect this intent



PROPOSED ORDINANCE



- Amends the setbacks in the Manufacturing Zones
- Eliminates setbacks between adjoining Manufacturing and Industrial uses
- Creates setbacks between M & I uses and Residential uses
- Creates setbacks between M & I uses and other non-M&I
- Requires buildings w/in 5' of a property line to account for drainage

19.34.050 Required Yards and Setbacks

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.

Standard	M-1	M-2
Front Yard and Side Yard, Corner Lot Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, Interior Lot Setback —Interior Lots (in feet)	Minimum: 200^B Maximum: NA	Minimum: 200^B Maximum: NA
Side Yard Setback — Corner Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Rear Yard Setback (in feet)	Minimum: 250^B Maximum: NA	Minimum: 350^B Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary	Minimum: 30^C Maximum: NA	Minimum: 30^C Maximum: NA
Side Yard, Interior Lot and Rear Setback (in feet) from a nonresidential or nonmanufacturing zone boundary	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA

[B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet \(5'\) from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.](#)

[B.C. Residential Buffer. A six-foot \(6'\) masonry wall is required between residential and non-residential uses in accordance with Section 19.50.050.B.](#)

PROPOSED ORDINANCE



- In order to better implement these changes and the parking related ordinances in general, the proposed ordinance defines the terms for "Animal Rights", "Alteration", "Clustering", "Drive Approach", "Driveway", Driveway, Cross Access", "Driveway, Multifamily", 'Driveway, Private", "Driveway, Shared", "Dwelling", "Expansion", "Grading", "Hard Surface", Natural Open Space", "Net Developable Acreage", "Pavement", "Paved, "Retaining Wall", "Site Plan", "Slope", "Stream, Ephemeral", "Stream, Perennial", "Stream Corridor", "Substantial Economic Hardship", "Undevelopable", and "Waiver"
- Clarifies that Private Roads are Private Streets
- Expands the definition of "Street, Private" to limit the use of private streets to the owner or group of owners who share the use and maintenance obligations. This definition is more in line with the definition in Title 14
 - These definitions are proposed to help staff administer the code and to help developers and citizens to understand the meaning of terms within the code

FINDINGS:

Staff finds that:

House Bill 368 was adopted by the Utah Legislature during its 2025 regular session,

This bill mandated that cities no longer require bonds to be posted prior to constructing subdivision improvements unless the developer wants to record the final subdivision plat prior to constructing those improvements,

The bill mandated that cities revise their policies on inspecting and releasing improvement bonds,

Utah Code precludes cities from extending the warranty period for subdivision improvements for more than one year,

Fees in lieu are not a workable alternative to installing required improvements or delay agreements,

Mandating that a water master signs a set of construction plans that an applicant must build to has the effect of subjecting an applicant to standards that are not adopted by Magna City, and is therefore contrary to Utah Code Utah Code 10-9a 509(1)(g),

It is fair and equitable to hold single- and two-family dwellings in PC zones to the same standards as comparable lots in R-1 and R-2 zones,

HB 368 precludes the city from holding or revoking building permits and certificates of occupancy from an applicant based on the failure of the applicant to install landscaping.



STAFF RECOMMENDATION:

Given the above findings, staff recommend the following action:

The MSD Planning Staff recommend that the Kearns Planning Commission recommend that the Council approve the attached ordinance.





GREATER SALT LAKE
Municipal Services
District

PATROL ACTIVITY REPORT / OCT 2025 / KEARNS PRECINCT
(zones 12)

	<u>2024</u>		<u>2025</u>										
	O	J	F	M	A	M	J	J	A	S	O	N	D
Total Calls	1458	1130	1078	1144	1196	1420	1285	1391	1270	1295	1217		
Total Shortforms	536	347	339	398	399	468	443	516	463	408	198		
Total Cases (GO)	542	442	398	468	441	504	488	527	488	558	483		
Calls Per Officer	73	57	54	57	60	71	64	70	64	65	61		
Patrol Allocations	20	20	20	20	20	20	20	20	20	20	20		
Short Form Percent %	37%	31%	31%	35%	33%	33%	34%	37%	36%	32%	16%		
AGG ASLT													
ARSON	1												
ASSAULT	29	24	17	22	19	16	14	25	17	25	24		
BURGLARY	1	3	2	4		4		2	3	3	4		
BURGLARY ALARM	10	7	10	13	9	8	11	8	5	7	14		
CIVIL RIGHTS							1						
CONSERVATION					1								
COUNTERFEITING	1												
CRIMES AGNST PER									1				
DAMAGED PROP	13	8	6	6	11	17	8	14	5	12	13		
DRUG COURT													
DRUGS	7	6	7	5	6	6	7	12	8	7	8		
EMBEZZLEMENT													
ENTICEMENT													
ESCAPE/WARRANTS	3	4	4	4	3	4	1	2		2	4		
EXPLOITATION							1	1	2	1	1		
EXTORTION													
FAMILY OFFENSE	66	51	49	55	73	59	67	66	72	76	48		
FORGERY		1							1				
FRAUD	4	15	12	13	7	15	7	8	5	17	6		
GAMBLING								1					
HEALTH/SAFETY					1	2	1	1	1		1	1	
HOMICIDE		1	1			2							
IMMIGRATION													
INV OF PRIVACY	9	8	9	6	4	7	5	19	8	9	7		
JUVENILE OFF	1	1	2			1							
KIDNAP					1			1					
LARCENY	15	23	26	19	9	17	17	15	16	22	19		
LIQUOR		1		1	1			1	2		2		
MORALS	1				1				1		1		
OBSCENITY													
OBST JUDICIAL						1			1	1			
OBST POLICE													
PROACTIVE ENF	1	1		1		2	2	2	6	2	1		
PROSTITUTION													
PROPERTY CRIME										1			
PUBLIC ORDER	142	98	88	112	97	120	133	109	127	128	94		
PUBLIC PEACE	109	92	68	82	80	113	110	112	92	104	110		
PUBPEACE ALARM													
ROBBERY	3		1		1		1			3			
ROBBERY ALARM	2	2	4	4	2	1			1		3		
RUNAWAY	5	5		3	2	2	2	9	5	3	6		
SEXUAL ASLT	1	3	1	2			2	3		5	2		
SEX EXPLOIT						1			1		1		
SEXUAL OFFENSE	6	8	4	8	4	8	5	2	2	3	4		
STOLEN PROP					1			2					
STOLEN VEHICLE	7	6	7	6	12	9	5	9	7	8	7		
TRAFFIC	100	72	76	96	92	86	85	100	100	113	101		
WEAPON OFFENSE	5	2	2	2	5	3	2	2	2	4	3		
BLANK -NO NCIC YET									2				
TOTAL	542	442	398	468	441	504	488	527	488	558	483		

Booking Arrests
Citations

O	J	F	M	A	M	J	J	A	S	O	N	D
16	14	7	15	15	6	N/A	N/A	N/A	N/A	12		
88	52	56	54	55	98	84	74	66	57	73		