

DATE MONDAY JUNE 14, 2021

THE KEARNS METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON MONDAY, JUNE 14, 2021, PURSUANT TO ADJOURNMENT ON MONDAY, MAY 10, 2021, AT 6:14 P.M. VIA ZOOM.COM.

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

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Mayor Kelly Bush, Chair, presided.

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Council Business

Mayor Kelly Bush read the temporary conduct of electronic meetings of the Kearns Metro Township Council that is consistent with the Utah Open and Public Meetings Act. This allows the Council to hold electronic meetings without a physical location.

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Citizen Public Input

Roger Snow stated he received a petition signed by 25 residents who are requesting a traffic study be done for the installation of speed bumps on Loader Drive just off Parkway Drive. There has been an increase of traffic due to the connection of Impression Drive.

Mayor Bush stated she will arrange to pick up the petition so it can be submitted to engineering, which it will need for record purposes. She has contacted Madeline Francisco-Galang, Salt Lake County Engineering Division, and she will get the process going.

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Order of Business

Arts Townhall Update

Kayla Mauldin, Long Range Planner, Municipal Services District (MSD), delivered a PowerPoint presentation updating the Council on the Kearns Arts Town Hall meeting that was held on May 24th. The PowerPoint summarized what was learned, questions that were asked and results, what assets are currently in Kearns, and what the next steps are.

Proposed Land Use Ordinance Amendment

Travis Hair, Municipal Service District, stated due to the concern that developers might use commercial space to build residential units he and Nathan Bracken, Legal Counsel, Kearns Metro Township, are proposing amendments to the C-2 zone. These amendments would allow residential uses in C-2 zones but not on the ground floor, it deletes all conditional uses and moves them to permitted uses and clarifies that if the use is not listed as a permitted use it will not be allowed. The Kearns Metro Township Planning Commission recommended approval of the amendments but suggested the Council might want to change the effective date from 20 days to immediately or seven days.

Mr. Nathan Bracken, Legal Counsel, Kearns Metro Township, stated the reason for the recommendation to change the time, is just to make sure these amendments are in effect before a land use application comes in. All the changes are completely in line with the Kearns General Plan and the Economic Development Plan. The goal is not to exclude residential units but to make sure the commercial base for Kearns is preserved. The amendments will make it easier for development to come to Kearns.

Mr. Hair stated these amendments are only for the C-2 zone. The entire land use ordinance needs to be rewritten, but this amendment needed to be in place as soon as possible.

Mayor Bush asked when the ordinance would take effect.

Mr. Bracken stated the Council has the authority to change the normal 20-day notice to a seven-day notice or an immediate effective date. He is not aware of any pending land use application but there is no harm in change the effective date to it becoming effective upon adoption.

Council Member Snow, seconded by Council Member Butterfield, move to adopt the ordinance making it effective upon adoption. The motion passed unanimously.

ORDINANCE NO. 2021-06-01

Date: June 14, 2021

AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL AMENDING CHAPTER 19.62 OF THE KEARNS METRO TOWNSHIP CODE REGARDING C-2 COMMERCIAL ZONES AND ENACTING CONFORMING CHANGES AS SECTION 19.02.150 TO IMPLEMENT THE KEARNS GENERAL PLAN

RECITALS

WHEREAS, the Kearns Metro Township (“Kearns”) incorporated as a municipality in 20217; and

WHEREAS, Utah Code § 10-2a-414(3) provides that each Salt Lake County ordinance in effect on the date of Kearns’ incorporation will remain in effect as a Kearns ordinance “until the Kearns Council amends or repeals the ordinance;” and

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WHEREAS, Title 19 of the Kearns Metro Township Code (the “Code”) governs conditional use permits filed within Kearns; and

WHEREAS, Utah’s Municipal Land Use Development Act (“LUDMA”), as found in Chapter 9a of title 10 of the Utah Code governs land use regulation amendments; and

WHEREAS, the Kearns Metro Township Council (the “Council”) adopted a new general plan for Kearns on October 22, 2020; and

WHEREAS, following the adoption of the general plan, the Council began an ongoing effort to update the portions of the Code it inherited from Salt Lake County to conform to the general plan; and

WHEREAS, the Council desires to update and amend Chapter 19.62 of the Kearns Code regarding C-2 zones to conform to the general plan by removing inapplicable conditional uses and designating the remaining conditional uses as permitted uses; and

WHEREAS, pursuant to Utah Code § 10-9a-602 the Kearns Metro Township Planning Commission has reviewed and recommended the below revisions to Chapters 19.02 and 19.62 of the Code after providing notice consistent with Utah Code § 10-9a-205 and holding a public hearing on June 14, 2021; and

WHEREAS, the Council has determined that the below revisions to Chapter 19.62 and other relevant portions of the Kearns Code will serve the best interests of the Kearns Metro Township and the general public.

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

1. Chapter 19.02.150 is enacted to read:

Prohibited Uses

A land use is prohibited if it is not listed as a permitted or conditional use.”

2. Chapter 19.62 of the Code is hereby repealed and replaced in its entirety with the revised Chapter 19.62 attached hereto as Exhibit A.
3. This ordinance will become effective immediately publishing pursuant to Utah Code Ann. § 10-3-711 (1) and Utah Code Ann. § 10-3-712.
4. Any provisions in Title 19 that are inconsistent with this ordinance are hereby repealed and this ordinance will control if there are conflicts with other provisions of Title 19.

APPROVED and ADOPTED this 14th day of June, 2021.

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KEARNS METRO TOWNSHIP COUNCIL

By: /s/ KELLY F. BUSH
Kelly Bush, Mayor

ATTEST

/s/ SHERRIE SWENSEN
Sherrie Swensen, Clerk/Recorder

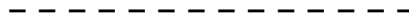


Stakeholders

Unified Police Department

Lieutenant Torin Chambers, Unified Police Department (UPD), updated the Council on the following:

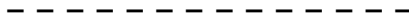
- Night Out Against Crime will be held on June 18, 2021
- The transitions with Taylorsville City leaving the UPD is going smoothly
- Presented the stats for May showing the total calls went up



Unified Fire Authority (UFA)

Battalion Chief Wade Russell, Unified Fire Authority, updated the Council on the following:

- Chad Green promoted to captain as of June 1
- Budget will be adopted on June 15
- Locations of where there are fireworks restrictions can be found on UFA webpage
- House fire on June 13th cause to be determined



Kearns Oquirrh Park and Recreation District

Mayor Bush asked if all Council Members had received the request from Kearns Oquirrh Park and Recreation District for reimbursement of COVID-19 expenses.

Council Member Snow stated Kearns Oquirrh Park and Recreation District has already been reimbursed for some of the items listed. The Council will need time to look through this request and compare it with what was previously been reimbursed.

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Mayor Bush stated she is not comfortable paying for receipts that have food items purchased and does not indicate it was a business credit card.

Kevin Schmidt, Director, Kearns Oquirrh Park and Recreation District, stated all purchases have been verified. The food purchase is for lifeguard in-services.

Mayor Bush stated the Council made an exception the last time it reimbursed Kearns Oquirrh Park and Recreation District for COVID-19 expenses. She was not sure the Council wanted to do it again.

Council Member Snow stated the Council reimbursed up to \$30,000 for these expenses. She thought the Council decided to do this one time only because it was a special interest district. She would like to hear from Nathan Bracken, Legal Counsel, Kearns Metro Township, to make sure this is an allowable use of money.

Mr. Bracken stated this money was given to Kearns from Salt Lake County to help with COVID-19 expenses. The money came from the County's General Fund and has no restrictions on it. The Council can do whatever it wants with this money.

Mayor Bush stated some items on the list for reimbursement are supplies that are used in the normal course of doing business. There is a fine line between that and COVID-19 expenses. She asked how the Council determines where to draw that line.

Mr. Schmidt stated the items on the invoice that he submitted are for additional work and/or items. He had hired two additional people just to deal with cleaning and disinfecting so it can stay open. The district is over its budget 20 percent for staffing with revenue under 40 percent. As a government agency it is struggling to keep the doors open.

Council Member Snow stated some of that cost is inflation. The district is still a business.

Mr. Schmidt stated Kearns Oquirrh Park and Recreation District is a government agency. It is subsidized over 50 percent.

Mayor Bush stated this request will be tabled until the July 12th Council meeting.

Kearns Community Council

Roger Snow updated the Council on the Night Out Against Crime activity that will be held on Friday, June 18, 2021, from 6 to 9 PM.



Other Business

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Renewable Energy Program Resolution

Nathan Bracken, Legal Counsel, Council Office, stated Kearns agreed to participate in this Community Energy Renewable Program along with a number other municipalities throughout the state. Kearns reviewed the agreement at that time, but there were some items that needed clarification. Those concerns have been addressed and he is ready for the Council to move ahead with the agreement, if it chooses to do so.

Mayor Bush asked about the payment due with this agreement.

Mr. Bracken stated there are two phases of payment, phase one in the amount of \$9,606.01 is due the end of July 2021. An identical payment will be due by the end of July 2022. There are some additional costs (\$8,376.54) relating to the creation of the new entity.

Council Member Snow asked if the new entity would continue to ask for additional funds or would this be it.

Mr. Bracken stated this is an ongoing entity, so at some point it could request additional funds. This is just the initial cost to get it up and running.

Council Member Butterfield, seconded by Council Member Schaeffer, moved to adopt the following resolution:

ORDINANCE NO. 2021-06-02

Date: June 14, 2021

A RESOLUTION OF THE KEARNS METRO TOWNSHIP COUNCIL APPROVING
AN INTERLOCAL COOPERATION AGREEMENT AMONG PUBLIC ENTITIES
REGARDING THE COMMUNITY RENEWABLE ENERGY PROGRAM

WHEREAS, the Kearns Metro Township Council ("*Council*") met in regular session on June 14, 2021, to consider, among other things, approving an Interlocal Cooperation Agreement Among Public Entities Regarding the Community Renewable Energy Program (Attachment A); and

WHEREAS, in 2019, the Utah State Legislature enacted H.B. 411 that was codified at Utah Code Ann. § 54-17-901 et seq. and is known as the "Community Renewable Energy Act" ("*Act*"); and

WHEREAS, the Act authorizes the Utah Public Service Commission to establish a community renewable energy program whereby municipalities may cooperate with qualified utilities to provide electric energy for participating customers from renewable energy resources, in an amount that equals their annual consumption; and

WHEREAS, the Act provides that to participate in the renewable resources program ("*Participating Community*") that a community must adopt a resolution that establishes a goal of a net 100% renewable energy supply for that community by 2030; and

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WHEREAS, on November 12, 2019, Kearns adopted the applicable resolution to be a potential Participating Community and 22 other Utah communities adopted similar resolutions; and

WHEREAS, the Act contemplates (as supplemented by rules adopted by the Utah Public Service Commission) that the Participating Communities collaborate to develop a Community Renewable Energy Program and adopt a governance agreement (which is this Interlocal Agreement, a copy of which is attached hereto); and

WHEREAS, Kearns is a public agency, and the services contemplated in the Interlocal Agreement are joint and cooperative actions, as contemplated in the Utah Local Cooperative Act; and

WHEREAS, the Interlocal Agreement contemplates a concept known as an Anchor Community that creates a critical mass to make decisions and provides a financial mechanism to assure funding of critical components of the Program implementation; and

WHEREAS, the Kearns Metro Township desires to participate in the program and commit to contribute a total of \$19,212.02 for Phase 1 and Phase 2 Initial Payments, or \$9,606.01 for each phase, in accordance with the Interlocal Agreement and as set forth in the attached budget guidance (Attachment B), to continue to implement the Program; and

WHEREAS, the Interlocal Agreement has been presented to the Council for review and approval; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the Kearns Metro Township's residents to so act;

NOW, THEREFORE, BE IT RESOLVED that the Interlocal Agreement is approved, and that the Mayor is hereby authorized and directed to execute and deliver the same.

BE IT FUTHER RESOLVED, that the Mayor is hereby authorized and directed to approve and substitute a revised Schedule 2, as amended from time to time, to reflect the final roster of Anchor Communities.

This Resolution shall take effect immediately on passage.

APPROVED and ADOPTED this 14th day of June, 2021.

KEARNS METRO TOWNSHIP COUNCIL

By: /s/ KELLY F. BUSH
Kelly Bush, Mayor

ATTEST

/s/ SHERRIE SWENSEN
Sherrie Swensen, Clerk/Recorder

The motion passed unanimously.

Request for Proposal (RFP) Process and Procedures

Nathan Bracken, Legal Counsel, Kearns Metro Township, stated in 2018 the Council passed Resolution 18-05-01, which is the procurement policy. The policy has different price points at which different things happen. Purchases that cost less than \$10,000 do not require a bid of any type, purchases that cost \$10,001 and less than \$40,000 require two or three telephone bids. Purchases that are over \$40,000 require a bid and have two options. Option one is a sealed bid where an invitation is sent out requesting a bid within a specific time period, usually 10 days. At the end of the 10 days the sealed bids are open and awarded to the lowest bidder. Option two is an RFP, which usually relates to a professional type service contract, such as a contract for legal services. This does not require a sealed bid. The Council is able to evaluate each bid before deciding what bid to accept. The Mayor as the purchasing agent for the Kearns Metro Township decides whether it will be an RFP or a sealed bid process.

This process is straightforward, it does become more complicated when getting a bid from local services districts. There are processes put in place that need to be followed with public hearings, notices, resolutions, and sometimes even petitions are required. It all depends on what type of service district it is and if there are interlocal agreements involved.

Playground Replacement for Mountain Man Park 11 50 15

Mayor Kelly Bush stated the playground equipment at Mountain Man Park is in bad condition and needed to be replaced. Since this is a Kearns' park it is up to the Council to decide what is to be done. The cost would range between \$85,000 to \$115,000 depending on what playground equipment is put in.

Council Member Snow asked if the Council had to get bids on what goes in.

Mayor Bush stated no. Kearns has a contract with Salt Lake County Parks and Recreation Division to take care of parks. The Council would need to decide what equipment it wanted and then the Parks and Recreation Division would take it from there. Equipment is based on age range with some equipment being more appropriate for younger ages or older ages.

Council Member Snow stated she thought the Council should look at the age range between 3 to 4 years old up to 11.

Council Member Schaeffer stated he walked the park and it is in bad shape and needed to be updated. The age range suggested by Council Member Snow sounded good to him.

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Council Member Snow asked if the pavilions would be done as well.

Council Member Butterfield stated if the playgrounds were to be updated, the pavilions should be as well.

Mayor Bush stated three of the six tables were removed due to abuse. But she could get a bid on replacing them and refurbishing the other three. It might be nice to use some bright colors to make it more appealing to residents in the area

Council Member Butterfield asked about trees.

Council Member Schaeffer stated trees would be nice. There are some trees but they are in the park strips.

Council Member Butterfield stated donation and planting of trees in this park could be a good project for the next group that comes before the Council looking for a project.

Mayor Bush stated she will send an email to the Parks and Recreation Division and copy the Council, asking for ideas on what kind of playground equipment is available. This information will be forwarded to the Council to review and to provide input.

Approval of Minutes

Council Member Butterfield, seconded by Council Member Snow, moved to approve the minutes of the Kearns Metro Township Council meeting held on May 10, 2021. The motion passed unanimously.

Agenda Items for Future Meetings

Mayor Bush asked the Council if there was anything that needed to be place on the agenda for the next Council meeting. The following list was proposed:

- CERT presentation
- Update on sidewalk projects
- Storm drains

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

SHERRIE SWENSEN

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METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, KEARNS METRO TOWNSHIP

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