

DATE MONDAY FEBRUARY 14, 2022

THE KEARNS METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON MONDAY, FEBRUARY 14, 2022, PURSUANT TO ADJOURNMENT ON MONDAY, JANUARY 10, 2022, AT 6:30 P.M. VIA ZOOM.

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

COUNCIL MEMBER EXCUSED: CRYSTAL BUTTERFIELD

OTHERS IN ATTENDANCE: NATHAN BRACKEN, LEGAL COUNSEL  
SHERRIE SWENSEN, METRO TOWNSHIP CLERK  
By: NICHOLE WATT, DEPUTY CLERK

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

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Public Meeting

Order of Business

*Planning Commission – Application No. RWD2021-000497*

**Mayor Kelly Bush** opened the public hearing relating to a petition to vacate a portion of 4695 South Street. The street is a no-through road that runs approximately 150 linear feet within Kearns Metro Township boundaries. The vacation is petitioned for the purpose of the re-construction of 4715 South Street.

No one appeared in favor of or in opposition to this petition.

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

The Council reviewed the following Ordinance vacating 4695 South right-of-way:

ORDINANCE NO. 2022-02-02

Date: February 14, 2022

A RESOLUTION TO VACATE 4695 SOUTH RIGHT-OF-WAY

WHEREAS, Kearns Metro Township (“Kearns”) is a municipality and political subdivision of the state of Utah; and

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WHEREAS, Kearns Metro Township Council ("Council") is authorized to resolve to vacate a public right-of-way under Utah Code Ann. § 10-9a-609.5; and

WHEREAS, pursuant to Utah Code Ann. § 10-9a-609.5(7), Kearns filed the attached petition to vacate the 4695 South Right -of-Way, which is a no-through road, to facilitate and allow for the re-construction of 4715 South; and

WHEREAS, on February 14, 2022, the Council held a Public Hearing on the petition to vacate (as legally described in this Resolution) and heard evidence and testimony from all interested persons; and

WHEREAS, as required by Utah Code Ann. § 10-9a-208, a Notice of Public Hearing was published on the Kearns Website and Utah Public Notice Website 10 days before the Public Hearing; and

WHEREAS, as required by Utah Code Ann. § 10-9a-208, Notice of the date, time and place of the Public Hearing was mailed to each affected entity 10 days before the Public Hearing; and

WHEREAS, the Council determines that good cause exists to vacate 4695 South Street;

NOW, THEREFORE, BE IT RESOLVED by Kearns Metro Township Council:

1. The Street Vacation, being a part of the 4695 South Street located in the Northeast Quarter of Section 7 and the Southeast Quarter of Section 6, Township 2 South, Range 1 West, Salt Lake Base and Meridian, has legal description as follows:

Beginning at the intersection of the southerly right of way line of said 4695 South Street with the easterly right of way Line of 4130 West Street (Midway Drive) described in the Valley Cove P.U.D. recorded August 20, 1999 as Entry No. 7447891 in Book 99-8P of Plats, at Page 232 in the Office of the Salt Lake County Recorder, which point is 1795.15 feet S. 89°37'29" E. along the section line and 10.05 feet North from the North Quarter Corner of said Section 7, at a point of non-tangency with a 50.00-foot radius curve to the left, concave westerly (Radius point bears N. 37°35'35" W.); thence Northerly 53.58 feet along the arc of said curve and easterly right of way line, through a central angle of 61°23'42" (Chord bears N. 21°42'34" E. 51.05 feet) to the northerly right of way line of said 4700 South Frontage Road; thence S. 81°41'34" E. 275.24 feet along said northerly right of way line, to the southwesterly boundary line of the Utah and Salt Lake Canal as shown on said Valley Cove P.U.D.; thence S. 53°28'28" E. 89.77 feet along said southwesterly boundary line and a southeasterly extension thereof, to a point of non-tangency with a 948.38 - foot radius curve to the right, concave northerly (Radius point bears N. 14°43'45" W.); thence Westerly 122.86 feet along the arc of said curve, through a central angle 07°25'20" (Chord bears S. 78°58'55" W. 122.77 feet) to

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the southerly boundary line of an entire tract of land described in that Quitclaim Deed recorded March 25, 2010 as Entry No. 10921409 in Book 9813, at Page 274 in the Office of said Recorder, being a point of non-tangency with a 17.00 - foot radius curve to the left, concave westerly (Radius point bears N. 09°05'04" W.); thence Northerly 48.42 feet along the arc of said curve and easterly boundary line of said entire tract, through a central angle of 163°12'20" (Chord bears N. 00°41'14" W. 33.64 feet), to said southerly right of way line of 4700 South Frontage Road; thence; N. 81°38'53" W. 245.05 feet, along said southerly right of way line to the Point of Beginning.

2. The Council determines that good cause exists to vacate 4695 South Street. The Council determines that vacation of 4695 South Steet conforms with Kearns' General Plan and retention of 4695 South Street is not necessary or beneficial for present or future public use. By approving this ordinance, the Council vacates and closes as a public street 4695 South Street.
3. If necessary to effectuate this vacation, the Mayor is authorized to: (A) execute a Quitclaim Deed prepared and approved by the City Attorney to convey title of the vacated street to the underlying property owner(s); (B) to record this Resolution and the Quitclaim Deed with the Salt Lake County Recorder's Office; and (C) to take all other action necessary and appropriate to properly effect the vacation of a portion of 4695 South Street under the laws of the State of Utah and the Salt Lake County Clerk is authorized to attest to the Mayor signature.
4. Kearns officials are directed to take all other action necessary or appropriate to carry out this Resolution.
5. If any part of this Resolution is held invalid or unenforceable, the invalidity or unenforceability of that part does not affect the remainder of this Resolution.
6. All acts, orders, and resolutions in conflict with this Resolution are repealed.
7. This Resolution becomes effective immediately upon its adoption.

APPROVED AND ADOPTED this 14<sup>th</sup> day of February, 2022.

KEARNS METRO TOWNSHIP COUNCIL

By: /s/ KELLY F. BUSH  
Mayor

ATTEST

/s/ SHERRIE SWENSEN  
Clerk/Recorder

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Council Member Snow, seconded by Council Member Peterson, moved to approve Application No. RWD2021-000497 and Ordinance No. 2022-02-02. The motion passed unanimously.

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*Planning Commission - Application No. OAM2022-000521*

**Mayor Bush** stated this is a proposed amendment to Kearns Water Efficient Landscape Design and Development Standards. The proposed amendment replaces the water efficiency standards with the Jordan Valley Water Conservation District water efficiency standards, establishes minimum plant quantity standards for residential and non-residential uses, and amends the buffering standards for non-residential uses when located next to residential uses.

**Melissa Anderson**, Planner, Municipal Services District (MSD), stated the amendments address the water efficiency standards as well as the Outdoor Landscape Materials Section to establish a minimum plant quantity for trees and shrubs. There is also an amendment to the buffering standards for those nonresidential uses that abut residential uses. The Kearns Metro Township Planning Commission recommended approval of this amendment with some technical changes to the adopting language.

**Nathan Bracken** asked his office is working on updating the Kearns Metro Council codes to more closely follow what Kearns would like. The current code was inherited from Salt Lake County. This section needed to be adopted now because the Kearns Improvement District is in the middle of negotiations with the Jordan Valley Water Conservancy District and in order to get the best possible rate this update is needed.

**Mayor Bush** requested that the recodification of the Kearns code be done by September. She asked if this was possible.

**Mr. Bracken** stated his office just hired a new person to work on the non-MSD portion of the code. Another person is working on the MSD portion of the code. September is a totally realistic time frame to have these done.

**Greg Anderson**, Kearns Improvement District, stated this will help the Kearns Improvement District in its negotiations with the Jordan Valley Water Conservancy District. Without this change it would have double the water rates for Kearns residents.

The Council reviewed the following Ordinance considering new water efficiency standards:

ORDINANCE NO. 2022-02-03

Date: February 14, 2022

AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL ADOPTING  
NEW WATER EFFICIENCY STANDARDS

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WHEREAS, Utah Code § 10-9a-102 grants the Metro Township Council of the Kearns Metro Township (“Council”) authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the Kearns Metro Township (“Kearns”), including Kearns’ aesthetics; and

WHEREAS, Utah Code §10-2a-414(3) provides that a Salt Lake County ordinance in effect in 2017 when Kearns incorporated shall remain in effect as a Kearns ordinance “until the metro township council amends or repeals the ordinance;” and

WHEREAS, the Jordan Valley Water Conservancy District, which includes Kearns in its service area, has adopted and recommended updated Water Efficiency Standards (“Standards”) with the goal of reducing overall per capita water use in its service area; and

WHEREAS, water is a limited resource and the recommended Standards will result in the conservation of water and help keep water rates reasonable for Kearns residents; and

WHEREAS, the Council held a public hearing and reviewed the recommended Standards as proposed for adoption in Exhibit A; and

WHEREAS, the proposed amendment to Kearns Code Section 19.77 replaces the prior water efficiency standards with the Jordan Valley Water Conservation District water efficiency Standards, establishes minimum plant quantity standards for residential and non-residential uses, and amends the buffering standards for non-residential uses when located next to residential uses; and

WHEREAS, the Council finds that the Standards will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE KEARNS METRO TOWNSHIP COUNCIL:

SECTION 1. Adoption and Repeal. The Council hereby repeals Chapter 19.77 of the Kearns Metro Code and hereby adopts and replaces Chapter 19.77 of the Kearns Metro Code in its entirety with the revised City Code sections of Chapter 19.77, attached hereto as Exhibit A.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication and posting as required by law.

KEARNS METRO TOWNSHIP COUNCIL

By: /s/ KELLY F. BUSH  
Mayor

ATTEST

/s/ SHERRIE SWENSEN  
Clerk/Recorder

Council Member Snow, seconded by Council Member Peterson, moved to approve Application No. OAM2022-000521 and Ordinance No. 2202-02-03. The motion passed unanimously.

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*Planning Commission – Application No. PAM2022-000512*

**Mayor Bush** stated Liberty Homes is requesting approval of the Montebello at Liberty Village Amended Subdivision plat which amends 20 building pad sites to account for a larger building footprint for the Type A unit. This subdivision consists of 5.725 acres and is located at 4678 West 6200 South.

**Brian Tucker**, Planner, Municipal Services District (MSD), stated Liberty Homes had an 87-unit townhome project approved in 2019. The subdivision plat includes 20 Type A townhouse footprints. Currently, three Type A townhouses are built. However, these townhouses were built 2 feet deeper than the plat allowed. For all Type A townhouses to be the same, Liberty Home is requesting an adjustment to the plat. This adjustment would reduce the amount of open space from 40.02 percent to 39.69 percent for a total of 840 square feet. Liberty Homes is also requesting an amendment to fix a mirroring issue within the townhomes. Kearns Metro Township Planning Commission recommended approval of the amended subdivision plat with the condition that the applicant continue to work with staff and the outside reviewing agencies to fix some details within the plat that were identified by the surveyor and other agencies.

Council Member Snow, seconded by Council Member Peterson, moved to approve Application No. PAM2022-000512. The motion passed unanimously.



Legal Updates/Information

*Ordinance Amending Chapter 2.04 Chair and Vice Chair Term Limits*

**Mayor Bush** stated this ordinance changes the length of term for the Mayor and Deputy Mayor to the full term for which they are elected.

**Nathan Bracken**, Legal Counsel, Kearns Metro Township, stated the way the current ordinance is written is that each year the Council needs to elect the mayor. The proposed ordinance changes the length of the term to match the term as a member of the Council. This is the same for the Deputy Mayor/Vice Chair. If the Mayor is re-elected than the Council would need to be voted on.

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Council Member Snow, seconded by Council Member Schaeffer, moved to approve the following ordinance:

ORDINANCE NO 2022-02-01

February 14, 2022

AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL AMENDING CHAPTER 2.04 OF THE KEARNS METRO TOWNSHIP CODE REGULATING ELECTION OF MAYOR AND VICE-CHAIR AND LENGTH OF TERMS

RECITALS

WHEREAS, Chapter 2.04 of the Kearns Metro Township Code (the "Code") governs the conduct of the Kearns Metro Township Council (the "Council").

WHEREAS, §2.04.060 requires the Council to elect, at its first meeting of the calendar year, one Council member to serve as mayor and chair of the Council and another Council member to serve as vice-chair.

WHEREAS, the mayor's and vice-chair's terms of office on the Council expire at the end of each calendar year automatically.

WHEREAS, the Council desires to alter the mayor's and vice-chair's one-year terms of Council service to continue for the full term of which the mayor and councilmember is elected and until a successor is elected by the voters and has qualified.

WHEREAS, the Council desires, in the interests of good governance and efficiencies, to update the Code to extend the mayor's and vice-chair's service on the Council.

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

1. Section 2.04.060 is amended to read:

2.04.060 Election Of Mayor And Vice-Chair-Appointment Of Staff-Administrative Matters

- A. [At its first meeting of each year, the] The Council shall elect one Council member to serve as Mayor of the Metro Township and to chair the Council and another Council member to serve as vice-chair. The terms of the Mayor and vice-chair shall begin on [their election] the date their oath of office is administered pursuant to Utah Code 10-3-828 and shall continue for the length of their elected terms, [until: (1) the first Council meeting of each year when the Council elects the Mayor and vice chair as provided in this section, or (2)] or until the Mayor or vice chair leaves. If the Mayor or vice-chair is unable to complete their term for any reason, the Council shall elect another Council member to serve out the remainder of the Mayor's or vice chair's unexpired term.
- B. The Council may make such staff appointments as are necessary for the proper conduct of its business.

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- C. The Council may, from time to time, determine a method or order for the selection of a Council member to act as a temporary Mayor in the absence of the Mayor and Vice chair; and take such action as may be reasonable and necessary for the conduct of Council activities and the fulfilling of Council functions and responsibilities.
- D. The Mayor, vice-chair or temporary Mayor, as ~~[the case may be]~~ applicable, shall ~~[be responsible for the]~~ conduct ~~[of all meetings]~~ each Council meeting, ~~[preparation of]~~ prepare the agenda for ~~[all meetings]~~ each Council meeting, and ~~[meeting]~~ address the needs of the Council between meetings, including the providing of assistance and the gathering of information for the Council and the performance of duties assigned by the Council or by ordinance, the plan, or by law.
- E. In case of the chair and vice-chair's absence or inability to act, the members present ~~[must, by an order entered in their minutes]~~, shall select one of the members to act as Mayor temporarily, by order entered into their minutes.

~~[F. Any member of the Council may administer oaths to any person when necessary in the performance of official duties.]~~

APPROVED and ADOPTED this 14<sup>th</sup> day of February, 2022.

KEARNS METRO TOWNSHIP COUNCIL

By: /s/s KELLY BUSH  
Mayor

ATTEST  
By /s/ SHERRIE SWENSEN  
Clerk/Recorder

The motion passed unanimously.

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*Policy Restricting the use of Semi-Trucks and Commercial Vehicles in Residential Areas Adjacent to Camp Kearns*

**Nathan Bracken**, Legal Counsel, Kearns Metro Township, stated the Council has authority under the current code to designate areas that are off limits to commercial vehicles. There is an issue with residential areas around the Camp Kearns warehouse district, in which large trucks are traveling through very small and crowded residential streets to access Camp Kearns. This resolution would close these streets to commercial vehicles. The restricted area is as small as it can possibly be. There are some exceptions such as emergencies or prior approval from the Mayor. The resolution would go into effect on March 1, 2022, and it authorizes his staff to take whatever steps needed to educate the business owners in the area.



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A motion was made by Council Member Schaeffer, second by Council Member Snow, to approve the following resolution:

RESOLUTION NO. 2022-02-01

Date: February 14, 2022

A RESOLUTION OF THE KEARNS METRO TOWNSHIP COUNCIL  
PROHIBITING THE OPERATION OF COMMERCIAL VEHICLES WITHIN THE  
RESIDENTIAL AREA LOCATED EAST AND SOUTHEAST OF THE CAMP  
KEARNS WAREHOUSE DISTRICT

RECITALS

WHEREAS, the Kearns Metro Township (“Kearns”) has received several public complaints regarding commercial vehicles from the Camp Kearns Warehouse District (“Camp Kearns”) using two alternate routes within surrounding residential neighborhoods (the “Residential Area”) to access Camp Kearns;

WHEREAS, the Residential Area is located east and southeast of Camp Kearns (see map images showing the location of Camp Kearns and the Residential Area, attached to this Resolution as Exhibit A);

WHEREAS, on January 28, 2022, a commercial vehicle drove through the Residential Area and tore out a street sign;

WHEREAS, Kearns Municipal Code (“Kearns Code”) § 11.08.220 makes it “unlawful for any person to drive into, alter, deface, injure, move, knock down, demolish, remove, or interfere with any traffic sign”;

WHEREAS, other Kearns Code violations committed by commercial vehicles driving through the Residential Area include: (a) commercial vehicles speeding through the Residential Area to access Camp Kearns, (b) commercial vehicles losing their loads in the Residential Area, and (c) commercial vehicles not raising their end gear, which grinds into the road and damages public property;

WHEREAS, violations of the Kearns Code are subject to both criminal and civil liability (see Kearns Code §§ 11.44.010, 12.2.430, and 12.2.450);

WHEREAS, Kearns Code § 11.08.160 (“Restrictions Upon Use of Highways”) authorizes the Kearns “director of the highway division or his authorized agent” to “prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof, on designated highways”;

WHEREAS, Kearns Code § 11.08.160 requires that any “prohibitions and limitations” as to the use of designated highways by commercial vehicles “shall be designated by appropriate signs or markings”;

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WHEREAS, the Kearns Code defines the term “commercial vehicle” to mean “a vehicle in excess of three-quarter-ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle”;

WHEREAS, the Kearns Code defines the term “street or highway” to include the streets of residential areas (see Kearns Municipal Code § 11.04.010: “‘Street or highway’ means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.”);

WHEREAS, the Kearns Council (“Council”) is concerned for the safety and protection of residents and property within the Residential Area; and

WHEREAS, pursuant to Kearns Code § 11.08.160, the Council desires to adopt a resolution prohibiting the operation of commercial vehicles within the Residential Area (the “Resolution”).

NOW, THEREFORE BE IT RESOLVED by the Council as follows:

Section 1: PROHIBITION OF THE OPERATION OF COMMERCIAL VEHICLES WITHIN THE RESIDENTIAL AREA LOCATED EAST AND SOUTHEAST OF CAMP KEARNS. It shall be unlawful for any commercial vehicle, as those terms are defined in Kearns Code § 11.20.060, to operate within or otherwise use the streets of the Residential Area located east and southeast of Camp Kearns (*to wit*, 5075 West, Lacey Drive, Chris Kay Drive, 5015 West, Kami Way, Kathan Way, Shiloh Run Drive, 4850 South access point to Camp Kearns, 5020 West, 4985 South access point to Camp Kearns, 4950 West, 5130 West, and 5195 South), except in emergencies or other limited situations where the Kearns Metro Township Council has previously authorized the use of such streets by commercial vehicles because Camp Kearns Road or Cable Ridge Road are closed to pass-through traffic. (See attached Exhibit A for the location Camp Kearns Road and Cable Ridge Road.) Any violation of this Resolution shall be subject to both criminal and civil penalties pursuant to Kearns Code §§ 11.44.010, 12.2.430, and 12.2.450.

Section 2: IMPLEMENTATION. Kearns staff and contractors are instructed to take any actions needed to enforce and implement this resolution, including but not limited to erecting signs prohibiting the use of commercial vehicles within the Residential Area and educating property owners in Camp Kearns regarding this resolution.

Section 3: EFFECTIVE DATE. This Resolution shall take effect on March 1, 2022 and, pursuant to Kearns Code § 11.08.160, upon the installation of street signs warning commercial vehicle drivers not to enter the Residential Area.

[execution page follows]

APPROVED AND ADOPTED by the Kearns Metro Township Council, on this 14th day of February, 2022.

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KEARNS METRO TOWNSHIP COUNCIL

By: /s/s KELLY BUSH  
Mayor

ATTEST  
By /s/ SHERRIE SWENSEN  
Clerk/Recorder

The motion passed unanimously

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*Resolution 2022-02-02 Appointing Councilman Peterson to UPD/SLVSA Board*

**Mayor Kelly Bush** stated the Council made this board appointment during its January 10, 2022, meeting.

Council Member Snow, seconded by Council Member Schaeffer, moved to approve the following resolution:

RESOLUTION NO.: 2022-02-02

DATE: February 14, 2022

A RESOLUTION TO APPOINT KEARNS METRO TOWNSHIP REPRESENTATIVE TO UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE BOARD OF DIRECTORS

WHEREAS, the Kearns Metro Township is a municipality pursuant to Utah Code annotated (“UCA”) §§ 10-2a-401 *et seq.*

WHEREAS, the Kearns Metro Township Council (the “Council”) is the municipal legislative body for Kearns City pursuant to UCA § 10-3b-501.

WHEREAS, Section 2.04.190 A., Board Appointment Duties and Responsibilities, of the Kearns Metro Township Code states that “all board appointments or re-appointments of Council members shall be made annually with the consent of a majority of the Council.”

WHEREAS, Kearns Metro Township is a board member of the Unified Police Department of Greater Salt Lake (“UPD”);

WHEREAS, the Council voted unanimously to reappoint Council member Al Peterson to the UPD Board of Directors on January 10, 2022, for a four-year term; and

WHEREAS, the Council desires to adopt the resolution.

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NOW, THEREFORE BE IT RESOLVED by the Kearns Metro Township Council, Utah, as follows:

Section 1. MEMBER APPOINTED. Council member Al Peterson is hereby appointed to serve as the Kearns Metro Township representative to the UPD Board of Directors and his term shall be deemed and ratified to have commenced on January 10, 2022 and shall expire on December 31, 2025.

Section 2. COPY OF RESOLUTION TO BE PROVIDED TO UPD. A copy of this resolution, once adopted, shall be provided to the UPD.

Section 3. Staff is instructed to post this resolution to the Kearns Metro Township website and to the "Municipal Resolutions Book" within the Kearns Municode page.

Section 4. EFFECTIVE DATE. The resolution shall take effect on February 14, 2022.

APPROVED AND ADOPTED by the Kearns Metro Township Council, on this 14<sup>th</sup> day of February, 2022.

KEARNS CITY METRO TOWNSHIP:

By: /s/ KELLY BUSH  
Mayor

ATTEST

By /s/ SHERRIE SWENSEN  
Metro Township Clerk/Recorder

The motion passed unanimously.

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*Opioid Settlement Agreement-Kearns Participation*

**Kevin McClean**, Utah's Attorney General Office, stated a national settlement has been reach between many states and territories and Johnson & Johnson Pharmaceutical company and its subsidiary Jansson. Utah is joining in that settlement agreement along with 99 plus percent of its subdivisions. His purpose tonight is to ask the Council if it wanted to participate in this settlement. The more subdivisions that agree to participate the more money Utah will get. Two counties have decided not to participate as well as a couple of cities.

The nature of the arrangement would be that the municipalities would release its claims against the distributors and Johnson & Johnson. The settlement funds are required to be used for opioid related items such as treatment, prevention, education outreach, and mental health care that is consistent with substance use disorder. One caveat of the settlement agreement is that subdivisions that do not participate cannot be the beneficiaries of fund.

The current agreement between the legislature and the subdivisions that are participating is the subdivisions will get 50 percent of the funds and the state will take 50 percent. A lot of the funds the State gets would go out to regional health districts.

**Mayor Bush** asked if this would be handled similar to the beer tax funds.

**Mr. Mclean** stated he was not familiar with the beer tax, but at the state level there is a task force that has been assembled to identify priorities for spending.

Council Member Schaeffer, seconded by Council Member Snow, moved to participate in this settlement agreement. The motion passed unanimously.

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*Legislative Update*

**Nathan Bracken**, Legal Counsel, Kearns Metro Township, reviewed the following bills:

- HB 181 Railroad Crossing Maintenance Amendments

This bill would make it illegal for the railroad company to charge an upfront fee to discuss any type of road crossing with them. It also includes language that would require the railroad company to respond within 120 days to any requests. Additional language requires the railroad company to entered into an agreement within a reasonable time if it satisfies everyone's needs. This bill passed the House yesterday.

- SB 137 Property Decontamination Amendments

This bill gives municipalities clearer authority to abate meth homes after it is contaminated and the normal notice process has been followed. The bill has a fair amount of support. However, the apartment association wants to make sure that properties owners have the chance to clean up their property before it is abated. This provision was added given property owners 180 days to clean up their home.

- HB 303 Downzoning Notice Amendments

This bill could impose difficult requirements on municipalities by requiring a municipal to mail notices to any property owner that might be affected by a change in the land use ordinance. This would require Kearns Metro Township to notice every property owner in Kearns anytime a code amendment is proposed that affects land use. It would be massively expensive. The League of Cities and Towns opposes this bill.

- HB 151 Retail Facility Incentive Payments

This bill would affect a municipality's ability to do RDAs by limiting the ability to provide tax breaks for retail development unless certain things are attached such as multi-family developments, or the community meets certain income thresholds.

- HB 85 Eminent Domain Amendments

This bill would prohibit municipalities from using eminent domain to condemn property for parks.

- SB 110 Water as part of General Plan

This bill would require municipalities to have a water element in its general plan. This is already something that Kearns is discussing.



Stakeholders Updates

*Unified Police Department*

**Chief Levi Hughes**, Unified Police Department, updated the Council on the following:

- Officer of the month for January works as a Resource Officer at Kearns Middle School.
- An additional Resource Officer was hired to work at Kearns High School.
- UPD will hold its academy in combination with Magna. It will be held for a shorter time.
- Presented a map showing areas of recent crime.
- Presented the stats for January.



*Unified Fire Authority (UFA)*

**Chief Wade Russell** stated the UFA budget process has started and each division is working on its individual budgets to be included in the overall budget. The UFA Board will review the budget on May 17, 2022, and adopted on June 21, 2022. Recruitment for a new UFA Fire Chief continues with three candidates being selected. Each UFA employee has the opportunity to comment and review the candidates. On March 9 and 10, 2022, the candidates will be interviewed, and the Board will discuss the candidates at the March 15, 2022, meeting. Chief Dan Peterson's last day will be April 1, 2022, and the Change in Command ceremony will be on April 2, 2022. Mike Swensen at station 109, is working his last shift tonight and will be transferred to Millcreek. He reviewed calls for service, stating that there were 212 responses last month, and approximately 633 responses for last quarter. The four-year average is on par with no huge increases or decreases.



*Wasatch Front Waste and Recycling District (WFWRD)*

**Renee Plant**, Administrative Manager, Wasatch Front Waste and Recycling District, updated the Council on the following:

- Weekly green waste and collection program will resume on March 14, 2022. There are 388 Kearns residents that have signed up for this program.
- Customer satisfaction survey is done. District wide the satisfaction rate was 94 percent. Residents in Kearns showed a 92 percent satisfaction rate.
- Perfect time to trim trees. The minimum height requirement over any street pavement is 13.5 feet above the pavement.
- On Tuesday, February 8, 2022, the Salt Lake County Council set a public hearing for Tuesday, March 22, 2022, to receive public comments on the reorganization of the Wasatch Front Waste and Recycling District from a service district to a local district.

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*Kearns Water Improvement District*

**Greg Anderson**, Kearns Water Improvement District, updated the Council on the following:

- The Board of Trustee is extending an invitation to the Council and Mayor to participate in a tour on March 8, 2022, at 5:00 PM on the new station.
- Working on water bills at the State Legislature.
- Water outlook is not looking good, there maybe some restrictions of water usage this summer.

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*Evidence to Success*

**Josh Nielsen**, Evidence to Success, stated on Tuesday, February 22, 2022, the fourth Parents Empower event will be held. All Council Members and the Mayor are invited to attend.

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Other Business

*Approval of Minutes*

Council Member Schaeffer, seconded by Council Member Snow, moved to approve the minutes of the Kearns Metro Township Council meetings held on November 22, 2021, and January 10, 2022. The motion passed unanimously.

DATE MONDAY FEBRUARY 14, 2022

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

SHERRIE SWENSEN  
METRO TOWNSHIP CLERK

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
CHAIR, KEARNS METRO TOWNSHIP

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