

DATE MONDAY FEBRUARY 13, 2023

THE KEARNS METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON MONDAY, FEBRUARY 13, 2023, PURSUANT TO ADJOURNMENT ON MONDAY, JANUARY 09, 2023, AT 6:30 P.M. AT THE KEARNS LIBRARY AT 5350 SOUTH 4220 WEST, KEARNS, UTAH 84118.

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

OTHERS IN ATTENDANCE: NATHAN BRACKEN, LEGAL COUNSEL
NICHOLE WATT, METRO TOWNSHIP CLERK
AMY PITT, METRO TOWNSHIP CLERK

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Mayor Kelly Bush, Chair, presided.

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Public Meeting

Citizen Public Input

None.

Recognition of Senator Karen Mayne for her Dedicated Service

Mayor Bush stated State Senator Karen Mayne was invited to attend the meeting to be recognized but could not attend due to health reasons.

The Council reviewed the following Resolution expressing appreciation for Senator Mayne:

RESOLUTION NO. 2023-01-03

Date: February 13, 2023

A RESOLUTION OF THE KEARNS METRO TOWNSHIP COUNCIL EXPRESSING
APPRECIATION FOR SENATOR KAREN MAYNE

WHEREAS, since 2008, Senator Mayne has represented the 5th District, which includes Kearns, in the Utah Senate; and

WHEREAS, Senator Mayne sponsored S.B. 199, Local Government Revisions, in the 2015 General Session of the Utah Legislature, which allowed Kearns and other previously unincorporated communities within Salt Lake County to incorporate as metro townships; and

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WHEREAS, following the incorporation of the metro townships, Senator Mayne vigorously supported and defended the interests of Kearns and its residents; and

WHEREAS, during the 2020 General Session of the Utah Legislature, Senator Mayne championed an effort to develop and pass S.B. 214, Gambling Machine and Sweepstakes Amendments, which addressed the criminal and public nuisance challenges that Kearns and other communities throughout Utah experienced because of fringe gambling machines; and

WHEREAS, during the 2021 General Session of the Utah Legislature, Senator Mayne was instrumental in developing and passing S.B. 58, Metro Township Amendments, which authorized metro townships like Kearns to enact municipal energy and telecommunications taxes, placing Kearns and the other metro townships along with their residents on equal footing with other municipalities; and

WHEREAS, Senator Mayne's tireless efforts and leadership in passing S.B. 199, S.B. 214, and S.B. 58 are only three examples of the many actions she has taken to support and assist Kearns.

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

1. The Kearns Metro Township Council expresses its sincere appreciation, gratitude, and praise to Senator Mayne for her dedicated and exemplary leadership; recognizes her time, energy, devotion, and commitment in successfully supporting Kearns and its citizens.

2. The Kearns Metro Township Council wishes Senator Mayne a very happy retirement.

PASSED and ADOPTED this 13th day of February, 2023.

KEARNS METRO TOWNSHIP COUNCIL

By: /s/ KELLY F. BUSH
Mayor

ATTEST:

/s/ LANNIE CHAPMAN
Clerk/Recorder

Council Member Peterson, seconded by Council Member Butterfield, moved to approve Resolution 2023-01-03, expressing appreciation for Senator Karen Mayne. The motion passed unanimously.

Mayor Bush stated she would have a framed copy of the resolution, along with an award of recognition from the Council, sent to Senator Mayne.



Recognition of Harry Souval

Nathan Bracken, Legal Counsel, Kearns Metro Township, read a proposed letter to be sent from the Council to Harry Souval, Chief Legal Counsel, Unified Police Department (UPD), thanking him and the Greek Orthodox Church for a donation to the Kearns High School food bank.

Council Member Peterson, seconded by Council Member Butterfield, moved to approve the letter thanking Harry Souval and the Greek Orthodox Church for the donation. The motion passed unanimously.



Presentation of Municipal Service District's 2022 Achievements

Marla Howard, General Manager, Greater Salt Lake Municipal Services District (MSD), delivered a PowerPoint presentation entitled 2022 Accomplishments Greater Salt Lake Municipal Services District. She reviewed the following categories: Financial; Human Resources; Capital Projects Completed; Emergency Management; Information Technology; Communications; Administration; and Planning and Development (current planning, building, business licensing, long range planning, code enforcement, and stormwater).



Planning

Presentation on RDA Setup and Execution

Kayla Mauldin, Senior Long Range Planner, Greater Salt Lake Municipal Services District (MSD), delivered a PowerPoint presentation entitled 2022 Summary. She reviewed the following categories: Moderate Income Housing Plan; Ordinances; Community Relations; Kearns active Transportation Project; Kearns On-Street Parking Study; New Website; Looking Ahead: 2023; Historic Interpretive Panels; Capital Improvements (MSD-Wide); Kearns Water Element; Kearns Mobility Hub; Kearns Town Center; Why a Year-Long Process?; and Are there additional projects that should be pursued in 2023?



Legal Updates/Information

Council Request for Appearance: David Juma Code Enforcement-Business License

Mayor Kelly Bush stated David Juma had been asked to appear before the Council to give an update regarding the progress of his recently purchased business property located at 5344 South 4015 West in Kearns. There had been some code enforcement concerns

because someone had been living at the property, which was zoned for business use. She also asked about the status of his business license.

David Juma explained that the person living on the property was living out of his car and keeping watch over the lot. That person is no longer residing on the property. Delays in repairing the grading and water retention system and structure itself, along with pricing increases, have been preventing Mr. Juma from being able to obtain a business license. He expected to be done with the necessary upgrades in the next couple months and asked if he could be issued a temporary business license in the interim, as he was losing a lot of money due to not being able to operate. He stated it would be mutually beneficial for Kearns to give him a temporary license because if he had to move his inventory (roughly 50 cars) to operate somewhere else, he would lose money and the township would lose out on a couple hundred thousand dollars in sales tax revenue.

Nathan Bracken, Legal Counsel, Kearns Metro Township, stated land use approvals had to be done before Kearns could issue a business license. He also reminded the Council of its previously adopted zero-tolerance policy toward those operating without a business license. He advised the Council that issuing a temporary license could set an unwanted precedent.

Mayor Bush advised Mr. Juma to continue to keep the property up to code, continue to work with Curtis Woodward at the Greater Salt Lake Municipal Services District (MSD), and do what he needs to do to keep his business operating, even if that involves moving the cars elsewhere so he can sell them legally. She asked him to be vigilant in keeping the lines of communication open if he runs into issues, and reminded him she has eyes and ears everywhere in Kearns.

Legislative Update

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

- SB 174 Local Land Use and Development Revisions

This bill would do two things. First, it would make apartments above a garage a permanent use like an internal accessory dwelling unit (ADU). It will also change the subdivision review process, prohibiting city councils from approving subdivisions. This bill is likely to pass.

- HB 291 Short Term Rental Amendments

This is a short-term rental bill that would create a pilot program that would incentivize people running short-term rentals without a business license to get a business license and a tax ID. It is a voluntary program that would allow cities to receive tourism tax revenue. The bill would require cities that want to participate to rezone to allow short term rentals in 80 percent of the residential areas. This bill would also allow cities to use online advertisements as evidence of

zoning violations, but it would have to be in conjunction with other evidence such as a neighbor complaint.

- HB 232 Railroad Crossing Amendments

Mr. Bracken and the Mayor have been working with Union Pacific to do a crossing as part of the 4700 South project. Union Pacific wants Kearns to take over permanent responsibility for maintaining their infrastructure in perpetuity in exchange for being able to do the project. Mr. Bracken and the Mayor have been working with the bill sponsor and with the Utah Department of Transportation (UDOT) to come up with a solution.

- HB 374 County Sheriff Amendments

This bill initially would have removed Sheriff Rivera as CEO was changed to invalidate UPD effective 2025. It is opposed by the Utah Association of Special Districts (UASD) and the Utah Association of Counties (UAC).

- HB 301 Gas Tax and SB 175

These bills would make tweaks to gas tax. The State is considering removing sales tax on food. This legislation could affect Kearns.

Update: current status of parks transfer

Nathan Bracken, Legal Counsel, Kearns Metro Township, stated the parks transfer was approved a while back and he needs to work with the District Attorney's office to finalize the deeds for that.



Stakeholder Updates

Unified Police Department (UPD)

Chief Levi Hughes provided official letters from UPD accepting funds to the Metro Township Clerk. The precinct started construction and is preparing for the least to go into effect. The detectives will be moving into a larger space and patrol officers will get a patrol room. This is important because they currently must use whatever space is available and sometimes information is lost from one shift to another. Staffing was a struggle last year and still is. There are three employees on light duty and five vacancies. This has negatively affected proactive enforcement. UPD is receiving help from other precincts but lacking the necessary follow-up. Stolen vehicles are down from January thanks in part to Kearns putting information out to the public. There was a drive-by shooting in January and there is currently no suspect. There was another drive-by shooting in February and UPD is on it. Reporting crimes is important because it

allows tracking. He said to watch for the Economic Interruptions Act in 2024, which will further penalize people who steal automobiles from the government and private businesses.

Unified Fire Authority (UFA)

Captain Wade Russell stated he was promoted to Operations Chief and Chief Torgerson was promoted to Battalion Chief. There was talk during the last meeting about moving hazmat crews and equipment out of station 109, and that was complete on January 6th. Some of the captains stayed and others are new. UFA is getting a type 6 engine and it will be nice for fighting brush fires.

Wasatch Front Waste & Recycling District (WFWRD)

Renee Plant, Administrative Manager, WFWRD, distributed a handout to the Council entitled 2022 End-Of-Year Report for Kearns, 2/13/2023. She reviewed 2022 district-wide statistics; 2022 end-of-year tonnages and diversion rate for Kearns; 2022 tonnage and service comparisons for Kearns and district-wide; seasonal container reservation program; news in the district and Kearns; and reminders.

Kearns Improvement District (KID)

Greg Anderson, General Manager, KID, stated the final numbers for water use for 2022 indicate that KID is at 124 gallons per capita per day. The State goal is 157 gallons per capita per day and internally it is around 200 gallons per capita per day. KID is grateful to the citizens of Kearns for their efforts. The water loss for 2022 was 4.7 percent and is normally 12 percent. Snowpack levels are at 165 percent. There are several water bills at the legislature right now. If we can continue to conserve, we can save the Great Salt Lake.

Kearns Community Council

Aaron Nickle, Kearns Community Council, stated the Community Council is excited for the 2023 year. One of the main focuses will be replacing the trailer contents. The Community Council is grateful for the Council's help with that.

MyKearns

Becky Guertler, MyKearns, presented Chief Levi Hughes with an award for service and what he does to help the coalition. Emily Mendoza, the former chair of the Youth Council, was invited Annie E. Casey foundation to attend a mental health youth summit in Atlanta, GA. They are working on a grant for travel expenses. Community Anti-drug Coalitions of America (CADCA) had its National Leadership Forum in Washington D.C. and Senator Lee’s staff set up a personal tour. MyKearns is working with the County and Center for Drug Control (CDC) to become its own entity.



Other Business

Social Media/Website Work

Jake Carpenter stated he recently contracted with Magna to create a social media presence and have a channel of communication with the public. He feels he can do the same for Kearns. The vision would be to have official Facebook and Twitter pages where residents can learn about current events. He could also take requests from Council members. Anything on the social media would also be put on the website kearnsutah.org. Since he started working with Magna, there has been an increase in community engagement and more citizens have appeared for public comment.

Council Member Snow asked what the fee would be.

Mr. Carpenter stated it would be a flat fee of \$1000 per month, or \$500 per service.

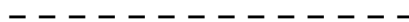
Mayor Bush stated doing a Twitter and Instagram account might be preferable.

Nathan Bracken, Legal Counsel, Kearns Metro Township, stated the Council would need to officially adopt the social media policy it recently drafted if it is going to have a social media presence. Otherwise, there could be first amendment issues with moderating public comments.

Mr. Carpenter stated Magna does not allow for comments on its pages; it just puts out information. He would be offering both moderation and administrative services.

Mr. Bracken stated disabling the comment function would make a lot of his concerns go away.

Council Member Schaeffer, seconded by Council Member Butterfield, moved to authorize the mayor to obtain these services pursuant to standard procurement policy. The motion passed unanimously.



Interlocal Agreement between Salt Lake County Elections and Kearns Metro Township

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Mayor Kelly Bush explained this interlocal agreement would authorize the Salt Lake County Elections Division to administer election services for the Kearns Metro Township for its upcoming election.

Council Member Butterfield, seconded by Council Member Snow, moved to approve the interlocal agreement. The motion passed unanimously.

Minutes

Council Member Snow, seconded by Council Member Schaeffer, motioned to approve the minutes of the Kearns Metro Township Council meeting held on January 9, 2023. The motion passed unanimously.

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

LANNIE CHAPMAN
METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, KEARNS METRO TOWNSHIP

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