



UNIFIED FIRE AUTHORITY

March 11, 2024

All City, Town, Township and Salt Lake County Governments:

In anticipation of fireworks season, this information will assist your legislative bodies in efforts to assure compliance with Utah fireworks laws and setting of restricted areas.

Please review your fireworks restricted areas for accuracy and proper alignment. If changes to the 2023 fireworks restrictions map are necessary, Title 15A-5-202.5 lists the steps and requirements to implement those changes. If changes are made, please ensure that City Ordinances are updated for the 2024 fireworks season.

Key points:

- Each municipal legislative body must, before May 1 of each year the defined area is closed, provide a map to the county in which the defined area is located
- The county must have a map in place and available to the public and fireworks vendors before June 1
- If UFA Fire Prevention Division does not receive notice of any changes prior to that date, the map published will be the same map for the city as the year before

Links to the Utah fireworks law:

https://le.utah.gov/xcode/Title15A/Chapter5/15A-5-S202.5.html?v=C15A-5-S202.5_2018050820180508
https://le.utah.gov/xcode/Title53/Chapter7/53-7-S225.html?v=C53-7-S225_2018050820180508
<https://rules.utah.gov/publicat/code/r710/r710-015.htm#T4>

Current fireworks law summary:

- Discharge dates for fireworks: 2 days before, day of, and 1 day after July 4 and 24
- Provide a restriction area map to UFA by May 1
- Provide a county wide map on county website before June 1 (UFA Responsibility)
- Provides strict liability for negligence, reckless or intentional conduct for damage caused by fire:
 - In prohibited or non-prohibited area
 - Within times of allowed discharge
- Clarifies areas where cities can restrict fireworks discharge
- Persons guilty of an infraction if: (up to \$1,000 fine)
 - Discharge of fireworks outside of legal dates
 - Discharge of fireworks in an area where fireworks are prohibited

If fire conditions worsen as the fireworks season approaches, causing concern for areas not currently defined or create a “hazardous environmental condition”, please contact your Liaison, our office, or your Area Fire Marshal. Please also feel free to contact me should you have any questions or concerns.

Thank you,

Brad Larson

Fire Marshal / Unified Fire Authority

blarson@unifiedfire.org



ZT-23-016

City Council Staff Report

Meeting Date: 3/25/2024

Applicant: City

Re: Adoption of a Revised Sign Ordinance

Prepared By: Francis Xavier Lilly, AICP, Planning Director

Scope of Decision: **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission.

REQUEST AND SYNOPSIS

As part of Millcreek's comprehensive zoning code update, Staff is seeking your input and recommendation regarding the adoption of a new Signs Ordinance. The existing signs ordinance is found [here](#).

Millcreek's sign ordinance was updated in recent years. While much of the content in the existing regulations is still relevant, some tables and organizational structure left some requirements unclear. The new draft makes minor updates to standards, updates language for consistency, and improves clarity with new tables.

The Planning Commission's recommendation includes the following changes:

1. New internal illumination standards that controls light temperature as well as brightness.
2. Revised standards for all electronic message centers, including a lower maximum illuminance requirement than currently required, and the installation of light protecting louvers for larger electronic message centers, such as the digital district sign on Millcreek Common.
3. Reduced height for monument signs.
4. A maximum area for wall signs, depending on the zone.
5. Limits on window signs to the first story of buildings.
6. A prohibition on electronic message centers for pole signs in commercial zones, to incentivize conversion to monument signs.
7. No additional digital district signs in the City Center.
8. Updated tables for readability.

GENERAL PLAN AND ORDINANCE CONSIDERATIONS

The following goals and strategies in the General Plan, and policies in Millcreek's existing sign ordinance, inform staff's recommendation regarding the adoption of an updated sign ordinance:

SIGNS. GOAL GP-2: Ensure that sign location and design is responsive to site context and compatible with the surrounding character.

Strategy 2.1: *Ensure that signs are compatible with their surroundings. Signs should provide information and make a positive contribution to the character of the community.*

Strategy 2.2: *Signs should effectively contribute to the aesthetics of the development and minimize negative impacts on adjacent uses and all modes of transportation.*

Strategy 2.3: *Promote compatibility of signs with pedestrian-oriented development in all areas, and particularly in designated mixed-use centers and residential areas.*

Strategy 2.4: *Discourage billboards in designated or developed commercial and residential areas and in locations that block views of the Wasatch Mountains or in conflict with the goals of the General Plan. Consider techniques to remove or alter billboards such as purchase, amortization or other techniques.*

Strategy 2.5: *Discourage temporary signs (usually construction signs) on road shoulders that serve as bike lanes and pose hazards to bicyclists.*

STREETSCAPE. GOAL GC-3: Improve the safety and visual image of the community by enhancing the look and feel of major corridors and protecting our scenic viewsheds.

Strategy 3.9: *Reduce the number, size, and height of billboards along all City streets.*

Section 19.82.185 – Off-Premise Signs; Billboards.

A. Purpose. *In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. **It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.***

The proposed sign ordinance establishes new illuminance standards, light curfews, better regulations for pole signs, and incentives for monument signs that will result in an improved streetscape and urban form for Millcreek as signs are replaced in the City.

In addition, the potential inclusion of two additional digital district signs in the City Center Overlay zone, subject to an exchange agreement with an outdoor advertising entity like Reagan Outdoor Advertising, would reduce the number, size, and height of billboards along all city streets, advancing a goal of the general plan. **Moreover, by pursuing an exchange agreement with Reagan Outdoor Advertising, staff is advancing a policy adopted in the City Ordinance to reduce the number and combined square footage of billboards where feasible.**

DIGITAL DISTRICT SIGN CONSIDERATIONS

In 2021, the Millcreek City Council approved the construction of a digital district sign on city-owned property at Millcreek Common. This sign is operated by Reagan Outdoor Advertising (ROA) under an agreement where ROA removed one billboard adjacent to the Common and surrendered its rights for 924 square feet of additional signage in exchange for an operating agreement to advertise on the district sign for 40 years. ROA can operate for up to 60 percent of the time on the sign, with the remaining 40 percent reserved to Millcreek for community events and public service messages. Millcreek retains ownership of the digital district sign. This had the effect of removing a development impediment, and advancing the goals of the general plan to reduce the number, size, and height of billboards along all City streets. The current exchange agreement is the first time in Millcreek's history (and one of the only times instances statewide) where an outdoor advertising company voluntarily surrendered billboard rights at no cost to taxpayers.

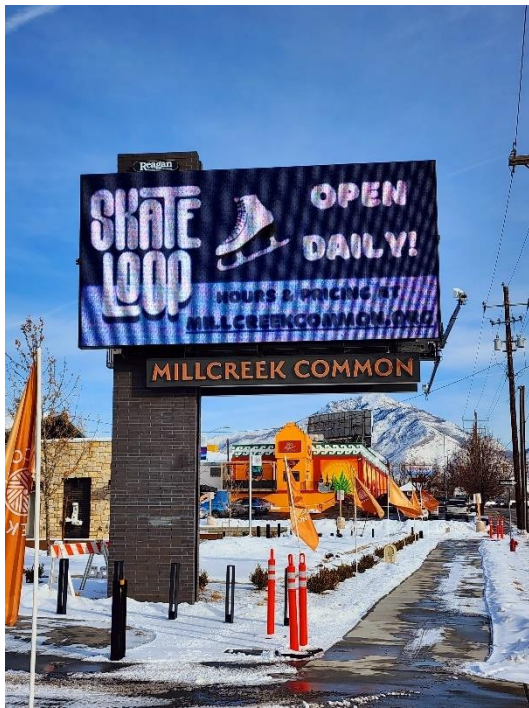
An additional exchange agreement could be used to facilitate the construction of two additional digital district signs, at no cost to the Millcreek taxpayer, and in a manner that would result in the removal of additional existing billboards in Millcreek.

The additional signs would be placed at either end of Chambers Avenue, at Highland Drive and at 1300 East. Millcreek may want to operate the sign or signs independently of an operating agreement with ROA, however Given how difficult it can be to remove billboards, an exchange agreement whereby a sign operator surrenders existing billboards for time on a digital sign is potentially a good method to reduce the overall number and square footage of billboards in Millcreek, which is found in section 19.82.185 of our existing sign code, and which will be carried over into the new code. Staff advises an exchange ratio of at least 3 square feet of static billboard footage to 1 square foot of digital district signage as a minimum standard for an exchange agreement. By this standard, the City could accomplish the removal of billboards in Millcreek in exchange for 60% of the advertising time on additional district signs on the west side of Highland Drive at Chambers Avenue. While the Planning Commission did not recommend the approval of additional district signs, they indicated that an ideal exchange agreement should emphasize removal of *nonconforming* billboards, particularly billboards that are:

- Taller than 32 feet in height.
- Larger than 300 sf in sign area.
- Located within 150 feet of a residential zone.
- A two-decked billboard.
- Any billboard within 500 feet of a municipal boundary.

All things being equal, an exchange of this character would reduce the number and combined square footage of billboards in Millcreek.

Design Considerations and the Proposed Exchange Agreement



Staff believes that the existing Millcreek Common digital district sign effectively removed a development impediment and set a new standard for a large digital district sign that can be compatible with our city center redevelopment effort.

The sign itself is approximately 26 feet high, and the illuminance of the sign is limited to 0.2 footcandles above ambient light at nighttime. Light protecting louvers on the sign limit light trespass beyond 38 degrees of the face of the sign.

Critically, the city owns and operates the sign, and ROA's advertising on the sign is limited to 60% of the time of the sign, for a duration of 40 years. In essence, the City is proposing to exchange a permanent, vested property right for a lease with a time-certain expiration. This is effectively an amortization concept contemplated by the General Plan.

Additional digital district signs would be built to the same design standards as the current Millcreek Common digital district sign, and would be subject to the same operational requirements.

The purpose of the agreement is to find a reasonable and voluntary exchange between two parties to accomplish a reduction in overall square footage, which is one of the limited options provided for under state law.

Assessing the merits of that exchange should account not only for the reduction in square footage, but also the City's ownership and utilization of the signs.

Well managed digital signs will be the result of the agreement if the zone text change and general plan amendment is approved by the City Council, upon recommendation by the Community Council and Planning Commission. Approval of these changes creates a mechanism to reduce the number and combined square footage of billboards in the community, although part of the tradeoff involves digital signs.

Subject to the same appropriate controls that governed the design and operation of the existing Millcreek Common sign, this agreement will reduce the size and number of billboards in Millcreek.

Staff does not feel it is appropriate to ascertain the revenue impacts to ROA as part of an exchange agreement. Rather, staff's interest is in using an exchange agreement to reduce the number and square footage of billboards in Millcreek. Our general plan goals are further advanced if we can remove more billboards as part of an exchange agreement.

To that end, staff is recommending to the city council that the city council consider an exchange

agreement that requires removal of *at least 3 square feet of static sign area, if not more*, in exchange for time on additional digital district signs.

Safety Considerations for Digital Signage

Staff prepared a memorandum that examines the potential for large digital signage to distract motorists. That memorandum is attached to this staff report.

Precedents for a Static-to-Digital Billboard Exchange

Staff could not identify many precedents for other billboard exchange mechanisms nationwide, however two cities in the Kansas City metropolitan area, Lee’s Summit and Kansas City, crafted exchange mechanisms, aimed at removing nonconforming billboards in their cities and replacing them with digital signs on limited access freeways. We spoke with staff at both cities; they both indicate that their exchange mechanisms were helpful in removing nonconforming billboards and reducing the number of billboards in their cities.

Lee’s Summit, Missouri

In late 2006, Lee’s Summit enacted an ordinance that allowed for the [conversion of nonconforming static billboards](#) into digital billboards at a ratio of 2 static sign faces to 1 digital billboard face. Rather than addressing square footage ratio, the Lee’s Summit ordinance limits the size of the digital face to 10 percent greater in area than the size of static faces that were removed.

This conversion mechanism was limited to billboards that were nonconforming, and the resultant digital billboards [could only be placed](#) in limited zones and within 660 feet of limited access freeways in the city. Prior to the ordinance adoption, Lee’s Summit had 12 billboards in their city. Currently, they have 6 billboards.

Kansas City, Missouri

In 2019, Kansas City enacted an ordinance that also allowed for the [conversion of nonconforming static billboards](#) into digital billboards. The conversion rate is based on sign area and depends on the size of the sign, and is summarized below:

Sign Type	Sign Area	Conversion Ratio
Junior Poster (6’ x 12’)	72 sf	7 sf : 1 sf
Poster (10’6” x 22’9”)	239 sf	7 sf : 1 sf
Bulletin Board (14’ x 48’)	672 sf	3 sf : 1 sf

In the Kansas City case, the city council determined that, all things being equal, a sign conversion mechanism should account for the size of the sign, and that larger bulletin board billboards could enjoy a more beneficial conversion rate. Kansas City imposed limitations on where digital conversions could take place, including 250 feet of any residential occupancy, and certain interstate highway sections. In general, the resultant signs could only placed within 660 feet of limited access freeways. Kansas City Staff reports that, since 2019, 13 permits for digital billboard conversions were approved, resulting in a significant number of nonconforming signs removed from other areas of the city.

In Lee's Summit and Kansas City, the resultant billboards tend to be larger and taller freeway-oriented signs, reflecting a policy choice of theirs to transfer billboard rights from arterial streets and neighborhoods and place them along limited access freeways.

Similarities and Differences to the Millcreek Proposal

Conversion Ratio. Lee's Summit and Kansas City took different approaches to a conversion ratio, with Lee's Summit focusing on sign *faces* and Kansas City focusing on sign *area*. Kansas City also determined that, all things being equal, a larger bulletin sign is more impactful and deserves a more beneficial ratio than a smaller poster sign. Lee's Summit focused on sign faces, but limited the size of the resulting digital billboard based on the size of the faces being converted, which incentivized the outdoor advertising companies to remove larger nonconforming signs as part of a conversion.

In the previous exchange for the Millcreek Common sign, the ratio was approximately 3.2 sf of static sign rights (one sign totaling 478 sf in area, and 924 sf of banked billboard sign area) in exchange for time on one digital district sign with a sign area of 441 sf.

Staff inquired about how these cities established their conversion ratios: in both cases, they were decided by a negotiated process whereby both the cities and the outdoor advertising companies identified a ratio that the outdoor advertising companies found reasonable, and that the cities found effective. Neither city engaged in a lengthy analysis of advertising rates and profitability as part of their deliberations with the outdoor advertising companies.

Ownership. In Lee's Summit and Kansas City, the resulting digital billboards are owned by the sign companies, and the vested rights of the resultant signs are permanent. In Millcreek's case, the permanent rights of a billboard are converted into a 40 year lease, on a sign owned by the City. Considering the experience of Kansas City and Lee's Summit, and the fact that Millcreek would own and maintain the sign, and the sign company would exchange a permanent property right for a 40 year lease, the ratio established in the previous conversion is not out of character with the Kansas City area exchange mechanisms.

Operation and Design. In Lee's Summit and Kansas City, there were limited to no design controls on the resulting digital signs, other than height, setback, and image dwell times. In addition, neither city in the Kansas City area has an opportunity to communicate its own messaging on the resulting digital signs. In its previous exchange agreement, Millcreek imposed significant design standards on the sign itself, reduced the brightness of the sign below what was allowed in city ordinance for electronic message centers, and required light protecting louvers on the sign. In short, Millcreek would have significantly more control over the operation and design of the resulting signs than Lee's Summit and Kansas City has over their signs.

Resulting Signs. In the Kansas City area examples, the digital signs were placed along freeways and were larger and taller than the sign Millcreek is proposing, which is on an arterial, limited to 441 sf, and limited in height to 30 feet.

Nonconforming Status. In the Kansas City area, the exchanges were limited to nonconforming billboards – signs that were either too tall, too large, or placed in an area

where the code would no longer allow one to be. While most billboards in Millcreek are nonconforming in some way, the previous exchange agreement did not explicitly limit the exchange to nonconforming signs.

State Law Considerations. Millcreek does not have any remaining limited access freeway frontage that could serve as a receiving zone for digital billboard rights and, moreover, the Utah Outdoor Advertising Act allows for digital conversions of static billboards along Interstate Highways and other limited access highways by right, regardless of a municipal prohibition on digital signage. Nonconforming rights for billboards in Utah are established by state statute, which limits the opportunity for Millcreek to establish an ordinance mechanism like the ones established by Lee’s Summit and Kansas City. However, state law does allow the Millcreek City Council to enter into a negotiated exchange agreement.

Determining Signs To Be Removed. In both Lee’s Summit and Kansas City, the outdoor advertising companies identified the billboards to be removed. The cities did not choose the billboards to be removed, beyond limiting billboards eligible for removal to nonconforming billboards.

PROPOSED ORDINANCE AMENDMENTS

Attached to this staff report is a proposed draft of the sign code. A summary of the proposed significant changes is below:

Requirement	Standard	Proposed Standard	Rationale
Definitions	Existing: 19.82.020 New: End of document.	Ultimately, definitions will be added to the Definitions chapter. ‘Ground Sign’ redefined as ‘Pole Sign’. Additional terms defined.	Staff modified definitions to ensure content neutrality, and to use terms that are accepted as industry standards.
Exceptions	Existing: 19.82.050 New: 18.68.050	Currently, school and church signs are unregulated. Staff is proposing regulating these signs as though they are located in a commercial zone.	We believe that certain regulations are appropriate, such as height and setbacks, as long as they do not subject the sign to a content-based review. We note that signs for churches and schools are also regulated under state and federal statute.

Requirement	Standard	Proposed Standard	Rationale
Light Curfew	Existing: None New: 18.68.120 (C)	We are proposing a light curfew for signs located within 100 feet of an existing residential use or zone.	Rather than treating signs near residential uses as conditional uses, which the current code requires, these signs will simply have a light curfew requirement that mitigates detrimental effects.
Illumination Requirements	Existing: Limited to EMC's. 19.82.135 New: 18.68.120 and 18.68.130	We are proposing a light temperature requirement, that exempts logos and text, that will primarily affect the brightness of cabinet signs.	Reduced sign brightness furthers the goals of the general plan to promote signage that is compatible with surrounding neighborhoods and that improves community aesthetics.
EMC Requirements	Existing: 19.82.135 New: 18.68.130	Better specifications on how to measure illuminance. Reduced illuminance standards. Light blocking louvers required for larger EMC's. Notice of compliance requirement. Increase minimum distance from residential uses from 100' to 150'. EMC's are limited to monument signs in the commercial zone.	Revised standards will reduce the overall brightness of EMC's while allowing them to still be visible and useful. Additional residential buffer will avoid sightline, brightness and nuisance issues attendant to certain EMCs that are more appropriate in established commercial areas, while eliminating the need or justification of a conditional use permit. Limiting EMC's to monument signs in the commercial zone could be an incentive for sign owners to convert existing pole signs into monument signs, which would further Millcreek's general plan goal GP-2.
Temporary Signage	Existing: 19.82.140 New: 18.68.140	Requirements largely replaced with a table, and additional defined terms.	These regulations will help with clarity and enforcement, as needed.
Off Premise Signs and Billboards	Existing: 19.82.185 New: 18.68.170	Unchanged	We are relocating the billboard language, but for noticing reasons pursuant to state law, we are leaving the language unchanged.

Requirement	Standard	Proposed Standard	Rationale
Signs Allowed by Zoning District	Existing: 19.82.190 New: 18.68.110	Revised and updated table at 18.68.111	Revised table is easier to understand. New terms applied and regulations added or modified depending on zone. This table is where most users go to find sign requirements.
Iconic Signs	Existing: 19.82.210 New: 18.68.200	Significantly unchanged, however we are noting that the presence of an iconic sign will not adversely impact the ability of a property owner to erect a monument or pole sign.	This was a recommendation of the Utah Sign Association to allow the owner of an iconic sign to install another sign, while keeping the iconic sign.

COMMUNITY COUNCIL RECOMMENDATIONS

Generally, the Community Councils recommended approval of the sign ordinance as written, but had differing recommendations with respect to additional digital district signs and a proposed exchange agreement to facilitate them.

- 1. Millcreek Community Council.** The Millcreek Community Council met on February 6, 2024.

Sign Code Recommendation. The MCC voted unanimously in favor of the adoption of the sign ordinance in general.

Digital District Sign and Exchange Agreement Recommendation. There was considerable discussion. A handful of residents commented, all opposed. Some members expressed concern about digital signage in general, while others expressed support for the city negotiating with sign companies with a goal to reduce the area and number of billboards in Millcreek. A general consensus emerged in the meeting that a 3sf:1sf ratio of static billboard area to digital district sign area was not sufficient. They expressed a desire for a more favorable exchange. The MCC voted 9 in favor, 2 against, and one abstaining to approved the city’s plan to add digital district signs in removing traditional billboards.

- 2. Canyon Rim Citizens Association.** The Canyon Rim Citizens Association met on February 7, 2024.

Sign Code and Digital District Sign and Exchange Agreement Recommendation. Three residents commented, two opposed and one supported. Some members expressed concern about the impact of digital signage, while others expressed support for an exchange agreement that results in a net reduction of billboard square footage. In the end, as indicated in an email to staff from their Council Co-Chair, “The motion that [passed] recognized that half the CRCA present were not moved in favor of the changes - so the recommendation we had put forward, seconded, and voted with three in favor, two abstains, and 1 nay was to ‘encourage the city of Millcreek to pursue the digital signs.’ This recommendation is not of the ordinance change as there were many on the CRCA that felt that we

needed more information to appropriately understand the ordinance change and implications. The sign trade idea as was quite contentious and the CRCA recognized the differing view points. While the three voting in favor of the resolution did want to see older billboards updated, this specific deal presented to the CRCA had us divided.

3. East Mill Creek Community Council.

The East Mill Creek Community Council met on February 2, 2024.

Sign Code and Digital District Sign ang Exchange Agreement Recommendation. A member expressed concerns about distraction and road safety. A member expressed concern about the last painful public process, and ensuring that there is a place of repose and serenity at Millcreek Common. A majority of the council supported the possibility of digital district signs and the opportunity to reduce billboards in Millcreek, subject to an exchange agreement. Some discussion was had about whether a 3sf:1sf ratio of static billboard area to digital district sign area was appropriate.

They voted 5 in favor to 3 opposed opposed for the adoption of the sign ordinance, including the provision for digital district signs subject to an exchange agreement.

4. Mount Olympus Community Council. The Mount Olympus Community Council met on February 5, 2024 and on March 4, 2024.

Sign Code Recommendation. As respects the draft sign ordinance, but specifically not including the draft language dealing with two additional “district signs within the city center, the Mount Olympus Community Council gave a positive recommendation with a unanimous vote of all 8 members present.

Digital District Sign and Exchange Agreement Recommendation. At their meeting on March 4, 2024, the Mount Olympus Community Council voted unanimously among the members present to recommend denial of the addition of digital district signs, citing aesthetic and safety concerns.

PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission held a public hearing on the sign code on February 28, 2024 and held an additional meeting on March 20, 2024 where they took public comment and discussed the item as continuing business. A summary of their motions and discussions in general are as follows:

1. Sign Code in General

The Planning Commission voted 5 in favor to two opposed to recommend that the City Council approve the sign ordinance revision ZT-23-016 as presented by staff, not including the provision regarding digital district signs, and with the following recommended changes:

- A. Window signs should be limited to the ground story of a building.
- B. Amend 18.68.140 (C) to clarify durations of temporary signs.
- C. Pure white materials should be allowed for logos and wording in a sign.

2. Digital District Signs

The Planning Commission voted six in favor to one opposed to recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Table 18.16.113 in the Draft Ordinance should be amended to state that no additional digital district signs are allowed in the City Center Overlay Zone.

The Planning Commission had a robust discussion over the course of two meetings regarding digital district signs. Discussions included potential options such as smaller digital signs, a monument sign at Highland Drive, and a digital district sign at 1300 East, and an exchange ratio that benefitted the city.

After making their motion at the March 20, 2024 meeting, the Planning Commission discussed that, if the City Council were to pursue an exchange, the City Council should emphasize the removal of billboards that have the greatest nonconformities, including billboards that are:

- Taller than 32 feet in height.
- Larger than 300 sf in sign area.
- Located within 150 feet of a residential zone.
- A two-decked billboard.
- Any billboard within 500 feet of a municipal boundary.

A planning commissioner also suggested after the motion was made that an exchange agreement should be significantly greater than a 3:1 exchange. Some of the planning commissioners expressed that a smaller sign, even one that would have an electronic message center, may be more appropriate in the City Center.

Minutes from the March 20, 2024 meeting are not available as of the writing of this staff report, however the City Council is encouraged to listen to the proceedings at the following links:

[February 28, 2024](#) – discussion begins at 1:13:16 of the stream.

[March 20, 2024](#) – discussion begins at the beginning of the stream.

SUPPORTING DOCUMENTS

- **Planning Commission Recommendation Draft Ordinance**
- **Distracted Driving Memorandum**
- **Recommendation by the Utah Sign Association**
- **Community Council Recommendations**
- [Planning Commission Staff Report – February 28, 2024 \(URL\)](#)
- [Updated Planning Commission Staff Report – March 20, 2024 \(URL\)](#)

DRAFT ORDINANCE

18.68 Signs

18.68.010 Purpose and Intent

- A. The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, design, number of, size, height and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Millcreek.

18.68.020 Applicability

- A. Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with the regulations specified in this chapter.
- B. Except for signs not regulated by this chapter, sign alterations that increase sign face square footage shall require conformance to this title.
- C. Sign copy may be changed at any time without any additional approvals or permitting, providing the sign is not prohibited, no structural or electrical alterations are made to the sign, and the sign complies with applicable requirements of this chapter.
- D. Any sign allowed under this chapter may contain lawful sign copy that occupies the entire sign area or any portion hereof, and may be suitable for, or be combined with a logo.
- E. Other chapters of the zoning ordinance may have a reduced list of applicable signs. Notwithstanding signs located on public property, other chapter sign types shall be utilized over the listed types found in this chapter.

18.68.030 Prohibited Signs

- A. Signs not specifically allowed by this chapter are prohibited. Prohibited shall include, but not be limited to the following: Snipe, feather, blower machines, streamers/pennants, mobile signs, signs on vehicles parked within 20 feet (20') of the public ROW, searchlights, pennants/streamers, inflatable, pedestal signs, and objects used to convey services or products sold on the premises that are located on a lot or parcel within 20 feet (20') of the public right-of-way.
- B. Signs in Public Right-of-Way. No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Prohibited Signs located on publicly owned lands or inside street rights-of-way include, but are not limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any object or structure located on publicly owned land or inside street rights-of-way.

18.68.040 Interpretation

- A. For the purposes of this chapter, properties that are separated by streets are not adjacent.
- B. The sign requirements contained in this chapter are declared to be the maximum allowable.

- C. Notwithstanding ordinances for signs located on public property, where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.
- D. In matters of interpretation, the provisions of this ordinance shall be interpreted by the Planning Director.

18.68.050 Conformity Required

- A. No person shall erect, alter, relocate, or modify any sign regulated by this chapter without first obtaining a sign permit and a building permit, if required. Signs that do not require a permit and are not regulated by this chapter are as follows:
 - 1. Yard signs.
 - 2. Interior signs, not including window signs. Interior signs placed within three feet (3') of window is considered a window sign.
 - 3. A sign that is set back a minimum of 20 feet from the public right of way and not exceeding the maximum height allowed in the zone.
- B. Signs for churches, schools, and private educational institutions having an academic curriculum similar to that ordinarily given in public schools shall be subject to the requirements for signs located in the commercial zone, and shall be regulated pursuant to state and federal law.

18.68.060 Approval of Sign Plans

- A. Comprehensive Sign Plan Required for New Development. When a land use application on a property is submitted to the City for a conditional use permit, a rezone where a development agreement is considered, or a site plan review for a new permitted use, it shall be accompanied by a complete comprehensive sign plan showing the following:
 - 1. The location of all existing or proposed signs on the parcel of ground.
 - 2. The sign type, height, area, and setback of each existing and proposed signs.
 - 3. A conceptual rendering of each proposed sign.
 - 4. Renderings or photos of existing signs.
- B. Approval of Signs within an Existing Development. When a separate sign application is submitted at a later date than the original land use application, the sign application shall include:
 - 1. The sign type, height, area, and setback of each existing and proposed sign.
 - 2. A conceptual rendering of each proposed sign.
 - 3. A site plan showing the location of existing and proposed signs.
 - 4. Building elevations showing any wall signs.

18.68.070 Size and Height Computation

- A. The following shall be used when calculating sign sizes:
 - 1. When more than one use occupies a property, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
 - 2. There may be any number of flat or wall signs, provided the total of all flat or wall signs does not exceed the percentage of wall area coverage allowed.
 - 3. A property line which abuts an interstate highway may not be used in computing sign area.
- B. The height of pole and monument signs shall be measured from the grade at the property line of the yard in which the sign is located.

18.68.080 Imprint Of Ownership Required

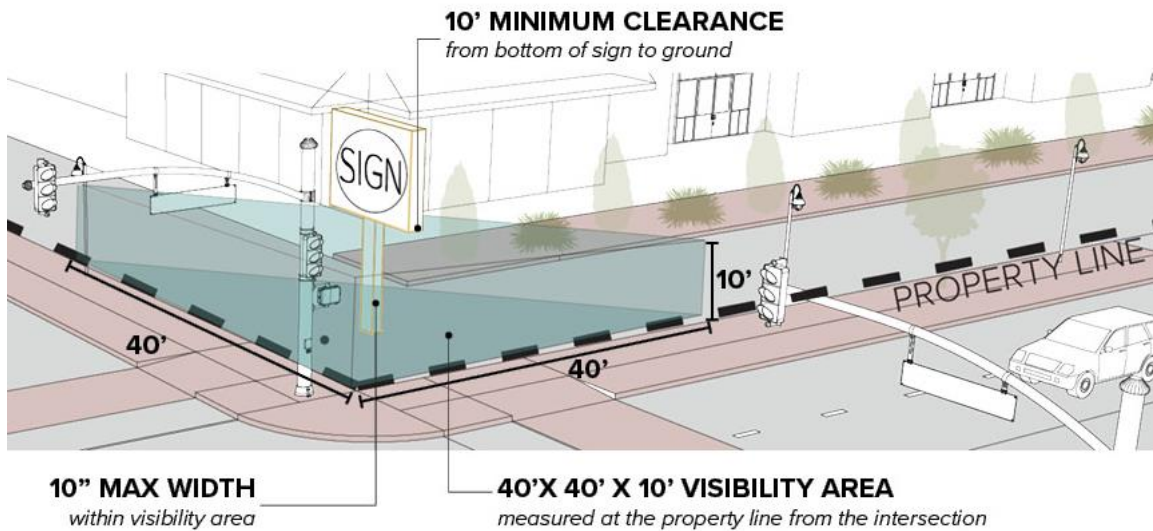
- A. The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

18.68.090 Sign Location Standards:

A. Visibility at intersections:

1. For the purposes of this chapter, visibility at intersections is measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the property lines and a line connecting them at points forty feet from the intersection or a driveway at a point formed by an extension of the two curb faces until they meet.
2. There shall be a minimum sign clearance of ten feet (10') between the ground and any part of a projecting sign or pole sign, except as provided below:
 - a. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness, or diameter.
 - b. A service sign located within the clear view of an intersection shall not exceed 30 inches in height measured from grade.

Figure 18.68.1 Visibility diagram



- B. Traffic Hazard Prohibited. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

18.68.100 Design Standards:

- A. All signs shall use materials that emulate the adjacent building.

- B. All single pole signs shall include pole covers and a sign base. Pole covers and sign bases shall be constructed of brick, stone, or architectural metal panels that extend at least 3 inches beyond the pole, and that fully conceals the entirety of the sign pole structure.
- C. All double pole signs over 10 feet (10') in height shall use pole covers and base.
- D. Monument signs shall include a base of 25 percent (25%) or more of the sign's height with materials and colors reflecting the adjacent building.
- E. Pan channel lettering for flat/wall signs is encouraged and shall be permitted to exceed the maximum allotted area for the zone an additional five percent (5%).

18.68.110 Signs Allowed in Zoning Districts

- A. The following tables describe which types of signs are permitted in each zoning district and provide size, location, height, and other relevant limitations which shall be applied in addition to the other standards of this Code.

Table 18.68.111 Signs Allowed in All Zones					
Type	Maximum Size	Maximum Height	Location Requirement	Maximum Quantity	Other
General Construction/development sign	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30' not to exceed 64 sq. ft. per development	12'	<ul style="list-style-type: none"> • Minimum 5' from the public ROW. 	One per development or subdivision.	<ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed
Construction/development Sign for Subdivisions of 5 lots or more	32 sq. ft. plus 1 sq. ft. for each lot over 5 not to exceed 64 sq. ft.	12'	<ul style="list-style-type: none"> • Must be on the development site • Located on private property • Minimum of 5' from the public ROW. 	One per development or subdivision.	<ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed
Construction/development Sign for Multifamily developments	10' vertical and 20' horizontal	12'	prohibited in a right-of-way.	One per development or subdivision.	<ul style="list-style-type: none"> • All signs must be approved by the planning commission for a period not to

Table 18.68.111 Signs Allowed in All Zones

Type	Maximum Size	Maximum Height	Location Requirement	Maximum Quantity	Other
of more than 20 units					exceed one year. <ul style="list-style-type: none"> Approval may be renewed by the Planning Director.
Nameplate sign	3 sq. ft. per use		Attached to main structure.	One per residential unit or business	Backlit only
Property sign	6 sq ft.	4'	<ul style="list-style-type: none"> On private property and a minimum of 5' from the public ROW. 	Two per development, per frontage.	
Directional / Circulation sign	6 sq ft.	3' when freestanding	<ul style="list-style-type: none"> On private property and a minimum of 5' from the public ROW. 	Two per development, per frontage.	<ul style="list-style-type: none"> Only permitted for non-residential uses No illumination permitted.

Table 18.68.112 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

Type	Maximum Size	Maximum Height	Location	Maximum Quantity	Other
Monument sign	32 sq. ft. plus 1 sq. ft. for every 10' of frontage over 30'	6'	<ul style="list-style-type: none"> Prohibited in a right-of-way Minimum of 5' from any property line 	One per street frontage	<ul style="list-style-type: none"> Only permitted for any of the following uses: <ul style="list-style-type: none"> Nonresidential uses allowed in the zone Residential structures with 5 or more dwelling units Subdivisions with more than 5 lots May be illuminated if: <ul style="list-style-type: none"> Located on major arterial street and

Table 18.68.112 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

Type	Maximum Size	Maximum Height	Location	Maximum Quantity	Other
					<ul style="list-style-type: none"> ○ Not directly shining onto a property occupied by a residential use.
Flat/Wall sign	<ul style="list-style-type: none"> ● 5 % in FRE and R-1 zones ● 15% of a wall area in all other residential zones, up to a maximum of 200 square feet. 		Must be attached to a building	One per street frontage	<ul style="list-style-type: none"> ● Only permitted for: <ul style="list-style-type: none"> ○ Nonresidential uses allowed in the zone ○ Residential uses with 5 or more dwelling units ● Downlit illumination permitted if the sign is not exposed to adjacent properties occupied by a residential use.

Table 18.68.113 Signs in Nonresidential Zones: (C, C-1, M, MD, MD-3, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
District sign	288 sq. ft.	26.5'	<ul style="list-style-type: none"> ● Must be located on City Property 	One in the City Center Overlay Zone.	<ul style="list-style-type: none"> ● Only allowed in CCOZ.



Table 18.68.113 Signs in Nonresidential Zones: (C, C-1, M, MD, MD-3, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
Pole sign	48 sq. ft. plus 1 sq. ft. for each 4' of street frontage over 30', not to exceed 150 sq. ft.	15' in C-1 zone, 20' in C, M, MD, IF, and CCOZ zones.	<ul style="list-style-type: none"> 15' from any property line At least 100' from any other pole or monument sign. 	One per street frontage.	<ul style="list-style-type: none"> Illumination may be built into or attached to signs. No upward illumination is permitted. If a pole sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.68.120(C). Prohibited in CCOZ
Monument sign	32 sq. ft. plus 1 sq. ft. for every 4' of frontage over 30', not to exceed 64 sq. ft.	6' in C,M, MD and IF 4' in in C-1 and CCOZ	<ul style="list-style-type: none"> On private property Minimum of 5' from any property line. At least 50' from any other pole or monument sign. 	One per every 150' of street frontage or part thereof.	<ul style="list-style-type: none"> If a monument sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.68.120(C).
Flat/Wall sign	20% of a wall area, up to a maximum of 300 square feet in the C-1 zone, or up to a maximum 600 square feet in the C, M, and MD zones.		<ul style="list-style-type: none"> Must be attached to a building. 		<ul style="list-style-type: none"> Only permitted if an awning sign is not used. Illumination permitted if the downlit or built into the letters. No upward illumination permitted.
Awning sign	<ul style="list-style-type: none"> 25% coverage of a first floor wall area 	May not extend above the top of the	<ul style="list-style-type: none"> Must be attached to a building. 6' maximum projection from building. 	Up to 3 walls per building	<ul style="list-style-type: none"> An awning sign may only be used if a flat or wall sign is not used.

Table 18.68.113 Signs in Nonresidential Zones: (C, C-1, M, MD, MD-3, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
	<ul style="list-style-type: none"> 50% of an awning may be covered with graphics 	wall it is attached to.	<ul style="list-style-type: none"> 8' minimum clearance from the ground to the bottom of the awning. 		<ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No internal illumination permitted.
Projecting / Blade sign	<ul style="list-style-type: none"> 12 sq. ft. Maximum 42" width 	May not extend above the top of the wall it is attached to.	<ul style="list-style-type: none"> Must be attached to a building. 6' maximum projection from building. 8' minimum clearance from ground to bottom of sign 	One per entrance along frontage	<ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No illumination permitted
Window sign	12 sq. ft. per use			One per business per street frontage	<ul style="list-style-type: none"> 9

18.68.120 Illuminated Signs

- A. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties. All lighted signs shall direct their light downward to prevent dark sky illumination (see section MKZ 19.82.135 (D)).
- B. Such lights alleged to violate subsection A of this section by the adjacent property owners or the Zoning Administrator or designee may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Zoning Administrator. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.
- C. Lighting for signs shall meet the following standards:
 1. All illuminated signs:
 - a. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties.
 - b. All lighted signs shall have stationary and constant lighting. Flashing, blinking, chasing or similarly changing lights are prohibited.



- c. The use of uplighting on signs is prohibited. All lighted signs shall direct their light downward.
 - d. Light color temperature standard. Except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than **4,000 degrees Kelvin (4,000°K)**.
 - e. Illuminance level standard. No sign shall have an illuminance level greater than 100 nits (100 candelas per square meter).
 - f. Sign illumination curfew:
 - (1) Where required by this code, sign illumination shall be turned off or dimmed to fifty percent (50%) of the original illumination at midnight, or the close of the business, whichever is later.
 - (2) Sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier.
2. Externally illuminated signs:
- a. Lighting for externally illuminated signs shall be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - b. Lighting for externally illuminated signs shall be mounted at the top of the sign or within two feet of the top of a building mounted sign.
3. Standards for internally illuminated signs:
- a. Lighting shall be limited to areas with text and logos areas.
 - b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear, materials are not allowed for sign copy. Pure white materials are permitted for copy and logo portions of the sign, but are prohibited for any other portion of the sign. Sign backgrounds shall be made of completely opaque material.
4. Standards for backlit signs:
- a. Backlit signs shall be designed such that the light source is not visible.
 - b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy and logos are allowed.
 - c. Backlit signs shall use low lumen light sources.



5. Violations. If an illuminated sign is alleged to violate the requirement of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Planning Director. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

18.68.130 On- Premise Electronic Message Center (EMC) Requirements

- A. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed. Light source shall not be seen from adjacent residential properties (see section MKZ 19.82.135 D.)
- B. The minimum image display duration shall be eight seconds.
- C. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve into the next static image without the use of flashing, animation, or movement.
- D. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically adjust the illuminance according to ambient light conditions.
- E. Electronic Message Centers greater than one hundred square feet (100 sf) in area shall include physical light-blocking louvers to provide for vertical and horizontal light protected areas beyond 38 degrees of site broadcast.
- F. The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 foot candles when measured as follows:
 1. The measurement distance is determined by the following formula:
 - a. $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$
 - b. For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50.$
 2. Measurements shall be taken at the required distance perpendicular to the electronic message center face.
 3. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign turned off to a black screen.
 4. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on to a full white screen.
 5. Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.
- G. Upon receipt of an ambient light measurement and certification that the EMC meets all applicable requirements, the city shall record a Notice of Compliance and Acknowledgement

of Sign Requirements with the Salt Lake County Recorder, on the property on which the EMC is located.

Table 18.68.131 Electronic Message Center Allowances

Zone	Sign Type	Allowable EMC size as a percentage of total allowable sign size per 18.68.100	Other
MD	Monument	50%	May not be located within 150' of a residential use or zone
C	Monument	50%	May not be located within 150' of a residential use or zone
M	Monument	70%	May not be located within 150' of a residential use or zone
	Pole	50%	May not be located within 150' of a residential use or zone
CCOZ	District	100%	
All other zones	None	NA	EMC Not Permitted

18.68.140 Temporary signs

Table 18.68.141 Temporary Signs Table

Type	Maximum Size	Location	Maximum Quantity	Other
Temporary attached	<ul style="list-style-type: none"> 50 sq. ft. not to exceed 30% of the first-floor building façade or, 10% of the first-floor building face square footage for facades longer than 150' 	Attached to main structure	Cumulative area of all temporary attached signs not to exceed the square footage listed in the maximum size permitted.	
Temporary freestanding	20 sq. ft.	5' from property line	The cumulative total of all temporary freestanding signs may not exceed 20 sq ft per business.	

Table 18.68.141 Temporary Signs Table

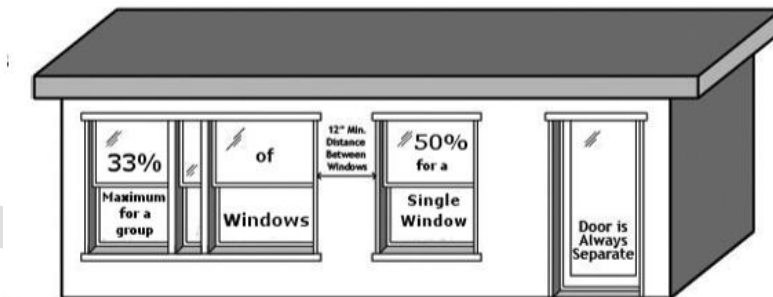
Type	Maximum Size	Location	Maximum Quantity	Other
A-frame	12 sq. ft.	1' from ROW	1 per business	
Temporary Window	Up to 50% of window may be covered			No illumination permitted.

- A. All temporary signs shall be located a minimum of five feet (5') from a property line or right-of-way line, or as noted for a particular temporary sign type, from the public ROW.
- B. Each business may have a temporary banner sign(s) located on the building with a total maximum square footage of fifty (50) square feet unless the business encompasses a building face with over one hundred fifty (150) linear feet. Such businesses may use up to ten percent (10%) of the first-floor building face square footage, but at no time shall the combination of temporary signs equal more than thirty percent (30%) of the first-floor building face. Other banners located in the landscaping, at least five feet (5') from the property line, with temporary independent supports shall not exceed twenty (20) square feet and shall conform to the time period specified in Subsection "D" below.
- C. Temporary and banner signs are subject to the following time limits:
 - 1. Temporary banner signs may be installed on a building face for up to six (6) months.
 - 2. Temporary grand opening signs may be installed on a building face for up to three (3) months. Grand-opening signs shall be allowed for any new business that obtains a new business license for the opening of a new establishment. A facility renovation requiring a building permit qualifies for a grand-opening sign.
 - 3. All other temporary signs, except A-frames, may be displayed for a total time period of 6 weeks during any calendar year.
- D. All A-frame signs shall be taken indoors at night or at the close of business. All A-frame signs shall be located at a minimum of at least one foot back from the public right of way. Only one A-frame sign is allowed per business, it shall include weights on the bottom, and be no larger than 6 square feet on one side.
- E. All temporary signs shall be maintained in good condition, without any frayed, ripped, tattered, or faded appearance issues. Such signs are meant to be temporary with a permanent sign installed as soon as possible.
- F. Construction/development Project signs shall not exceed 32 square feet. Shall not be internally lit but may include external down lighting. Such signs shall not exceed 10' in height. Such signs may be constructed of wood (including simulated wood products) or metal with painted advertising or other professional applications, excluding paper. Such signs shall be removed within 30 days of the final inspection or completion of the project.

- G. Temporary window signs shall be limited to a maximum of 50 percent coverage of window area. The 50 percent shall be calculated per façade or elevation. Where paint of marker is used on the window, the area shall be measured by creating the smallest rectilinear shape that completely contains the entire message. Where one window is completely covered in signage, another window of equal or greater size shall be left free of any window signs.
- H. Temporary signs for temporary uses, shall be attached to a food truck, food cart, ice cream truck, or any temporary structure approved for the temporary use. In addition, one A-frame sign is allowed subject to the standards in subsection E above.
- I. Yard signs are allowed on a temporary basis and may be displayed outdoors for up to 5 months.

18.68.150 Window Signs

- A. Permanent window signs shall be made from adhesive film and be used for privacy purposes or additional design for building facades.
- B. Window signs shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of a group of windows on each building face. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is always considered a separate window.



- C. Any interior sign placed within three feet of a window is considered a window sign.
- D. Window signs are limited to the first story of a building.

18.68.160 Off-Premises Sign Requirements

- A. Off-premises signs erected along the interstate as defined by the State shall conform with the provisions of the Utah Outdoor Advertising Act.

18.68.170 Off-Premises Signs; Billboards

- A. Purpose. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.
- B. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
- C. Billboards are only allowed in the C and M zones as a permitted use, subject the additional restrictions established in this chapter.
- D. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.
- E. Size. Billboards shall not exceed 300 square feet, except as provided below:
 - 1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 672 square feet.
 - 2. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 672 square feet.
- F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within 100 feet of the Main Street right-of-way, east of Interstate 215, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
 - 1. 2000 East and 3300 South
 - 2. 1100 East and 3900 South
 - 3. 1300 East and 3900 South
 - 4. 2300 East and 3900 South
 - 5. 2300 East and Claybourne Avenue
 - 6. Murray-Holladay Road and Highland Drive
- G. Height. The maximum height of a billboard shall be 32 feet above the grade level of the road, except as provided below:
 - 1. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level.
 - 2. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:

- a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the residential zone boundary, and
 - b. The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).
- H. Separation. The minimum distance between all billboards on the same side of the street shall be 500 lineal feet as measured along the same side of the street including intersections. All billboards must be at least 250 radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.
- I. Setbacks.
1. Setbacks from Rights-of-Way. The minimum setback shall be 5 feet to the leading edge of a billboard, including all structural and service support elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Transportation Master Plan. The closest edge of a billboard shall not project into any required setback area.
 2. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
 3. Setbacks from on-premise pole signs. **The minimum setback between a billboard and any on-premise pole sign shall be 100 feet.**
 4. Setbacks from A, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any residential zone boundary shall be one hundred fifty feet. The minimum setback of a billboard may be reduced to 100 feet if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.
- J. Lighting. The use of uplighting is prohibited. All lights shall direct their light downward and shall be shielded so that the lighting is confined to the sign face and the lighting source is not directly visible from any ground-level vantage point.
- K. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four- hour period. Two-decked billboards are prohibited in all zones.

- L. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.
- M. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:
 - 1. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections and may be reduced to 150 radial feet from any other billboard.
 - 2. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established above.
- N. Credits for Removal.
 - 1. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner.
 - 2. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use.
 - 3. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits.
 - 4. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face.
 - 5. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboard located immediately adjacent to the Interstate 15 freeway, along State Street, or within 20 feet of the State Street right-of-way.
- O. Relocation.
 - 1. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter.
 - 2. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease. Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received.



3. If a sign is to be relocated within 600 feet of a community district boundary, the city shall inform the affected community council chairs of each community district.
 4. Billboards moved to approved locations shall conform to all billboard requirements of the new location.
 5. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC).
 6. A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed.
 7. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard.
 8. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.
- P. Notice Required for Billboards Relocated Subject to State Statute.
1. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected.
 2. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.
- Q. Business Licenses Required for Billboards. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.
- R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

18.68.180 Maintenance; Removal Of Sign

- A. All signs and advertising structures shall be maintained in good condition.
- B. After a verbal notification, non-maintained signs or advertising copy, that are not removed or repaired within the required thirty days, the owner(s) shall be given written notice sent by certified mail. If not removed by the owner within ten (10) days, the sign or copy may be removed by the City at the expense of the owner.
- C. Vacant signs.



1. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty days of such unavailability.
2. Empty signs frames shall either be replaced with new signs for an active business or removed within 6 months from the time the sign area becomes vacant.
3. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the City and all costs incurred shall be the responsibility of the property owner.

18.68.190 Non-Conforming Signs

A. Alterations:

1. A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Code. All alterations shall require conformance to the provisions of this Code including any physical changes to the sign panel or the sign cabinet itself. Exclusions from this requirement are as follows:
 - a. Face changes
 - b. Normal maintenance and repair of existing sign structures, or of existing electronic message centers.
 - c. Copy changes in signs with a changeable copy feature
 - d. Architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least 25 percent of the front façade of the building. Overall height, size, and shape of the sign shall not be increased.
2. Any sign serving a property but that is located within or projects into the existing public right-of-way shall be made conforming when the sign is altered or when a conditional use permit, subdivision approval, rezone, or site plan approval for a new building is issued.

- #### B. Restoration.
- Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, or act of a public enemy, or damaged by any other cause, to the extent of more than 50 percent of their assessed value shall, if repaired or rebuilt be repaired or rebuilt in conformity with the regulations of this Code.

18.68.200 Iconic Signs

A. The City has recognized the following iconic signs:

1. Tres Hombres non-rectilinear sign at 3298 S Highland Dr.
2. Bowling Sign at 1376 E 3300 S
3. Artesian Springs sign 4197 Main St.
4. Villa Theatre Sign 3092 S Highland
5. Dr. England Plumbing 1009 E 3300 S

- B. An iconic sign may not be removed unless updated or rebuilt with the exact specifications of the original sign.
- C. Iconic sign shapes may not be altered.
- D. Electronic message centers may not be incorporated into an iconic sign.
- E. A property with an iconic sign may also be allowed a monument sign or a pole sign, subject to the standards of this chapter. Iconic signs shall not be included in the minimum distance requirements established by this chapter for pole signs and monument signs.

+-

18.68.210 Action To Remove Or Abate Violation

- A. The City Attorney shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any City ordinance, to accomplish the following purposes:
 - 1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
 - 2. To restrain, to correct or abate such violation;
 - 3. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten working days after giving notice as provided in subsection B of this section, the building inspector or Zoning Administrator may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the City costs incurred in such removal within thirty calendar days after written notice of the costs is mailed to such person.
 - 4. Fines may also be imposed as per section MKZ 19.94.040
- B. Notice by the City shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the Building Inspector or Zoning Administrator to be unsafe.

18.68.220 Definitions

- A. As used in this chapter:

"A-frame sign" means a sign constructed of wood, plastic, or metal, have a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

"Alterations" means a change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

"Animated sign" means a sign which induces motion or rotation of any part by mechanical, or artificial means, or subdued color changes. An animated sign is not an EMC sign.

"Animation" means simulated movement created by the display of a series of pictures or images, creating the illusion of movement.

"Awning sign" means a sign designed in awning form that is an illuminated or nonilluminated space frame structure attached to a building or other permanent structure.

"Billboard bank" means an accounting system established by the City to keep track of the number of billboard signs and the square footage of each billboard sign removed pursuant to MKZ Section 19.82.185 of this chapter.

"Billboard credit" means an entry into a billboard owner's billboard bank account that indicates the number of billboard sign locations and the square footage of each billboard sign.

"Billboard owner" means the owner of a billboard in Millcreek.

"Billboard" means a free-standing ground sign with a sign face of at least 128 square feet in area and with a height of at least 30 feet, or a ground sign regulated under the Utah Outdoor Advertising Act or the Municipal Land Use, Development, and Management Act. Billboards are supported by a substantial permanent monopole or bipole support structure. Billboards are typically owned by nongovernmental entities or leased separately from the principal buildings or uses on the property upon which they are located and are larger and/or taller than any sign expressly permitted by this title.

"Blower machine" machine means a mechanical device for creating a current of air used to inflate an inflatable sign.

"Construction/development sign" means a sign located on a lot where construction or proposed development activities are being actively conducted and which is not permanently attached to a structure of the ground. A construction/development sign does not include a snipe sign, a feather sign, blower machines, streamers/pennants, mobile sign, a sign on a vehicle, or objects used to convey services or products.

"Dissolve" means an image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent image.

"Directional / Circulation Sign" means a means any sign which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.

"District sign" means a ground sign located on City-owned property that is owned and operated by the City, or by a third party entity under an agreement with the City.

"Electronic message center" or "EMC" means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically with software and electronically to produce words, symbols, pictures or messages which may change within a given panel area.

"Embellishment, cut-out or extension" means an extension of the billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

"Existing billboard" means a billboard that is either constructed, or for which an application for a land use permit was received and approved by the planning department and state authorities where necessary, prior to May 18, 2004.

"Fade" means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.

"Flag" means an item made of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution.

"Feather" sign means a temporary sign independently standing or attached to a structure with a vertical banner.

"Flashing sign" means a sign which has or appears to have motion or rotation of the lighting elements or displays flashing or intermittent light for less than two seconds.

"Flat/wall sign" means a sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

"Footcandle" means the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

"Handbill" means any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.

"Iconic sign" means a sign having significant historical character and that has acted as a landmark in the City and specifically included in the iconic sign section of this chapter.

"Illuminance" means the photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.

"Illuminated sign" means a sign which has characters, letters, figures, designs or outlines illuminated by internal electric lights or luminous tubes.

"Image" means the display of text, numbers or the likeness of an object or living thing of any type on an EMC.

"Image display duration" means the period of time that an image remains static.

"Image transition duration" means the period of time in which one image changes to another on an electronic message center.

"Inflatable" is an object or sign that is filled with air before use.

"Interior sign" means a sign located within a building so as to be primarily visible only from within the building in which the sign is located.

"Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground, or a sign that is greater than sixteen square feet in area and that is mounted on a vehicle.

"Monument sign" means a low-profile sign which is incorporated into the landscape or architectural design scheme where the sign is located.

"Nameplate sign" means a sign indicating the name and/or occupation of a person legally occupying the premises or indicating a legal home occupation thereon.

"Nonconforming billboard" means an existing billboard that is located in a zoning district or otherwise situated in a way that is not permitted by the provisions of this chapter.

"Nonconforming sign or sign structure" means a sign or sign structure or portion thereof lawfully existing at the effective date of this chapter or any amendment hereto has been maintained continuously, and because of one or more subsequent changes to this chapter does not conform to regulations that now govern the sign.

"Pan Channel letters" are custom-made metal or plastic letters commonly used in exterior, and often internally illuminated.

"Pedestal sign" means a temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

"Pole sign" means a sign supported by a fixed permanent frame/pole support in the ground.

"Poster" means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed.

"Projecting/blade sign" means a sign attached to a building or canopy and extending in whole or part more than twenty-four inches beyond any wall of the building or canopy.

"Roof sign" means an on premises sign which is erected and attached partly or wholly on the roof of the building.

"Scintillate" or "scintillating" means light flashes, light sparkling, light starbursts, light twinkling, light pulsating or any other image transition effect or animation in which an image instantly and repeatedly changes for the purpose of attracting attention.

"Searchlight" a powerful outdoor electric light with a concentrated beam that can be turned in the required direction.

"Service sign" means a sign that is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc.

"Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, light display, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed

when signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectilinear line with a maximum of eight sides, triangle or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area.

"Sign clearance" means the vertical distance from finished grade directly below the sign to the bottom of the lowest attached component of the sign, exclusive of any supporting structure.

"Sign maintenance" means that signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, rust removal, replacement or removal of empty frames, cleaning and other acts required for the maintenance of the sign. Good condition means signs shall not display rust, peeling paint, broken parts, discoloration, bent metal including frames, and empty or broken panels.

"Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line.

"Sign structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

"Snipe sign" means a sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

"Static" means no motion of any type or form.

"Streamers/Pennants" Decorations made from paper, cloth, canvas, light fabric, plastic, or other light materials used for decoration on a property or building.

"Temporary sign," means a sign constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames and is restricted to section 19.82.140 of this title.

"Temporary window sign" means a temporary sign located on or within the window of a building and is restricted to MKZ section 19.82.140 of this title.

"Time and temperature device" means any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

"Video" means simulated movement created by the display of a series of images creating the illusion of continuous movement.

"Window sign" means a sign attached and located on a window so as to be visible from outside the building through a window or door. **Any interior signs placed within three feet (3') of window is considered a window sign.**

"Yard sign" means a temporary sign located in a residential area placed upon or supported by the ground independently of any other sign on the property.

**DISTRACTED DRIVING
MEMORANDUM**



Memorandum

Re: Digital Billboards and Distracted Driving

Prepared By: Francis Xavier Lilly, AICP, Assistant City Manager / Planning Director

Date: 21 March 2024

SUMMARY

In 2021, staff was asked to prepare a brief discussion on the relationship between digital billboards and distracted driving to inform the discussion about the digital district sign on Millcreek Common. This discussion includes two parts: 1) a brief literature review of various studies that make a variety of conclusions with respect to the relationship between digital billboards and distracted driving; and 2) a review of local data on distracted driving accidents and vehicle fatalities in three locations in the region where billboards have been digitized in recent years. We linked to the original studies and data we obtained. We updated the local data to incorporate traffic counts and accidents for the years 2020 through 2022.

LITERATURE REVIEW

[“Effects of electronic billboards on driver distraction”](#) *Dukic, et al, Traffic Injury Prevention, 2012*

This study followed up on a decision by the Swedish Transport Agency to permit a dozen digital billboards along a major highway near Stockholm. A link to the study is found on the Scenic America website, and the study convinced the Swedish Transport Agency to remove the twelve digital billboards. The billboards had a similar image dwell time to what is common in the United States (7 seconds). However, the signs themselves were smaller than the proposed digital district signs, were lower to the ground, and were in the right-of-way along a fast-moving road.

While Scenic America asserts that the study was enough to convince the Swedish government to remove the digital billboards from their highways in Stockholm, the study itself concludes that, while digital billboards do affect a longer gaze than static signs...

“Billboards have an effect on gaze behaviour by attracting more and longer glances than regular traffic signs. Whether the billboards attract attention too much, that is, whether they are a traffic safety hazard, cannot be answered conclusively based on the present data.”

The Outdoor Advertising Association of America posted a rebuttal to this study, in part arguing that the summary findings of the Swedish study were inconclusive and that Sweden’s digital billboards are not directly

comparable to the industry standards for digital signs in the United States.

[“CEVMS and Driver Visual Behavior Study”](#) *Federal Highway Administration, 2012*

This study examined the difference between driver “gazes” on static signs and commercial electronic variable message signs (CEVMS) in Richmond, Virginia, and Reading, Pennsylvania. The study concluded that while drivers fixated on digital billboards slightly longer than on static billboards, the difference itself was not meaningful enough to suggest a road safety hazard. We note that this study is controversial and that various entities, including Scenic America, challenge the study’s findings.

[“Digital billboards and road safety: An analysis of policy and research findings in 2013–14”](#) *Outdoor Media Association (Australia), 2015.*

Perhaps the most interesting source of information we found on this matter came from a trade group in Australia. The paper is essentially an exhaustive literature review of digital sign studies and their methodologies spanning several countries and at least one decade, and includes an analysis of digital sign policies across a handful of English-speaking countries. The paper is intended to inform Australian policymakers on a standardization of digital advertising policies across the Australian states.

Some of the studies the discussion paper references are from trade associations, such as USA’s Foundation for Outdoor Advertising Research and Education, while others are studies commissioned by government entities or conducted by independent academics.

A review of the studies suggests there is no consensus on the definitive impact that digital billboards have on distracted drivers, but there appears to be consensus that the a driver’s gaze on a digital billboard is rarely more than 2 seconds long. These studies all seem to be challenged with disentangling the distractive effect of a billboard from other potential distractions, including other signage, roadway design, and driver-initiated diversions such as cell phone use, particularly texting. These variables likely confound the ability of these studies to make a definitive determination. In any case, the science appears unsettled, and the studies themselves are often contested as to their practical implications.

A REVIEW OF LOCAL DATA ON DISTRACTED DRIVING ACCIDENTS AT THREE LOCATIONS WITH DIGITAL BILLBOARDS

We pulled publicly-available data from the [Utah Department of Public Safety \(DPS\)](#) and from the [Utah Department of Transportation \(UDOT\)](#) to examine accident data at three locations with digital billboards. At each location, we were able to identify specifically the number of “distracted driving accidents” from DPS data from 2013 to 2022, as well as the number of overall accidents and fatalities at each site. Using UDOT data on annual average daily traffic (AADT) for each of the sections, we were able to compare the growth in the number of accidents to the growth in AADT over the same time period. In addition, we provided baseline data for distracted driving accidents on 3300 South between Highland Drive and 1300 East.

State Street and University Parkway, Orem



Sometime between 2012 and 2015, an existing three-sided billboard was replaced with the digital sign as seen in the street view image to the left. The previous sign also had a changeable sign face – but it was a mechanically operated tri-action sign. From 2012 to 2022, the traffic at the intersection of State Street and University Parkway increased from 43,000 AADT to 46,000 AADT. The accident data below includes any accident within approximately 500 feet of the center of the intersection. While trips through the intersection gradually increased over eight years,

distracted driving were highest in 2012 and 2022 – 6. There were no fatalities at this intersection from 2012 to 2022. The overall rate of accidents increased on the road from 2012 to 2022, despite the traffic remaining roughly constant.

Orem - State Street and University Parkway - Digital Sign Added Approximately 2014						
	2022	2021	2020	2019	2018	2017
Distracted Driving Accidents						
No Injury	5	2	3	1	2	1
Suspected Minor Injury	1	0	0	1	0	0
Possible Injury	0	0	0	0	1	1
Total Distracted Driving Accidents	6	2	3	2	3	2
Distracted Driving Accidents - Year-Over Change	200%	-33%	50%	-33%	50%	-80%
All Accidents	24	31	30	13	17	18
Fatalities	0	0	0	0	0	0
Annual Average Daily Traffic	46,000	47,000	41,000	47,000	47,000	46,000
AADT Year-Over Change	-2%	15%	-13%	0%	2%	2%
	2016	2015	2014	2013	2012	
Distracted Driving Accidents						
No Injury	9	5	5	6	5	
Suspected Minor Injury	0	3	1	0	0	
Possible Injury	1	1	0	0	1	
Total Distracted Driving Accidents	10	9	6	6	6	
Distracted Driving Accidents - Year-Over Change	11%	50%	0%	0%	-	
All Accidents	17	17	18	19	14	
Fatalities	0	0	0	0	0	
Annual Average Daily Traffic	45,000	43,000	41,000	39,000	43,000	
AADT Year-Over Change	5%	5%	5%	-9%	-	

Highland Drive and Fort Union Boulevard, Cottonwood Heights



A north-facing static billboard located at the northeast corner of Highland Drive and Fort Union Boulevard was replaced with a digital sign face sometime between 2012 and 2014. From 2012 to 2022, traffic at this intersection increased 20.4 percent. We examined accidents within 400 feet of the center of the intersection. Distracted driving accidents ranged from a low of zero in 2013, 2019, 2021, and 2022 to a high of five in 2014. There were no fatalities at this intersection from 2012 to 2022. The overall rate of accidents was fairly consistent despite the road experiencing heavier traffic between 2012 and 2022.

Cottonwood Heights - Fort Union and Highland Drive - Digital Sign Added Approximately 2013						
	2022	2021	2020	2019	2018	2017
Distracted Driving Accidents						
No Injury	0	0	1	0	3	2
Suspected Minor Injury	0	0	1	0	0	0
Possible Injury	0	0	0	0	1	0
Total Distracted Driving Accidents	0	0	2	0	4	2
Distracted Driving Accidents - Year-Over Change	0%	-100%	200%	-100%	100%	0%
All Accidents	23	24	28	11	21	20
Fatilities	0	0	0	0	0	0
Annual Average Daily Traffic	59,000	58,000	52,000	60,000	59,000	59,000
AADT Year-Over Change	2%	12%	-13%	2%	0%	4%
	2016	2015	2014	2013	2012	
Distracted Driving Accidents						
No Injury	1	2	5	0	2	
Suspected Minor Injury	0	0	0	0	1	
Possible Injury	1	0	0	0	0	
Total Distracted Driving Accidents	2	2	5	0	3	
Distracted Driving Accidents - Year-Over Change	0%	-60%	500%	-100%	-	
All Accidents	21	17	20	19	18	
Fatilities	0	0	0	0	0	
Annual Average Daily Traffic	57,000	55,000	52,000	50,000	49,000	
AADT Year-Over Change	4%	6%	4%	2%	-	

I-80 Westbound to I-15 Northbound, South Salt Lake



The transition from westbound I-80 to northbound I-15 is one of the busiest road sections in Utah, and it has one of the densest concentrations of large digital signs of anywhere in the state. In addition, there is a large freeway-oriented on-premise digital sign serving an automobile dealership on the east side of State Street at I-80. Four of these five signs were digitized between 2010 and the present.

From 2012 to 2019, traffic grew from 121,000 AADT to 151,000 AADT, a 25 percent increase in eight years, and declined during and after the pandemic to a current AADT of 133,000. In each year, there were well over 100 traffic accidents along I-80 west of State Street to I-15, both northbound and southbound, in the area of the “Spaghetti Bowl” interchange. This is a busy and high-speed interchange, so it is expected that it would be the site of more accidents than the arterial roads discussed previously. Distracted driving accidents accounted for a limited number of overall accidents in the area, and there was only one fatal accident, which occurred in 2017. That accident was not coded by the DPS as a distracted driving accident. Distracted driving accidents peaked in 2017 and, by 2019, were lower relative to AADT than they were in 2013, before most of the signs along the corridor were digitized. In 2022, distracted driving accidents increased in this area for the first time since 2017.

South Salt Lake - I-80 West to I-15 Northbound - West of State Street - Digital Signs Added Approximately 2015						
	2022	2021	2020	2019	2018	2017
Distracted Driving Accidents						
No Injury	3	2	2	3	6	10
Suspected Minor Injury	5	0	1	0	1	2
Possible Injury	2	3	2	2	1	3
Suspected Serious Injury	0	0	0	0	0	0
Total Distracted Driving Accidents	10	5	5	5	8	15
Distracted Driving Accidents - Year-Over Change	100%	0%	0%	-38%	-47%	25%
All Accidents	>100	>100	>100	>100	>100	>100
Fatilities	0	0	0	0	0	1
Annual Average Daily Traffic	133,000	131,000	130,000	151,000	148,000	144,000
AADT Year-Over Change	2%	1%	-14%	2%	3%	2%
	2016	2015	2014	2013	2012	
Distracted Driving Accidents						
No Injury	6	6	4	5	6	
Suspected Minor Injury	2	2	3	0	1	
Possible Injury	3	2	0	0	0	
Suspected Serious Injury	1	0	0	0	0	
Total Distracted Driving Accidents	12	10	7	5	7	
Distracted Driving Accidents - Year-Over Change	20%	43%	40%	-29%	-	
All Accidents	>100	>100	>100	>100	>100	
Fatilities	0	0	0	0	0	
Annual Average Daily Traffic	141,000	134,000	127,000	123,000	121,000	
AADT Year-Over Change	5%	6%	3%	2%	-	

BASELINE DATA FOR TRAFFIC AND DISTRACTED DRIVING ACCIDENTS FOR 3300 SOUTH BETWEEN HIGHLAND DRIVE AND 1300 EAST

We examined traffic accidents on 3300 South between Highland Drive and 1300 East from 2013 and 2022. In this case, we looked comprehensively at accidents at both the 3300 South/1300 East intersection, and the 3300 South/Highland Drive intersection, as well as the run of road in between the intersection. Most of the accidents occurred at the intersections themselves, and not in between them.

Between 2013 and 2022, AADT's on 3300 South between Highland Drive and 1300 East ranged from 22,000 in 2013 to 27,000 in 2019. In 2022, the AADT was 26,000. In this time, total accidents ranged from a high of 49 in 2013 to a low of 26 in 2021. In 2022, this section of road was the site of 38 accidents, 3 of which were caused by distracted driving. In the past ten years, 1 traffic accident-related fatality occurred on this section of road. Distracted driving accidents are relatively rare, and none caused suspected serious injuries. Compared to the other two arterial intersections we measured, the traffic accident counts are higher – but we note we examined two intersections in this case, not one, due to their proximity to one another.

However, in other respects, 3300 South between Highland Drive and 1300 East is similar in character to University Parkway in Orem and Highland Drive in Cottonwood Heights, in that there are numerous curb cuts, a significant number of commercial uses, multiple turn lanes, and extensive commercial signage. We cannot ascertain any impact from the digital district sign on Millcreek Common in this data, as it was added in late 2022, however, the Unified Police Department reported 31 traffic accidents in 2023 at the 3300 S/1300 E intersection, 3300 S / Highland Dr intersection, and the run of road between. None of the accidents resulted in fatalities. Moreover, the road is being significantly impacted by construction activity that will make determining the impact of additional signage difficult for the foreseeable future.

Millcreek - 3300 South between 1300 East and Highland Dr - Digital Sign Added in October 2022					
	2022	2021	2020	2019	2018
Distracted Driving Accidents					
No Injury	1	1	0	1	2
Suspected Minor Injury	2	0	0	1	1
Possible Injury	0	1	0	1	1
Suspected Serious Injury	0	0	0	0	0
Total Distracted Driving Accidents	3	2	0	3	4
Distracted Driving Accidents - Year-Over Change	50%	200%	-100%	-25%	100%
All Accidents	38	26	31	35	31
Fatilities	0	0	0	0	0
Annual Average Daily Traffic	26,000	26,000	23,000	27,000	26,000
AADT Year-Over Change	0%	13%	-15%	4%	0%
	2017	2016	2015	2014	2013
Distracted Driving Accidents					
No Injury	1	3	0	3	1
Suspected Minor Injury	1	1	0	2	2
Possible Injury	0	0	1	0	3
Suspected Serious Injury	0	0	0	0	0
Total Distracted Driving Accidents	2	4	1	5	6
Distracted Driving Accidents - Year-Over Change	-50%	300%	-80%	-17%	-
All Accidents	42	37	33	43	49
Fatilities	1	0	0	0	0
Annual Average Daily Traffic	26,000	25,000	24,000	23,000	22,000
AADT Year-Over Change	4%	4%	4%	5%	-

DATA LIMITATIONS AND SUMMARY

There are substantial limitations to this data. While the DPS data presents cell-phone related accidents different than other distracted driving accidents, the data does not provide any insight on the nature of other distractions. Moreover, there appears to be no correlation between traffic and the number of distracted driving accidents, at least in the areas where we obtained data. There is no evidence in any of these data sets to suggest a correlation between the digitization of billboards at these intersections and an increased number of distracted driving accidents, or even accidents overall. In fact, in all three cases, it appears that distracted driving accidents actually declined in 2018 and 2019, however in most of the cases studied overall traffic accidents increased from 2020 to 2022. Some research suggests that an overall increase in accidents is part of a [national trend](#) of dangerous driving and increased traffic accidents during the pandemic.

The causes of traffic accidents are the results of a number of complicated variables, including vehicle design and safety, road speeds, distractions, and human behavior. However, it would stand to reason that if digital sign conversions resulted in deadlier roads, then it would be evidenced somewhere in the datasets above, which evaluated some of the busiest roads in the state.

Based on local data, we cannot say with certainty that there is a correlation between the presence of digital billboards and an increase in the number of distracted driving accidents, at least at the three areas above, where it is known that signs changed from static to digital faces.

**RECOMMENDATION BY THE UTAH
SIGN ASSOCIATION**



1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

March 19, 2024

sent via email

Mill Creek Planning Commission
Francis Xavier Lilly, AICP Assistant City Manager / Planning Director

Re: ZT-23-016 – Proposed Draft Sign Ordinance

I am contacting you on behalf of the Utah Sign Association and the International Sign Association. Both associations work with jurisdictions to assist in the creation of beneficial and enforceable sign regulations.

We appreciate the opportunity to provide input on the draft sign code. We appreciate the inclusion of several of our past recommendations. However, we still have a number of recommendations for your consideration and critical concerns with the proposed standards for illumination, which are highlighted below.

The proposed illumination standards will make almost every sign in the City non-conforming which is not reasonable and will place a burden on the business community. Therefore, we recommend that the Planning Commission refer this draft ordinance to planning staff to resolve these important issues so as to meet the needs and goals of the community and provide reasonable and enforceable standards.

18.68.120 Illuminated Signs pg. 9

d. This section requires that all signs have a color temperature of 4,000 degrees kelvin or less. We recommend not regulate the color temperature since most franchises if not all specify color temperatures that greatly exceed 4,000 K. Also signs at this color temperature will appear yellow or off white and this may conflict with the Trademark of a business and not be in concert with the Lanham Act. *This requirement will make almost every sign in Mill Creek non-conforming which is not reasonable or desirable.*

e. This section of the draft code requires that signs not exceed 100 nits. Illumination levels at 100 nits is not reasonable and may lead to signs that are not effective and legible. For instance, our recommended illumination level for electronic message centers is .3 above ambient light which equals 323 nits, which is about 60% below our recommended illumination level for electronic signs. Electronic message centers at 100 nits will appear washed out and not effective and may even be hazardous due to lack of safe legibility. *Many existing signs will not conform with this standard and will become non-conforming.*

f. (1) (2) These sections propose sign illumination curfews to be turned off or dimmed to 50% of the original illumination at midnight, or the close of the business, whichever is later and that



1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier. We are not in support of illumination curfews or reductions. Signs are designed to illuminate a message which constitutionally protected speech. Signs are not the same as area lighting for parking lots or walkways and should not be regulated in the same manner as area lighting. *In addition, all existing static signs will not be able to be dimmed, which will require all businesses to turn off their sign at midnight unless they are open This is not desirable or reasonable.* See attached Position Statement on pg. 11.

The proposed illumination standards will make almost *every sign in the City non-conforming which is not reasonable and will place a burden on the business community.* Therefore, we recommend that the Planning Commission recommend to planning staff to resolve these important issues so as to meet the needs and goals of the community and provide for reasonable and enforceable standards.

We have several other important recommendations in the attached document Summary of Recommendations along with some cited references.

We appreciate your consideration of our recommendations.

Sincerely,

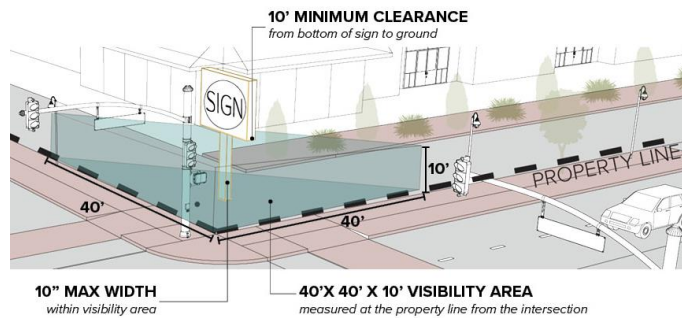
A handwritten signature in black ink that reads "James Carpentier".

James Carpentier AICP
Director State & Local Government Affairs

18.68.090 Sign Location Standards:

- A. Visibility at intersections:
1. For the purposes of this chapter, visibility at intersections is measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the property lines and a line connecting them at points forty feet from the intersection or a driveway at a point formed by an extension of the two curb faces until they meet.
 2. There shall be a minimum sign clearance of ten feet (10') between the ground and any part of a projecting sign or pole sign, except as provided below:
 - a. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness, or diameter.
 - b. A service sign located within the clear view of an intersection shall not exceed 30 inches in height measured from grade.

Figure 18.68.1 Visibility diagram



- B. Traffic Hazard Prohibited. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

18.68.100 Design Standards:

- A. All signs shall use materials that emulate the adjacent building.

Summary of Comments on USA ISA comments Draft Sign code Millcreek 3.18.24.pdf

Page: 10

Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 5:14:31 PM
Materials should compliment rather than emulate since materials that match the building may not translate to a signs.

Table 18.68.113 Signs in Nonresidential Zones: (C, **C-1**, M, MD, **MD-3**, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
Pole sign	48 sq. ft. plus 1 sq. ft. for each 4' of street frontage over 30', not to exceed 150 sq. ft.	15' in C-1 zone, 20' in C, M, MD, IF, and CCOZ zones.	<ul style="list-style-type: none"> 15' from any property line At least 100' from any other pole or monument sign. 	One per street frontage.	<ul style="list-style-type: none"> Illumination may be built into or attached to signs. No upward illumination is permitted. If a pole sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.68.120(C). Prohibited in CCOZ
Monument sign	32 sq. ft. plus 1 sq. ft. for every 4' of frontage over 30', not to exceed 64 sq. ft.	6' in C, M, MD and IF 4' in in C-1 and CCOZ	<ul style="list-style-type: none"> On private property Minimum of 5' from any property line. At least 50' from any other pole or monument sign. 	One per every 150' of street frontage or part thereof.	<ul style="list-style-type: none"> If a monument sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.68.120(C).
Flat/Wall sign	20% of a wall area, <u>up to a maximum of 300 square feet in the C-1 zone, or up to a maximum 600 square feet in the C, M, and MD zones.</u>		<ul style="list-style-type: none"> Must be attached to a building. 		<ul style="list-style-type: none"> Only permitted if an awning sign is not used. Illumination permitted if the downlit or built into the letters. No upward illumination permitted.
Awning sign	<ul style="list-style-type: none"> 25% coverage of a first floor wall area 	May not extend above the top of the	<ul style="list-style-type: none"> Must be attached to a building. 6' maximum projection from building. 	Up to 3 walls per building	<ul style="list-style-type: none"> An awning sign may only be used if a flat or wall sign is not used.

Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 5:16:13 PM

Exceptions need to made for a business that is open.

Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 5:18:13 PM

A 4' sign in the C-1 district is not an appropriate or effective size sign. This should be at least 6'.

Table 18.68.113 Signs in Nonresidential Zones: (C, C-1, M, MD, MD-3, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
	<ul style="list-style-type: none"> 50% of an awning may be covered with graphics 	wall it is attached to.	<ul style="list-style-type: none"> 8' minimum clearance from the ground to the bottom of the awning. 		<ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure. No internal illumination permitted.
Projecting / Blade sign	<ul style="list-style-type: none"> 12 sq. ft. Maximum 42" width 	May not extend above the top of the wall it is attached to.	<ul style="list-style-type: none"> Must be attached to a building. 6' maximum projection from building. 8' minimum clearance from ground to bottom of sign 	One per entrance along frontage	<ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No illumination permitted
Window sign	12 sq. ft. per use			One per business per street frontage	<ul style="list-style-type: none"> 9

18.68.120 Illuminated Signs

- A. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties. All lighted signs shall direct their light downward to prevent dark sky illumination (see section MKZ 19.82.135 (D)).
- B. Such lights alleged to violate subsection A of this section by the adjacent property owners or the Zoning Administrator or designee may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Zoning Administrator. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.
- C. Lighting for signs shall meet the following standards:
 1. All illuminated signs:
 - a. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties.
 - b. All lighted signs shall have stationary and constant lighting. Flashing, blinking, chasing or similarly changing lights are prohibited.

Page: 15

- Author: jcarpentier Subject: Sticky Note Date: 3/19/2024 6:26:24 PM
A projecting or blade sign is recommended to have the option to be illuminated.
- Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 5:21:35 PM
We recommend that 50% of the window area be allowed to be a window sign. This is a very effective and affordable sign type.
- Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 5:24:47 PM
Section A has language that allows for undue discretion, "A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties." Standards need to be stated that can be understood by the applicant and staff such as adjacent to residential uses and within 100'.
- Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 5:29:06 PM
Section C.1. a. has language that allows for undue discretion, "A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties." Standards need to be stated that can be understood by the applicant and staff such as adjacent to residential uses and within 100'.

- c. The use of uplighting on signs is prohibited. All lighted signs shall direct their light downward.
 - d. Light color temperature standard. Except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than ~~3,000~~ **4,000** degrees Kelvin (~~3,000~~ **4,000**°K).
 - e. Illuminance level standard. No sign shall have an illuminance level greater than 100 nits (100 candelas per square meter).
 - f. Sign illumination curfew:
 - (1) Where required by this code, sign illumination shall be turned off or dimmed to fifty percent (50%) of the original illumination at midnight, or the close of the business, whichever is later.
 - (2) Sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier.
2. Externally illuminated signs:
- a. Lighting for externally illuminated signs shall be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - b. Lighting for externally illuminated signs shall be mounted at the top of the sign or within two feet of the top of a building mounted sign.
3. Standards for internally illuminated signs:
- a. Lighting shall be limited to areas with text and logos areas.
 - b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Pure white materials are prohibited for noncopy or logo portions of the sign (e.g., background and graphics), and sign backgrounds shall be made of completely opaque material.
4. Standards for backlit signs:
- a. Backlit signs shall be designed such that the light source is not visible.
 - b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy and logos are allowed.
 - c. Backlit signs shall use low lumen light sources.
5. Violations. If an illuminated sign is alleged to violate the requirement of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Planning Director. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

-
- Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 5:35:43 PM
Illumination levels at 100 nits is not reasonable and may lead to signs that are not effective and legible. Many existing signs will not conform with this standard and will become non-conforming.
-
- Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 6:06:32 PM
Signs are designed to illuminate a message which constitutionally protected speech. Signs are not the same as area lighting for parking lots or walkways and should not be regulated in the same manner as area lighting. In addition many signs will not be able to be dimmed. Signs are designed to illuminate a message which constitutionally protected speech. Signs are not the same as area lighting for parking lots or walkways and should not be regulated in the same manner as area lighting.
-
- Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 6:13:01 PM
Not allowing the use of white materials for sign copy will be in violation with the Lanham Act that protects trademarks. See page 7 of the attached ISA Position Statements for additional information.
-
- Author: jcarpentier Subject: Sticky Note Date: 3/18/2024 6:10:30 PM
Section 4.c. is not enforceable since "low lumen light levels" can result in undue discretion.



1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

February 1, 2024

sent via email

Mill Creek Community Councils
Francis Xavier Lilly, AICP Assistant City Manager / Planning Director

Community Councils
Canyon Rim Citizens Association

Re: ZT-23-016 – Proposed Draft Sign Ordinance

I am contacting you on behalf of the Utah Sign Association and the International Sign Association. Both associations work with jurisdictions to assist in the creation of beneficial and enforceable sign regulations.

We appreciate the opportunity to provide input on the draft sign code. We do have a number of recommendations for your consideration and critical concerns with the proposed standards for illumination, which are highlighted below.

The proposed illumination standards will make every sign in the City non-conforming which is not reasonable and will place a burden on the business community. Therefore, we recommend that the Community Council recommend to planning staff to resolve these important issues so as to meet the needs and goals of the community and provide for reasonable and enforceable standards.

18.68.120 Illuminated Signs pg. 9

d. This section requires that all signs have a color temperature of 3,000 degrees kelvin or less. We recommend to not regulate the color temperature since most franchises if not all specify color temperatures that greatly exceed 3,000 K. Also signs at this color temperature will appear yellow and this may conflict with the Trademark of a business and not be in concert with the Lanham Act. *This requirement will make every sign in Mill Creek non-conforming which is not reasonable or desirable.*

e. The section of the draft code requires that signs not exceed 100 nits. Illumination levels at 100 nits is not reasonable and may lead to signs that are not effective and legible. *Many existing signs will not conform with this standard and will become non-conforming.*

f. (1) (2) These sections propose sign illumination curfews to be turned off or dimmed to 50% of the original illumination at midnight, or the close of the business, whichever is later and that sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier. We are not in support of illumination curfews or reductions. Signs are designed to illuminate a message which constitutionally protected speech. Signs are



1001 N. Fairfax Street
 Suite 301
 Alexandria, VA 22314
 main (703) 836-4012
 fax (703) 836-8353
 info@signs.org
 WWW.SIGNS.ORG

not the same as area lighting for parking lots or walkways and should not be regulated in the same manner as area lighting. *In addition, all existing static signs will not be able to be dimmed, which will require all businesses to turn off their sign at midnight unless they are open This is not desirable or reasonable.* See attached Position Statement on pg. 11.

Table 18.68.113 Signs in Nonresidential Zones: (C, M, MD, IF and CCOZ) pg. 7

This section requires a conditional use permit for pole signs exposed to a residential use. We do not recommend or support signs to require a conditional use for approval. This will often lead to an unknown outcome, add additional time and cost to obtain a permit. Most signs should be allowed by right. Exposed to a residential use will allow for undue discretion. Specific standards are recommended that will ensure signs are located so as to not cause a nuisance to neighboring residents that are easy for staff to administer and applicants to understand and meet the requirements.

Table 18.68.113 Signs in Nonresidential Zones: (C, M, MD, IF and CCOZ) pg. 8

This section proposed monument signs at a maximum height of 6'. We recommend the minimum height for sign copy be at 5' in order to allow for effective visibility as also recommend by American Planning Associations', Street Graphics and the Law (attached see pages 35-40). Sign copy that is below 5' gets blocked by traffic as indicated in the attached report. Therefore, a minimum height of 10' to 12' is recommended for monument signs.

The proposed illumination standards will make every sign in the City non-conforming which is not reasonable and will place a burden on the business community. Therefore, we recommend that the Community Council recommend to planning staff to resolve these important issues so as to meet the needs and goals of the community and provide for reasonable and enforceable standards.

We have several other important recommendations in the attached document Summary of Recommendations along with some cited references.

We appreciate your consideration of our recommendations.

Sincerely,

James Carpentier AICP
 Director State & Local Government Affairs



18.68 Signs

18.68.010 Purpose and Intent

- A. The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, design, number of, size, height and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Millcreek.

18.68.020 Applicability

- A. Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with the regulations specified in this chapter.
- B. Except for signs not regulated by this chapter, sign alterations that are in excess of 25% of the total sign face square footage shall require conformance to this title.
Sign copy may be changed at any time without any additional approvals or permitting, providing the sign is not prohibited, no structural or electrical alterations are made to the sign, and the sign complies with applicable requirements of this chapter.
- C. Any sign allowed under this chapter may contain lawful sign copy that occupies the entire sign area or any portion hereof, and may be suitable for, or be combined with a logo.
- D. Other chapters of the zoning ordinance may have a reduced list of applicable signs. Notwithstanding signs located on public property, other chapter sign types shall be utilized over the listed types found in this chapter.

18.68.030 Prohibited Signs

- A. Signs not specifically allowed by this chapter are prohibited. Prohibited shall include, but not be limited to the following: Snipe, feather, blower machines, streamers/pennants, mobile signs, signs on vehicles parked within 20 feet (20') of the public ROW, searchlights, pennants/streamers, inflatable, pedestal signs, and objects used to convey services or products sold on the premises that are located on a lot or parcel within 20 feet (20') of the public right-of-way.
- B. Signs in Public Right-of-Way. No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Prohibited Signs located on publicly owned lands or inside street rights-of-way include, but are not limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any object or structure located on publicly owned land or inside street rights-of-way.

18.68.040 Interpretation

- A. For the purposes of this chapter, properties that are separated by streets are not adjacent.
- B. The sign requirements contained in this chapter are declared to be the maximum allowable.




Summary of Comments on USA ISA comments Mill Creek Sign Ordinance Draft_Jan 2024.pdf

Page: 1

Author: jcarpentier Subject: Sticky Note Date: 1/31/2024 10:40:26 PM
We recommend to allow LED retrofit to enhance energy efficiency for non-conforming signs and for existing conforming signs.

- C. Notwithstanding ordinances for signs located on public property, where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.
- D. In matters of interpretation, the provisions of this ordinance shall be interpreted by the Planning Director.

18.68.050 Conformity Required

- A. No person shall erect, alter, relocate, or modify any sign regulated by this chapter without first obtaining a sign permit and a building permit, if required. Signs that do not require a permit and are not regulated by this chapter are as follows:
 - 1. Yard signs.
 - 2. Signs located on school or church occupied property.
 - 3. Interior signs, not including window signs.
 - 4. Devices that only display time and/or temperature. 
 - 5. A sign that is set back a minimum of 20 feet from the public right of way and not exceeding the maximum height allowed in the zone.

18.68.060 Approval of Sign Plans

- A. Comprehensive Sign Plan Required for New Development. When a land use application on a property is submitted to the City for a conditional use permit, a rezone where a development agreement is considered, or a site plan review for a new permitted use, it shall be accompanied by a complete comprehensive sign plan showing the following:
 - 1. The location of all existing or proposed signs on the parcel of ground.
 - 2. The sign type, height, area, and setback of each existing and proposed signs.
 - 3. A conceptual rendering of each proposed sign.
 - 4. Renderings or photos of existing signs.
- B. Approval of Signs within an Existing Development. When a separate sign application is submitted at a later date than the original land use application, the sign application shall include:
 - 1. The sign type, height, area, and setback of each existing and proposed sign.
 - 2. A conceptual rendering of each proposed sign.
 - 3. A site plan showing the location of existing and proposed signs.
 - 4. Building elevations showing any wall signs.

18.68.070 Size and Height Computation

- A. The following shall be used when calculating sign sizes:
 - 1. When more than one use occupies a property, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
 - 2. There may be any number of flat or wall signs, provided the total of all flat or wall signs does not exceed the percentage of wall area coverage allowed.

- C. All double pole signs over 10 feet (10') in height shall use pole covers and base.
- D. Monument signs shall include a base of 25 percent (25%) or more of the sign's height with materials and colors reflecting the adjacent building.
- E. Pan channel lettering for flat/wall signs is encouraged and shall be permitted to exceed the maximum allotted area for the zone an additional five percent (5%).

18.68.110 Signs Allowed in Zoning Districts

- A. The following tables describe which types of signs are permitted in each zoning district and provide size, location, height, and other relevant limitations which shall be applied in addition to the other standards of this Code.

Table 18.68.111 Signs Allowed in All Zones					
Type	Maximum Size	Maximum Height	Location Requirement	Maximum Quantity	Other
General Construction/development sign	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30' not to exceed 64 sq. ft. per development	12'	<ul style="list-style-type: none"> • Minimum 5' from the public ROW. 	One per development or subdivision.	<ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed
Construction/development Sign for Subdivisions of 5 lots or more	32 sq. ft. plus 1 sq. ft. for each lot over 5 not to exceed 64 sq. ft.	12'	<ul style="list-style-type: none"> • Must be on the development site • Located on private property • Minimum of 5' from the public ROW. 	One per development or subdivision.	<ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed
Construction/development Sign for Multifamily developments of more than 20 units	10' vertical and 20' horizontal	12'	On private property	One per development or subdivision.	<ul style="list-style-type: none"> • All signs must be approved by the planning commission for a period not to exceed one year.

Table 18.68.112 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

Type	Maximum Size	Maximum Height	Location	Maximum Quantity	Other
Flat/Wall sign	<ul style="list-style-type: none"> 5 % in FRE and R-1 zones 15% of a wall area in all other residential zones 		Must be attached to a building	One per street frontage	<ul style="list-style-type: none"> Only permitted for: <ul style="list-style-type: none"> Nonresidential uses allowed in the zone Residential uses with 5 or more dwelling units Downlit illumination permitted if the sign is not exposed to adjacent properties occupied by a residential use.

Table 18.68.113 Signs in Nonresidential Zones: (C, M, MD, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
District sign	288 sq. ft.	26.5'	<ul style="list-style-type: none"> Must be located on City Property 	Three within CCOZ	<ul style="list-style-type: none"> Not permitted in C, M, MD and IF
Pole sign	48 sq. ft. plus 1 sq. ft. for each 4' of street frontage over 30', not to exceed 150 sq. ft.	20'	<ul style="list-style-type: none"> 15' from any property line At least 100' from any other pole or monument sign. 	One per street frontage.	<ul style="list-style-type: none"> Illumination may be built into or attached to signs. No upward illumination is permitted. If exposed to a residential use or zone on an adjacent property, the illumination of the sign requires conditional use approval. Prohibited in CCOZ

- Author: jcarpentier Subject: Sticky Note Date: 1/31/2024 11:26:17 PM

Exposed to adjacent properties will lead to undue discretion. Specific standards should be developed such as, for illumination within 100' of a residential use shall require downlit illumination.
- Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 12:09:09 AM

We recommend to maintain the existing standard for M districts of 25' in height to minimize the creation of nonconforming signs.
- Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 5:21:22 PM

We do not recommend or support signs to require a conditional use for approval. This will often lead to an unknown outcome, add additional time and cost to obtain a permit. Most signs should be allowed by right. Exposed to a residential use will allow for undue discretion. Specific standards are recommended that are easy for staff to administer and applicants to understand and meet the requirements.

Table 18.68.113 Signs in Nonresidential Zones: (C, M, MD, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
Monument sign	32 sq. ft. plus 1 sq. ft. for every 4' of frontage over 30', not to exceed 64 sq. ft.	6' in C,M, MD and IF 4' in CCOZ	<ul style="list-style-type: none"> On private property Minimum of 5' from any property line. At least 50' from any other pole or monument sign. 	One per every 300' of street frontage or part thereof.	
Flat/Wall sign	20% of a wall area		<ul style="list-style-type: none"> Must be attached to a building. 	One per business per street frontage	<ul style="list-style-type: none"> Only permitted if an awning sign is not used. Illumination permitted if the downlit or built into the letters. No upward illumination permitted.
Awning sign	<ul style="list-style-type: none"> 25% coverage of a first floor wall area 50% of an awning may be covered with graphics 	May not extend above the top of the wall it is attached to.	<ul style="list-style-type: none"> Must be attached to a building. 6' maximum projection from building. 8' minimum clearance from the ground to the bottom of the awning. 	Up to 3 walls per building	<ul style="list-style-type: none"> An awning sign may only be used if a flat or wall sign is not used. Primary graphics must be on street side or primary face of structure No internal illumination permitted.
Projecting / Blade sign	<ul style="list-style-type: none"> 12 sq. ft. Maximum 42" width 	May not extend above the top of the wall it is attached to.	<ul style="list-style-type: none"> Must be attached to a building. 6' maximum projection from building. 8' minimum clearance from ground to bottom of sign 	One per entrance along frontage	<ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No illumination permitted
Window sign	12 sq. ft. per use			One per business per street frontage	

Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 5:29:34 PM

We recommend the minimum height for sign copy be at 5' in order to allow for effective visibility as also recommend by American Planning Associations, Street Graphics and the Law (attached see pages 35-40) . Sign copy that is below 5' gets blocked by traffic as indicated in the attached report. A minimum height of 10' to 12' is recommended for monument signs.

Author: jcarpentier Subject: Sticky Note Date: 1/31/2024 11:46:42 PM


We recommend to allow at least several wall signs per business within the allowable ratios to accommodate diversity in messaging and meet the business needs.

18.68.120 Illuminated Signs

- A. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties. All lighted signs shall direct their light downward to prevent dark sky illumination (see section MKZ 19.82.135 (D)).
- B. Such lights alleged to violate subsection A of this section by the adjacent property owners or the Zoning Administrator or designee may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Zoning Administrator. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.
- C. Lighting for signs shall meet the following standards:
 - 1. All illuminated signs:
 - a. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties.
 - b. All lighted signs shall have stationary and constant lighting. Flashing, blinking, chasing or similarly changing lights are prohibited.
 - c. The use of uplighting on signs is prohibited. All lighted signs shall direct their light downward.
 - d. Light color temperature standard. All light sources used to illuminate signage shall have color temperature equal to or less than 3,000 degrees Kelvin (3,000°K).
 - e. Luminance level standard. No sign shall have an illuminance level greater than 100 nits (100 candelas per square meter).
 - f. Sign illumination curfew:
 - (1) Sign illumination shall be turned off or dimmed to 50% of the original illumination at midnight, or the close of the business, whichever is later.
 - (2) Sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier.
 - 2. Externally illuminated signs:
 - a. Lighting for externally illuminated signs shall be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - b. Lighting for externally illuminated signs shall be mounted at the top of the sign or within two feet of the top of a building mounted sign.
 - 3. Standards for internally illuminated signs:
 - a. Lighting shall be limited to areas with text and logos areas.

Page: 9

- Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 12:26:59 AM
We recommend to not regulate the color temperature since most franchises if not all specify color temperatures that greatly exceed 3,000 K. Also signs at this color temperature will appear yellow and this may conflict with the Trademark of a business and not be in concert with the Lanham Act. This requirement will make every sign in Mill Creek non-conforming which is not reasonable or desirable.
- Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 2:49:52 PM
Illumination levels at 100 nits is not reasonable and may lead to signs that are not effective and legible. Many existing signs will not conform with this standard and will become non-conforming.
- Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 5:43:19 PM
We are not in support of illumination curfews or reductions. Signs are designed to illuminate a message which constitutionally protected speech. Signs are not the same as area lighting for parking lots or walkways and should not be regulated in the same manner as area lighting. In addition many signs will not be able to be dimmed. See attached Position Statement on pg. 11.
- Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 2:57:34 PM
We are not in support of illumination curfews or reductions. Signs are designed to illuminate a message which constitutionally protected speech. Signs are not the same as area lighting for parking lots or walkways and should not be regulated in the same manner as area lighting. See attached Position Statement on pg. 11.

- b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent, clear, or pure white materials are not allowed for sign copy. Noncopy or logo portions of the sign (e.g., background and graphics) shall be made of completely opaque material. 
- 4. Standards for backlit signs:
 - a. Backlit signs shall be designed such that the light source is not visible.
 - b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy and logos are allowed.
 - c. Backlit signs shall use low lumen light sources.
- 5. Violations. If an illuminated sign is alleged to violate the requirement of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Planning Director. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

18.68.130 On- Premise Electronic Message Center (EMC) Requirements

- A. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed. Light source shall not be seen from adjacent residential properties (see section MKZ 19.82.135 D.)
- B. The minimum image display duration shall be eight seconds.
- C. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve into the next static image without the use of flashing, animation, or movement.
- D. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions.
- E. The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 foot candles when measured as follows:
 - 1. The measurement distance is determined by the following formula:
 - a. $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$
 - b. For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50$.
 - 2. Measurements shall be taken at the required distance perpendicular to the electronic message center face.


3. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign turned off to a black screen.
4. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on to a full white screen.


Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 12:20:20 AM
 We recommend to maintain 70% allowable area in the C-3 District that in the existing code. We recommend to incentivize a monument sign to allow 70% of the allowable area to be an EMC.


Table 18.68.131 Electronic Message Center Allowances			
Zone	Sign Type	Allowable EMC size as a percentage of total allowable sign size per 18.68.100	Other
MD	Monument	50%	May not be located within 100' of a residential use or zone
C	Monument	50%	May not be located within 100' of a residential use or zone
	Pole	50%	May not be located within 100' of a residential use or zone
M	Monument	70%	May not be located within 100' of a residential use or zone
	Pole	50%	May not be located within 100' of a residential use or zone
CCOZ	District	100%	
All other zones	None	NA	EMC Not Permitted

18.68.140 Temporary signs

Table 18.68.141 Temporary Signs Table				
Type	Maximum Size	Location	Maximum Quantity	Other
Temporary attached	<ul style="list-style-type: none"> • 50 sq. ft. not to exceed 30% of the first-floor building façade or, 	Attached to main structure	Cumulative area of all temporary attached signs not to exceed the square footage	

1. A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Code. All alterations shall require conformance to the provisions of this Code including any physical changes to the sign panel or the sign cabinet itself. Exclusions from this requirement are as follows:
 - a. Face changes
 - b. Normal maintenance and repair 
 - c. Copy changes in signs with a changeable copy feature
 - d. Architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least 25 percent of the front façade of the building. Overall height, size, and shape of the sign shall not be increased.
 2. Any sign serving a property but that is located within or projects into the existing public right-of-way shall be made conforming when the sign is altered or when a conditional use permit, subdivision approval, rezone, or site plan approval for a new building is issued.
- B. Restoration.** Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, or act of a public enemy, or damaged by any other cause, to the extent of more than 50 percent of their assessed value shall, if repaired or rebuilt be repaired or rebuilt in conformity with the regulations of this Code.

 Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 3:04:32 PM
Normal maintenance and repair needs to include an LED retrofit which will enhance efficiency.

 Author: jcarpentier Subject: Sticky Note Date: 2/1/2024 3:06:01 PM
Additional standards should be included in the iconic sign section, such as exemption from the allowable sign area for a site or structure. See attached article on Saving Historic & Vintage Signs.

18.68.200 Iconic Signs

- A. The City has recognized the following iconic signs:
 1. Tres Hombres non-rectilinear sign at 3298 S Highland Dr. 
 2. Bowling Sign at 1376 E 3300 S
 3. Artesian Springs sign 4197 Main St.
 4. Villa Theatre Sign 3092 S Highland
 5. Dr. England Plumbing 1009 E 3300 S
- B. An iconic sign may not be removed unless updated or rebuilt with the exact specifications of the original sign.
- C. Iconic sign shapes may not be altered.
- D. Electronic message centers may not be incorporated into an iconic sign.

18.68.210 Action To Remove Or Abate Violation

- A. The City Attorney shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any City ordinance, to accomplish the following purposes:
 1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;

**COMMUNITY COUNCIL
RECOMMENDATIONS**



February 7, 2024

To: Millcreek Planning and Zoning
Millcreek Planning Commission

Subjects: ZT-23-016 Sign Ordinance MKZ 19.82 For Millcreek Commons

At the February 2, 2024, meeting of the East Mill Creek Community Council (EMCCC), planner, Francis Lilly, presented the Staff Report for amending the existing Sign Code, MKZ 19.82, to update standards.

The Planning and Zoning Department will present their recommendations to both the City Council and the Planning Commission in February.

Comments:

Really appreciated the definitions; this document is very thorough and technical, and the definitions were great to reference as I read thru the document.

Approve of the revision of standards to lower the nighttime illuminance at night.

18.68.050 A.4.

Why don't devices that only display time and/or temperature require a permit and not regulated by this chapter?

18.68.070 B. It was asked during the meeting about which property line – asked for clarification.

Table 18.68.113 Pole Sign: clarify 'If exposed to a residential use or ... "

18.68.140 C. Is a 'temporary' sign during construction? Unclear what defines a temporary sign.

Typo: C. Any temporary, banner sign

18.68.170 D. Typo ...subject the addition. (subject to the addition...)

18.68.180 C.2. Empty signs removed – does that include the structure (pole)?

Add to definitions:

Nits, Kelvin

An email was received prior to the meeting from Joel Bown, a resident of Millcreek. He shares concerns and disagreements shared by citizens present and members of the East Millcreek Community Council

There is a controversy to not support more digital billboards, even though this will eliminate two additional billboards for one digital billboard.

Mr. Bown mentioned that in 2021 the city administration planned to install three digital district signs. Ultimately, the city abandoned 3 and settled for the one on 3300 S. Now, citizens express their disappointment that the city is now reintroducing two new digital district signs.

Those in favor of the signs weighed toward the benefit of noticing to the community events and meetings.

Those not in favor are against addition of two signs, especially digital even if it removed more billboard signs.

After a lengthy discussion, and public input, East Millcreek Community Council made a motion to vote on this ordinance. The vote was 5 in favor and 3 not in favor.

/s/

Lee Ann Hansen
Vice Chair Land Use

Cc: Francis Lilly

February 19, 2024

To: Millcreek Planning Commission

Applications:

1. CU-23-009
2. CU-24-001
3. ZM-24-001
4. ZT-23-011
5. ZT-23-016

Dear Millcreek Planning Commission,

The Millcreek Community Council (MCC) reviewed the 5 applications listed above in our February meeting.

1. CU-23-009

The MCC discussed adding additional units and also adding additional parking. There was concern that the number of parking spaces included, particularly the two deep parking garages, would create a situation where owners store things in their garage and park in the shared parking area. **The MCC voted 6 in favor, 4 against, and 1 abstaining to approve the CU with an amendment to add two additional parking spaces in the NW corner.**

2. CU-24-001

The builder has been working with the MCC and city for some time to minimize any detrimental effects. **The MCC voted 12-0 to approve the CU as presented.**

3. ZM-24-001

Numerous residents showed up to the meeting to discuss this conditional use permit. All of them were against the proposed 6-unit addition where a single-family residence currently sits. Residents were concerned about traffic, renters, and the loss of single-family houses. There was some discussion among the council on whether the proposal would be better for residents if the units were sold versus rented. **The MCC voted 7-5 in favor of not recommending the request to amend the general plan to accommodate this proposal, and also does not recommend the proposed rezone.**

4. ZT-23-011

The MCC recommended by unanimous vote with 12 in favor, approval of the new Sensitive Lands Ordinance with the addition of paragraph 1975050 from the existing ordinance.

5. ZT-23-016

Numerous residents also showed up to discuss the proposed changes to Millcreek's sign ordinance, and to comment on the city's request to trade some number of traditional billboards for digital ones that the city would own around Millcreek Common. MCC members also received a few emails from residents stating their objection to any new digital billboards. The residents who showed up to the meeting were against the city building new digital billboards. There were plenty of ideas discussed between MCC members and city staff who presented the changes, including 1) increase the number of potential billboards that Reagan would agree to tear down in return for space on any future digital billboards; 2) to create an open and transparent system to determine which billboards will be swapped in any potential deal; and 3) having the city forego its 40% of the digital billboard time to remove more billboards from around the city. **The MCC voted 12-0 in favor of adopting the city's new sign ordinance, and also voted 9 in favor, 2 against, and one abstaining to approve the city's plan to add digital billboards in return for removing traditional billboards as presented.**

/s/ Jacob Richardson
1st Vice Chair

Francis Lilly

From: R Williamson <williamson_richard@hotmail.com>
Sent: Tuesday, February 13, 2024 9:32 PM
To: Jeff Silvestrini; Bev Uipi; Cheri Jackson; Silvia Catten; Francis Lilly; Rita Lund; Thom Desirant
Subject: [Ext] Mt. Olympus Community Council recommendations from Feb 5, 2024

To: Millcreek City Council, Millcreek Planning Commission
From: Mt. Olympus Community Council
Date: February 13, 2024
Subj: Draft Sign Ordinance and Draft Sensitive Lands Overlay Zone Ordinance

Draft sign ordinance changes, ZT-23-016

During the Mt. Olympus Community Council meeting on Feb. 5, the MOCC made the decision to separate the draft sign ordinance deliberations and motions into two distinct categories as listed below:

1. The draft sign ordinance, minus (not including) the draft language dealing with the city's plan to install two additional "district signs" within the city center (motion #1).
2. The draft sign ordinance language dealing with the plan to install two additional "district signs" within the city center (motion #2).

After Francis's Lilly's presentation, extensive discussion and questions ensued among all MOCC members, and the following motions were voted on:

Draft Sign Ordinance, ZT-23-016

"Motion #1, The draft sign ordinance, minus (not including) the draft language dealing with the plan to install two additional district signs within the city center:

As respects the draft sign ordinance, but specifically not including the draft language dealing with two additional "district signs within the city center, the Mount Olympus Community Council gives a **positive recommendation**.

Outcome: passed, on a unanimous vote of all 8 members present.

Motion #2, as respects the draft sign ordinance language that will make legal the city's plans to install two additional "district signs" in the city center.

The Mount Olympus Community Council gives a **negative recommendation**.

Outcome: 8 council members present, 4 in favor, 1 opposed, 3 abstentions.

This motion failed because the "4 in favor" number was not a simple majority of those present, as required by the bylaws. The three members abstaining, when asked their reasons, gave these general observations: "not having enough information," "not prepared to cast a vote," "too much complexity and to many unknowns at this time."**

Motion #3:

The Mount Olympus Community Council **tables further discussion and recommendation until a future meeting**.

Outcome: passed on an unanimous vote of all 8 members present.

**Some of the reasons for this outcome are listed below: Certain council members asked to review the results of the other three community councils (Millcreek, East Millcreek, and Canyon Rim) to assess their preferences before making a decision. Certain Council members asked if the City would consider making a better negotiation for *billboard sq. footage to district sign sq. footage* based on the differences in revenue comparisons, etc. Certain members questioned if the overall size (and placement) of the additional two signs could be reduced in size. Certain Council members expressed safety concerns about the *distraction factor* for passing drivers. Certain Council members expressed concern about the timing for each advertisement and if it could be extended for a longer duration (with a longer duration there could potentially be less distractions for drivers, as the timing of the digital sign that was presented was based on interstate/highway digital sign criteria). “It was generally felt that the city’s proposal for the additional 'district signs' had too many unknowns, making this issue not ripe for a recommendation.”

Draft Sensitive Lands Overlay Zone Ordinance, ZT-23-011

Motion #1:

The Mount Olympus Community Council gives a **positive recommendation** for the adoption of this ordinance:

Outcome: passed on a unanimous “yes” vote of all 8 members present.

Respectfully,
Richard Williamson
Chair, Mt. Olympus Community Council

Francis Lilly

From: Mike Rush <rush.miked@gmail.com>
Sent: Wednesday, February 21, 2024 9:12 AM
To: Francis Lilly
Cc: gatelink7@gmail.com
Subject: Re: [Ext] Community Council Recommendation Letter

Francis,

As you saw from our CRCA monthly meeting, I'm am unsure we had consensus to provide a recommendation on the ordinance update or the potential sign deal.

The motion that did was recognized that half the CRCA present were not moved in favor of the changes - so the recommendation we had put forward, seconded, and voted with three in favor, two abstains, and 1 nay was to 'encourage the city of millcreek to pursue the digital signs.' This recommendation is not of the ordinance change as there were many on the CRCA that felt that we needed more information to appropriately understand the ordinance change and implications. The sign trade idea as was quite contentious and the CRCA recognized the differing view points. While the three voting in favor of the resolution did want to see older billboards updated, this specific deal presented to the CRCA had us divided.

I am unsure if we have consensus for a letter of recommendation either for or against the ordinance changes.

Robert - if my notes and recollection are incomplete, please add to my response to Francis.

Thanks,

Mike

Michael Rush, Ph.D.

On Tue, Feb 20, 2024 at 5:48 PM Francis Lilly <flilly@millcreekut.gov> wrote:

Hello gentlemen,

Do I have a letter of recommend from you regarding our ordinance amendments? I'd love to get one from CRCA tomorrow, if possible!

Francis Lilly

From: R Williamson <williamson_richard@hotmail.com>
Sent: Monday, March 11, 2024 7:48 PM
To: Jeff Silvestrini; Bev Uipi; Cheri Jackson; Silvia Catten; Francis Lilly; Rita Lund; Thom Desirant
Cc: tstephen@xmission.com; brittmcpartland66@gmail.com; bjorgens@hotmail.com; cabot.jennings@gmail.com; charles.w.pruitt@comcast.net; kstaft@comcast.net; johnhknoblock@yahoo.com; williamson_richard@hotmail.com
Subject: [Ext] Mt. Olympus Community Council recommendations from March 4, 2024

To: Millcreek City Council, Millcreek Planning Commission
From: Mt. Olympus Community Council
Date: March 11, 2024
Subj: Draft Sign Ordinance ZT-23-016

During the Mt. Olympus Community Council meeting on March 4th, the MOCC made the following motion:

Motion: *"Mount Olympus Community Council makes a negative recommendation on 2T-23-016 as regards the embedding of the installation of two digital district signs based on concerns around impacts on traffic safety and aesthetics."*

Outcome: Motion passed with a unanimous "yes" vote of all six members present.

Respectfully,
Richard Williamson
Chair, Mt. Olympus Community Council

MILLCREEK, UTAH
ORDINANCE NO. 24-11

AN ORDINANCE AMENDING THE 2023-24 FISCAL YEAR BUDGET

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on March 25, 2024, to consider, among other things, amending the budget for the 2023-24 fiscal year; and

WHEREAS, the City Administration has presented a proposed amendment to the 2023-24 fiscal year budget (see attached Exhibit “A” identified as FY 2023-24 Budget Amendment #3); and

WHEREAS, on March 11, 2024, notice of a public hearing to consider the recommended amendment to the 2023-24 budget was published on the Utah Public Notice website and the Millcreek website; and

WHEREAS, on March 25, 2024, a public hearing to receive public comment to consider the amendments to the 2023-24 fiscal year budget was held at the Millcreek City Hall located at 1330 E Chambers Avenue, Millcreek, Utah; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard, for or against, amending the budget for the 2023-24 fiscal year; and

WHEREAS, it is the intent and desire of the city to comply with all applicable State and local laws regarding the adoption of and the amendment to the 2023-24 fiscal year budget; and

WHEREAS, the Council finds that it has satisfied all legal requirements required to amend a budget.

NOW, THEREFORE, BE IT ORDAINED by the Council that the budget for the 2023-24 fiscal year is hereby amended as set forth in the attached Exhibit “A” identified as FY 2023-24 Budget Amendment #3. This ordinance shall take effect upon passage and posting as required by law.

PASSED AND APPROVED this 25th day of March, 2024.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 24-11: AN ORDINANCE AMENDING THE 2023-24 FISCAL YEAR BUDGET was adopted on the 25th day of March, 2024 and that a copy of the foregoing Ordinance 24-11 was posted in accordance with Utah Code 10-3-711 this ____ day of March 2024.

Elyse Sullivan, City Recorder

Fund: 100 - General Fund

Account Number	Account Description	Original Budget	Amended Budget	Current Budget	03-25-2024 Budget Amendment	Amended Budget (if approved)	Comments regarding YTD and/or Description of Budget Amendment Requests
<i>General Fund Revenue</i>							
100-3111-0000	Property Tax - PY Delinquent	-	-	75,000	35,000	110,000	3-20-24 YTD Actual = \$102,148
100-3112-0000	Property Tax - Fee in Lieu	-	-	250,000	50,000	300,000	3-20-24 YTD Actual = \$286,702
100-3410-0000	Planning Fees	200,000	200,000	200,000	12,000	212,000	3-20-24 YTD Actual = \$211,280
100-3440-0000	Building Dept. Fees	200,000	750,000	750,000	50,000	800,000	3-20-24 YTD Actual = \$770,387
Total Adjustments to Estimated Revenues					147,000		
<i>General Fund Expenditures</i>							
Non-Departmental							
100-4730-9100	Contribution to Fund Balance	482,000	482,000	726,430	(431,500)	294,930	
Department Totals					(431,500)		
Comm Life Events							
100-5720-8200	Events	350,000	365,500	445,500	315,000	760,500	\$571,552 = 03/20/2024 YTD Actual \$ 50,000 - estimated o/s invoices and CC purchasees \$135,000 - Requested for events scheduled Mar 01-Jun 30
Department Totals					315,000		
Public Markets & Business Development							
100-5730-1100	Salaries	-	-	-	35,000	35,000	1 FTE
100-5730-1200	Part-Time Salaries	-	-	-	40,000	40,000	4 PT Employees + Adv Hub members when needed
100-5730-1400	Benefits	-	-	-	20,000	20,000	
100-5730-2500	Equipment/Supplies	-	-	-	10,000	10,000	03/20/24 YTD Actual = \$6220.46
100-5730-3100	Professional Services	50,000	50,000	50,000	-	50,000	03/20/24 YTD Actual = \$6,783 Kim Ageline's exp to be moved here from 5710-3100
100-5730-3200	Contracted Services	-	-	-	10,000	10,000	03/20/24 YTD Actual = \$7,643
100-5730-3400	Printing	-	-	-	5,000	5,000	03/20/24 YTD Actual = \$2,130
100-5730-3500	Advertising	-	-	-	10,000	10,000	03/20/24 YTD Actual = \$7,290
100-5730-6100	Miscellaneous	5,000	5,000	5,000	-	5,000	03/20/24 YTD Actual = \$1,119
100-5730-6200	Clover Processing Fees	-	-	-	3,500	3,500	Avg monthly charge ~\$500
100-5730-7400	Furniture, Fixtures, Equipment	-	-	-	30,000	30,000	03/20/24 YTD Actual = \$24,896
100-5730-8200	Events	-	-	-	100,000	100,000	\$ 27,887 = 03/20/2024 YTD Actual \$ 4,000 - estimated o/s invoices and CC purchasees \$ 68,000 - Requested for events scheduled Mar 01-Jun 30 + rounding
Department Totals					263,500	318,500	
Requested Adj to Gen Fund Appropriations					147,000		



MILLCREEK

FY 2023-24 FEE SCHEDULE

ITEM	DESCRIPTION	CODE	FEE	ADOPTION/ AMENDED DATE
RECREATION FEES				
Millcreek Common Event - Venue Sales				
247	Cultural Community Partner Event Plaza Rental	3-54-010	\$1,500.00	3/25/2024

MILLCREEK, UTAH
ORDINANCE NO. 24-09

**AN ORDINANCE APPROVING A MONETARY CONTRIBUTION OF UP TO \$1,500
TO PURCHASE DISCOUNTED HUMAN SERVICES UTA PASSES FOR MILLCREEK
RESIDENTS IN NEED**

WHEREAS, the Millcreek Council (“Council”) met in a regular session on March 25, 2024, to consider, among other things approving a monetary contribution of up to \$1,500 to purchase discounted human services UTA passes for Millcreek Residents in Need (the “Appropriation”); and

WHEREAS, Utah Code Ann. § 10-8-2 requires, among other things, a study to support a monetary donation; and

WHEREAS, on or about February 15, 2024, a study ("Study") was completed by Bonneville Research, setting forth an analysis and demonstrating the purpose for the appropriation up to \$1,500 to purchase discounted human services UTA passes for Millcreek Residents in Need. A copy of the Study is attached to this Ordinance; and

WHEREAS, on March 11, 2024, the Study was made available in Millcreek for review by interested parties; and

WHEREAS, on March 25, 2024, the Council held the requisite public hearing to receive public comments concerning the Appropriation; and

WHEREAS, all interested persons in attendance at the public hearing were given the opportunity to be heard, and written comments were solicited; and

WHEREAS, the Council finds that based on the Study and comments at the public hearing, the Appropriation will be used to enhance the safety, health, prosperity, moral wellbeing, peace, order, comfort, and convenience of the inhabitants of Millcreek; and

WHEREAS, the Council finds that the Appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of Millcreek. Such goals and objectives include, but are not limited to, economic development, job creation, and job preservation; and

WHEREAS, the Council finds that the net value received for the monetary contribution is equivalent and includes certain intangible benefits to Millcreek, including, but not limited to, prosperity, moral well-being, comfort, and convenience to the inhabitants of Millcreek and economic development, job creation, and job preservation in Millcreek; and

WHEREAS, the Council finds that it has satisfied all the requirements of Utah Code Ann. § 10-8-2 to make the Appropriation.

NOW, THEREFORE, BE IT ORDAINED that the Council hereby approves a monetary contribution of up to \$1,500 to purchase discounted human services UTA passes for Millcreek residents in need.

This Ordinance assigned Ordinance No. 24-09, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 25th day of March, 2024.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-09: AN ORDINANCE APPROVING A MONETARY CONTRIBUTION OF UP TO \$1,500 TO PURCHASE DISCOUNTED HUMAN SERVICES UTA PASSES FOR MILLCREEK RESIDENTS IN NEED was passed and adopted the 25th day of March, 2024 and certifies that a copy of the foregoing Ordinance 24-09 was posted in accordance with Utah Code 10-3-711 this ____ day of March, 2024.

Elyse Sullivan, City Recorder



Bonneville Research

February 15, 2024

Introduction:

This analysis intends to provide Millcreek, a Utah Municipality, and the Millcreek City Council with the information required by the Utah Code Section 10-8-2. Appropriations -- Acquisition and disposal of property -- Corporate purpose -- Procedure.

Reason for the Study:

Utah Code § 10-8-2 and case law require a more rigorous review and approval process before the City can provide grants to nonprofit organizations. The process requires that the City complete a Study before awarding the grants.

Critical Elements of the Study:

The Study shall consider the following factors:

1

1. Completion of a study that addresses the following:
 - a. The benefit the City will receive—tangible or intangible—in return for appropriated funds.
 - b. An analysis of how the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of Millcreek residents.
 - c. Whether the appropriation is necessary and appropriate to accomplish goals and objectives of the City, such as:
 - i. Removing blight or underdeveloped properties;
 - ii. Increasing the City's tax base;
 - iii. Creating jobs;
 - iv. Retaining jobs, and
 - v. Any other identified public purpose the appropriation might serve.
 - d. Completing a financial analysis showing projected financial returns to the City, if any, and the period over which the City will recoup the appropriation amount.
2. A finding by the Council that the development will promote safety, health, prosperity, moral well-being, peace, order, comfort, or the convenience of the Millcreek residents shall be adopted by Resolution citing the Study as evidence to support that finding.
3. The processes outlined in Utah Code Ann. § 10-8-2h will complete the final appropriation:

- a. If the appropriation is made as an amendment to the current year's fiscal budget, then the appropriation shall be approved according to the process outlined in Utah Code Ann. § 10-8-2(3)(d).
- b. If the appropriation is made as part of a future fiscal year budget, then the appropriation shall be approved during the regular annual budget process.

Millcreek Agreement – Millcreek proposes to make the following monetary appropriation for the Fiscal Year 2023/2024:

“Human Service Fare Program” Proposal:

- Millcreek Promise would like to allocate \$1,500 to purchase discounted Human Services UTA Passes for Millcreek residents in need.
- Millcreek City and UTA desire to promote and facilitate the use of public transit by low-income individuals in need, and
- Millcreek City desires to purchase, and UTA desires to sell discounted transit passes for use by the low-income population that it serves, and
- UTA and Millcreek City desire to establish a program whereby Millcreek City is authorized to purchase discounted transit passes for use by low-income individuals within the transit district, as well as a discount. Millcreek City shall be authorized to purchase from UTA Standard Passes at a discounted rate equal to seventy-five percent (75%) of the standard face value fare charged by the Authority. It shall be authorized to purchase UTA Premium Passes at a discounted rate equal to fifty percent (50%) of the standard face value the Authority charges. UTA reserves the right to determine the type of fare products eligible for the Discount under this Agreement.
- Millcreek City shall be authorized to qualify Low-Income Individuals for the “Millcreek City Human Service Fare Program” as defined by the U.S. Department of Health and Human Services with the Poverty Guidelines attached as Exhibit A.
- Issuance of Passes. Millcreek City will be responsible for the issuance of Passes. It will complete the following upon issuance: (a) confirm the eligibility of the recipient, (b) print the recipient's name on the card in permanent ink, and (c) record the recipient's name and the card number issued to them.

ANALYSIS:

- A. Millcreek City has found that while working with local partners serving low-income individuals, transportation as a barrier has been repeatedly discussed.
- B. Millcreek City is seeking to create a short-term pilot where discount transit passes may be available to qualified low-income individuals in Millcreek.

CONCLUSION AND REQUIRED FINDING:

The municipality of Millcreek's purpose for the above-listed appropriation to Millcreek Promise is to seek to achieve the following Community Objectives:

The municipality of Millcreek's purpose for the appropriation is to establish a contract with the Utah Transit Authority (UTA) to increase access to qualified low-income people in Millcreek, Utah, by accomplishing the following public purposes and thereby supporting Millcreek City's efforts to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality:

1. EDUCATION: All Millcreek youth have the support to maximize academic success on their path to high school graduation and post-secondary education.
2. HEALTH AND SAFETY: All Millcreek residents can access health and safety services and resources.
3. ECONOMIC WELL-BEING: All Millcreek residents have opportunities to provide a high quality of life for themselves and their families.

FINDING:

The appropriation is necessary and appropriate to accomplish Millcreek, a Utah Municipal Corporation's reasonable goals and objectives in economic development, job creation, affordable housing, blight elimination, job preservation, and preservation of historic structures and property, and any other public purpose.

GENERAL LIMITING CONDITIONS:

Every reasonable effort has been made to ensure that this Study's data reflects accurate and timely information and is believed to be reliable.

- *The Study is based on estimates, assumptions, and other information developed by Bonneville Research from its independent research effort, general knowledge of the region, primary data sources including Millcreek, the Utah State Tax Commission, and the Utah State Auditor's Office, and consultations with the Client's representatives.*
- *No responsibility is assumed for inaccuracies in reporting by the Client, its agents, or any other data sources used in preparing or presenting this Study. This report is based on information collected during February of 2024, and Bonneville Research has yet to undertake any update of its research since that date. Bonneville Research makes no warranty that any of the values or results contained in this Study will be achieved. This report is not to be used with any public or private offering of securities or other similar purposes. This Study is qualified and should be considered considering these limitations, conditions, and considerations.*

Robert Springmeyer

Robert Springmeyer, the Chairman of Bonneville Research, performed this 10-8-2 Appropriations Study.

Mr. Springmeyer is actively involved in the redevelopment and other economic impact projects. He has supplied independent financial and redevelopment analysis for numerous urban renewal agencies within the State and completed 'Fair Value Analyses' for Holladay and South Salt Lake Cities. Mr. Springmeyer is the Chairman of Bonneville Research. He has directed the Economic Analysis/Tax Studies completed for the Downtown Alliance, the Utah State Tax Review Commission, Salt Lake County, Brigham City, Salt Lake, Sandy, Bountiful, and South Jordan Cities, including the Urban Renewal Agencies of Salt Lake, Taylorsville, Holladay, South Salt Lake, Draper, West Jordan, Ogden, South Jordan, Sandy, and Murray. He is educated in Political Science, Economics, and Business Management and has consulted with local governments for over 40 years. He has been listed in Who's Who in Finance and Who's Who in the West.

MILLCREEK, UTAH
RESOLUTION NO. 24-08

A RESOLUTION APPROVING THE REVISED AND RESTATED INTERLOCAL COOPERATION AGREEMENT BETWEEN PUBLIC ENTITIES TO CREATE AND GOVERN THE UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE “UPD”

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on March 25, 2024, to consider, among other things, approving the Revised and Restated Interlocal Cooperation Agreement between Public Entities to Create and Govern the Unified Police Department of Greater Salt Lake “UPD”; and

WHEREAS, the Utah Interlocal Cooperative Act (UTAH CODE ANN. § 11-13-101, *et seq.*) (the “Act”) provides that any two or more government entities are authorized to enter into agreements with each other to do what each agency is authorized by law to perform; and

WHEREAS, all of the members of the UPD are government entities are authorized to enter into agreements with each other to do what each agency is authorized by law to perform; and

WHEREAS, the Revised and Restated Interlocal Cooperation Agreement between Public Entities to Create and Govern the Unified Police Department Of Greater Salt Lake (“Interlocal”) has been presented to the Council a copy of which is attached hereto; and

WHEREAS, the Council has determined that it is in the best interests of the inhabitants of the City to adopt and approve the Interlocal.

NOW, THEREFORE, BE IT RESOLVED that the Interlocal is approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the same and Mayor and Recorder are authorized to make any alterations, changes or additions to the Interlocal deemed necessary by the Mayor and City Attorney.

This Resolution assigned No. 24-08, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Millcreek Council this 25th day of March 2024.

MILLCREEK

Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

REVISED AND RESTATED INTERLOCAL COOPERATION AGREEMENT
BETWEEN PUBLIC ENTITIES GOVERNING THE UNIFIED POLICE DEPARTMENT OF
GREATER SALT LAKE

This Revised and Restated Interlocal Cooperation Agreement (the “2024 Agreement”) is made and entered into as of the 1st day of July, 2024, to be effective when all of the conditions identified in Section 16 of this Agreement have been satisfied, by and among the CITY OF HOLLADAY (“Holladay”), MIDVALE CITY (“Midvale”), MILLCREEK (“Millcreek”) and the TOWN OF BRIGHTON, all municipal corporations and political subdivisions of the State of Utah; and, COPPERTON METRO TOWNSHIP (“Copperton”), EMIGRATION CANYON METRO TOWNSHIP (“Emigration”), KEARNS METRO TOWNSHIP (“Kearns”), MAGNA METRO TOWNSHIP (“Magna”), and WHITE CITY METRO TOWNSHIP (“White City”), all incorporated metro townships and political subdivisions of the State of Utah. All of the above may be referred to individually as a “Member” and collectively as the “Members.” The interlocal entity originally created and revised and restated in this Agreement by the Members is referred to as the UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE (the “UPD”).

RECITALS

A. Several of the Members as well as other entities no longer affiliated with the UPD, established the UPD via interlocal agreement effective January 1, 2010, which was also subsequently amended (“the Agreement”).

B. The original membership of the UPD has changed over the course of its history. The cities of BLUFFDALE, HERRIMAN, RIVERTON and TAYLORSVILLE have exited UPD. MIDVALE, MILLCREEK, the Town of BRIGHTON, COPPERTON METRO TOWNSHIP, EMIGRATION CANYON, KEARNS METRO TOWNSHIP, MAGNA METRO TOWNSHIP, and WHITE CITY METRO TOWNSHIP joined the UPD.

C. Throughout these changes and since its creation in 2010, the UPD has been a provider of law enforcement and related services to its member municipalities and unincorporated Salt Lake County.

D. H.B. 35 *Metro Township Modifications* has passed in the 2024 Utah Legislative Session and is awaiting an anticipated signature by the Governor, which, if signed, will convert Copperton, Emigration Canyon, Kearns, Magna, and White City from metro townships into municipalities.

E. In July of 2024, Salt Lake County will exit membership of the UPD and UPD will no longer be rendering service to Salt Lake County.

F. The Members to this 2024 Agreement desire that UPD continue to provide law enforcement and related services to the Members. The Members recognize that the depth of service provided by the UPD ensures that their communities are receiving consistent and high-quality service.

G. Because of the significant changes in the membership of the UPD, the upcoming departure of Salt Lake County, the potential conversion of metro townships to municipalities, numerous amendments to the 2010 Interlocal, as well as lessons learned since its creation in 2010, the Members agree that a revised and restated interlocal agreement is the best means of setting forth the terms and conditions of the continued existence and governance of the UPD. This 2024 Agreement is therefore intended to revise and replace, in its entirety, the 2010 Agreement establishing the UPD, including any amendments thereto.

H. Pursuant to the Interlocal Cooperation Act, Utah Code Ann. § 11-13-101 *et seq.* (the “Interlocal Cooperation Act”), the Members, all of which are “public agencies” for the

purposes of the Interlocal Cooperation Act, are authorized to enter into this 2024 Agreement, to maintain an interlocal entity for the law enforcement and related services to the Members.

I. The Members desire to enter into this 2024 Agreement to affirm the continuation of the UPD, refine the description of its membership, and revise the governance of and terms and conditions of service by the UPD.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises of the Members and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Members agree as follows:

1. Interlocal Entity. Pursuant to the Interlocal Cooperation Act, the Members agree to the continued existence of the Unified Police Department of Greater Salt Lake as a separate political subdivision and body politic and corporate of the state of Utah, as established pursuant the 2010 Agreement, subject to the revised and restated terms and condition found in this 2024 Agreement.

2. Name. The legal entity will continue to be known as the Unified Police Department of Greater Salt Lake.

3. Summary of Scope of Services to be Provided by UPD. The scope and type of services provided to the Members by UPD will be determined through the regular adoption and maintenance of a strategic plan and UPD policies, adherence to standards of emergency response coverage, and the annual budget process as determined by the UPD's Board of Directors.

4. Service Delivery.

a. Generally. The UPD will deliver its services through precincts located in its Coverage Area and centralized shared services. The definitions of precinct and shared services

below are meant to be a general guideline subject to revisions by the UPD Board. Some services listed as precinct or shared services may be moved from one category to another as deemed appropriate by the UPD Board without the need to amend this Interlocal.

b. Precinct/Basic Services: Personnel, supplies, and equipment assigned to specific precincts or geographical areas as necessary to provide law enforcement services to the citizens within the Coverage Area as determined by the Board to include, but not limited to, patrol officers to respond to emergency and nonemergency calls for service, traffic enforcement, community-oriented policing officers, and property crime detectives.

c. Shared Services: Services provided by the UPD, either directly or by contract, and shared among the Members, subject to annual funding and Board approval, include but are not limited the following:

1) Administrative Services. Personnel, supplies, and equipment necessary to administratively support a law enforcement service agency and administer grants and monies as determined by the Board to include, but not limited to, command staff, human resources, financial services, legal services, insurance, outside counsel, expert services and consultant fees, risk management, media services, records management, production and GRAMA response.

2) Crime Prevention Services. Personnel, supplies, and equipment to support a crime prevention unit as determined by the Board to include, but not limited to, community-oriented policing support, assisting businesses within the Coverage Area with crime prevention strategies and techniques, coordinating neighborhood watch organizations, crime analysis, and public education through presentations to community organizations.

3) Investigative Services and Multijurisdictional Task Forces. Personnel, supplies, and equipment to support specialized investigative units as determined by the Board to include, but not limited to, Violent Crimes Unit (robbery, homicide, adult sex crimes), Special Victims Unit (domestic violence, juvenile sex crimes), and participation in multi-jurisdictional task forces such as the Metro Gang Unit, Metro Narcotics Unit, Mental Health Unit, CAR Team, Public Order Unit, forensics and crime lab services and other task forces.

4) Training Services. Personnel, supplies, and equipment to support a training unit as determined by the Board to include, but not limited to, range and weapon certification, annual certification training, recruit training, and supervisory training.

5) Logistics Services. Fees for dispatch, including VECC or any successor agency, personnel, supplies, and equipment to support a logistics unit as determined by the Board to include, but not limited to, property and evidence storage and security, communications, and fleet services.

6) Special Operation Services. Personnel, supplies, and equipment to support a special operations division as determined by the Board to include, but not limited to, special weapons and tactics team (S.W.A.T.), canine unit, and supervision of crossing guards.

5. Member Fee.

a. Fees and costs for services attributable to the Member Fee will be based upon the member's precinct services and its proportionate share of shared services, based upon a shared service formula adopted by the board. The member fee will also include any precinct specific

enhanced services. The budget will be transparently prepared and stated with reasonable specificity in each annual budget adopted by the UPD Board. The Board will adopt policies and/or resolutions that provide guidance for the development of the budget. Members will be provided with reasonable notice prior to any proposed change in the level of services or reallocation of UPD resources compared to the prior fiscal year. Each Member will be charged an individual Member Fee.

b. The Salt Lake Valley Law Enforcement Service Area (SLVLESA) and other special districts created hereafter to fund law enforcement services may pay the Member Fees for service area or district members. In the event that SLVLESA or any other special district does not pay for any portion of a Member Fee for one of its members, each Member is responsible for paying the balance of its Member Fee.

6. Fiscal Year and Budget Deadlines: The UPD shall operate on a fiscal year basis beginning July 1 and ending June 30 of the following year. The UPD administration will propose a preliminary budget increase maximum (PBIM) for the upcoming fiscal year and submit it to the UPD Board no later than the regularly scheduled March meeting. The PBIM shall be an aggregate of all UPD Shared Services budgetary expenditures, excluding any grant or other revenue-neutral, outside-funded expenditures. Expenditures that are unique to a precinct and funded only by one UPD Member may be excluded from the expenditures used to calculate the PBIM. All other budgetary deadlines will follow Utah law to approve a budget for the upcoming fiscal year.

7. Department and Member Fund Balances: Department Fund Balances are separate from Member Fund Balances and Department Fund Balances will be regulated by statute and UPD budget policies. The Unified Police Department of Greater Salt Lake recognizes the existing Member Fund Balances carried over from FY 2023-2024 for each Member Special Revenue Fund.

Member Fund Balance constitutes money budgeted, but not spent, in member funds during the previous fiscal year. Member Fund Balances can be carried over and used for UPD purposes by the Member or returned to the Member. The Member Fund Balance may be paid to a vested departing member in good standing after withdrawal. The Board shall have the authority to establish policies that recognize, define, limit, or eliminate these funds going forward but cannot eliminate the existing funds in the Member Precinct Funds.

8. PBIM Override. The PBIM shall be a budgetary guide for the development of the budget for the upcoming fiscal year. In the event the UPD Board considers the approval of the annual budget or a subsequent budget amendment that exceeds the PBIM for the fiscal year, the original budget or amendment shall only be approved upon a super majority 75% weighted vote. The weighted vote shall be calculated using the formula approved in Paragraphs 10(b)(2)-(5) to this 2024 Agreement.

9. Enhanced Services. A Member may individually propose an enhanced level of precinct specific service provided by the UPD. The Board of Directors must approve the enhancement, the cost, and start date of the new enhanced service. The additional fee for enhanced services will accrue as of the date such services begin and be due and payable as part of that Member's Member Fee as provided for in this 2024 Agreement or, in the case of a Member that is part of SLVLESA or other special district, a separate Enhanced Services Fee paid separately to UPD by the Member receiving such services.

10. Governance and Administration of UPD. The UPD will be governed by a Board of Directors comprised of representatives of the Members served by the UPD.

a. Board of Directors.

1) Each City, Town, and Metro Township to which the UPD provides services will receive a position on the Board of Directors (the “Board”).

2) Each Board Member must be an elected official of the Member, either a mayor or councilmember of the municipality’s governing body.

3) Board Members will serve indefinitely at the pleasure of the appointing entity. Any appointment or removal of a Board Member will be accompanied by a letter or resolution from the applicable Member notifying the UPD of such action.

4) Board meetings and all actions taken thereby will be in compliance with the Utah Open Meetings Act (Utah Code §52-4-101, et. seq.) or successor applicable open meetings law.

5) Matters related to the operation of the Board, such as meeting times, the conduct of meetings, chair and vice-chair appointments, and other rules of order and procedure will be established and adopted by the Board as policies and procedures.

6) Alternate Board Representative: Member may also designate in writing up to two alternate representatives, ranked in order, who also must be a mayor, city council member, chief executive officer, or senior level manager of the Member. The Member representative or alternate representative will attend, participate, and vote on matters coming before the Board of Trustees on behalf of the Member. Members may use an alternate no more than two times a fiscal year.

b. Voting.

1) For all matters related to the governance of the UPD, and once a quorum has been established, each Board Member will be entitled to one vote on the Board.

Matters, unless otherwise specifically stated herein, will be passed by a vote of a majority of the Board at a duly noticed meeting.

2) In regards to any proposed vote of the Board, to be taken pursuant to subsection (b)(1) above, to adopt a fiscal year's tentative or final budget, or to adopt any budget amendment, any two Board Members representing separate Members may call for a "weighted vote," at which time, after an opportunity for discussion and deliberation by the Board, a vote will be taken on such issue based upon a weighted voting system with the weight of each Board Member's vote being determined as follows:

3) A "Member Fee Percentage" will be calculated by computing the percentage each Member is paying for the UPD's services in comparison to the total of all Member Fees

4) A "Population Percentage" will be calculated by comparing a Member's population to the total population of the communities served by the UPD, using the most recently available census data, as updated by the Kem C. Gardner Policy Institute or other agency subsequently designated by the State of Utah for population estimates.

5) Each Member's Member Fee Percentage and its Population Percentage will then be averaged (i.e., 50 percent allocation by Member Fee Percentage and 50% by Population Percentage) to create the final "Weighted Voting Percentage" for that Member.

6) When weighted voting is requested under this Section, approval of the budget or budget amendment will pass with an affirmative vote that meets or exceeds sixty percent (60%) of the total weighted vote of all Board Members rather than a majority of all the Board Members.

c. Executive Staff:

1) The Board will directly supervise, appoint, and be responsible for removing, if necessary, the Chief of Police/CEO of the UPD. The Board will negotiate, approve, and execute a written employment agreement with the Chief of Police/CEO setting forth the terms and conditions of employment.

2) The Chief Legal Officer (CLO) of the UPD will be supervised by the Chief of Police. The Chief Legal Officer has an independent duty to report to the Board. The Board will approve the selection and compensation of the CLO. The Board may remove the CLO either upon or without a recommendation from the Chief of Police.

3) The Chief Financial Officer (CFO) of the UPD will be supervised by the Chief of Police. The CFO has an independent duty to report to the Board. The Board will approve the selection and compensation of the CFO. The Board may remove the CFO upon or without a recommendation from the Chief of Police.

4) The Chief of Human Resources may be the Merit System Coordinator, as described in Exhibit A to this 2024 Agreement, will operate pursuant to policies established by the Board and will report to the Board on matters related to the UPD's Merit System.

5) The appointment, transfer, and removal of Precinct and Division Chiefs will be governed by policies established by the Board.

6) All other employees will be supervised by the Chief of Police pursuant to policies adopted by the UPD.

d. Policies. The Board will adopt a set of Board Policies that will broadly govern and set the expectations for the operation of UPD. These Board Policies will inform and direct a set of operational policies created and adopted by the Chief of Police/CEO in consultation with the CLO and Command Staff.

e. Facilities. The UPD, under the direction of the Board, may construct, lease, or purchase any necessary space for the purposes of providing services under this Agreement. The UPD Board will equitably apportion the costs to the Members similar to the apportionment of the Member Fee. If the benefit of such facility specifically inures to one or more Members to the exclusion of others, the Board may apportion the cost of such facility to the benefiting Member or Members to be paid as an addition to the Member Fee.

f. Conversion of Metro Townships. The conversion of metro townships to municipalities will not change the relationship between the affected Members and UPD. Each affected Member will be bound by this Agreement after its conversion and will maintain its existing privileges and obligations as a Member. After its conversion, each affected Member will automatically be recognized by its official municipal name without any requirement to amend this Agreement.

11. 2010 Equipment. The 2010 Agreement or subsequent amendments provided that members may convey specific description of equipment conveyed to the UPD by the Members then forming the Department. The time elapsed since the 2010 Agreement or the 2012 Amendments, means that all or nearly all of the equipment conveyed has been cycled through, merged with other equipment, or used to the end of its useful life. The Members therefore agree to disclaim any rights to return of property found in the 2010 Agreement or 2012 Amendments and agree that disposition of any equipment to members upon dissolution or withdrawal will be accomplished according to the provisions of this 2024 Agreement.

12. Employees. The Members agree that no member will have any fiscal obligation or liability for the payment of salary, wages, benefits, or other compensation of employees beyond the assessment of the Member Fee.

13. Merit System. The Members agree that the UPD will operate with a Merit System for sworn law enforcement officer employees and any policies duly adopted to be consistent therewith and general merit principles. Civilian employees will also be part of a civil service system to be approved by the UPD Board. All existing rank and seniority shall be continued in the Merit System. The Merit System is established pursuant to Exhibit A.

14. Reports, Audits, and Performance Measures.

a. UPD will be subject to Utah Code § 11-13-501 et. seq., or its successor provision, for accounting, reporting, budgeting, and auditing requirements, as modified and enhanced as determined by the Board. The functions of budget officer, treasurer, or any other defined function with respect to UPD will be determined by policies and procedures adopted by the Board.

b. To ensure transparency, the UPD will prepare a financial report as part of the annual budgeting process and receive an annual audit report. Such reports will be both posted online and available upon request.

c. The UPD will also keep records and statistics related to the performance of its services and will, from time to time, prepare reports summarizing performance. The Board or any individual Member may make a request for the creation of such a report at any time and UPD will use its best efforts to prepare such a report in a timely manner.

15. Indemnification. The UPD and the Members are governmental entities under the "Utah Governmental Immunity Act" (UTAH CODE ANN. § 63G-7-101, *et seq.*) (the "**Immunity Act**"). Consistent with the terms of the Immunity Act, and as provided herein, it is mutually agreed that each are responsible and liable for its own wrongful or negligent acts which are committed by it or by its agents, officials, or employees. The UPD and the Members do not waive any procedural

or substantive defenses or benefits otherwise available under the Immunity Act nor does any Member or the UPD waive any limits of liability currently provided by the Immunity Act or comparable legislative enactment, including without limitation, the provisions of Section 63G-7-604, regarding limitation of judgments. Any indemnity and insurance obligations incurred by UPD or a Member under this agreement are expressly limited to the amounts identified in the Act. Subject to the foregoing, the UPD shall defend, indemnify, save and hold harmless the Members (including their respective elected and appointed officers and employees) from and against any and all demands, liabilities, claims, damages, actions and/or proceedings, in law or equity (including reasonable attorney's fees and costs of suit) relating to or arising from the law enforcement services provided, or to be provided, by the UPD hereunder, except where such demands, claims, actions or proceedings resulting from the negligence or misconduct of the Members, or their respective elected or appointed officers or employees. Each Member shall defend, indemnify, save and hold harmless the UPD or the Members (including its elected and appointed officers and employees) from and against demands, claims, actions and/or proceedings, in law or equity (including reasonable attorney's fees and costs of suit) relating to or arising from negligent actions or failure to act of that Member's elected and appointed officers or employees; the UPD's enforcement of any ordinances of that Member that is alleged to be unconstitutional; or improper disclosure by that Member of private, controlled, or protected information under the provisions of GRAMA. The UPD is considered a governmental entity for purposes of the Act, including the defense and indemnification of employees, volunteers, and Members of the Board.

16. Term. This 2024 Agreement will be effective as of the date listed at the beginning of this Agreement or when it is fully approved and executed by the Members, whichever is later. Unless terminated as provided for herein, it will be in effect for a term of fifty years.

17. Admission of New Members. The Members anticipate that during the term of this Agreement that additional governmental entities may wish to join the UPD and be bound to the terms and conditions of this Agreement. The process and requirements for becoming an additional Party to this Agreement and member of the UPD will apply equally to the addition of a new Member Entity to the UPD entity that approaches the UPD Board or a UPD Member about joining the UPD. Admission of an additional Member will be pursuant to the following process and conditions:

a. The UPD Chief will advise the Board Chair of any expressed interest in joining the UPD of which the UPD Chief becomes aware, and the Board Chair will advise the UPD Chief of any expressed interest in joining the UPD of which the Board Chair becomes aware. The UPD Chief and Board Chair will then authorize UPD representative to hold initial, non-public discussions with any municipality or other entity expressing interest in joining the UPD to gauge feasibility or level of interest in joining. However, neither the UPD Chief nor the Board Chair is authorized to discuss the potential of an entity joining the UPD in a public setting without prior notice to the Board. Furthermore, neither the UPD Chief nor the Board Chair may make any agreements with the potential new member concerning joining the UPD without complying with the requirements of this Paragraph 18.

b. Under the direction of the Board, UPD staff will conduct a feasibility study to evaluate the potential addition of the new member. In conducting the feasibility study under this section, the study should include the following (these guidelines are subject to revision by the Board in subsequent Board Policy without the need to amend this Agreement):

- 1) Population and population density within the proposed municipality;

2) Current and five-year projections of demographics and economic base in the proposed municipality, including household size and income, commercial and industrial development, and public facilities;

3) Projected growth in the proposed municipality during the next five years;

4) The present and five-year projections of the cost, including overhead, of providing the Baseline Services in the proposed municipality as is provided by the UPD in similar municipalities;

5) The number, classification, and cost of wages, salaries, and benefits of line and staff employees that the proposed municipality desires UPD to absorb as part of joining the UPD assuming that:

1. The UPD will agree to accept all police personnel assigned to existing department;

2. The UPD will have the option to consider employment of the Chief, Officers and other staff;

3. Employees transferred to the UPD will transfer with:

a. Wages normalized to the UPD pay structure except that if an employee's existing wage is higher, the employee wage will be frozen until the wage is normalized with the UPD wage schedule;

b. Seniority equal to years of full-time career experience with the joining municipality on the last day of employment with the joining municipality;

c. Vacation and sick leave balances on the last day of employment with a calculation of the total liability being paid for by the joining municipality, consistent with UPD Policy;

6) The location, condition, and value of the physical assets necessary to provide services in the joining municipality that would be transferred to the UPD by the municipality including in the study the feasibility of:

1. The joining municipality retaining ownership of the precincts and being responsible for capital maintenance.

2. Transferring necessary assets, such as vehicles, equipment, PPE, precinct supplies, etc. to the UPD to provide the services to the joining municipality.

7) An assessment of the debts, liabilities, and obligations of the joining municipality that may be necessary for the UPD to acquire in order to provide the services to the joining municipality.

8) The fiscal impact that the joining municipality's addition has on other Members by the UPD, including any Member Fee changes that may become necessary to maintain existing levels of service for current Members.

9) Any other factor that UPD staff consider relevant to the question of admitting a new municipality to the UPD.

c. A joining municipality, depending upon the circumstances and the equities involved in it joining the UPD, may be subject to a separate agreement that may contain a minimum period of membership that will be negotiated based on the review of the

circumstances, including the assets and liabilities the municipality will be transferring to the UPD.

d. Approval of a new municipality as a new member of the UPD would require a two-thirds affirmative vote of the UPD's Board, the new member agreeing to have its legislative council approve and to sign as a Member to this 2024 Agreement, and the Members' respective legislative councils approving the amendment to this 2024 Agreement admitting the new member.

18. Withdrawal.

a. Cooperation. If a Member wishes to withdraw from the UPD and the terms and conditions of this 2024 Agreement, the Members agree to work cooperatively in such a manner as to minimize the harm to any Member and the public safety of the citizens of all Members. The UPD will respect the desire and decision of the withdrawing Member, and the withdrawing Member will respect the need for and allow the necessary planning to ensure a withdrawal will result in the minimum impact possible on the UPD and remaining Members.

b. Requirements.

1) Due to the complexities of the operation of the UPD and the significant impact a withdrawal may have on the other Members, a Member must provide twelve months' advance notice as to the date it wishes to withdraw from the UPD. The twelve months will run from the date the Chief of Police and CLO receive the notice from the withdrawing Member. The Members acknowledge that the annual Member Fees paid to the UPD do not constitute the establishment of a debt for any Member and will be paid as services are provided. Furthermore, the Members acknowledge that the inclusion of a twelve months' withdrawal period renders this Agreement one of reasonable duration.

2) In order to be admitted, a prospective Member must agree to a minimum term of admission. Any Member departing with less than the minimum term established by the Board at the time of admission will not be entitled to any assets it may have been entitled to pursuant to Paragraph 18(c).

3) The twelve-month notice requirement for withdrawal may be shortened upon mutual agreement between the withdrawing Member and the Department, if approved by the UPD Board.

4) Upon providing notice of its intent to withdraw, the withdrawing Member's Board Member must, if applicable, relinquish his or her position as Board Chair/Vice-Chair and any committee Chair. The Board Member will also be automatically recused from matters directly affecting the withdrawal process. Such recusal will only extend to voting on matters related to the withdrawal process and the withdrawing Member's Board Member will have the right to participate in Board discussions and debates related to such issues. However, a withdrawing Member's Board Member may be excluded from any closed sessions, properly held pursuant to the Utah Open and Public Meetings Act, to discuss matters related to the withdrawal of that Member. In the event a withdrawing Member revokes its intent to withdraw, its Board and Committee positions will be reinstated.

5) The Members and UPD agree that if a Member withdraws and subsequently forms or participates in a new police department with other Members, the UPD and the withdrawing Member will, in good faith, negotiate or join existing relevant mutual and automatic aid agreements covering both the UPD and the withdrawing Member.

6) Upon receiving a notice of intent to withdrawal, the Members will begin the withdrawal process by creating a withdrawal plan that will comply with the general principles provided for in this Section 18.

c. Disposition of Precincts or Equipment.

1) Precinct Lease. The Department will cease using the precinct owned by the withdrawing Member upon the effective date of the Member's withdrawal. The withdrawing Member, or other precinct or building owner, will receive the precinct in an as-is condition as of the effective date of the withdrawal. In the event the withdrawing Member is not the owner of the precinct at the time of withdrawal, and it wishes to use the precinct building after withdrawal, the withdrawing Member will be responsible for coordinating such use with the building's owner. The UPD will use reasonable efforts to maintain the precinct in its condition from the date of the notice to the date of withdrawal but will not be responsible for any normal wear and tear during the withdrawal period, nor for any deterioration or destruction of the precinct building outside of its control.

2) Precinct Inventory. The UPD and the withdrawing Member will meet and confer to create a property disposition plan to account for supplies and equipment located in the precinct serving the withdrawing Member that is to be vacated by the UPD. This plan will contain an inventory of any items for which the withdrawing Member can specifically prove ownership. The withdrawing Member will be entitled to retain such inventoried items upon withdrawal.

3) Vehicles and Equipment. In the event the withdrawing Member has transferred vehicles or equipment to the UPD, and such vehicles or equipment has not been cycled through to the end of its usable life or inseparably incorporated in the UPD's inventory, those assets which are traceable and not significantly modified by the UPD post transfer, will be returned to the withdrawing Member. All department vehicles and equipment assigned to the precinct shall be provided to the departing Member. No training of any employee shall be subject to reimbursement upon departure. UPD or other Service Area Member Precinct Fund Balances, assets assigned to other member precincts, and all shared assets including vehicles, major assets and equipment purchased through the shared formula is owned by the UPD and the respective Members and is not subject to any claim by the departing member for any item or equivalent value.

4) Debt Obligation. The withdrawing Member will not be obligated to continue its portion of the payment for any UPD debt related to the acquisition of equipment, however, it will not have any property right to any such vehicles and equipment in the precinct(s) serving the withdrawing Member except as provided for above. Except as required to meet statutory and audit requirements for the UPD and meet any outstanding financial obligation incurred by the Member to the UPD, a departing Member is entitled to take its Precinct Fund Balance upon departure. Any Precinct Fund Balance owed to a departing Member will be paid by the UPD after the next fiscal year audit.

d. Personnel. In the event the withdrawing Member plans upon withdrawal to start its own department or expand a previously existing department with others, the withdrawing Member agrees to provide (or to encourage, in good faith, the existing department it is joining)

an employee selection process exclusively for interested, existing UPD personnel prior to engaging in an open and public recruitment for staffing.

1) This process does not include recruitment for chief or other executive level positions.

2) The withdrawing Member is not obligated to hire those who apply during this process, merely to give existing UPD personnel the first opportunity to fill the prospective new positions.

3) The withdrawing Member agrees that UPD employees that are hired by the withdrawing Member will have the option to either: 1) receive a payout of their UPD vacation balance directly from the UPD on the employee's date of separation pursuant to UPD policy; or 2) transfer their vacation hours to their new position with the withdrawing Member. In the event of a transfer and acceptance of vacation hours, the UPD will pay to the withdrawing Member the value of the vacation hours at the employee's wage rate as of the employee's last day with the UPD.

4) Sick leave balances of employees hired by the withdrawing Member will not be transferred and will be handled pursuant to internal UPD's policy and procedure.

5) Retirements contributions by the UPD for the any employee leaving the UPD and starting work with a withdrawing Member will cease upon the employee's last day with UPD.

6) UPD agrees to allow employees leaving the UPD and moving to the withdrawing Member to take their existing, issued personal protective equipment with them to their new employment with the withdrawing Member. The ownership of the PPE will be transferred to the withdrawing Member at no cost.

19. Coverage Area. The coverage area of the UPD may increase or otherwise be affected by annexations, disconnections, consolidations, boundary adjustments and/or dissolutions related to the individual Members. The Members agree to notify the UPD, in advance, of any such changes to the coverage area. If such a change is significant enough to materially affect the response time or other operational issues, the Members agree that a change to the Member Fee may be warranted and that such change may be brought to the Board for approval outside of the annual budgetary process.

20. Remittance. Each Member will prospectively remit the payments required to UPD by this 2024 Agreement, such as the Member Fee established each annual budget year or any other required payments, on a quarterly basis and on the first day of each calendar quarter. Upon agreement between UPD and a Member, a Member may also pay prospective amounts due at shorter intervals, such as monthly, so long as the arrangement is agreed upon in advance and in writing.

21. Breach or Failure to Pay.

a. A failure to timely pay the Member Fee, or other payment due to UPD, will be considered an immediate and material breach of this 2024 Agreement. Upon such failure to pay, the UPD will notify the breaching Member of the alleged breach and provide thirty days for the breaching Member to remedy the alleged breach. UPD will continue to provide the services provided for in this 2024 Agreement in light of the public safety impacts a cessation of services would cause, however, failure to remedy the alleged breach after 30 days will result in the UPD being allowed to declare a default of this 2024 Agreement. Upon declaration of default, UPD may seek all remedies available at law or equity (including the judicial remedy of injunctive relief to require the continued payment for services being provided), and the

declaration of default will be deemed to constitute an involuntary Notice of Withdrawal to begin the process provided for in Paragraph 18 for the breaching Member. The UPD may recover all legal costs, including reasonable attorney fees, it incurred in seeking a remedy under this subsection. Additionally, notwithstanding any language in this Agreement, the breaching Member will also forfeit its Precinct Fund Balance, vehicles, and equipment to the UPD as liquidated damages for the additional costs the other Members will incur in providing services to the breaching Member.

b. Upon a material breach of this 2024 Agreement by a Member, such as failure to pay its fee, the non-breaching Member or Members will notify the breaching Member of the alleged breach and provide 30 days to remedy the alleged breach. If the breaching Member fails to remedy the alleged breach, the non-breaching Member or Members may declare a Default of 2024 Agreement and seek appropriate remedies in law or equity. In the event of a material breach requiring pursuit of legal remedies, the breaching Member will pay the prevailing Member's costs and reasonable attorney fees.

22. Termination. Due to the nature of the services being provided and the structure of the UPD, this 2024 Agreement cannot be terminated in its entirety except by the expiration of its term or the mutual agreement of all Members that the UPD should be dissolved as an interlocal entity. The Agreement may be terminated as to an individual Member pursuant to the withdrawal process provided for Paragraph 18. Upon withdrawal this 2024 Agreement will be terminated with respect to the withdrawing Member, but any remaining payment obligations remaining after withdrawal and all the provision of Paragraph 15 (Indemnification) will survive the termination with respect to said Member.

23. Dissolution. The UPD may be dissolved, and operations terminated upon the unanimous written consent of all Members to this 2024 Agreement at the time of dissolution. Upon dissolution, all leases will terminate, all assets actually contributed by a Member still identifiable as separate property with a right of return will be returned to such Member, and any remaining assets (whether real property or personal property) of the UPD will be distributed based on a fraction, the numerator of which is the aggregate amount of Member Fees paid by a Member and the denominator of which is the aggregate amount of Member Fees paid by all of the Members to the UPD for services. Any unpaid liabilities of the UPD will be paid by the Members based on the same fraction. Such liability will be a joint liability.

24. Amendment. This Agreement may not be amended except by written instrument signed by all Members. Amendments will be approved as follows:

- a. Amendments may be proposed to the Board by any Member or staff of the UPD.
- b. The Board shall consider the proposed amendment and may only approve the advancement of the proposed amendment for review by the Members by a vote of at least two-thirds of the Board present at a duly noticed meeting.
- c. Upon advancement, each Member must present the proposed amendment to their appropriate legislative bodies for review and consideration.
- d. Each Member will have sixty days to review the proposed amendment with its executive officers and legislative body and either provide notice of acceptance of the proposed amendment or suggest alternatives to be considered by the Board.
- e. Subsequent to this legislative review, the Board may approve a final amendment only by a vote of at least two-thirds of the Board at a duly noticed meeting. Such a vote must

be a vote to approve representing at least two-thirds of the total Board seats, not just the votes of those present at the particular meeting.

f. Upon approval by the Board pursuant to this Paragraph, all Members must agree to the final Amendment via a written document amending this 2024 Agreement within thirty days. Failure to agree to the approved Amendment will constitute an involuntary Notice to Withdraw pursuant to Section 18.

25. Notices. All notices, requests, demands, and other communications hereunder will be in writing and given to any Member by delivering a copy, via U.S. Mail, to the mayor (or if applicable to the form of government, the council chair or city manager) of any municipal, sent to that Member's official governmental office address, with a copy also sent to the same official office and addressed to "City Attorney" or "Chief Counsel." For the UPD, notices should be sent to the following:

If to UPD: Unified Police Department of Greater Salt Lake
Office of the Chief
3365 South 900 West
Salt Lake City, UT 84119

With a copy to: Unified Police Department of Greater Salt Lake
Chief Legal Officer
3365 South 900 West
Salt Lake City, UT 84119

26. Interlocal Cooperation Act. The Members enter into this 2024 Agreement pursuant to the Interlocal Cooperation Act. For the purpose of satisfying specific requirements of the Interlocal Cooperation Act, the Members agree as follows:

a. This Agreement maintains and affirms the creation of the separate interlocal entity known as UPD that will operate using its own budget, may acquire real or personal property and may take any other act authorized by Utah law.

b. The UPD will be governed by its Board and according to the provisions of this 2024 Agreement.

c. Because this 2024 Agreement cannot take effect until it has met the requirements of the Interlocal Cooperation Act, each Member agrees by its signature that the agreement has been presented and approved by that Member's legislative body by a resolution or ordinance that is in compliance with Utah Code § 11-13-202.5(2) and been submitted and approved by the attorney authorized to represent the Member in compliance with Utah Code § 11-13-202.5(3). Furthermore, upon approval and execution by the Members, each Member agrees to keep a copy of this 2024 Agreement on file with the Member's keeper of records.

27. Entire Agreement. This Agreement constitutes the entire agreement between the Members regarding those subjects that are the subject matter of this Agreement, and this Agreement supersedes all prior agreements and understandings between the Members pertaining thereto, except where otherwise specifically stated herein. Notwithstanding the foregoing, any prior agreements between any Members, such as leases, land-use agreements, easements, deeds, or other matters separate and distinct from the creation and operation of the UPD as an interlocal entity as provided for in this Agreement remain in full force and effect and subject to their own respective terms and conditions.

28. Governing Law & Venue. The provisions of this Agreement will be governed by and be construed in accordance with the laws of the state of Utah. Disputes and other issues between the Members arising out of or related to this 2024 Agreement will be decided by litigation in the Third Judicial District Court of Salt Lake County, Utah.

29. Disputes. In the event of disputes and in the absence of any agreement to the contrary, UPD agrees to continue to provide services during any litigation and the adverse Member

will continue to make payments to UPD in accordance with the terms of this 2024 Agreement to ensure the continued protection of public safety within the Member's communities. This provision may be enforced by injunctive relief by the courts if necessary.

30. Waiver. No failure by a Member to insist upon strict performance of any covenant, duty, agreement, or condition of this Agreement, or to exercise any right or remedy consequent upon a breach thereof, will constitute a waiver of any such breach or of any other covenant, agreement, term, or condition of this Agreement. A Member may, by notice delivered in the manner provided in this Agreement, but will be under no obligation to, waive any of its rights or any condition to its obligations hereunder, or any duty, obligation, or covenant of the other Members. No waiver will affect or alter the remainder of this Agreement, but each and every other covenant, agreement, term, and condition hereof will continue in full force and effect with respect to any other then existing or subsequently occurring breach.

31. Nonfunding. The Members acknowledge that funds are not presently available for performance of this Agreement beyond the close of their respective fiscal years. Each Member's obligation for performance of this Agreement beyond that date is contingent upon funds being appropriated for payments due under this Agreement. If no funds or insufficient funds are budgeted and appropriated in any fiscal year, or if there is a reduction in appropriations of the Member resulting in insufficient funds for payments due or about to become due under this Agreement, then this Agreement shall create no obligation as to such fiscal year, but instead shall terminate and become null and void for that Member on the first day of the fiscal year for which funds were not budgeted and appropriated, or, in the event of a reduction in appropriations, on the last day before the reduction becomes effective (except as to those portions of payments herein then agreed

upon for which funds are appropriated and budgeted). However, any member exiting the UPD under non-funding shall not be entitled to any assets under the departure clause.

32. Severability. In the event that any condition, covenant, or other provision hereof is held to be invalid, void, or unenforceable, the same will be deemed severable from the remainder of this Agreement and will in no way affect any other covenant, condition, or other provision herein contained. If such condition, covenant, or other provision will be deemed invalid due to its scope or breadth, such provision will be deemed valid to the extent of the scope or breadth permitted by law.

33. Counterparts. This Agreement may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument. Delivery of an executed signature page by facsimile or e-mail transmission shall be effective as delivery of a manually signed counterpart of this Agreement.

IN WITNESS WHEREOF, the Members have executed and caused this Agreement to be duly executed effective as provided in Section 16.

[insert signature pages]

UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE

UNIFIED POLICE DEPARTMENT
OF GREATER SALT LAKE

By: _____
Jason Mazuran
Chief of Police

Approved as to Legal Form:

Attest:

Harry Souvall
Chief Legal Counsel

Harmony McQueen
UPD Clerk

DATED: _____

CITY OF HOLLADAY

CITY OF HOLLADAY

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

MIDVALE CITY

MIDVALE CITY

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

MILLCREEK

MILLCREEK

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

TOWN OF BRIGHTON

TOWN OF BRIGHTON

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

COPPERTON METRO TOWNSHIP

COPPERTON METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

EMIGRATION CANYON METRO TOWNSHIP

EMIGRATION CANYON METRO
TOWNSHIP

By: _____

Print: _____

Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

KEARNS METRO TOWNSHIP

KEARNS METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

MAGNA METRO TOWNSHIP

MAGNA METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

WHITE CITY METRO TOWNSHIP

WHITE CITY METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

EXHIBIT A: UPD MERIT SYSTEM

DEFINITIONS

The terms used in this UPD Merit System plan shall be defined as follows:

- a. “Agreement” shall mean that contract, adopted under the Interlocal Agreement Act, which creates or ratifies the creation of the Unified Police Department of Greater Salt Lake.
- b. “Board” shall mean the Board of Directors of the Unified Police Department of Greater Salt Lake.
- c. “Chief” shall be the Chief and CEO of the Unified Police Department of Greater Salt Lake.
- d. “Commission” shall mean the Merit Commission of the Unified Police Department of Greater Salt Lake.
- e. “Coordinator” shall be the Coordinator for the UPD Merit System.
- f. “Department” shall mean that part of the Unified Police Department of Greater Salt Lake which provides operational and support services, under the direction of the Chief.
- g. “Members” shall mean the municipal corporations and incorporated metro townships which are signatories of the Agreement.
- h. “Merit System” shall mean the Police Merit System created to govern personnel matters in UPD, as established by this Exhibit.

- i. “Plan” refers to the Police Merit System Plan, which creates the Merit System and governs personnel matters therein.
- j. “UPD” shall mean the Unified Police Department of Greater Salt Lake.

UPD MERIT SYSTEM

1. Employment in the Unified Police Department of Greater Salt Lake (“UPD”) will be governed by the UPD Merit System as set out in the Agreement, this UPD Merit System plan (“Plan”), and policies and procedures adopted under paragraph three below.
 - a. All employees of the UPD, with the exception of merit-exempt director level positions and temporaries, will be covered by a UPD Merit System and their employment status will be governed by policies and rules adopted in accordance with this Plan.
 - b. Merit-exempt administrative employees may be appointed by the Board and shall include the Chief of Police, Chief Legal Counsel, Chief Financial Officer, and such other administrative positions which by their nature are confidential or key policymaking or both, and which cannot or should not be included in the merit system. Merit-exempt administrative employees are at-will. Merit-exempt employees, whose appointment expires or is terminated except for cause, shall be returned to the previous merit position held.
 - c. Temporary employees, which include administrative or support staff employees who work less than 1040 hours per year, are merit- exempt and are at will.
2. The Merit System, and the policies adopted under this Plan, shall provide for the effective implementation of basic merit principles, including the following:
 - a. Hiring, selecting, advancing, and disciplining employees based on ability, knowledge and skill;
 - b. providing fair and adequate compensation;
 - c. training employees to assure high quality performance;
 - d. retaining employees on the basis of adequate performance and separating employees whose inadequate performance cannot be corrected or whose actions or behaviors warrant termination;
 - e. fairly treating all applicants and employees without regard to race, color, religion, gender, national origin, political affiliation, age, or disability or any other characteristic protected by federal or state law from discrimination;
 - f. providing information regarding political rights and prohibited practices; and
 - g. providing a procedure for informal employee grievances and formal appeals.

3. The adoption of personnel policies and the establishment of a pay plan are legislative activities which are the responsibility of the Board.
 - a. The Board shall adopt a comprehensive code of personnel policies and procedures regarding the employment status, procedures and benefits for all employees covered by the merit system, including sworn and civilian employees. Those personnel policies and procedures must be consistent with merit principles and with the provisions of this exhibit.
 - b. The Board shall adopt a comprehensive merit system classification plan and grade allocation system applicable to all merit- covered employees and shall prepare and establish a pay plan that includes salaries, incentives, leave, insurance, retirement, and other benefits.
 - c. All current UPD rank, seniority and merit status will automatically transfer from the existing merit system to this UPD Merit System. Any assignment however is subject to the needs of the UPD, and no merit status is granted to any assignment within UPD.
4. The administration of the Merit System and classification plan is the responsibility of a Merit System Coordinator (“Coordinator”).
 - a. The Coordinator is a merit-exempt employee or a contractor who works immediately under the direction of, and at the pleasure of, the Board. The Coordinator may be a current full-time exempt employee, such as the HR director, or may be a part-time employee or contractor.
 - b. The Coordinator maintains and manages the Merit System classification plan, as directed by the Board, makes recommendations regarding Merit System and personnel matters to the Board and to the UPD Chief.
 - c. The Coordinator shall prepare and conduct competitive examinations for both hiring and promotion and shall prepare registers based on the results of those examinations. All positions covered by the Merit System shall be filled by competitive process. The final hiring authority is vested in the UPD Chief, in accordance with policies and procedures adopted by the Board.
5. The resolution of formal personnel grievances and appeals brought by Merit System employees is a judicial activity within the responsibility of a Merit Commission (“Commission”).
 - a. The Commission shall consist of three persons (“Commissioners”) appointed by the UPD Board upon recommendation of the Chief, or independent choice of the board, after consultation with employee representatives. UPD’s recognized Labor Representative will nominate one of the three Commissioners with consultation and approval of the Board. No Commissioner shall be employed by the UPD, any member or hold active membership or any position in any public safety labor organization.

- b. Commissioners shall be persons who are experienced in personnel civil service, law enforcement, law, or related backgrounds and who support basic merit principles. Commissioners may not hold elected office nor be employees of the UPD or any member of the UPD or any municipality contracting services with the UPD. Commissioners shall be appointed for three-year terms, but the initial terms of commissioners shall be adjusted in order to stagger terms and one commissioner, chosen by lot, shall serve a two-year term, the second a three-year term, and the third a four-year term.
 - c. Compensation of Commissioners shall be set by Board policies and procedures. Commissioners may be removed by the Board, for cause, including failure to perform Commission activities. The internal organization of the Commission, including the appointment of a chair and the establishment of hearing procedures, shall be at the discretion of the Commissioners. Staff assistants and accommodation shall be provided by the UPD.
 - d. Commissioners shall have the authority to hear and resolve appeals and disciplinary action which are brought by merit employees. In so doing, the Commission may affirm, modify, or vacate disciplinary action. The subject matter jurisdiction regarding appeals which may be heard by the Commission shall be established and defined by policies and procedures adopted by the Board; provided, however, that the Commission shall always have the authority to hear grievances regarding demotion, suspension without pay and termination. The Board, by policy and procedure, shall define employee grievances that are and are not appealed to the Commission, and those that are resolved by internal grievance within UPD command structure.
 - e. Any appeals by employees regarding general pay inequities which significantly affect the cost of Services are not heard by the Commission but are appealed to and resolved by the UPD Board. Appeals regarding pay inequities shall be resolved in accordance with policies adopted by the Board. The Board may refer the hearing to the Commission for recommendations, but these are not binding on the Board.
6. The UPD's operational services, including patrol, shared services, and support staff services, are provided by the UPD ("Department"). The Department's personnel administration, as set out below, is the responsibility of the Chief of Police.
- a. The Chief of Police is responsible for management of the Department, including those operational personnel matters which are not specifically vested in the Coordinator under the provisions of this plan. The Chief of Police shall adopt and promulgate an operational procedures manual regarding standard operating procedures in the Department, including but not limited to personnel matters such as work schedules and assignments, payroll procedures, staffing, travel, and training.
 - b. All employees are subject to disciplinary action based on misconduct or failure to perform, under the responsibility of the Chief of Police and as defined in policies and procedures adopted by the Board. Such policies and procedures shall comply with

- merit principles as established in this Plan. The right to review disciplinary action shall be established by policies and procedures, which shall distinguish between disciplinary action which is subject to formal appeal to the Commission and that which is subject to informal grievance internal to the Department.
- c. The Chief of Police shall administer and support an internal grievance review system which may include mediation or a peer review board, as provided in Policies and Procedures adopted by the Board.
 - d. The UPD Chief shall be responsible to develop job descriptions, make final selections for appointments and promotions from registers as established herein, conduct performance evaluations and to carry out the responsibilities vested in the UPD Chief by Policies and Procedures and may make recommendations to the Board and the Director regarding merit system issues.
7. Amendments to this Plan may be proposed by the UPD Chief, the Coordinator, a member of the Board, or other interested parties. A proposed amendment shall be submitted to the Board for consideration and review. The Board shall make a recommendation regarding the proposal and forward it to the legislative bodies of each city, town, and township member the UPD for consideration and approval. If at least two-thirds of the legislative bodies of the Member Entities concur in the proposed amendment, it shall be adopted and become part of this plan.

MILLCREEK, UTAH
RESOLUTION NO. 24-09

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING APPOINTMENTS
TO THE HISTORIC PRESERVATION COMMISSION**

WHEREAS, the Millcreek Council (“*Council*”) met in regular meeting on March 25, 2024, to consider, among other things, approving appointments to the Historic Preservation Commission; and

WHEREAS, on April 26, 2021, the Council enacted Ordinance 21-16 amending the Historic Buildings and Sites Ordinance and enacting a Historic Preservation Commission; and

WHEREAS, it is the intent of the Council that the Historic Preservation Commission represent the interests of the community as a whole; that the membership of the historic preservation commission provides balanced representation in terms of geographic, professional, neighborhood, and community interests; and

WHEREAS, Section 19.86.030 of the Millcreek Code establishes a Historic Preservation Commission composed of seven members who shall be bona fide residents of Millcreek; and

WHEREAS, Section 19.86.030 of the Millcreek Code of Ordinances provides that Members of the Historic Preservation Commission shall be appointed by the Mayor, with the advice and consent of the City Council; and

WHEREAS, the Mayor hereby nominates Peter Brinton, Kaye Donahoe, Emily Johnson, and Arie LeeFlang as members of the Historic Preservation Commission; and

WHEREAS, the Council has given advice regarding the appointment of such members and hereby consents to such appointments; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Millcreek to consent to such appointments.

NOW, THEREFORE, BE IT RESOLVED that the Council consents to the appointments of Peter Brinton, Kaye Donahoe, Emily Johnson, and Arie LeeFlang as members of the Historic Preservation Commission, serving terms that will end on January 31, 2028.

This Resolution, assigned No. 24-08, shall take effect immediately upon passage.

PASSED AND APPROVED by the Council this 25th day of March, 2024.

MILLCREEK

ATTEST:

Jeff Silvestrini, Mayor

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

MILLCREEK, UTAH
ORDINANCE NO. 2X-XX

**AN ORDINANCE OF MILLCREEK AMENDING CHAPTER 5.19 OF THE
MILLCREEK CODE OF ORDINANCES WITH RESPECT TO SHORT-TERM
RENTALS**

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on March 25th, 2024, to consider, among other things, an ordinance amending Chapter 5.19 of the Millcreek Code of Ordinances with respect to Short-Term Rentals; and

WHEREAS, City staff and other interested persons have recommended revisions to the Business License regulations establishing general standards and requirements for residential short-term rentals to include but not be limited to requiring that an owner of a short-term rental reside on the premises as their permanent residence, limiting the maximum renter occupancy during rental periods, limiting the number of days in a year a short-term rental may be rented, limiting the number of residential short-term rentals for each council district, and imposing a minimum separation between short-term rentals; and

WHEREAS, based on resident concern expressed to staff, and after careful consideration the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the city to amend Title 5 Chapter 19 of the Millcreek Code of Ordinances entitled Short-Term Rentals; and

WHEREAS, these requested amendments will help to minimize the burden borne by residents who reside adjacent to short-term rental properties which include excessive on-street parking and unwarranted noise; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such amendment, the Council shall consider such amendment during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on March 20, 2024 the Council caused the required notice to be given; and

WHEREAS, on March 25, 2024, the Council considered amending Title 5 of the Millcreek Code of Ordinances by amending Chapter 5.19 of the Millcreek Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council that Chapter 5.19 of the Millcreek Code of Ordinances be amended to read as follows (designated by interlineating the words to be deleted and underlining the words to be added):

Chapter 5.19 SHORT-TERM RENTALS

5.19.010 Purpose

5.19.020 Definitions

5.19.030 License; Required

5.19.040 License; Application; Contents

5.19.050 License; Application; Investigation

5.19.060 License; Fee

5.19.070 Inspections For Compliance and Business License Renewals

5.19.080 Maintenance; Structures And Grounds; Other Requirements And Limitations

5.19.090 Limited Number Of STRs and Minimum Separation Requirements

5.19.100 Noticing And Posting Requirements

5.19.110 Separate Violations

5.19.010 Purpose

The purpose of this chapter is to establish regulations and design standards for residential short-term rentals (STRs) located in single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of Millcreek residents and preserving the residential character of Millcreek single family and multi-family neighborhoods. In allowing STRs, it provides existing property homeowners economic relief who might otherwise be forced to leave a neighborhood, thus promoting, and preserving affordable housing in Millcreek. This chapter also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the market.

5.19.020 Definitions

- A. "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record of the residential unit offers for occupancy for fewer than 30 consecutive days or a residential unit or any portion of a residential unit or that is actually used for accommodations or lodging of guests for a period of less than thirty consecutive days.
- B. "Primary residence" means the single ~~property location~~ where ~~a person's~~ the owner of record's habitation is fixed, and for which the owner of record resides at the property for a minimum of one hundred eighty-three (183) consecutive calendar days during the calendar year. and to which, whenever the person is absent, the person has the intention of returning.
- C. "Related" means an individual's spouse, grandparent, sibling, child, adopted child, aunt, uncle, niece, or nephew.

5.19.030 License; Required

~~The City will not issue any new business licenses for short-term rental in the city, until the earlier of April 1, 2024, or an amendment to this section of this Code.~~

It is unlawful for any person to engage in or operate a short-term rental in the city, or to use any property for such business without first obtaining the required STR license from the city.

5.19.040 License; Application; Contents

A. Applications shall contain the following information:

1. The location of the short-term rental,
2. The name of property owner who uses this dwelling unit as their primary residence,
3. A signed affidavit on a form to be provided by the City and sworn before a notary public stating that the proposed property is the primary residence of the owner,
4. Proof of primary residency in the form of a document from at least two of the following categories that show the applicant's name and the address of the property for which a STR license is being applied for:
 - a. Utility bill, dated within the last sixty (60) days;
 - b. Correspondence from any government agency that shows the home address, dated within the last sixty (60) days;
 - c. A voter registration card dated within the last calendar year;
 - d. A social security statement, dated within the last sixty (60) days;
 - e. A bank statement dated within the last sixty (60) days;
 - f. Automobile registration documentation dated within the last calendar year;
 - g. Income tax forms dated from the most recent tax filing period;
 - h. Insurance documentation or insurance bill dated within the last calendar year that shows home address;
 - i. Current active business license or permit issued by Millcreek or a state or federal agency that shows home address;

- j. College or school correspondence that shows home address, dated within the last sixty (60) days;
 - k. A W-2 from the most recent tax filing period;
 - l. Official payroll documentation that includes home address issued by an employer within the last sixty (60) days, such as a pay stub with home address, a form submitted for tax withholding purposes, or a payroll receipt;
- 4. 5. A site plan/drawing of the proposed short-term rental showing the location of required off-street parking spaces,
 - 5. 6. The number of rooms available for rent,
 - 6. 7. The number of persons the short-term rental will accommodate,
 - 7. 8. A sales tax collection and accounting number,
 - 8. 9. The name and telephone number of the property owner or owner's agent who is available by telephone twenty-four hours per day, and
 - 9. 10. Such other information as the license official as may be needed to assist the license official in issuing the permit or license.
- B. The application shall include a statement on a form to be provided by the city and signed by the applicant affirming that the applicant: ~~is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges.~~
- 1. Is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges; and
 - 2. Agrees to continually comply with all requirements regarding short-term rentals.

5.19.050 License; Application; Investigation

- A. Applications shall be referred by the license official to the local fire agency and Salt Lake County Health Department or such other agency as the license official may deem appropriate to make or cause to be made an investigation of the short-term rental premises, the applicant and other relevant matters. Agency recommendation as to the issuance or denial of the STR license, based on the above inspections, shall then be referred to the Director for approval or to recommend denial in accordance with the provisions of MKC 5.02.010 through MKC 5.02.140.

- B. A STR license that has been granted may be suspended or revoked for any violation of the provisions of this chapter, or for any of the reasons as contained in MKC 5.07.020.
- C. Any appeal of a decision to deny, suspend or revoke a STR license shall be heard in accordance with those procedures established by MKC 5.02.140 through MKC 5.02.180.

5.19.060 License; Fee

The aggregate license fee for a STR license under this chapter shall be the annual license fee as set forth in the consolidated fee schedule plus the disproportionate cost fee as set forth in the consolidated fee schedule, as defined in MKC 5.08.040. A license with applicable fee is required for each separate short-term rental property.

5.19.070 Inspections For Compliance and Business License Renewals

- A. After a STR license has been granted, the license official may make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law.
- B. As part of an annual renewal of a business license for a short term rental, the applicant shall resubmit the required proof of primary residency as set forth in MKC 5.19.040 (4).

5.19.080 Maintenance; Structures And Grounds; Other Requirements And Limitations

- A. The owner of the STR property must live in the primary dwelling in which the STR is located and must reside therein as their primary residence.
- B. Beginning with all new STR licenses and all STR license ~~renewal~~ renewals due after ~~January 1, 2022~~ January 1, 2025, the maximum renter occupancy of an STR shall be no more than two adults per bedroom, ~~ten (10)~~ six (6) related adults, or four (4) unrelated adults in the area to be used for a STR provided, however this maximum occupancy shall not include the owner or persons related to the owner.
- C. The property shall not be rented to more than one renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.
- D. A short-term rental shall be maintained to the following minimum standards:
 - 1. Periodic housekeeping service shall be provided by the owner, including removal of trash to the nearest collection point, on at least a weekly basis.
 - 2. Owner shall ensure that snow is removed from the sidewalks of the property as provided in MKC 14.32.100.
 - 3. Owner shall ensure that renters adhere to county noise regulations enforced by local law enforcement agencies.

4. Short-term rentals may not be used for any of the following:
 - a. Commercial purposes not otherwise permitted in the zone;
 - b. Distribution of retail products or personal services to invitees for marketing or similar purposes; or
 - c. The outdoor display of goods and merchandise for sale.
 5. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall include a minimum of two off street parking spaces for the resident of each dwelling unit and one additional off street parking space per available rented bedroom, shall be contained on the site. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.
- E. The access to the short-term rental unit and the layout of the short-term rental shall be designed so that noise, light, and occupants from the short-term rental unit are not likely to be a substantial intrusion on adjoining properties. If the short-term rental unit is a single family home, duplex, condominium or other dwelling unit and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the contiguous dwelling unit(s) is required.
- F. Responsible Party.
1. The resident owner is personally liable for failure to properly manage the short-term rental.
 2. The resident owner or owner's agent must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.
- G. The licensee must have a sales tax collection and sales tax accounting number for the rental operation and the sales tax number must be included on the short-term rental application. All applicable taxes, charges and fees, including the transient room tax, must be paid in full during the period of licensure.

5.19.090 Limited Number Of STRs and Minimum Separation Requirements

~~The total number of STR licenses issued within Millcreek shall be limited as follows:~~

- ~~A. The maximum number of STR licenses shall be limited for each Council District within Millcreek. Each Council District shall have a maximum of thirty (30) short term rentals within the district boundary.~~
- ~~B. If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued for the Council District the proposed~~

~~STR unit is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. This list shall be reviewed on an annual basis. No fees will be due until a STR license is issued.~~

A. The total number of STR licenses issued within Millcreek shall be limited as follows:

1. The maximum number of STR licenses shall be limited for each Council District within Millcreek. Each Council District shall have a maximum of thirty (30) short term rentals within the district boundary.
2. If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued for the Council District the proposed STR unit is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. This list shall be reviewed on an annual basis. No fees will be due until a STR license is issued.

B. For all new STR licenses issued after the effective date of this ordinance, the STR must not be located closer than four hundred feet (400') of another STR, as measured from the nearest property lines. Active licenses for STRs that are in good standing as of the effective date of this ordinance and are within four hundred feet (400') of another STR may be renewed, notwithstanding the separation requirement. A license that is revoked or is not renewed in a timely manner may not be reissued if the STR does not comply with the separation requirement.

5.19.100 Noticing And Posting Requirements

- A. One nameplate sign shall be permanently attached on the exterior of the building in a conspicuous location near the main entrance of the short-term rental. The nameplate sign shall:
 1. Provide the name and telephone number of the resident owner or owner's agent who can be contacted twenty-four hours a day,
 2. Contain the occupant load of the building as allowed by Millcreek,
 3. Be made of durable, weather resistant material,
 4. Not exceed three inches by five inches in dimension, and
 5. Contain no advertising.
- B. Post the city issued STR license on the interior of the building in a conspicuous location near the main entrance of the short-term rental along with the following information:

1. Parking requirements
2. County noise regulations
3. Garbage pick-up dates

5.19.110 Separate Violations

For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.

This Ordinance, assigned Ordinance No. ____-____, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this _____ day of _____, 202__.

MILLCREEK

By: _____
 Jeff Silvestrini, Mayor

ATTEST:

 Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

AN ORDINANCE OF MILLCREEK AMENDING CHAPTER 5.19 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO SHORT-TERM RENTALS

was adopted the _____ day of _____, 20____ and that a copy of the foregoing Ordinance 2X-XX was posted in accordance with Utah Code 10-3-711 this _____ day of _____, 20_____.

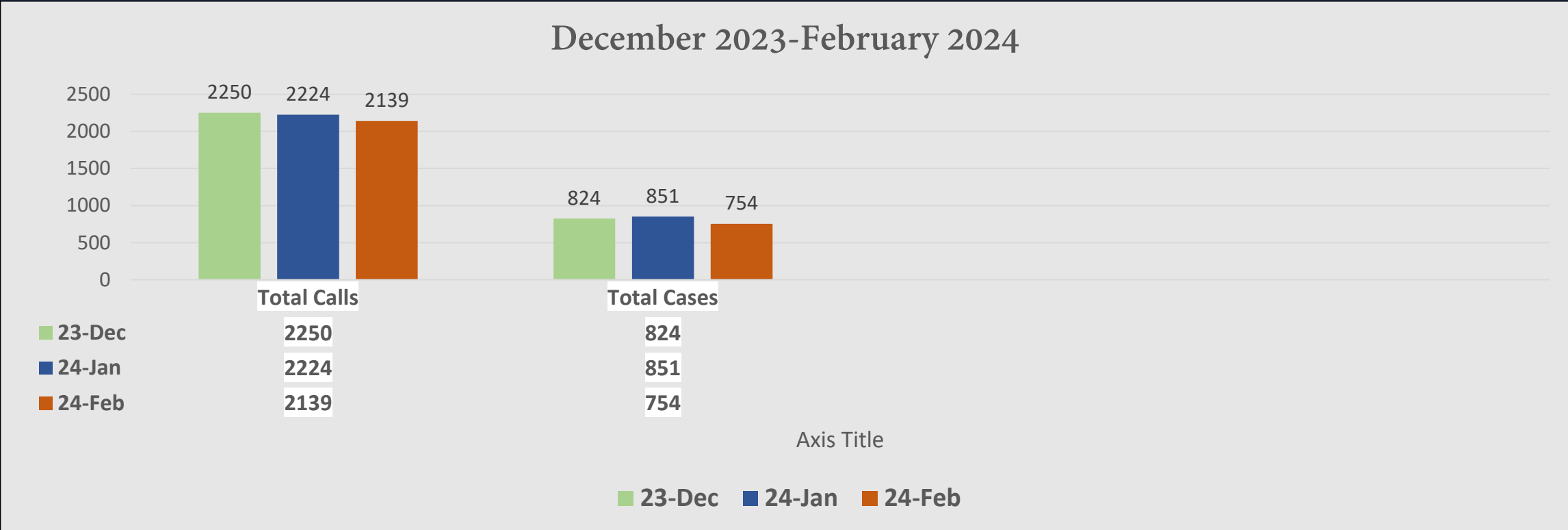
Elyse Sullivan, City Recorder

A nighttime photograph of a modern, multi-story building with large windows and a prominent yellow tower. The building is illuminated from within, and the surrounding area is lit by streetlights. A white horizontal line is drawn across the middle of the image, separating the title from the date.

Unified Police
Department
Millcreek Precinct

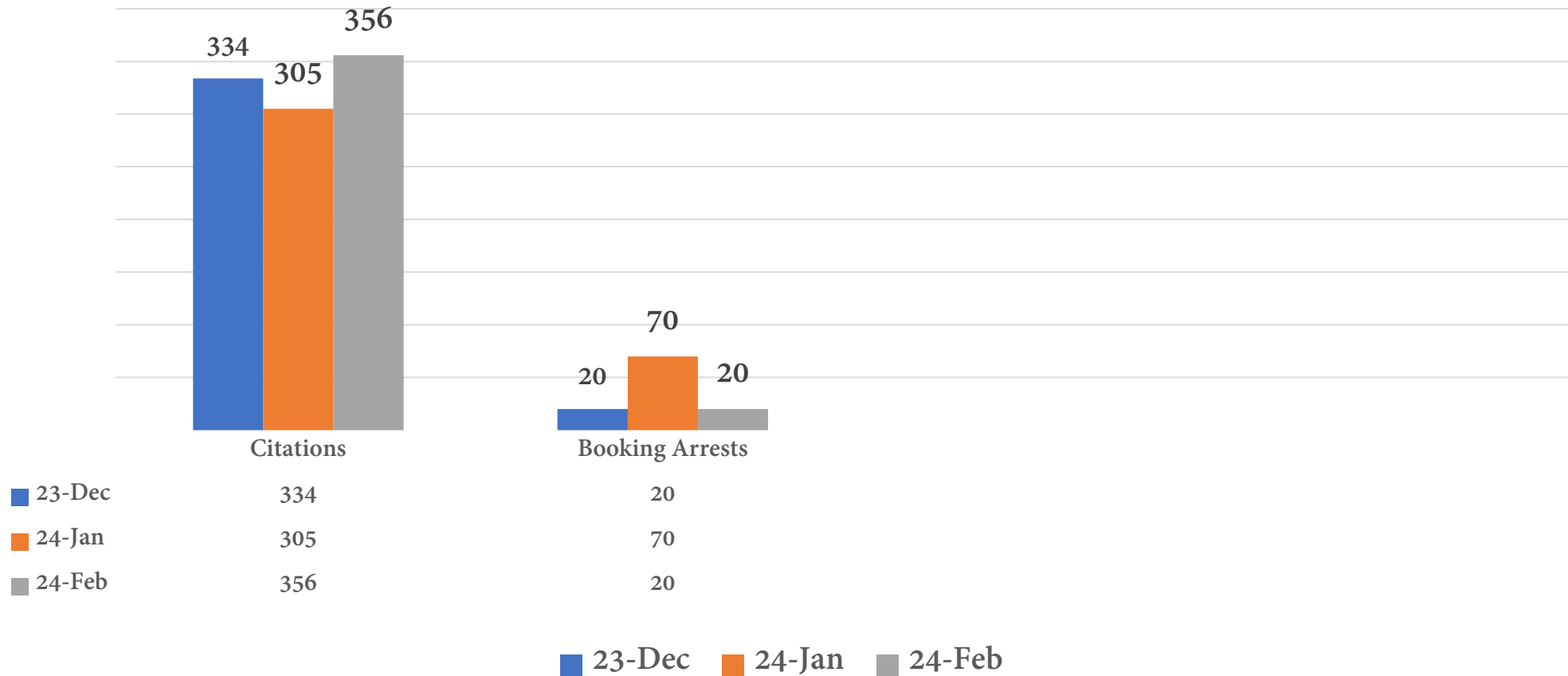
March 2024

Total Calls for Service and Total Cases



Citations and Booking Arrests

December 2023-February 2024



Unified Police Departments Investigations

February 2024	
<u>Violent Crimes Unit (VCU)</u>	
Total Active Cases	140
New Cases	10
Homicide/Suspicious Death	0
Death Investigations	7
Felony Assaults	1
Misdemeanor Assaults/Threats	1
Robbery	1
Other Suspicious	0

February 2024	
<u>Special Victims Unit (SVU)</u>	
Total Active Cases	103
New Cases	9
Adult Sex Cases	3
Child Sex Cases	2
Child Abuse Cases	2
Other	0
Missing	2
Runaway	0

February 2024	
<u>Crash Accident Reconstruction Unit (CAR TEAM)</u>	
Total Call Outs	8
New	1
Single Vehicle	1

Unified Police Department Special Operations

SWAT

February 2024

New Call Outs 0

K9 Unit

February 2024

New Calls	21
Weapons Offense	3
Traffic Offense	1
Traffic Accident	1
Lost/Missing Person	2
Property Crime	6
Mental Subject	1
Family Offense	3

Millcreek City Crime Review

February 2024

Assault	24
Burglary	11
Drug Offense	16
Family Offense	45
Homicide	0
Larceny	68
Robbery	1
Sex Offense	3
Stolen Vehicles	22

Community Crime Suppression Unit February 2024

- Arrests: 8
- Traffic Stops: 105
- Stolen Vehicles Investigated: 8
- Recovered Stolen Vehicles: 4
- Narcotics Investigations: 4
- Fleeting Vehicles: 7
- Assisted Patrol with Calls: 25
- Firearms Seized: 1
- Drug Seizures:

Meth: 6.7 grams

Meth Liquid Form: 40ml syringe with meth

Marijuana: 3.8 grams

Fentanyl: 3 Pills





**Millcreek
Traffic
Enforcement
Unit**

In February 2024, Millcreek Officer responded to 81 traffic accidents and investigated 14 Hit and Runs.

Mental Health Related Calls for Service

- In the month of February, Millcreek Officers responded to 51 Mental Health Related Calls for Service.



The Community Oriented Policing Unit (COP) brought out the Ice Cream Van to the Sunnyvale Neighborhood Center, to meet with students involved in the after-school program.

The Detectives spoke to the students about how positive actions and attitudes can affect them in positive ways.

Afterwards, the students were given Creamies Ice Cream.





Illegal Encampment Cleanup

The Millcreek C.O.P. Unit assisted Salt Lake County Public Works along with Jail Inmates to clean up multiple abandoned campsites along the railroad tracks at 200 West Central Avenue. Three large dumpsters were needed, and 15,000 lbs. of garbage and waste was collected.



Transient Related Calls

In the month of
February, Millcreek
Officers responded to
9 calls related to
transient activity.





UPD CADET ANNUAL SERVICE PROJECT

DELIVER ITEMS TO YOUR LOCAL UPD PRECINCT

ITEMS DUE MARCH 27TH 5:00PM

RESCUE MISSION OF SALT LAKE WOMEN'S CENTER

TRAVIS MANION FOUNDATION

We are collecting much needed donations for The Rescue Mission Women's Center. Donation bins will be located at your local UPD precinct. Question??? Contact UPD Cadets: Keeley Walsh or Brynn Goldrup or email EAndrus@updsl.org

List of Much Needed Items :
 New Bras & Underwear
 Shampoo
 Conditioner
 Feminine Hygiene Products
 Face Wash
 Body Wash
 Dish Soap
 Laundry Detergent
 Paper Products



**Minutes of the
Millcreek City Council
January 18, 2024
8:00 a.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a special public work meeting on January 18, 2024, at City Hall, located at 1330 E Chambers Ave, Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor (left at 8:43am)
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (arrived at 8:51am)

City Staff

Mike Winder City Manager
Alexander Wendt, Deputy Recorder
Kurt Hansen, Facilities Director
John Miller, Public Works Director
Chief Petty-Brown, Unified Police Department
Jim Hardy, Director of Building Services
Francis Lilly, Assistant City Manager
Aimee McConkie, Millcreek Common Director
Lisa Dudley, HR-Finance Director

Attendees: None

WORK MEETING – 8:00 a.m.

TIME COMMENCED – 8:23 a.m.

Mayor Silvestrini called the work meeting to order at 8:23 a.m.

1. Welcome

A quorum is present with Mayor Silvestrini, Council Member Jackson, Council Member Catten and Council Member Uipi. Mayor Silvestrini gave a small summary of Local Officials Day at the Capitol, that meeting was a success. The Millcreek Youth Council had a great day at the Capitol. The group took a break to take a picture at 8:33 a.m. The group ended their break at 8:43 a.m.

2. Budget Overview

Lisa Dudley, Finance Director gave the budget overview. Ms. Dudley reviewed the core values of Major League Baseball as a metaphor for good government, they are integrity, teamwork, excellence, diversity, and inclusion. Ms. Dudley talked about baseball cliches, such as one cannot steal first base. This expression shows that baseball has precise limits, first base must be earned. Ms. Dudley spoke about tagging up in baseball and the importance of foul lines. Council Member Uipi arrived. Some baseball rules are user friendly, and others are not.

Ms. Dudley reviewed attributes that are similar and different between government entities and private sector entities. Government is owned and operated by the public, the private sector is owned by the shareholders and individuals. Private sector entities have a profit motive, and the public sector provides services and is not for profit. Risk tolerance in a governmental entity is far lower than in the private sector. The budget of a governmental entity is the primary tool to carry out policy and in the private sector it is a guide to spending. The reward for excellence in government is less tangible and less financial, while in the private sector there are bonuses for corporate leadership. Mr. Winder spoke about the reasons why the Millcreek staff works so well. They want to make the Millcreek community greater. In local government the budget is law. State law and city code give guidance, auditors make sure the game of local government is being played equitably. Mr. Winder said government exists to give services to the community, or city, by spending money, and spending it responsibly and efficiently. Ms. Dudley reviewed the Millcreek Mission Statement, "Millcreek provides superior and responsive municipal governance and services in a fiscally conservative and responsible manner that sustains and improves the quality of life for residents and stakeholders of the city." Key points from the Millcreek Vision Statement include the ideas that Millcreek is a diverse community, residents and businesses are empowered to respectfully engage with each other in governance and volunteerism, and to maintain a fiscally responsible, environmentally sustainable city that provides a welcome home feeling to everyone. Council Member Uipi spoke about how happy she is that the Millcreek City Council is one of the more diverse City Councils in the state. Mr. Winder said that Millcreek government has a diverse group of people working for the city, they come from all backgrounds.

Ms. Dudley reviewed unofficial core values of Millcreek taken from the mission and vision statements. They include integrity, teamwork, excellence, diversity, and inclusion. Former City Manager John Geilman used a baseball analogy of baseball foul lines of budget and city policy and when you operate within the foul lines of budgets and policy then all is well. Foul lines also represent internal controls. Mr. Winder spoke about swinging for the fences, being a problem solver not a bureaucrat. There is a huge area where Millcreek can play to win. Mr. Francis Lilly said that when he was a new employee at Millcreek there was a huge amount of open space to operate because Millcreek was a new city. There is a difference between a policy that is enforced by city code and a policy that is just something that a city has always done. It is important to discern the difference between the two policy types. Council Member Uipi said there is space to push boundaries within the space between the budget and policies. Mr. Winder spoke about how city budgets are more liberating than restrictive. Ms. Dudley talked about how as the city gets closer to June, the budget and policy lines get closer together like the foul lines do at home plate. It is important to know exactly where you are on the budget.

Ms. Dudley explained budget process rules and foul lines. The budget begins with preparation of the tentative budget. Tentative budgets must be created for the general fund, special revenue, capital improvement projects (CIP), and stormwater fund. Tentative budgets must contain estimated revenues and expenditures, the tentative budgets must balance. In state code the budget format is prescribed. It must show the prior year actual, current year estimates, and the ensuing year budget. It also says that revenues and expenditures must be identified with reasonably descriptive classifications. The tentative budget must be filed with the Council by May. The Council must review and consider the tentative budget and adopt the tentative

budget. Compliance with public hearing rules is dealt with by the City Recorder. Purchases with Federal and State Funds must follow Federal or State regulations. The term professional services are specific to auditing, architecture, engineering, surveying, appraisals, legal, and counseling. This is not something that an employee would do. The Department head or city official needs to be aware of what the rules are. There is a legislative (City Council), executive (Mayor, City Manager, Department Heads and City Departments), and judicial branch (Justice Court) at the local level. Ms. Dudley spoke about how the strategic plan establishes budget goals, this feeds into budget preparation, budget adoption, budget execution, reporting and finally the audit. Monitoring is ongoing throughout the cycle. Ms. Dudley ended with budgeting is fun. Mr. Winder thanked the Department Heads for being passionate about what they do.

Council Member DeSirant moved to recess at 10 a.m. Council Member Catten seconded the motion. Mayor Pro Tempore Uipi asked for the vote. Council Member DeSirant voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

Mayor Pro Tempore Uipi reconvened the meeting at 10:15 am.

3. Looking back at 2023

Mr. Winder said that 2023 was huge for Millcreek and the department goals help maintain focus. Staff members have individual goals that are different from these bigger goals. The idea of big rocks is to help the city focus on a few big things.

Planning and Zoning

Mr. Lilly spoke about continuing the code and process update, funding for the arts and policy plan, and working on the sidewalks and trails master plan. Mr. Lilly anticipates the creation of a Millcreek Art Board in the future. The sidewalk and trails master plan has been funded. Robert May, Planner, is working on creating a plan for where Community Councils would like sidewalks and trails. The Code update is the most challenging project. Mr. Lilly said it has taken staff a lot of work to fix the drafts the consultant has delivered. Planning staff is on the downward slope of that project. This has been an enormous amount of work and staff time. The new landscape code has been very helpful for helping dozens of Millcreek residents get funding for making water-wise front yards. Mr. Lilly gave his 2023 year in review and highlighted some items he observed. Planning is not approving as many single family and duplex homes, which is a function of the economy. Instead, people are fixing their windows or creating accessory dwelling units (ADUs). Planning sent out 16,993 notices for the R-1 and R-2 Zone update, 55,000 square feet of commercial space was approved on Wasatch Boulevard, 30,000 square feet of commercial space was approved in the city center, 1,200 Utahns received overnight shelter at the temporary winter overflow shelter in 2022-2023, 6 compliant moderate income housing strategy reports were approved by the state of Utah, making Millcreek eligible for priority transportation funds. Two master plans were initiated, these are the Murray North Station Area plan, and the Millcreek Sidewalk and Trails master plan. Council Member Jackson asked if Mr. Lilly had a number on how many basement ADU's there are. Mr. Lilly and Mr. Jim Hardy said there is not a good way to tell how many there are out there.

Communication Department

Mr. Winder gave the report from Communications. The electronic newsletter sent each Friday has almost 8,000 subscribers with an average of 50% or greater open rate. Seven printed newsletters are distributed to 32,000 homes in Millcreek. In 2024, this will be a monthly newsletter. Communications has been working closely with the Community Life Department to prepare and send press releases and distribute event information. They have answered too many calls to count and have hired a new part-time employee. Council Member Uipi asked for more quantifiable numbers from the Communication Department.

Community Life

Ms. Aimee McConkie spoke about how successful the public market has been already, the community room is getting 12-15 inquiries a day for renting the 6th floor of City Hall, and the Community Life Department held 3 pilot project street parties in 2023. Street parties are still a 2024 plan. 2023 was the first full ice skating and roller-skating seasons. Ice skating revenue was far higher than roller skating. They were \$414,514 and \$200,034 respectively. Room rentals brought in \$65,834. Holiday shoppes in the public market brought \$5,018. The vendors felt it was very successful. The ground floor is a business incubator. Community Life held 159 events at Millcreek Common. There were 102 sport development events at Millcreek Common. There were 2 public market events. There will be far more events in 2024, 28 city wide events were held outside of Millcreek Common. Community Life received \$148,963 in event contributions. Millcreek Common social media reached out to 119,500 people or social media accounts. Millcreek Common has 10,336 followers on Instagram.

City Facilities

Mr. Kurt Hansen said that the big goal was to finish City Hall. \$46 million has been spent on City Hall to date. Millcreek Common staff have been a big help. Facilities have set up QR codes in key places in case they need maintenance. Facilities helped moved 76,000 square feet of stuff into the new building. They streamed 45 different meetings. There were 32 oil changes, 5 sets of new tires, 3 requests for proposals, and 1 new vehicle added to the fleet.

Legal

Mr. Winder gave the report because Mr. Brems is out for the day. The justice court has been set up in Holladay, this move is saving Millcreek money over working with the County courts. Mr. Brems has done a good job at keeping the city out of trouble.

Building Services

Mr. Hardy gave the report. Building Permits generated \$3.3 million. They issued 1,501 permits, with 87 solar permits. They conducted 3,401 plan reviews, 9 substantial improvement determinations, 7160 inspections, 390 hours of training, 94 GRAMA requests processed, and 2 board of appeals. Code Compliance received \$40,605 in revenue. This number will go down in 2024. 1,212 code cases happened and 97% of these were resolved. 41 cases went to the Administrative Law Judge, 10 cases went to default. 45 stop work orders were issued, and there were 8 emergency callouts. They have a complete code enforcement process. They have an administrative assistant with a direct line to the public. They established a board of appeals. Saratoga Springs, Lehi, and Herriman came to watch the hearings. Notable projects include City Hall, the St. Marks Hospital Tower, and the Cottonwood Highland Building. Council Member Jackson said it is interesting that stop work orders have gone down.

Public Works

Mr. John Miller gave the report for Public Works. They issued 650 permits, 42 audits out of 376 and 34 of them have been rectified. 1 new roundabout on Upland Drive has been built. 44,197 visits to the map hub page. This is up from 32,243 in 2022. 12 million square feet of ground sample distance orthomography was flown, 253,971 square feet of asphalt is to be reconstructed on 900 East, and 1 agreement for ten pickleball courts that are coming soon, have been made. Council Member Uipi asked about how much the roundabout cost. Mr. Miller said it was \$2.3 million total and the city paid \$233,000.

City Recorder

Deputy City Recorder Alex Wendt gave the City Recorder's Office year in review. 15 ordinances were codified, 23 boxes of paper records were shredded after meeting their retention, 13.1 gigabytes of electronic records on the M:Drive were destroyed after meeting their retention, 1 new city record room was added, 1 successful election held, 76 public meetings were noticed and minutes taken for, 2 all staff GRAMA and record trainings were held, 193 GRAMA requests were answered, 84 documents notarized, and 30 public hearing dates were noticed.

HR/Finance

Ms. Dudley gave the report and noted that they made huge strides in setting up accounting software. They have also made efforts in accountability, collecting sales tax, using the tax-exempt status of the city to save money. They have worked with RMP on stormwater billing, they implemented an internal audit process. A lot of work was done on compliance and meeting statutory requirements. The fund balance classifications were corrected for Class C funds. Finance is tracking rent payments that are due to the City from the new restaurants at Millcreek Common. They will be creating an employee census to record who is full-time, part-time, and how this changes every year. The new employee handbook is complete, adopted, and approved. Josie Showalter has done a great job working on grants. Mr. Winder noted that Ms. Laurie Johnson will be phasing out of the finance department and a senior accountant position has been created.

Economic Development and Promise

Mr. Winder gave the report. Ongoing Promise funding was found, and this has helped give two interns full time jobs and still have two part time positions. Mr. Winder said that as of July 1 they would like to make the Promise Program its own department. The Chambers Avenue to Highland Drive entrances are now complete. They are still figuring out details for Millcreek Common Phase 2. A great deal of money towards Millcreek Common Phase 2 has been found through grants. 76 people attended free tax clinics at Bud Bailey Apartments, 28 community agencies attended a Bud Bailey resource fair, 53 participants at the Bike Rodeo at Moss Elementary, 60 people gave blood at Promise Sponsored blood drives, 58 families at Holladay Hills were helped with housing-related resources. In Economic Development there will be one new Porsche dealership that will bring \$250,000 in sales tax per year. Three new restaurant leases in the Millcreek City Center, 500 pounds of garbage cleaned up at the Jordan River Canoe Clean Up, 30 new committee members of the business council, 40 business council events, \$11,971,840 in sales tax generated by Millcreek Businesses, 250 new residential units opened in the city center (Cottonwood on Highland), and 1 new Millcreek business market with 45 Millcreek businesses. Alyssa Henrie has been fantastic working with

the Business Council.

4. 2024 Planning Discussion

Mr. Winder and Mr. Lilly led this discussion. Mr. Winder said the Millcreek staff is lean and mean. For example, Salt Lake City has 35 people in economic development. Millcreek has 2. 2024 is a good year to improve processes and slow down where it is appropriate and speed up or rearrange when appropriate. Mr. Lilly said now that we are in the new building it is time to make processes that are the equal of the new building. Ms. Dudley agreed and added that employees feel like there needs to be more of the human element. Mr. Hardy said he wants to go through process validation to make changes when necessary. Ms. McConkie said that it sometimes feels like there is less cohesion in the new building because you do not see people and run into them as much as you did before in the old building. Mr. Miller said that some processes have slowed things down, to be nimble and creative deciding on the processes needs to be better overall. Mr. Lilly said the skills to start a city are different than keeping a city going. Mr. Winder said that Millcreek is a hotshot city in only seven years, but we need to make sure that Millcreek does not burn out and rest on our laurels. Ms. Dudley said that improving the process for one department needs to improve the process for the next user. Council Member Catten asked how the Department Heads are maintaining creativity. Mr. Winder said having big goals helps this. Then you can look back and say, “wow we came a long way”. Council Member Catten asked if employees feel like they are being heard. Ms. Dudley said they will be adding an anonymous suggestion box for one person from HR and Administration to open and read together. Ms. McConkie spoke about how the focus has shifted and employees were feeling burnt out. Council Member Uipi asked how the suggestions will be evaluated, some will be more of a complaint and others will be less of a complaint. People will still need to feel validated. The suggestion box cannot just be a black box where suggestions go to disappear. An employee survey is a valuable tool here. Council Member Jackson said in 2023 everyone had a goal and a purpose of getting ready to move to the new building. She asked what smaller goals there were for the departments; find out what people want to achieve this year.

The group broke for lunch at 12:23 p.m.

5. Looking Ahead

6. Lunch

The group began work again at 12:46 p.m. at Marie Callender’s.

Mr. Winder led the discussion to pick big rocks (goals) for the Department Heads. Mr. Lilly said he was going to ask for a new software to help with Planning reviews. Robert May and Jim Hardy had been talking about using iWorQ again for planning reviews. In the end, Planning is going to make another run at using iWorQ for planning review. Part of the reason why this may work this time is because iWorQ has improved how their software works. Ms. Dudley explained how different software in the Finance Department for revenue tracking leads to problems so sticking with iWorQ is a good idea. Mr. Winder asked the elected officials what they think staff should focus on. Council Member Jackson asked staff to focus on great customer service. It would also be a good idea to do a monthly walkthrough at city properties to see what needs to be fixed or maintained better. Mr. Miller said that park equipment must be inspected at a minimum every year. Council Member Uipi said she wants the Millcreek staff to be a priority. Preventing burnout is very important. Internal staff

connectivity is important. Running too lean is a problem. The city might need to reinvent what it means to connect with each other. Mr. Winder said the All-Staff meetings will continue and they are more important than ever. Council Member Catten said that the city needs to work with the community councils and develop better processes with them, energizing them and training them. Ms. Dudley said at one point the community councils were quasi city councils before the city was incorporated, and now their jobs have changed. Mr. Lilly said that the Planning staff work with the community councils the most in the most potentially contentious way. The Planning staff suffer the most burnout from the community councils. Ms. Dudley said that frustration with employees comes from not knowing what their role is. Starting with a fundamental document that defines the role of community councils is important. Council Member Catten related that the Promise Health Committee found that kids in the community lack connection to their community. There needs to be a better web to connect the kids to the community. Council Member DeSirant said that staff issues keep coming up and it costs so much more money to hire someone than retain them. Staff quality of life is important to Council Member DeSirant. He also noted that it is important to him to finalize an app where residents can report issues. Furthermore, more bus shelters would help city residents when it is cold and rainy. More bus shelters may help more people take the bus.

Mr. Miller spoke about his big rocks for 2024. Funding of roads has been challenging. The cost of public works services goes up every year. Millcreek will eventually need a public works yard. Public Works staff will research how a transportation utility fee would work. Promise Program Big rocks are to update the City Council quarterly. Economic Development's big rocks are to have a hotel contract inked by the end of the year where the Paletti parking lot was, make sure Millcreek Coffee Roasters, Noodlehead and Millcreek Pizza House are very successful, host two successful business markets on the Common and revamp connections with the Wasatch Business Series. The Planning Department intends to finish the code update, work on the iWorQ project to create a streamlined online application and create a neighborhood stabilization plan. HR/Finance goals are to purchase software for purchase orders, software for accounts receivable, update the purchasing policy emphasizing accountability for budgetary compliance, create the statistical reports before transitioning to the comprehensive financial reports, and do an employee survey. Building Services wants to focus on process validation and make sure the processes are still worthwhile, prepare for the DOPL audit for building inspectors, assist other departments in using software, and improve the business license process for inspections. Facilities has goals of getting electric vehicle charging stations at the new city hall, finish the last items needed at the new building, figure out if staff can be called upon to remove snow from Millcreek Common or a plan for making sure snow is removed. Community Life goals are to make sure the public market is programmed appropriately, March 23rd is the launch date for the climbing program, and finally get more grants and sponsorships.

Mr. Winder spoke about making sure that everyone speaks with their department head colleagues to help each other with their roles and responsibilities. Decisions will be made about how the communication department works and how the new emergency manager will work. Their job may change to some extent. Previously the policy in the city was to not react to trolls online, but perhaps there should be a city Facebook account that responds with truthful accurate information, said Mr. Winder. The Deputy City Recorder said that in Saratoga Springs there is a section of the city website where they respond to rumors. Mr. Winder spoke about how the Community Life Department does a great job at bringing the

community together, they are part of the Millcreek magic. Council Member Uipi said she is so proud of the city staff and of the hard work they put in.

7. Adjourn

ADJOURNED: Council Member Catten moved to adjourn the meeting at 2:31 p.m. Council Member Jackson seconded. Mayor Pro Temp Uipi called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member DeSirant voted yes, Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder

DRAFT



**Minutes of the
Millcreek City Council
January 22, 2024
5:00 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on January 22, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Mike Winder, City Manager
Francis Lilly, Assistant City Manager
Alex Wendt, Deputy City Recorder
Kurt Hansen, Facilities Director
John Brems, City Attorney (Virtual)
Robert May, Planner
Jim Hardy, Building Official

Attendees: Blake Christensen, Jamie Walker, Ryan Warner, Conrad Reichert, Emma Verharren, Aubrey Reichert, Tim Bachman, Jennifer Christensen, Jed Brian, Rogelio Franco, Aliza Franco Freedmen, Cynthia Lund, Howard Lemcke, Laura Renshaw, Nelson Warr, David Baird

WORK MEETING – 5:00 p.m.

TIME COMMENCED – 5:02 p.m.

Minutes by Deputy City Recorder, Alex Wendt

Mayor Silvestrini called the work meeting to order.

1. Unified Fire Authority Quarterly Report; Chief Zach Robinson

Chief Robinson could not make it to the meeting.

2. Wasatch Front Waste and Recycling District Quarterly Report; Pam Roberts, General Manager/CEO

Ms. Roberts gave the report from Wasatch Front Waste and Recycling. The average fee per ton for curbside garbage is \$33.73 per ton, the recycling fee is \$65.43 per ton, and green waste is \$17.58 per ton. Green waste collection is very popular in Millcreek. This is the fourth year of reserving a curbside dumpster for green waste. Council Member Catten said her neighborhood is

frustrated because dumpster reservations on the weekend sell out so fast. That is how popular the service is. Council Member Catten asked if the dates for reservation can be spaced out more to allow more people to get the dates they prefer for their reservations. Ms. Roberts said she will check on the feasibility of this. Mayor Silvestrini said that Ms. Roberts has helped with resident issues on reserving green waste collection.

Wasatch Front Waste and Recycling District does their best to divert waste from landfills. Residents of Millcreek diverted about 20% of waste from landfills in 2023. The district wide goal is 18%. Millcreek makes up 18% of the district, 15,787 homes in the 85,806-home district. 96% of Millcreek residents responded that they want to keep weekly recycling pick-up. Curbside recycling in Millcreek did decrease in 2023 when compared to 2022 by less than 100 tons. Ms. Roberts said she would do more research into this. Landfill vouchers have been moved to an online reservation system instead of paper vouchers. 7,616 reservations and containers were delivered during the 120 programs, this equates to 63 deliveries per day. 1,296 containers were delivered in 21 days to Millcreek. This is 8% of the number of homes serviced in the city and 17% of the total number of containers delivered district wide. Collection day for garbage and recycling has been changed to Tuesday for 736 homes. Jr. Vigil from Wasatch Front Waste and Recycling has been nominated for the National Waste and Recycling Association (NWRA) Driver of the Year Competition. Ms. Roberts recognized Council Member DeSirant for his hard work on the Wasatch Front Waste and Recycling Board.

3. Historic Preservation Commission Annual Update; Francis Lilly, Planning Director

Mr. Lilly said the Historic Preservation Commission (HPC) had a great year. They did a lot of work moving towards adding the Mount Aire Acres neighborhood to the National Register of Historic Places. A neighborhood meeting was held on this issue. A consultant was hired to conduct a survey of the area. The same consultant will probably be hired to help complete the paperwork for nomination. Once this nomination is complete it is up to the Council to adopt design standards for the neighborhood. This would help enforce compliance. The HPC also worked to create a scope of collections policy. Mr. Lilly expects to bring the final draft to a meeting in February. Once this policy is adopted, the HPC can create a web portal for the documents. The timeline for the National Register nomination is about a year. This takes a significant amount of time. This patient approach is better than doing it fast. They will also do a survey in the Rancho Villa neighborhood and the Veteran Heights neighborhood as potential candidates for adding to the national register. There are a couple sites that may be eligible but would require property owner buy-in. Commissioner Lufkin has written a few articles for the city newsletter.

4. Update on Short-Term Rental Policy Amendments; Francis Lilly, Planning Director

Mr. Lilly gave the update on short-term rentals (STR). The City Code was updated in 2020, this limited the number of licenses by council district, required owner occupancy, created occupancy limits, and eliminated the most egregious examples. Additional updates may be warranted. Owner occupancy language is vague, multiple STRs can cluster in one neighborhood. Staff continue to receive complaints about parking and noise. Academic research indicates at least a correlation and potentially a causal relationship between STRs and decreasing affordability of housing options and supply of housing options. Mr. Lilly said that the Airbnb website is intentionally vague about where the actual locations of STRs are. Council Member Jackson asked where the STRs are located. Mr. Lilly said they are mostly east of Highland Drive. There is a significant greater interest in District 3 and 4.

Mr. Lilly said New York City has mandated that the owner occupant must be on premises during the rental. Proof of ownership requires two items from a long list, including tax documents, social security statements, pay stubs, etc. Washington County Utah states that the owner must live on the premises 183 days a year. STRs are prohibited for large dwellings. They are only allowed in dwellings 1500-3500 square feet or less. Washington County has an enhanced compliance declaration, lodging only, events are prohibited at the rental. North Las Vegas requires a 660-foot separation requirement, noise monitoring requirement with 30-day recording capability prohibited in single-family zones and must be used for overnight accommodation. Hurricane, Utah has a 300-foot separation between rentals. They have a maximum number of licenses issued and a waiting list; only one owner can own a STR. Hurricane is contemplating prohibiting them in single family zones. Mr. Lilly spoke with the Business License Official in Hurricane, and they are not satisfied with the 300-foot separation. If ownership changes the new owner has 45 days to reapply or the license is voided. Mr. Lilly gave a summary of emails that he has received. There have been 26 email responses, 21 were in favor of high standards, 5 responses supported leaving the rules as is or even reducing regulation. Concerns include traffic, neighborhood cohesion, safety, noise, owner occupancy, over-regulation, and affordable housing.

Staff recommendations include a 300-foot separation between units, provide proof of residency annually with a compliance affidavit where the owner would provide documentation showing residency through a utility bill, voter registration, bank statement, car registration, tax forms, insurance documents, post conspicuous notice on exterior of dwelling, maximum dwelling size of potentially 200 square feet, maximum number of guests reduced to 6 and a good neighbor guide. Currently state law prohibits cities from using only a STR notice as evidence. Mayor Silvestrini said that Millcreek will ask neighbors to document issues to help the city enforce the rules. Mr. Lilly said perhaps the city could create a publicly accessible map of where short-term rentals are in Millcreek. Council Member Uipi asked if residents can be informed in the newsletter if you have a short-term rental to contact the city. Maybe there is a way to educate residents. Mr. Lilly said that the city cannot enforce code solely on a listing from Airbnb. Mr. Lilly asked the Finance Director to obtain from the State Tax Commission a list of homes that are paying transient room tax to help enforcement. Mayor Silvestrini said there are bills at the legislature now that would beef up enforcement of the collection of transient room tax. There is also discussion about repealing the prohibition on using an Airbnb listing. Mayor Silvestrini said that perhaps limiting rentals by district is not the way to go forward. Also, if the city is too draconian then people will avoid compliance. Neighbors are reluctant to help with enforcement, but additional measures would cost taxpayer money.

Council Member Jackson asked about rentals that are already too close to each other. Mr. Lilly said he would write language that allows that to continue for the duration of the license. There are hundreds of STRs in Millcreek, most of which fly under the radar, this is still informative because these are good neighbors. But some are very problematic, and this is an issue. Mr. Lilly said there is value in preventing neighborhoods that are filled with short term rentals. Council Member Jackson asked that there be real teeth in the rules because past issues have gone unprosecuted by the county district attorneys. The Business License Administrator, Alex Wendt, spoke about compliance in Millcreek when homeowners are notified that they need to obtain a business license. Most people obtain a business license when they have been notified. Mr. Brems said there are a few options for enforcing compliance. There can be a civil penalty or criminal

penalty, but the criminal penalty has a higher burden of evidence. Mr. Lilly said there is value in drafting law according to the median law set. Not too draconian and not too vague or easy. Mr. Lilly said that ten adults in one Airbnb is a lot of cars and a lot of adults. Mr. Lilly said he likes the idea of a good neighbor guide; this could serve as constructive notice. Mayor Silvestrini said the separation between units is more important than a cap on STRs. Council Member Jackson did not support increasing the cap. Council Member Uipi asked if the city increases the cap, then what happens when the city needs to increase the cap in the future. A car parked on the street is not always a car that is from a STR. Mayor Silvestrini said that complaints are forwarded to the police and code enforcement. The city must rely on what is verifiable.

Mayor Silvestrini asked if there was any public comment.

David Baird said there are many rentals that fly under the radar and there are a few bad actors. The system works to a certain extent. Mr. Baird said that issues in the winter create problems with garbage trucks and snowplows. Mr. Baird said he would support some stronger regulations.

Tara Heiden said that STRs have their place, but they do have an impact on the community. The parking in her neighborhood is really impacted by a STR. One owner has a permitted Airbnb and has bought a second home that they wish to rent as a STR. The homes here were not made to have 15 people in them. The cul-de-sac already has problems with garbage removal and snow removal. Ms. Heiden did a count on the Airbnb website and found that there were 90 east of Wasatch Boulevard. There were about 500 in the whole city, by her count. She would like it if there was proximity limit on STRs.

5. R-1 Building Height Discussion; Francis Lilly, Planning Director

Robert May, Planner, gave this presentation. The first read was on November 13, 2023. There have been concerns about the proposed increase to dwelling height. Staff proposed a 2-foot increase and the planning commission asked for a different increase. The planning commission and staff invited 18,000 residents to meet with planning staff to discuss the updates. Staff visited each of the four community councils and the planning commission on two separate occasions. One complaint that residents have is that increased density will reduce property values. People are also concerned about blocked views and lack of sunlight. The majority of community council members were in support of combining Residential Compatibility Overlay Zone (RCOZ) standards with the R-Zones and the proposed changes. Mr. Lilly said that when staff met with the community councils, they had recommendations of a 32-foot height maximum, restated preferences for a 28-foot height maximum, 30-foot height and apply a 60 degree/12-foot building envelope for properties west of I-215. These are from Canyon Rim Citizens Association, Mount Olympus Community Council, the East Mill Creek Community Council, and Millcreek Community Council respectively. 94% of new permits issued met the RCOZ option "A" standard without need of a deviation or special exception. Most residential additions or alterations were approved using the RCOZ option "A" standard with the LUHO permits being rare. Planning staff have done a very good job of helping residents meet the city standards.

Millcreek has a max building elevation of 28.3 feet in R-1 Zones. Holladay has a 32-foot limit, 35 feet in Cottonwood Heights, 33.3 feet in Murray, and 28 feet in Salt Lake City. Millcreek has a more generous rear yard setback than other cities and this can help accommodate some height. About 50% of Millcreek is zoned single family, 18% is zones for higher density multifamily, 12% is zoned of medium density. Staff recommendations include applying a box envelope to the

R-2-6.5 zoned lots. Mayor Silvestrini said smaller lot sizes help affordability and this is already allowed in Millcreek. The city may have to visit this again after the state legislature.

6. Staff Reports

There were none.

7. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member Uipi moved to adjourn the work meeting at 6:39 p.m. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Uipi voted yes, Council Member DeSirant voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:03 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and led the pledge of allegiance.

1.2 Unified Police Department Millcreek Precinct Officer of the Month for December 2023, and Officer of the Year 2023

Officer Ortiz was awarded Officer of the month for his work on a bank robbery which helped the FBI catch the suspect. Multiple investigators at UPD give Officer Ortiz high accolades for his good work. The Citizens Advisory Board presented Officer Ortiz with a certificate. Chief Petty-Brown presented Officer of the Year for 2023 to Detective Warner. He has served as a special victim detective for 18 months. Detective Warner has a great ability to connect with victims, he is invaluable to the Millcreek community. Mayor Silvestrini spoke about how a homicide occurred in Millcreek over the weekend, but Unified Police officers were able to solve this within 11 hours. They did fantastic work.

1.3 Public Comment

A man, who did not give his name, opposed the proposed change to code that would allow 30-foot-high dwellings in the R-1 Zone. His view has been altered and blocked.

Jed Bryan, 3663 S 1100 E, opposes the change to the code that would allow 30-foot-high dwellings. Their neighbor's house towers over their yard. The lots are so small, and people come in and buy homes, flatten the home, and then build a much taller home. Please consider the existing houses. People building big homes need to either build elsewhere or dig deeper foundations.

Jennifer Christensen said that the house that is over height in their neighborhood has been uncomfortable. The home built is so high that a privacy fence would not help. Homes can be built at 28 feet or below and fit the neighborhood.

Howard Lemcke, 3189 E Wasatch Oaks Circle, spoke about short-term rental (STR) problems on Wasatch Oaks Circle. The home in their circle that is a STR is being advertised as allowing 16 renters. Now the STR owner wants to open a second STR next to the existing rental. Mr. Lemcke would like to limit STRs next to one another. He said he does believe that people should be allowed to do what they would like with their property. However, it should not affect the neighbors next to them. The zoning should prohibit this. Special needs children in the neighborhood are at risk from drivers who drive too fast in their circle. Having a second STR in the circle is very difficult.

Conner Reichart and Aubrey Recichart, from Olympus High and Evergreen Junior High, represent the STEM Club at their schools and invited the City Council to STEM Night on March 7 from 6-8 p.m. Mayor Silvestrini asked for an electronic copy of their notice to put in the city newsletter.

Laura Renshaw, Manager of the Millcreek Library, gave an update on some of the events. They will have a puppet show and a party for kids of elementary school age. They will also have an event with Millcreek Promise about fixing your finances against inflation. They will hold an adult writing group soon. There is a teen hangout every Friday after school with Dungeons and Dragons, Magic the Gathering, and a teen art club. One great service they offer is printing from anywhere. They get about 15,000 visitors every month. Mr. Winder asked Ms. Renshaw to continue sending event information to the Communication Director, Rita Lund, who can help add these items to the newsletter. Ms. Renshaw said that the library gives out the paper newsletter.

Cynthia Lund, Wasatch Oaks Circle, said she has a special needs child and despite her best efforts he can escape the house. She is very concerned about the safety on their street. She is scared every day about the people who might visit the STR in their area. She may not have bought their home if they had known about all the traffic and visitors from the STR.

Rogelio Franco, 3219 E Wasatch Oaks Circle, said he has owned a home on the circle for 23 years. Mr. Franco said he is sorry everyone is at the meeting because of his rental. He said he comes to city hall to be in compliance. He said he can solve the problems with the STR. Furthermore, he does not intend to make another STR in the circle. Mr. Franco said he tries to be a good neighbor by removing the snow and helping his neighbors. He said that in the past his house was a problem, and he has worked to solve those issues. Ms. Franco said that Ms. Lund's child's wellbeing is important to her. They will add information to their STR about keeping children safe. They advertise the home as no parties allowed and there are fines for this.

Jamie Walker started a non-profit group called Olympus Fast Pitch. He has emailed the City Council to help get the word out for a new fast pitch softball league for young women. He also has concerns about building height increases. As part of the Millcreek Community Council, he supports raising building height to 32 feet, which is still lower than many other cities in the state. If he built his house today it would not meet RCOZ. Mr. Walker said that people are not building homes in Millcreek because of the height restrictions. They would rather move to Herriman, Bluffdale, or Saratoga Springs and

have a taller home. It is more economical to build up than sprawl out. Adding 2-4 more feet will not be an issue. He said he does not support being able to view someone else's yard.

Jared Booth gave the example of four neighbors. Two moved out of the area because they could not remodel to get more height. Two others were able to dig below their homes and build basketball courts under their garages. He is concerned about the polarization effect in Millcreek where people who cannot afford to stay, leave.

Ted Freeman, 3335 S 2070 E, provided an online comment. "It says that nobody should park on the street during the winter months and especially during snowstorms. But some houses and apartments do not provide off street parking, what do those people do?"

2. Reports

2.1 Mayor's Report

There will be a meeting held at a disused assisted living facility on Wednesday the 24th of February. The Haven facility is closing, it is privately owned but the city cannot require them to open. Staff has learned that the facility will be acquired by Friends of Switchpoint as an assisted living facility for people who would be homeless who have mental health challenges. Because the property is licensed for use as an assisted living facility, and Federal law requires that the city permit this use at the facility. Switchpoint operated two overflow shelters in Millcreek in past winters. Those facilities were run very well. The new facility that they will run is not a walk-up shelter, it is still an assisted living facility. Millcreek will make sure this operates well. This facility is necessary to help solve the problem of homelessness. Mental health issues and drug addiction issues are big issues for the homeless population. Millcreek will ensure this property is properly managed and run.

Mayor Silvestrini congratulated the Community Life Department. They have been doing such a great job holding community events at City Hall. Mayor Silvestrini said he continues to negotiate with the Sheriff's Department and UPD regarding the future of UPD. The cities and townships currently in UPD plan to stay with UPD. Millcreek's goal is to provide law enforcement services at about the same cost, but it may cost a bit more. They want to keep police cost increases to 7% or less. They are working on keeping the budget as low as they can and maintain services. Mayor Silvestrini said he has testified regarding a few bills at the legislature.

2.2 City Council Reports

Council Member Catten said she is the Chair of the Mosquito Abatement District. She is also the Chair for the Jordan River Commission. The Jordan River Commission is having big discussions about homelessness because of the effects that homelessness has on the river frontage and water quality. Millcreek tries to address homelessness and affordable housing. The planning staff does a very good job of helping with these issues as well.

Council Member Uipi thanked everyone who attended the Utah League of Cities and Towns Day at the capitol.

2.3 Treasurer Report

Council Member Jackson gave the treasurer report. The PTIF balance is \$47,697,319.27. the fiscal year 2024 property tax has been received in the amount of \$11,400,529.49. Last year at the same time Millcreek received \$11,333,718.34. Fiscal year 2024 sales tax has been received in the amount of \$4,900,071.15. Last year at the same time Millcreek received \$4,990,654.84. Millcreek is doing well, and the city is financially stable.

2.4 Staff Reports

Mr. Winder said he did not have a report, but the Mayor and City Council do a great job on the various boards that they serve on. It is a huge labor of love and Millcreek appreciates their service.

2.5 Unified Police Department Report

Chief Petty-Brown gave the report. Total calls and cases have gone down from 2021 to 2023. Citations and arrests have decreased over those years. The crime suppression team had 193 arrests, 1600 traffic stops, 159 stolen vehicle investigations, 39 narcotics investigations, 35 firearms seized, and 87 search warrants. Crime suppression sized 1.27 pounds of meth, 592 pounds of marijuana, 95 pounds of cocaine, 31 grams of heroin, and 245 grams of fentanyl. Millcreek Community Oriented Policing had a busy 2023. They attended various events all over the city. They helped solve 70 cases of graffiti. Millcreek officers responded to 218 calls for transient activity in 2023. They responded to 1,211 traffic accidents, 70 hit and runs, issued over 3,600 citations including 17 moving violations. Property Crimes Detectives filed criminal charges on 125 property and fraud cases. Detectives recovered \$40,000 in cryptocurrency.

3. Consent Agenda

3.1 Approval of January 4, 2024, Special Meeting Minutes

Council Member Jackson moved to approve the January 4, 2024 Special Meeting Minutes. Council Member Uipi seconded. Mayor Silvestrini called for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, Council Member Catten voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4. New Items for Subsequent Consideration

None.

5. Calendar of Upcoming Meetings

- East Mill Creek Community Council Mtg., 2/1/24, 7:00 p.m.
- Mt. Olympus Community Council Mtg., 2/5/24, 6:00 p.m.
- Millcreek Community Council Mtg., 2/6/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg, 2/7/24, 6:30 p.m.
- Historic Preservation Commission Mtg., 2/8/24, 6:00 p.m.
- City Council Mtg. 2/12/24 7:00 p.m.

City Council Meeting Recessed

The Community Reinvestment Agency adjourned at 8:44 p.m. and the City Council went back into session at 8:45 p.m.

7. Business Matters

7.1 Discussion and Consideration of Ordinance 24-04, Adopting the Amended Olympus Hills Community Reinvestment Project Area Budget, and Amended Project Area Plan

Council Member Uipi moved to approve item 7.1, Ordinance 24-04, Adopting the Amended Olympus Hills Community Reinvestment Project Area Budget, and Amended Project Area Plan. Council Member DeSirant seconded the motion. The Deputy Recorder called for the vote. Council Member Uipi voted yes, Council Member DeSirant voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:47 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. Council Member Jackson voted yes, Council Member Uipi voted yes, Council Member Catten voted yes, Council Member DeSirant voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder



**Minutes of the
Millcreek City Council
January 31, 2024
6:00 p.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a special public meeting on January 31, 2024, in the Grandview room at City Hall, located at 1330 E Chambers Avenue, Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Mike Winder, City Manager
Francis Lilly, Assistant City Manager
Kurt Hansen, Facilities Director
Alex Wendt, Deputy City Recorder
Rita Lund, Communication Director

Attendees:

Carol Hollowell, CEO of Switchpoint, Chief Petty-Brown, Sergeant Jodie Samson UPD Mental Health Unit, Carol Hollowell, Nate Mitchell, Robert Keller, Kara Cope, Tim Whalen, David Dangerfield, Jim Slaydon, Kerri Van Rosendaal, James Van Rosendaal, Mary Fullmer, Kaylene Kane, Christy Fullmer, Daniel Fullmer, Steven Fullmer, Garth Sagehill, Kathryn Sagehill, Nicole Barnes, Gary Hannerman, Stephanie Peterson, David Van, Chris Wilkinson, Lori Wilkinson, Amy Nelson, Darren Nelson, Vaughn Howard, Jennifer Howard, Katie Anderson, Steve Whipperman, Cindy Whipperman, Ed Bagley, Lisa Bagley, John Norton, L. Spencer, Catherine Scott-Bullock, Kim Du Cott, Shauna Brent Wall, Eugene Lee, Sally Ware, Meghan Staples, Thomas Rivers, Chris Evans, Suzanne Stewart, Preston Smith, Sandra Cruz, Megan Hoot, Austin Hoot, Leigh Bardsley, Dave Bardsley, Lauren Tipton, Valor McNeely, Rafael Flores, James Dranbay, Jason Smith, Stephanie Smith, Michelle Kennedy, Ashley Cline, Jennifer Jordan, Chandler Whipple, Santiago Cortez, Priscilla Martinez, Rebecca Laws, Scott Laws, Melanie Rasmussen, Steve Anderson Walt Romney, Jared Aida, Clayton Simms, Clyde Grome, Mark Hiskey, Nichole Duggins, Dana Berg, Joni Lelis, Gina Larson, Lynnette Orme, James Ford, Mary Kimball, Allesen Peck, Spencer Aland, Jonathon Kizzinger, Stew Marchant, Adam Neff, Peter Richards, Ben Gowands, Sherri Wittwer, Kelly Roemer, Lynne Barrett, Cheryl Krusk

REGULAR MEETING – 6:00 p.m.

TIME COMMENCED: 6:03 p.m.

1. Discussion of an Application for a Permit for a Residential Facility for Persons with a Disability Located at 1871 E 3300 S.

Mayor Silvestrini said that when the Haven was going out of business the city reached out to the management of the Haven because of the short notice they gave for going out of business. The city asked to help relocate residents. The Haven replied that they did not need help. Later a realtor called Mayor Silvestrini and asked if the City would buy the Haven building and property. The city was not interested in purchasing the property. Mayor Silvestrini said that he was aware that the State was interested in property like this. Mayor Silvestrini then called Mr. Wayne Niederhauser, Director of Homeless Services for the State, to let him know that the property would be available for sale. Mayor Silvestrini said he would let Mr. Niederhauser know again because of growing homelessness problems in Utah and the Wasatch Front. Home prices have escalated drastically. Home prices rising makes it harder for people to stay in their houses and makes it harder to acquire housing. People become unsheltered and homeless due to high housing values. Utah does not want the problems that Washington and California see due to homelessness. The thing that helps to solve this problem is to help people with deeply affordable housing and treatment. It is hard in Utah to find housing for medically compromised people. This is not a homeless shelter; it is an assisted living treatment facility. In every religious tradition people are taught to take care of the poor, this is the right thing to do. Mayor Silvestrini said that even his car had been broken into in his driveway. This makes him feel violated and he hates that this happens to the residents of Millcreek. To address these problems Millcreek pays \$1.5 million a month to police the streets of Millcreek. The Millcreek police officers spend a lot of time arresting homeless people when they commit crimes and help get them services, they help clean up homeless camps. This problem is a scourge for everyone, it is not just a Salt Lake City problem. Homeless people are in this community. As the mayor, he is trying to solve the problem. In Olympus Hills there are four group homes.

Mayor Silvestrini turned the time over to Assistant City Manager, Francis Lilly for his presentation. Mr. Lilly said that he has heard on social media that this can be stopped. The scope of this decision is very limited. The Switchpoint Facility will not be a homeless shelter. It is licensed by the state of Utah as a residential support program. Residents will have a clinical team. The state of Utah has a homeless shelter, a homeless shelter is a temporary shelter. A residential support program, as defined by the State of Utah is a residential support program includes a program that provides a supervised living environment for individuals with dysfunctions or impairments that are, emotional, psychological, developmental, or behavioral. These programs require state licensing. Homeless shelters do not require licensing from the Department of Health and Human services. The Switchpoint facility will not be a behavioral hospital. It will not provide acute care. Clients will be on the path to stability before they become residents. The program will be subject to inspection multiple times per year. Millcreek officials will be onsite inspecting the facility as well. The property is zoned RM, Residential Multifamily. Residential facilities for persons with a disability are permitted in the RM Zone according to Millcreek Code. Any residential support program must be licensed as such. Residential facilities are governed in Millcreek code by chapter 19.87. The Planning Director must approve permitted use in any zone where it is allowed even if some might find it objectionable. The facility cannot house people that are housed involuntarily. Mr. Lilly said he cannot deny an application if there are proposed detrimental effects. However, the

Planning Director can revoke a permit if there is a problem. Permits are nontransferable. The Millcreek Code does not contemplate the role of the City Council in approval of a residential treatment facility. Millcreek code does not contemplate a public hearing process for a permitted use of any type. Civil and constitutional rights are not subject to public scrutiny.

Millcreek cannot deny a permit for the use in a permitted zone. Millcreek cannot deny the permit. If any residential use is allowed in the zone, then disabled Americans are allowed in the zone. Residential uses are allowed in the RM Zone. Federal law protects the rights of disabled Americans. When the use is expressly allowed, denial of a permit for a residential facility for persons with a disability in a zone where the use is expressly allowed is a violation of both the Fair Housing Act and the Americans with Disabilities Act. In 2016, the Department of Justice and Department of Housing and Urban Development issued a joint statement that clarified that denying, delaying, or adding unreasonable conditions to a permit based on stereotypical perceptions about a protected class of disabled people is a likely violation of the Fair Housing Act.

Mayor Silvestrini said that in the last meeting a couple lawyers at the meeting challenged the meaning of Federal Law. Mayor Silvestrini turned time over to Nathan Crane, attorney for Snow, Christensen and Martineau, and outside counsel for the city. In the process of defending municipalities, he learned that state and federal laws have teeth. Laws protecting the rights of disabled Americans is important. Litigation regarding these cases is nasty, brutish, and not short. Even simple cases can cost tens of thousands of dollars. Rob Keller, attorney with Snow, Christensen and Martineau then added and expounded on the legal risks of the city denying this use. Denying applications is risky. Most of the cases they have defended are where a city law says a use cannot be approved but when someone comes in asking for reasonable accommodation for a disability you cannot articulate to a court why a denial was issued when there is a disability. Federal law determines what they perceive rights to be and what constitutes intentional discrimination. Mayor Silvestrini explained that Millcreek has secured more than \$100 million in grant money from the Federal government, Covid funds alone amounted to \$14 million. The city would risk huge liability from the applicant or people that might live in this facility if they brought a suit from before the federal government. All that money would have to be paid back and Millcreek would be blacklisted from receiving other federal money. It would cripple the city and the cities' ability to repair infrastructure and improve the city.

Mr. Lilly explained, there are three mental health facilities in Millcreek. They are all next to houses, churches and where people reside. Moving this facility to a different part of Millcreek would not be allowed under the Fair Housing Act. The facility is compatible for this use. The facility is well suited for a residential support program. The use is not changing. When the use of a property does not change in the code, the city cannot create new requirements for the new owner. Mr. Lilly turned time over to Carol Hollowell with Switchpoint to talk about security. Switchpoint wants to ease fears that people may have. There will be uniformed security onsite at the property. The security staff will be trained in de-escalation and trauma informed care. Residents of the facility cannot be locked down, but everyone who enters the facility must check in, have a quick background check, they cannot stay the night and they must leave by 10 p.m. Mr. Lilly said that the city will meet with officials from the Unified Police Department monthly. Drug use by residents of the facility is

expressly prohibited. Mayor Silvestrini said that Chief Petty-Brown and Sergeant Jodie Samson will speak to the people tonight. The city will devote additional police presence to the neighborhood. Officers will be encouraged to do their paperwork in the police cars in the area. Chief Petty-Brown explained that the overflow homeless shelter was a great success when UPD, the city, and Switchpoint worked closely together. Salt Lake City Police often work with Switchpoint, and they speak very highly of them. Switchpoint is very proactive and easy to work with. Sergeant Jodie Samson, UPD Mental Health, said she has worked in policing for 29 years. During this time, she has met thousands of people with mental illness. By far, the majority of calls from people's homes when they suffer mental illness. When people get into a facility the calls for service drastically go down. People with addiction commit crimes, people in treatment cause crime rates to go down. People that need mental help are not monsters, they are sick and need treatment. As soon as there is a crime in our society people say, they must be mentally ill. Statistically 3-5% of people who are mentally ill commit violent crimes. Mentally ill people are rarely committing those crimes. Police respond far more to nursing homes due to age related mental illness. Tim Wahlen, Switchpoint – there was a facility in Midvale where the police were called often but it was due to terribly inhospitable conditions that were created by the facility staff, not the residents. When the facility was remodeled and taken over by different staff, police calls stopped.

Mr. Lilly asked Ms. Hollowell from Switchpoint about treatment. Lindsey from Odyssey House described community treatment. Assertive Community Treatment (ACT) teams were created in the 90's after mental health care was de-institutionalized in the '80's. The goal is to bring all the services psychiatric hospitals provide to mentally ill individuals in the community. This can help people function and be stable in the community. If someone has acute psychiatric symptoms staff are often not surprised by this because they can see it coming. Oftentimes a participant themselves will say, "I need more treatment." Staff will call and say there needs to be more treatment. Lindsey explained what happens if someone runs away from a facility. These are residences not lockdown facilities. Sometimes people will disappear for a few days or longer, for a variety of reasons. Mr. Lilly explained that people convicted of murder, manslaughter, or sex crimes will not be allowed in the program. Residents can come and go as they please, participation is voluntary. This facility is an ongoing commitment. It will require fortitude on everyone's part. Switchpoint includes a code of conduct as part of their lease agreement, including good neighbor language. Mr. Lilly said he is working with the applicant, Switchpoint, to create reasonable boundaries. Millcreek residents were very concerned that The Haven went out of business. This speaks highly of Millcreek and their desire to help vulnerable people. The Haven was a privately operated business that ceased operations. This has happened to four other similar facilities in Millcreek in the last five years. This is part of a statewide and nationwide trend of assisted living facilities shutting down. The residents of The Haven received thirty-day notice to leave once the sale of the property commenced. The owner negotiated with four other local assisted living facilities that residents could move in and keep the same rate that they paid at the Haven.

Mr. Lilly explained his perspective as staff. Freedom means freedom for everybody. This is the land of the free and home of the brave. Many times, it happens where people want to do the right thing according to their moral compass, but they are afraid. People can be brave the way that Millcreekers are brave. Being brave does not mean being reckless, that is why staff described the expectations they have for Switchpoint. Life is not perfect, and people need

help. These people can live in our neighborhoods and be protected by federal law. Millcreek will trust but verify that Switchpoint will follow conditions set. Mr. Lilly said that he cannot stop this facility and this permit from happening. Mr. Lilly also said that he will always follow the law. Mayor Silvestrini said that he will make sure that the city works with Switchpoint and the police.

Council Member Cheri Jackson said that this facility is in her district, she has been speaking with residents and she feels their pain. This is a hard and difficult change that is unknown. The city will do its best to make this work and to make this a safe facility that is an asset to the community where people can build relationships like they did with residents at The Haven. The fact that residents are at this meeting shows how much you love your neighborhood and your home, your safety and security. She values that too. The city will work to ensure you feel that same love, safety, and security.

Mr. Barnsley – He asked about the level of the security officer, and about sign in processes. It would be someone trained in de-escalation, they can refuse people to come in, they can restrain until law enforcement gets there. People must sign in and sign out on a log. They will make sure people leave when the facility closes. Cameras will be inside and outside of the building. They will be patrolling the facility. Visitors and volunteers must sign an agreement on a code of conduct for the facility. Mr. Barnsley asked about violations. Ms. Hollowell, from Switchpoint, said that if people break the code of conduct there are individual consequences. If residents are not kept to standard they are evicted. Mr. Lilly explained that in Millcreek Code it speaks about a pattern of nuisance at a facility that leads to enforcement.

Amy Nelson – She explained that she is a nurse and works with homeless individuals. She appreciates the need for facilities like this. She wants there to be guidelines, boundaries, and standards. She asked if there would be drug testing. Ms. Hollowell said there will be drug testing. These people are paying rent so there are not random drug screens but if staff notices abnormal behavior, they can drug screen. The people who live here will have activities. Medical professionals will be on the property every day, but they will not live at the facility. The ACT team will work with the residents every day.

Clayton Sims – Mr. Sims said that the presentation said that drug use will cause eviction from the program. Ms. Hollowell explained that the ACT team will work with the residents, they will find out if they are using drugs, and conduct drug tests. Mr. Sims asked how quickly people leave if they have a positive drug test. Mr. Lilly said it was his understanding that they would be evicted in 24 hours. Mr. Sims asked about what type of other violent behaviors or crimes would not be allowed.

Steven Fullmer – Mr. Fullmer said it is his understanding that there will be 43 people there at the facility. He thinks there are 15 parking places. He does not want Melbourne to become a congested street due to parking if people visit the facility. He does not believe that there is enough space for all the cars that will car at the facility. Mr. Lilly said that as part of his review they will do a parking analysis. The use of the facility is not changing, the amount of people in the facility is not changing. Mr. Lilly said he does not believe they can require additional parking. Ms. Hollowell said most of these people do not have vehicles.

Steve Anderson – Mr. Anderson said he was a director for residential treatment facilities for

children. He feels it is a big jump to go from zero people to 43 people living together. He suggests that the facility should not be opened to 43 beds right away. Start with sixteen or twenty. He believes that the office of licensing does not have to allow this. To make this financially viable they will get more liberal with who they admit. The ACT team will not want to drug test the patients because then the resident is kicked out of the facility. Ms. Hollowell said this is a working best practice to ensure that people who need treatment and are stable can get it. Mr. Whalen said this is not a treatment facility, this is a mental health program. Almost none of these individuals will have a vehicle. This is not a treatment facility. They did not have to use substances to be there. They have to be diagnosed with a mental health disability. The ACT team will give them care. Mr. Anderson said that he believes this facility is not in compliance due to parking.

Audrey Evanson – State legislators are working to help improve homelessness in the state. She supports these measures. If there were ten of these facilities in the state it would be great. Fifty would be even better. People in these facilities have lost limbs due to the cold. She believes that Millcreek is a community that can take on these challenges.

A woman who did not give her name explained her main concern is her children. She is very concerned about a facility like this in her neighborhood. She is unhappy with the decision to bring this facility to Millcreek. She expressed frustration with city communication. She does not feel this is best for Millcreek.

A man who did not give his name said that he worked for the Department of Corrections and the mentally ill. He said that he wanted to hear more about industry standards tonight for the facility. He feels there are lots of unanswered questions and asked that this facility be delayed. There are 18 spots for parking. Putting 43 people together is problematic.

Lauren Tipton – Ms. Tipton explained she lives within walking distance of the facility and Millcreek Common. There do need to be more mental health facilities in Utah. She is a mom, and a resident of Millcreek and explained she is a social worker and mental health therapist. She is very sad that her community hates people who are in need of help. There is so much fear in this room from people who don't understand. The prejudice and entitlement and lack of Christian values is unbelievable for Utah. There is so much hatred and fear over this. There are drug houses in the neighborhood and those are a bigger problem than a mental health facility for people who want to improve. She said she is in support of this and hopes the community comes around and realizes this is not that bad.

Stephanie Smith – Said she spoke last week; her brother has been in and out of psych wards for 30 years. He has wanted stability and to have a productive life. Her brother has worked very hard to get into a facility like this. He has had to work hard and prove that he can be in a facility like this. He would like to be stable.

Lisa Bagley – She said she resents being called a hater. She is unhappy with supposed miscommunication from the city. The assisted living center of The Haven is not the same as a facility for 43 men. She wanted to know what kind of treatment people would be getting. She said she keeps hearing the word treatment and that does not sound like residential assisted living. Mr. Whalen said that Switchpoint is on site to manage the housing. The treatment journey often looks like someone is released from the Utah State Hospital, they

meet with the ACT team, verify their history, their medication, their treatment, and stability and determine if they can move to a facility like this. Staff are on-site providing care for them. Case managers are on site, the ACT Teams come to visit the residents. The ACT Teams are the treatment aspect. Ms. Bagley wondered who is keeping track of data, what is working and what is not. How can she get access to that data. She wants someone who is objective to review the data. She asked how children in the area would be protected. Chief Petty-Brown said people are free to leave the facility. They are not locked down. Bagley asked again how to protect the children. Sgt. Samson said there is crisis in the neighborhood all the time. UPD works with the mental health team, and they are keeping track of what happens in the facility.

Council Member Silvia Catten said that the Granite School District is good at placing schools on lockdown when there is even a hint of something happening. These facilities are in the neighborhood already.

Mr. Fullmer spoke again and said there is a different level of concern for an assisted living center. They are in the facility so that they can get treatment. They have not proven that they can manage 43 beds.

Adam said he lives on Evergreen – He said he feels frustrated with the process and condescended to.

A woman who did not give her name said that answers have been contradictory. She wants to know where these people are in their treatment. Mr. Wahlen said they are treating individuals who have been stabilized. Being assigned to an ACT team is like their home health team. She wondered if there was any supervision for when these people leave the facility. Ms. Hollowell said that they trust these people for the stage they are at based on their behavior. She fears for the safety of the children, this is a concern for a parent or grandparent. She trusts the elected officials. Ms. Hollowell said that perhaps the security can stand outside during school times when children are walking by.

Lindsey – Millcreek resident and ACT team member said that she brings her daughter to work, and her daughter meets the participants, she has never feared for her safety. The people who live in a facility like this have been victimized their whole lives, that often leads to their mental health issues. These people in a facility like this want a stable place to live where they can be safe.

Ben Gowans – People here are expressing their concerns, and the people are coming to the community whether residents like it or not. He said he has no experience with mental health problems. He said he will give time and energy to help, yet still has concerns. What has the history been with Switchpoint with a facility like this. Ms. Hollowell said they run other types of supportive housing. He then asked what statistics look like for success for these residents. Neil Dangerfield, Chairman of the Board of Switchpoint, explained a two-pronged approach. The treatment team comes to the facility, but the facility is where they live. Mr. Gowans asked are there residences with these many individuals. Mr. Dangerfield said there are two residences that each have 100 beds. This is supported housing. They will have an active training program to help these people learn life skills like laundry and cooking. The people in the facility have often been

isolated. They define success as these are folks living in a common area with each other happily. Success is that people feel connected, they hope people will live there until they do not want to live there anymore. Mr. Gowans asked how long people have lived there. Mr. Dangerfield said that some people will live there for ten years and others will be able to leave far more quickly.

Kara Cope said she is supportive of people who were unhoused. The people who will come to this facility want to be there. Take it upon yourself to be a volunteer and see from the inside.

James – gave a clarification and said this is about prioritization and his priority will always be his children. He thanked everyone there. He told a story about a friend of his who would have been in a facility like this, but that person assaulted a nurse and was kicked out of the facility. He asked what is different between Switchpoint model and staffing and will there be adequate staffing. Ms. Hollowell said that they must meet a certain ratio to meet licensing requirements. Switchpoint culture is that they hire very good staff. Their guarantee is that they have a big enough team to have staffing. Perhaps they will have 24/7 security inside and outside the building to help people feel secure.

Peter Richards – He asked if they have had experiences with a facility like this around a cemetery. He wondered where people go if they get kicked out. Ms. Hollowell explained that when someone is evicted, they are not dumped on the street. They make sure they connect them with other housing or shelter options. Mayor Silvestrini said that he is very happy that Switchpoint is the provider. They do a good job of enforcing the rules. They will make sure that people are not camping in the neighborhood or the cemetery.

A man who did not give his name asked what happens to Switchpoint and the residents if they lose their license. Then he said that if someone from the facility assaults his girlfriend, he will hold Switchpoint responsible. He also said he would hold the city responsible.

Mayor Silvestrini said that the city is responding to the concerns heard. Council Member Uipi asked about criteria that people must meet to be in a facility like this. Mr. Wahlen said that these people have had a variety of diagnosed mental disorders. Wahlen said that trespassing is a common charge for people in a facility like this. The ACT Team can work with these individuals for a lifetime. He asked for volunteers to help. Council Member Uipi asked about the type of activities that will be held. Ms. Hollowell described how the activities vary, sometimes it will be skills classes, cooking, job training bingo, or singing.

Council Member DeSirant moved to adjourn the meeting at 9:17 p.m. Council Member Uipi seconded the motion. Mayor Silvestrini asked for the vote. Council Member DeSirant voted yes, Council Member Uipi voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, Mayor Silvestrini voted yes. The motion passed unanimously.

ADJOURNED:

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder

DRAFT