



**Minutes of the
Millcreek City Council
March 25, 2024
5:30 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 March 25, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2 (electronic, left at 6pm)
Cheri Jackson, District 3
Bev Uipi, District 4
(electronic, left at 6:48pm, arrived at 8:07pm, left at 8:55pm)

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
John Miller, Public Works Director
John Brems, City Attorney
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Mike Winder, City Manager
Lisa Dudley, HR-Finance Director
Jim Hardy, Building Official

Attendees: Tom Stephens, Sylvia McMillan, Rick Hansen, Kathy Blake, Jackie T., Rogelis Franco, Aliza Freedman, Howard Lemcke, Tara Heiden, Officer Danny Hampton, Chief Petty-Brown, Chief Mazuran

WORK MEETING – 5:30 p.m.

TIME COMMENCED – 5:31 p.m.

Mayor Silvestrini called the work meeting to order. He said per procurement code, when emergencies arise and there is not time to pursue the regular procurement process of issuing a request for proposals or bids for a project, the mayor can step outside of the policy authorizing a contract with a contractor to complete an emergency repair. Per Millcreek Code Section 2.22.070, the mayor advised the council of the circumstances in an email sent prior to the meeting. He briefly described a storm water pipe collapsing under 3300 South near 2000 East. UDOT has plans to resurface the state road and the pipe may imminently fail, but in any event, should be replaced before the repaving to preserve the pavement. Stormwater engineer, Dan Drumiler, estimated the total cost of the project to be \$80-\$120,000. UDOT has agreed to pay 25% of the repair cost. It is proposed Millcreek pay its portion from the stormwater utility fund. Council Member Catten asked if the city would be paying more for the project since it was an emergency repair. The mayor did not think so.

John Miller said he had a good contractor lined up for the project. There would be water going in the pipe in 3 weeks, hence the emergency. The independent cost estimate was reasonable. The pipe runs north-south across 3300 S. There will be a UDOT permit. Mayor Silvestrini noted he had had a meeting that day with UDOT Director Carlos Braceras. Council Member DeSirant and Council Member Uipi supported the project.

1. Open and Public Meetings Act Training; John Brems, City Attorney

John Brems administered the required annual training which included information about public body quorums, meeting noticing, open and closed meetings, minutes/recordings of meetings, and case studies.

2. Discussion on Firework Restriction Boundaries for 2024

Mayor Silvestrini said state law requires the council, in collaboration with the fire marshal, to set boundaries for firework restrictions to protect sensitive areas including areas covered by natural vegetation or grassland. The council is not allowed to designate areas that do not have those characteristics. He conversed with the fire marshal about keeping the same restrictions as the prior two years, no fireworks east of 900 East due to Big Cottonwood Regional Park. It is hard to make the designation this time of year because the temperature and dryness conditions are unknown for July. The fire marshal recommended keeping the boundary the same from year to year and leaving it at 900 East. Council Member Jackson noted that residents could not use fireworks on the east side of the city. She felt the boundary was arbitrary and did not want government to overreach without supporting data. She wondered about pushing the state to set the boundary deadline to later in the year. Council Member DeSirant recommended moving the boundary to 700 East to include Scott Avenue Park. Council Member Jackson asked if the firework stands would do anything different based on the map since fireworks were sold in the restricted areas. The mayor said the sales could not be restricted.

Council Member Catten recommended carving out certain sections of the city for prohibition. Mayor Silvestrini said areas near the creeks are off limits. Council Member Jackson asked about having a firework zone. Mayor Silvestrini said some cities do that, but he could not think of a good area for that in Millcreek. Council Member Catten asked if Holladay would continue its ban on fireworks. Mayor Silvestrini said Holladay did not want to allow any personal fireworks, but they provide a city display. Council Member Jackson asked about Salt Lake City's boundaries. Lilly said he thought 900 East was the boundary. The council discussed the pros and cons of restrictive boundaries. Mayor Silvestrini recommended the fire marshal visit during the next council meeting to discuss the matter.

3. Planning Matter First Reading: ZT-23-016, Adoption of a Revised Sign Ordinance

Mayor Silvestrini recused himself on this item and read from an email he previously sent to the city council:

"On the agenda tonight is a first read of a proposed ordinance amendment to the city's sign code, ZT-23-16. I intend to recuse myself from discussion and consideration of this proposed ordinance. I will continue to conduct our work session this evening, as well as the council's regular meeting at 7:00 pm, where public comment concerning this matter may be given. No decision will be taken this evening and the presentation we will hear is informational only. However, I will not ask questions tonight, nor participate in the

presentation, deliberations or decision respecting this matter at our subsequent meeting when the matter will come on for discussion and consideration.

I am going to take these actions to avoid any appearance of impropriety. I do not have a conflict of interest, financial or otherwise, to the extent that the proposed ordinance amendments would merely change the city's sign code, without reference to or in respect of any particular sign company. However, because my wife represents Reagan Outdoor Advertising on a contract basis in some of its legal matters which do not in any respect involve Millcreek (and never have), and because this ordinance amendment, if adopted, could authorize the city council to enter into a business relationship with Reagan Outdoor, which would not directly benefit me or my wife, but could be perceived to do so, I will be recusing myself."

Francis Lilly said as part of Millcreek's comprehensive zoning and subdivision code update, staff was recommending the following key changes regarding Millcreek's sign ordinance:

- New internal illumination standards that control light temperature as well as brightness.
- Revised standards for all electronic message centers (EMCs), 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.
- Reduced height for monument signs.
- Prohibitions on EMCs for pole signs – to incentivize more monument signs.
- Updated tables for readability.
- Updated definitions to reflect content neutrality caselaw and accepted industry standards.
- Appropriate regulation of school and church signs.
- A light curfew for signs located within 100 feet of a residential use or zone.
- Reduction in maximum illuminance of electronic message centers.
- Light temperature requirements. Logos are exempt.
- A table outlining temporary signage requirements.
- Updates to iconic sign requirements.

The Planning Commission recommended: 1. A compliance threshold (currently 25%), any increase in square footage requires compliance. 2. An interior sign within 3 feet of a window counts as a window sign. 3. Design standards are required for pole covers. 4. A maximum wall sign area of 200 square feet in residential zones, 300 square feet in C-1 zones, and 600 square feet in C, M, MD, MD3 and IF zones. 5. Adjusted light temperature maximum. 6. Electronic message centers (EMCs) prohibited on pole signs in C zones. 7. Clarified and proposed standards for window signs. 8. Added signs on vehicles to the "mobile sign" definition.

The window signs language would read, "Window signs shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of window 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. Any interior sign placed within three feet of a window is considered a window sign.”

Council Member Jackson asked if wall signs were considered temporary. Lilly said no. Council Member Catten asked if murals counted as a sign. Lilly said it depended if it was advertising. He noted the wall sign maximums were in line with other cities. Council Member Jackson asked about covering white blank spaces on illuminated commercial pole signs. Lilly said for new pole signs, he could look at having the sign companies black out blank spaces.

Lilly said the General Plan considers signs in Goal GP-2, ensure that sign location and design is responsive to site context and compatible with the surrounding character, and strategies 2.1-2.5 consider how it may be implemented. The Millcreek Community Council unanimously recommended the sign ordinance in general. The Canyon Rim Citizens Association combined consideration of an additional digital district sign (2 in favor, 2 abstain, 1 against) to encourage the city to pursue digital signs with a preference for a more advantageous exchange ratio. The East Mill Creek Community Council combined their motion with the consideration of additional digital district signs (5 in favor, 3 against) to the adoption of the sign ordinance including a provision for digital signs subject to an exchange agreement. The Mount Olympus Community Council was unanimously in favor of the sign ordinance in general. The Planning Commission recommended 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:

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

Lilly said he tried to address concerns from the Utah Sign Association. He thanked everyone involved in crafting the ordinance.

Council Member Jackson asked about school and church sign regulations, particularly with business hours. Lilly said cities can regulate them with reasonable, non-content related restrictions. Council Member Jackson asked about the brightness and color changes. Lilly said the Planning Commission recommended a maximum luminance of 200 nits, which is fairly dim, but the sign companies would rather use the standard for electronic message centers, how bright it is compared to ambient light. They preferred a consistent standard between electronic and static signage. An alternative is an illuminance standard of 0.2-foot candles above ambient light for all signs. Council Member Catten pointed out that too dim and too bright signs were hard to see. She asked about optimal luminance. Lilly said the illuminance could be reduced without sacrificing the integrity of the messaging on the sign. Council Member Catten asked about the recommended maximum height for monument signs. Lilly said the old code was 8 feet and the new was 6 feet depending on the zone.

Lilly noted everyone’s thoughts on digital district signs came from different perspectives. He described when he worked for South Salt Lake City when it needed to move a billboard at 2100 S and Main Street. The city wanted to redevelop the site it was located on, so it was moved to another location, cost the city \$170,000, and was taller than the original one. The transaction was a net loss for South Salt Lake. The city paid money to replace an old billboard, with a much taller, more expensive billboard. A development impediment was

moved from one location to another. The condemnation value increased. There was no reduction in the number or square footage of billboards. State law incentivizes this type of land use decision. He then described two billboard exchanges that took place in Lee's Summit and Kansas City, Missouri. In Lee's Summit, conversion was allowed on a 2 face : 1 face basis. Digital signs could be 10% larger than the face(s) replaced. Digital billboards are placed along certain highways. The exchange was limited to nonconforming signs. They reduced billboards there from 12 to 6. In Kansas City, the conversion rate depends on sign size. Bigger signs have a lower conversion ratio. The exchange is limited to nonconforming signs. Digital billboards are placed along certain highways.

Lilly said the exchange ratios were determined through a negotiated process, the billboard companies were not compelled toward an exchange, and the cities did not select the billboards eligible for the exchange; instead, they created categories of signs eligible for exchange. The differences between Missouri and Millcreek were that unlike the Missouri examples, Millcreek would own the resulting sign and would limit the advertising time on the sign. The Missouri examples created permanent vesting for the resulting signs. Millcreek's proposal is a 40-year lease. Millcreek's digital district sign is smaller and shorter than the Missouri digital billboards. Millcreek has more control over the design and operation of the sign, due to ownership. State law makes a Missouri-style conversion scheme unworkable, unless the city were to get the billboard companies to voluntarily agree to an exchange agreement.

Lilly said condemnation is limited to areas where cities are planning a public improvement, or where it denies a billboard company's permit to relocate an existing billboard pursuant to state code. Thus, opportunities to remove billboards this way are limited. Condemnation is expensive. Local examples range from \$150,000 to approximately \$500,000. Neither Lee's Summit nor Kansas City based their ratios on a market analysis. Instead, they looked for an optimal ratio that was amenable to both the city and the sign companies. Absent knowing the value of each sign, cities can rely on visual impact (height and sign area) and nonconforming status of billboards to prioritize their removal first.

Millcreek adopted a general plan strategy to "reduce the number, size, and height of billboards along city streets." Millcreek adopted an ordinance stating: "It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible." Staff will advise on opportunities to do this where feasible. The previous exchange removed a sign and 924 square feet of sign rights. A legalistic and reactive approach to negotiating with billboard companies is sometimes necessary, but it is most effective at keeping billboards where they are. It is not effective at actually removing billboards. Reducing the number and square footage of billboards is impossible without some tradeoff. It requires a purchase, condemnation, gift, or exchange. This proposed exchange would result in up to two additional digital signs that would be owned by the City. A permanent property right that would be amortized through a 40-year operating lease. Amortization is also expressly contemplated in the General Plan, "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." Staff also uphold the city's interest in other ways, by rigorously enforcing standards, applying deed restrictions to city-owned land that is for sale, working with sign companies to relocate signs in a least impactful way, retiring billboard bank credits. He noted his recommendation is based in part on his professional experience.

Perspectives differ on strategy, but felt everyone could agree that fewer billboards are better for the city.

Council Member Jackson asked if 40 years was negotiable. Lilly said he had not been involved with negotiations. He described the following characteristics of the digital district sign.

- 26.5 feet in height.
- Light protecting louvers block light trespass beyond 38 degrees of the sign.
- 8-second dwell time.
- No animated images.
- Screen size allows for a complete message on one rotation.
- Advertising is limited to 60% of the time on the sign.
- Nighttime illuminance limited to 0.2 footcandles above ambient light conditions.
- City messaging is dynamic and flexible.

Lilly showed examples of city messaging on the existing digital district sign. Considerations for digital district signs at Highland Drive and 1300 East would include a proposed 26.5-foot-tall sign approximately 280 feet from the nearest residence. The existing 48-foot-tall billboard is approximately 125 feet from the nearest residence. The controls on the existing digital district sign are designed to address some of the more offensive aspects of a digital sign. The controls are better than the controls on most digital signage in the region, including those operated by other municipalities.

Lilly showed videos of Millcreek Common's digital sign compared to the Sandy Amphitheater sign. The Millcreek sign was larger, but the rotations were less frequent. So, he felt it was less impactful. Lilly spoke to the trade-off of static versus digital signs. He said this is the only exchange concept where the square footage of billboards gets reduced. This is a policy of the city. Digital signs have an impact. At a minimum, the same controls applied to the Millcreek Common digital district sign should apply to these additional signs. Aesthetically, he believes a smaller, lower digital sign is better than a taller, bigger billboard – all things being equal. Size matters more than how often the sign changes. Aesthetic considerations prompt divergent and deeply held attitudes. He could not identify a correlation between the presence of a digital billboard and an increase in traffic accidents. He did not say that digital signs were not distracting. There were 31 traffic accidents in 2023 at the 3300 S/1300 E intersection, 3300 S/Highland Drive intersection, and the run of road between, with no fatalities. Scenic Utah provided the following data. Two vehicle accidents attributed to "signs, billboards, etc." from 2010 to 2022 in Millcreek. The accident on El Serrito Drive (2013) is in a location that is not in view of a billboard. The accident at 3175 E 3300 S (2018) is about 670 feet away from a Reagan Billboard. There are multiple other signs in the area. From 2010 to 2022, 79 accidents occurred in Millcreek where a "visual contributing circumstance" was at play, 2 of which involved "signs, billboards, etc." In that same period, other accident attributes included: older drivers: 2,697, teen drivers: 2,427, holiday related: 1,862, speed related: 1,278, and distraction related: 1,167.

In his professional recommendation, Lilly could not speak to political or financial considerations. He said the city should pursue as advantageous an agreement as possible, and more square footage in the exchange would be better. He noted that ownership and control of the sign matters. An exchange where a sign company maintains private ownership of the

resulting digital sign should be much higher than 3:1. This is merely a proposal to reduce the number and area of billboards in Millcreek. There is no perfect solution to reducing the number and square footage of billboards in Millcreek. However, his recommendation is to be proactive rather than reactive with billboard companies in this circumstance, and an exchange of owned billboards to leased time on city-owned signs is the most effective method he could think of at achieving an adopted policy goal.

Lilly described the recommendations from the community councils. Millcreek Community Council: 9 in favor, 2 against, 1 abstain to approve the city’s plan to add digital district signs while removing traditional billboards. Preference for a more advantageous ratio. Canyon Rim Citizens Association: 2 in favor, 2 abstain, 1 against to ‘encourage the City of Millcreek to pursue the digital signs.’ Preference for a more advantageous ratio. East Mill Creek Community Council: 5 in favor, 3 against to the adoption of the sign ordinance, including a provision for digital signs subject to an exchange agreement. Mount Olympus Community Council: unanimous recommendation of denial on the basis of aesthetic and safety concerns.

The Planning Commission voted 6 in favor to 1 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. 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.

4. Staff Reports

There were none.

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

There was none.

Council Member Jackson moved to adjourn the work meeting at 6:42 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:06 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 February 2024

Chief Petty-Brown announced Officer Danny Hampton as the Officer of the Month for February 2024. Officer Hampton investigated a hit-and-run on Melbourne Street and was able to issue a citation to the driver and provide insurance information to the victim.

Mayor Silvestrini commended Officer Hampton for his work.

Mayor Silvestrini said public comments on short term rentals would be taken with that item and comments on digital district signs would be taken during the public comment period.

Council Member Jackson moved to reorder the agenda to move 4.4 to the position ahead of 1.3. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4.4 Staff Reports

In continuation of the discussion from work meeting item 3, Council Member Catten asked about murals on windows. Lilly said it would be subject to window sign standards. Council Member Catten asked about recourse for making existing signs non-conforming. Lilly said non-conforming signs can be repaired and updated, it just cannot be made larger.

Mike Winder presented six reasons why the mayor and council should revise the sign ordinance as proposed. 1. Revising the sign ordinance gives the council flexibility. He said the council wisely allowed just one sign to start with, to wait and see how it worked out. It worked out very well, and they should revise the sign ordinance to give themselves the opportunity to allow two more signs in the future if they are ever presented with a new sign agreement that they support. He said public organizations are increasingly using digital signage for their effectiveness and clean look and showed picture examples of some. 2. The City Center needs advertising. He said experts on event districts, retail centers, and more agree that significant district signs are needed for success. Communities around the country are incorporating digital billboards to facilitate their district signs. He quoted the Millcreek City Events Director/Millcreek Common Executive Director on how additional signs would help people know about city events. He showed examples of city advertising that had been used on the existing digital district sign. 3. Effective way to share important city information. He quoted the Millcreek Communications Director on how the signs are helping get the word out about certain events and notices. 4. Local businesses need affordable ways to advertise. He quoted Millcreek Business Council Chair and a Millcreek retail specialist on the effectiveness of advertising on the digital district sign. 5. Only realistic way to remove old billboards. He showed the council pictures of existing static billboards on Highland Drive and 3300 South that staff were considering removing in exchange for a digital sign. 6. Reduces light pollution compared to static billboards. Winder quoted the International Dark Sky Association, "When installed and operated in accordance with IDA's Guidance for Electronic Messaging Centers, EMCs replacing traditional bulb-lit billboards may

actually create a net reduction in sky brightness.” He said Millcreek Common district signs would produce less light pollution than status quo signs. Winder presented data from Spectrum Engineers showing that the nearby The Home Depot (203.6 cd/m²) and Crown Burgers (193.8 cd/m²) signs were brighter than the Millcreek Common digital district sign (142.2 cd/m²) in candelas per meter squared.

Council Member Jackson agreed the digital sign was effective to share city information but wondered what else was used to achieve that. Winder said the city was working on adding more subscriptions to the weekly e-newsletter (had about 8,500), and the printed newsletter that gets mailed to every residence. Council Member Jackson asked if there was sufficient parking at Millcreek Common to handle more people at city events. Winder said the north parking lot was restriped which has more spots than it originally did, as well as parking east of Millcreek Common. The climbing wall on city hall just opened as did three restaurants in city hall that need business.

Council Member Catten asked about installing only one new digital sign now and one later. Winder said the proposed sign code allowed the council flexibility with installing them but if it was not adopted, the council could not approve any. Council Member Catten asked what could go on the 1300 E and Highland Drive entrances to Millcreek Common if not digital district signs. Winder said staff could look at other options. Council Member Jackson asked about how the digital sign would compare to the Crown Burger sign. Winder said it would be larger, but not as bright. There was a value of consistency in sign size. Council Member Jackson asked how many turns were used for Millcreek businesses. Winder said about 3/4s were of Millcreek businesses. Winder said there was a measurable difference for some businesses when using and not using the sign for advertising. Council Member Catten asked about the opposition to the digital district signs from the community councils and planning commission. Lilly said the planning commission said the aesthetics and an exchange agreement may not be sufficient. They wondered about the impact of different signs. They wanted the council to consider the most impactful signs for an exchange if one was used.

1.3 Public Comment

Sylvia McMillan, Scenic Utah, said people hate billboards though billboards were being proposed. She said zero seconds was acceptable in taking eyes off the road when driving. Billboards are designed to distract drivers. She said billboards never go down; they only go up. She said she had studies that demonstrated how dangerous it is to take eyes off of the road.

Cohen, a 4th grader at Canyon Rim Academy, presented a map of the intersection of the I-215 onramp for exit 3. He said there is a lot of back up on the left turn lane on 3300 S waiting to enter the highway. He highlighted the bike route, which is in the middle of the road. He felt it was dangerous for bikers. He recommended a roundabout at the intersection. If he walks to the junior high school, he is concerned about traffic, speeding, and safety.

Kathy Blake, Woodland Avenue, said the proposed digital sign locations would be non-conforming if the term “billboard” was used, due to proximity to other signs on the same side of the street. Three digital billboards on one city block would be excessive. She felt

the wording of the sign was called was trickery. She said traffic would be distracted on Highland Drive and the distraction was not needed. She recommended a low monument sign with orange lettering similar to the existing signage. She did not want more digital district signs.

Elyse Sullivan read an online comment received from Shawn LaMar. *“There’s no need to enter into an agreement with an outdoor advertiser that takes 60% of the rotations. Another ideal option is to have a district sign, but exclusively for Millcreek. We could have a smaller EMC--like East High and other businesses—but with 100% of the turns for Millcreek. That would ensure the signs are really a welcoming sign for the Millcreek City Center. If an exchange agreement was pursued (which was not our recommendation), the Planning Commission strongly recommended a much more aggressive exchange than a 3:1. It should be far greater. And meaningful existing billboards should be targeted for removal, not insignificant less significant signs, eg, the small sign near Spedellis.”*

Council Member Jackson moved to discuss item 3.3 at this point. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Ordinance 24-10, Amending Chapter 5.19 of the Millcreek Code of Ordinances with Respect to Short-Term Rentals

Francis Lilly said in 2020 the city updated the code to limit the number of licenses for short-term rentals (STRs), required owner occupancy of them, set occupancy limits, and eliminated the most egregious examples of STRs. However, the owner-occupancy language is vague, multiple STRs can cluster in one neighborhood, and staff continues to receive complaints about parking and noise associated with STRS. Lilly said, “Academic research indicates a relationship with increasing STR supply leading to a decrease in affordability and housing options as supply is occupied by visitors rather than full-time residents” (Dejan Eskic). Lilly highlighted a map of the licensed STRs in the city, most are east of Highland Drive, though many STRs were unlicensed. He highlighted code from other municipalities on how they regulate STRs, including from, New York, New York, Washington County, Utah, North Las Vegas, Nevada, and Hurricane, Utah. He reported community sentiment that he had received on the matter, most of which requested heightened STR standards. Lilly highlighted state code which has restricted how the city can enforce short term rental codes; they cannot solely do so through online listings. This creates enforcement on a complaint basis.

Council Member Catten asked about using the tax commission records to determine STRs. Lilly said it depends; the tax commission will not indicate amounts but may provide entities with a list of those paying transient room tax. Mayor Silvestrini said there was discussion about it within the state since it negatively impacted housing affordability. He did not expect cooperation from the tax commission without force from the legislature. Lilly said the proposed code would create a 400-foot limit between short term rentals, that proof of residency would be provided annually with a compliance affidavit and two other documents, a conspicuous notice on the exterior of the rental would be

required, a maximum number of guests would reduce from 10 to 6, and a good neighborhood guide would be provided/used.

Mayor Silvestrini asked for public comment.

Howard Lemcke, Wasatch Oaks Circle, said in code, there was a concept known as fruit from the poisonous tree. This was not a parallel situation since looking at the online listings was not illegal. He supported the proposed codes in response to the concerns his neighbors had raised about STRs.

Tara Heiden, Wasatch Oaks Circle, expressed concern with creating an adversarial relationship with neighbors in having to police STRs. They would like something to help residents and the city navigate where the STRs are. She wondered what would happen with STRs when the state hosted the Olympics in 2030.

Aliza Freedman owns STRs. She expressed concern from moving from 10 to 6 adults allowed not aligning with average Utah sized families. She tries to ensure her rentals comply with the code.

Rogelis Franco said he was documenting his actions with his STR on Wasatch Oaks Circle and sending it to the city to be in compliance. He noted he snow plowed the circle.

Elyse Sullivan read in online comments received via the city's website:

AndreaShort Malouf, Wasatch Oaks Circle, *"1) Is the 400 ft limitation of STRS count for easements or property lines or is it just structures 2) with the new ordinance, how are #s of people enforced 3) with the new ordinance, how will be construction, liability and property issues be enforced (including trespassing)"*

Cynthia Lund, Wasatch Oaks Circle, *"I support the changes to the STR rules and ordinances"*.

Mayor Silvestrini appreciated not wanting adversarial relationships with neighbors. There was not going to be a perfect system given the city's resources. If there are no complaints, the assumption is that they are handled properly. Complaints help enforce code on problem ones. Mayor Silvestrini asked about the shift from 10 to 6 adults. Council Member Catten said the distinction could be by people count or car count. She said if there was appropriate parking for the cars, what did the people count matter. The number was arbitrary when it came to noise levels. Council Member Jackson said the city was not trying to target particular STR owners, but help with problem rentals. The number was for adults, not children. Lilly said for long term rentals, family is defined, and it included 4 unrelated adults. The impact of an STR allowed in a single-family home zone should feel the same as a single-family home. Mayor Silvestrini felt 6 adults was too few and did not want code enforcement trying to determine familial relationships. Council Member Catten wondered about the size of the house impacting it. Lilly noted that Washington County prohibited STRs in dwellings greater than 3,500 square feet. The mayor did not like limiting STRs based on square footage. The council compromised

with 8 adults. Council Member Catten worried about the enforcement of regulating the number of adults.

Lilly acknowledged the written public comment on boundaries. The boundary is determined from the nearest property line. He said he spoke with representatives from Airbnb, and they would be willing to advertise city codes to hosts.

Council Member Jackson moved to adopt Ordinance 24-10, with the amendment that we change the maximum number of adults to 8, amending Chapter 5.19 of the Millcreek Code of Ordinances with respect to short-term rentals. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2. Financial Matters

2.1 Public Hearing to Consider Opening and Amending the Fiscal Year 2023-24 Budget

Lisa Dudley said the proposed amendments only dealt with the General Fund. The proposed amendments included increases to property taxes and charges for services, totaling \$147,000 in revenue. The Community Life Events and Public Market accounts needed more analysis from the February 26, 2024 budget amendment. The analysis used year-to-date expenditures annualized, estimated costs for remaining events/programs, and additional staffing needed. There were no historical costs to consider. There would be a decrease in the Non-Departmental budget (\$431,500), increase in Community Life Events budget (\$315,000), and increase in Public Markets budget (\$263,500). Dudley broke down each of those budget changes.

Mike Winder commended Dudley for her work.

Council Member Jackson moved to open the public hearing. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

There were no comments.

Council Member Catten moved to close the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 24-11, Amending the 2023-24 Fiscal Year Budget

Council Member Jackson moved to approve Ordinance 24-11, Amending the 2023-24 Fiscal Year Budget. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.3 Public Hearing to Consider a Monetary Appropriation of up to \$1,500 to Purchase Discounted Human Services UTA Passes for Millcreek Residents in Need

Mayor Silvestrini said this would be used for the Promise Program. Council Member Catten said the Health Coalition had been exploring ways to get junior high and high school kids to after school programs and using UTA could be a way to accomplish that. Council Member Jackson asked how they would be distributed. Council Member Catten did not know. John Brems noted the funding came from a grant, not the city.

Council Member Catten moved to open the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

There were no comments.

Council Member Catten moved to close the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.4 Discussion and Consideration of Ordinance 24-09, Approving a Monetary Contribution of up to \$1,500 to Purchase Discounted Human Services UTA Passes for Millcreek Residents in Need

Council Member Catten moved to approve Ordinance 24-09, Approving a Monetary Contribution of up to \$1,500 to Purchase Discounted Human Services UTA Passes for Millcreek Residents in Need. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3. Business Matters**3.1 Discussion and Consideration of Resolution 24-08, Approving the Revised and Restated Interlocal Cooperation Agreement between Public Entities to Create and Govern the Unified Police Department of Greater Salt Lake “UPD”**

UPD Chief Mazuran noted the other participating cities that were approving the agreement.

Council Member Jackson moved to adopt Resolution 24-08, Approving the Revised and Restated Interlocal Cooperation Agreement between Public Entities to Create and Govern the Unified Police Department of Greater Salt Lake “UPD”. Council Member Catten seconded. Mayor Silvestrini was proud Millcreek was remaining with UPD. Millcreek would be sharing additional city hall space with UPD shared services to save money on rent through its contract. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Resolution 24-09, Approving Appointments to the Historic Preservation Commission

Mayor Silvestrini said there were four members who were appointed at the onset of the commission whose term had expired, so he would like to renew their terms for four years.

Council Member Jackson moved to adopt Resolution 24-09, Approving Appointments to the Historic Preservation Commission. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini reported that a property tax increase would be necessary for the next fiscal year. He noted the Unified Fire Authority would be making an increase as well. He announced the city hall climbing wall opened on March 23rd and it was well received. The county emergency manager reported that creeks were already running high and expressed caution to children and pets near the streams until the flows go down. The city is in a better position with seasonal runoff at this point than it was last year. Some sandbags were available for residents if they were needed. Millcreek will receive \$2.4 million in federal funding for the engineering of the Neff's Canyon debris basin. The city has been preliminarily approved for a grant of \$10 million to begin the first phase of a multi-use path on 3900 S. The Utah Legislature appropriated \$1.2 million to Millcreek for transportation funding. This would help finish the 2000 E project north of 3300 S in 2026.

4.2 City Council Member Reports

Council Member Catten said the Utah Lake Gates, that control flow into the Jordan River, were opened. Millcreek will not be affected by flooding since there is a short riverbank, but there may be flooding elsewhere along the river.

4.3 Treasurer's Report

Council Member Jackson reported that as of March 25, 2024, the total shared cash was \$36,309,644, which includes PTIF of \$35,213,041 and Operating Account of \$1,096,603. The city was on track to meet or exceed general revenue projections. The current property taxes received was \$11,248,870. The general sales tax (6 months received) was \$7,696,688. The building permit fees totaled \$1,455,203. The total General Fund revenue was \$30,115,205. There have been 148 checks written, 14 bank drafts, and 2 payroll periods. Total disbursements since February 2024 was \$4,500,539.

4.4 Staff Reports

John Miller briefly highlighted progress on a project on 1300 E. He then showed images of pipes and culverts along 3300 South that were in need of repair. He showed the council the map link on the city website to see the current, upcoming, and completed capital improvement projects. Council Member Catten asked about putting something on the website about Big Cottonwood Park playground though it was a county park. Miller agreed.

4.5 Unified Police Department Report

Chief Petty-Brown reported the crime statistics for February 2024. There were 2,139 total calls, 754 total cases, 356 citations, and 20 booking arrests. She reported statistics from the Violent Crimes Unit, Special Victims Unit, Crash Accident Reconstruction Unit, SWAT, and K9 Unit. There were 24 assaults, 11 burglaries, 16 drug offenses, 45 family offenses, 68 larcenies, 1 robbery, 3 sex offenses, and 22 stolen vehicles in Millcreek. The Community Crime Suppression Unit had 8 arrests, 105 traffic stops, 8 stole vehicles investigated, 4 recovered stolen vehicles, 4 narcotics investigations, 7 fleeing vehicles, 25 assisted patrols with calls, 1 firearm seized, and multiple drug seizures. The Millcreek Traffic Enforcement Unit responded to 81 traffic accidents and investigated 14 hit and runs. Millcreek officers responded to 51 mental health related calls and 9 calls related to transient activity. 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. 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 pounds of garbage and waste was collected. The chief highlighted the UPD cadet annual service project which was collecting items for The Rescue Mission Women’s Center.

5. Consent Agenda

- 5.1 Approval of January 18, 2024 Special Meeting Minutes
- 5.2 Approval of January 22, 2024 Regular Meeting Minutes
- 5.3 Approval of January 31, 2024 Special Meeting Minutes

Council Member Jackson moved to approve items 5.1, 5.2, and 5.3. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.


6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 4/1/24, 6:00 p.m.
- Millcreek Community Council Mtg., 4/2/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg, 4/3/24, 6:30 p.m.
- East Mill Creek Community Council Mtg., 4/4/24, 7:00 p.m.
- City Council Mtg. 4/8/24 7:00 p.m.

ADJOURNED: Council Member Catten moved to adjourn the meeting at 9:37 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED:  _____ **Date**
Bev Uipi, Mayor Pro Tempore

Attest: 

Alex Wendt, Deputy Recorder