



**Minutes of the
Millcreek City Council
April 8, 2024
6:00 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 April 8, 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 (electronic)
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3 (electronic)
Bev Uipi, District 4

City Staff

Francis Lilly, Assistant City Manager
Alex Wendt, Deputy Recorder
Mike Winder, City Manager
John Brems, City Attorney
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Sean Murray, Planner

Attendees: Fire Marshal Brad Larson, Dave Spatafore, Ashely Spatafore-Mirabelli, Rick Hansen, Angel Vice, Ralph Mirelli, Tom Stephens, Mike Henderson, Dave Pendegrast, Theresa Pendegrast, Kate Kopischke, Ralph Becker Laura Renshaw, Kathy Blake, Mary Kimball

WORK MEETING – 6:00 p.m.

TIME COMMENCED – 6:00 p.m.

1. Utah Legislative Session Briefing; Capstone Strategies

Mr. Dave Spatafore reviewed HB12, this is a CRA bill. The biggest change from this bill is once a project area has ended 5 years has transpired then the money from the project must be spent. HB5 turned the townships into cities, and they then may join the Unified Police Department. HB84 requires all schools to have either a school resource officer, a private security officer, or school guardians. They are school employees that must have proper training to handle a weapon, they are trained by the police department and must take part in safety protocols. The bill takes affect May 1, 2024. SB172 would have allowed the gravel pit in Parleys Canyon. This bill lost its first sponsor and never left committee. HB502 became a study. It will include an inventory of new operations and consider zoning and future demand. One member of the study group will be nominated by the Utah League of Cities and Towns. There will be a bill next year.

Ms. Ashley Spatafore-Mirabelli explained that housing and homelessness have been huge issues in past years. The governor's office asked for more money but did not receive as much as they had asked for. HB13 sponsored by Representative Jim Dunnigan, allows for limited bonding authority and taxing authority by creating districts that allow for limiting bonding authority, these bonds cannot be paid overtime with property tax. HB421 called the Home Court Pilot Program, it will allow court supervised mental health services and treatments in an effort to reduce pressures on camping and the homelessness system and increased the cold temperature from 15 degrees to 18 degrees. HB465 made changes to the moderate-income housing plan, plans must have the number of units that are entitled but not occupied. It also allows for funds to be allowed outside of a city's agency if there is an interlocal agreement and all funds must be used in six years. HB476 amends the items a municipality can require in a development agreement. It denies the city the ability to use a development agreement if the proposed use meets zoning rules. Mr. Spatafore said this bill only applies to new homes. Legacy cities are hurt by this. Schools in older cities are closing because young families cannot afford to live there. SB168 adopts statewide building code for modular home building. SB268, the first home investment zone act incentivizes medium density city centers. It is mostly focused on new buildings but will probably be amended and modified year after year. HB290 was about ranked choice voting amendments, this bill would have ended ranked choice voting. It passed the House and not the Senate. Council Member DeSirant thanked everyone who worked on stopping that bill.

Council Member DeSirant asked about a bill regarding scenic byways. Mr. Spatafore said he would look that bill up and send a summary to Mr. Winder. Mayor Pro Tempore Uipi asked about SB268, the first home investment zone act, would this affect the Millcreek village center concept. Mr. Winder and Mr. Spatafore said they did not think it would affect Millcreek. Mr. Spatafore said that there were several bills regarding fireworks. One bill would have allowed fireworks to be sold all year online, another would have allowed fireworks to be set off on Constitution Day in September. Both of these bills failed.

2. Discussion on Firework Restriction Boundaries for 2024; Fire Marshal Brad Larson

Fire Marshal Larson spoke about firework restrictions and the boundary. He feels that it is prudent to keep the boundary at 900 E. This would be consistent with past restrictions and lessens confusion because people are accustomed to this boundary. He spoke with the Salt Lake City Fire Marshal, and they are keeping their boundary the same. Based on consistency with what Salt Lake City is doing, and the topography he recommends keeping the same boundary. If the valley gets a few hot and dry years, and the boundary is changed, it can cause confusion. Cottonwood Heights has different pockets of restriction; this can be confusing for the people around those areas. Fire Marshal Larson said he does not want that type of confusion in Millcreek. Fire Marshal Larson explained that the Millcreek City Council as the legislative body has the final say, and Unified Fire will work hard to keep everyone safe. Firework season is the most stressful time. Humidity plays a large role in whether a fire can propagate in brush or not. 2023 was a great year for humidity. However, his staff saw more fireworks in restricted areas last year than ever before.

Council Member Uipi thanked the Fire Marshal. Council Member DeSirant said he supports keeping the restrictions in place for consistency, this helps people remember where they can and cannot set off fireworks. Council Member Jackson asked if Fire Marshal Larson knows where Holladay and Murray will be setting their firework boundaries. He said that Murray and

Holladay have until May 1st to decide. He suspects they will keep their boundaries the same. Larson said that it looks like Murray has been reluctant over the years to restrict fireworks to other than their parks. Larson reviewed the area in Holladay that is fireworks restricted and that it is probably their whole city. Cottonwood Heights may clean up some of the pockets of their fireworks restrictions. Midvale has firework boundaries that go through neighborhoods, consequently, they want to make their boundaries better. Mr. Winder said that the Council will need to decide by the next meeting. Council Member DeSirant said he supported staying consistent with the Millcreek fireworks restrictions. Council Member Jackson asked to know what boundaries Holladay will use. Mr. Winder clarified that Millcreek will need to pass rules regarding the restrictions even if the boundaries stay the same.

3. Staff Reports

Mr. Winder gave the Council a spring update. The Common has transitioned away from ice skating in March and started roller skating. The Doxie Derby was a resounding success. The Vinyl Revival in the public market was very popular with the community. The cabins that house the public market will be repainted bronze instead of white. This will fit in with the ambiance of the 1st floor. The city will allow the Friend of Millcreek Community Center to use the space for their fundraiser. Pollinator Palooza will be on Earth Day weekend. On Earth Day there will be a community art project. A moose will be made from plastic bottles. Dutch Kings Day will be on April 27th. The three new restaurants are fairing well. Millcreek Pizza House had some of their busier days last week. Noodleheads has been a smashing success. Millcreek Coffee Roasters has a regular fan base. Millcreek Common Phase 2 continues in its planning stage. There are biweekly meetings regarding this. A sub-contractor has been chosen for the skate canyon.

The Millcreek Youth Council will be administered through the Promise Program rather than the Communications Department. Applications to join the Millcreek Youth Council close on April 19th. Mr. Winder gave some staffing updates. Josie Showalter had her baby and has decided to be a full-time mom. A new grants coordinator has been hired. Kayla Mayers had her baby and is on caregiver leave and her team is doing well in her absence. In the Communication Department Taylor Kalandar started. A senior accountant in Finance has started, her name is Nicole. She has been a great fit so far. Elise Summers is the new Economic Development Assistant. She is the point person for the Millcreek Business Council. Chris Catalano is a fantastic new Emergency Manager. Public Works would like to hire a Chief PIO. This is an information officer that Public Works would normally contract for, costing \$100,000-\$200,000 a year. Staff believe that this can be brought in house and save money. The parking garage construction has benefited from mild weather and the project is moving along nicely. Rocky Mountain Power will be moving some underground power lines. Staff are working with a hotel group after the request for proposals. The parking lot is a bit tricky since the lot is small. Staff are reviewing options for sharing parking, selling the property outright, or working out some kind of other agreement. The City Council authorized the purchase of the Check City property and staff are working on buying that property. Mr. Winder said that Mr. Gannon, the climbing manager, has said that the climbing wall is becoming more and more popular.

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

There was no discussion.

Council Member DeSirant moved to adjourn the work meeting at 6:53 p.m. Council Member Catten seconded. Mayor Pro Temp Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

**REGULAR MEETING – 7:00 p.m.
TIME COMMENCED: 7:00 p.m.**

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Pro Tempore Uipi called the meeting to order and led the pledge of allegiance.

1.2 Public Comment

Angel Vice, 3610 Carolyn Street – Ms. Vice said her foremost option is zero digital billboards, but if that is not possible, she would like to spread digital billboards around the city to maximize the advertising. Digital billboards hurt her eyes. The public keeps clamoring that they do not want digital billboards.

Kevin Flynn – Mr. Flynn said he is a Millcreek business owner, and he is unhappy that the city is considering more digital billboards. This would just add to visual pollution in the city, there are other ways to advertise city events. He supports putting in a smaller monument sign to advertise. The city does not get revenue from the ads. It is a bad deal. A Reddit survey said that 3,100 people around Salt Lake City support having a billboard ban out of 3,600 respondents. Mr. Flynn said that in his opinion the signs would go up only to help Millcreek Common succeed and not the overall needs of the city.

Kathy Blake, 1481 Woodland Avenue – Ms. Blake expressed concerns about the proposed digital billboards in Millcreek. She said that city staff are using the sign swap as a sweetener to make the installation of digital billboards seem like a good idea. She argued that one digital billboard at Millcreek Common has been successful, so additional billboards are not needed. She also said that three digital billboards on a single block would be excessive, removing billboards should be the priority over installing new digital ones.

Tom Stephens, 4408 S Adonis – Mr. Stephens said that the City Councils' understanding of state code is not correct. He asked if the outdoor advertising act governs or if Millcreek code does.

Ralph Mirelli – Mr. Mirelli said he has lived in Millcreek for 52 years and has some questions. If there is a collision and the sign is deemed the cause of the accident, then the sign worked because it distracted someone. Mr. Mirelli said that Millcreek does not need these signs, they solve no problems.

Kate Kopischke, Director of Scenic Utah – Ms. Kopischke explained their organization has been following this issue since 2021. Scenic Utah opposes the proposal. Ms. Kopischke says there is nothing in state law that allows billboard companies to over-rule local laws to put up digital billboards. She said it is false that a city must pay millions of dollars to remove a billboard. The numbers are much smaller. She stated that the bottom line is that billboards are largely unpopular, and they destroy community character. Find other ways to remove the billboards.

Ralph Becker, Chair of the Board, Scenic Utah – it is false that a city must approve digital billboards because of state law. Under Utah Law cities may develop their own policies regarding digital billboards because state law is currently silent on this. Millcreek inherited an unfortunate situation with the amount of billboards. Mr. Becker said that the Council would make the situation worse by approving digital billboards. There are independent experts who can help with the fight against billboards.

Mary Kimball – Ms. Kimball said she has children in Arizona and there are freeways there with no billboards. It is a beautiful sight to drive around and not have any signage. Eyes are drawn to billboards, this is unsafe. She asked who was benefiting from this financially.

The Deputy Recorder read the public comment received from Nate Gibby 3157 Louise Ave – *“Thank you to Millcreek’s city council, municipal planners and planning commission members for considering the many important issues that affect our city.*

I have spent over 25 years providing marketing consulting, advertising and graphic design services to over 1,000 companies of varying industries, most of which are small to medium-sized businesses located in Salt Lake County. My career has been spent helping improve their marketing effectiveness in an effort to grow their businesses. I have lived in Millcreek since 2005 and moved my marketing consulting business here in 2021.

When considering the issue of outdoor advertising, several factors must be taken into consideration to thoroughly vet the issues at hand.

First off, no one likes to be sold to. Individuals are inundated with advertisements to the tune of up to 500 ads per day, according to data published by the University of Southern California (<https://appliedpsychologydegree.usc.edu/blog/thinking-vs-feeling-the-psychology-of-advertising>). This leads individuals to easily tune out of any form of communication that may be perceived to be advertising in nature.

Understandably, no one wants any area of Millcreek to turn into a mini Times Square. After all, why would we want to look at commercial messaging or even tall buildings when we have mounts Olympus and Grandeur visible from almost anywhere in the city of Millcreek. Consequently, any outdoor or experiential advertising to be viewed as visual litter. I believe that this effect is compounded in Millcreek as a result of our incredible natural environment (i.e. the Wasatch mountain range) and the large number of residents naturalists and outdoor enthusiasts.

However, we as residents and business owners cannot ignore the benefit that commercial

message, and outdoor advertising specifically, has within our city. As you are already aware, small business growth is the backbone of Utah's economy and one of the key factors of local economic development as it directly affects wages, socioeconomic mobility, tax revenue and more. Millcreek is home to approximately 5,000 businesses, mostly small to mid-sized businesses. Over 10% (approximately 600) of those businesses are retail establishments.

Any business that depends on retail sales in a local geography has very limited means to communicate the value it provides to its customers. A local restaurant may rely on customers coming from a radius of 10-15 miles from its location. Many of the traditional means of advertising are both too expensive for the local business and not effective due to the fact that so many of those exposed to the commercial messaging are not within a close enough proximity to patronize the business (problem referred to as effective reach).

These businesses depend on media such as outdoor advertising to communicate with both current and prospective patrons.

In some instances, outdoor advertising is their life blood due to the fact that the cost per impression is reasonable enough for them to afford. Other methods such as online advertising and direct mail play important roles in the advertising mix of any business, but they are also not appropriate, effective or affordable for every local business. In fact, data published by bMedia indicate that 58% of billboard viewers learned about a food establishment they would later visit.

Furthermore, digital advertising, due to its rotating nature, splits the cost among several making it even more affordable for many business. In fact, a digital campaign can be as little as half the cost of a traditional poster marquee. They are also more aesthetic in many instances as well.

In conclusion, if Millcreek's city council were to eliminate all outdoor advertising, it would slit its own throat as local businesses would suffer, thus affecting the local tax base. At the same time, a proliferation of outdoor advertising venues would overly commercialize many of the beauties of our city.

For this reason, I applaud the city council's effort to balance these competing interests to reduce the total overall number of traditional billboards while increasing less intrusive digital billboards. Striking that balance can help both the residents concerned about visual pollution and over commercialization while still helping local businesses promote themselves in their attempts to grow their businesses and the local economy."

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 24-14, Rezoning Certain Property Located at Approximately 1632 East Maple Avenue from the R-1-6 Zone to the R-1-10 Zone

Sean Murray Planner, said this is the second reading for this application. The applicant is seeking to rezone the property located at 1632 E Maple Avenue from R-1-6 to R-1-10 so it can be combined with the property located at 1609 E Millcreek Way. The applicant must rezone the lot from R-1-6 to R-1-10. The future land use map found in the Millcreek General Plan outlines the areas of both of these properties as Neighborhood 1. A 1,500 square foot dedication of right-of-way to Millcreek along Maple Avenue will take place.

On October 18th the Planning Commission heard the application for the rezone and subdivision amendment. The subdivision amendment was granted preliminary approval.

Council Member Catten moved to approve Ordinance 24-14, Rezoning Certain Property Located at Approximately 1632 East Maple Avenue from the R-1-6 Zone to the R-1-10 Zone . Council Member DeSirant seconded. The Deputy Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Mayor Silvestrini voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 24-15, Amending Title 19 of the Millcreek Code of Ordinances by Repealing Chapter 19.82 Signs and Enacting a Revised Chapter 19.82 Signs

Mayor Silvestrini said that he is recusing himself from item 2.2, Ordinance 24-15. He said, *“I just want to indicate to the council that I'm going to recuse myself in this matter tonight. And I'm doing this basically to avoid any appearance of impropriety. I do not have a conflict of interest, financial or otherwise, to the extent that the proposed ordinance and evidence would merely change, said sign code without reference to the order in respect of any particular sign company, however, because my wife represents Regan Outdoor Advertising on a contract basis in some of its legal matters, which do not have in any respect involve Millcreek. And because this ordinance amendment if adopted could authorize the city to business relationship with Regan Outdoor or which would not directly benefit me or my wife but could be perceived to do so I will be recusing myself from any discussion on this matter.”*

Mayor Pro Tempore Uipi explained that this item is a second reading and usually those do not have an extensive presentation period, however, Planning Director, Francis Lilly will give his presentation again. Mr. Lilly explained the ordinance is a repeal and replace as part of Millcreek’s comprehensive zoning and subdivision code update, staff are recommending changes regarding Millcreek’s sign ordinance. 1. New internal illumination standards. 2. Revised standards for all electronic message centers. 3. Reduced height for monument signs. 4. Prohibitions on electronic message centers on commercial pole signs to incentivize monument signs. 5. Updated tables for readability, updated definitions, appropriate regulations for school and church signs, a light curfew, this is new for signs locations within 100 feet of a residential zone.

The Planning Commission recommended several things, they clarified proposed standards for window signs. Council Member DeSirant asked if people could put up full window signs on the second floor. Mr. Lilly said no they cannot. The Planning Commission recommendation added a definition for mobile signs on vehicles. Millcreek Code Compliance can only regulate signs that can be seen from the public right-of-way. In the staff recommendations there is language that identifies a list of prohibited signs, and this includes all signs that can be seen from the public right-of-way. The General Plan does speak to signage. Staff have a number of strategies to ensure that site location and design is responsive to the site context and surrounding character. Millcreek Community Council voted unanimously in favor of the ordinance in general. Canyon Rim combined their motion with the consideration of additional district signs, two in favor, two abstain, one against. East Mill Creek combined their motion and voted five in

favor and three against. The Millcreek Community Council voted unanimously in favor in general and transmitted a separate recommendation for district signs.

The Planning Commission recommendation was to recommend ZT-23-016 to the city council as presented by staff not including the provision regarding digital district signs. Mr. Lilly continued and said staff is recommending a 0.2 foot candle measurement above ambient light measured at dusk. The ordinance has two exhibits, A and B. Staff asked that either exhibit be approved subject to continued technical corrections by staff, they would not make any substantive changes just technical typo changes. Council Member DeSirant asked for clarification on the prohibition on temporary signage in the right-of-way. Mr. Lilly provided clarification on the sign code's prohibition of certain temporary signs if they are visible from a public right-of-way. He explained that the previous code said these types of signs were prohibited within 20 feet of the right-of-way, but code enforcement found this difficult to enforce as the substance of complaints was about signs being visually ugly regardless of distance. The new code prohibits signs such as snipe signs, feather signs, inflatable signs, banners, and mobile signs anywhere on a property if they are visible from the public right-of-way, even if they are further than 20 feet away. This includes signs that may be 100 feet away but are still visible, like an inflatable gorilla flapping in the wind. Mayor Pro Tempore Uipi asked about the recommendations given by the Planning Commission and if their motion was to approve. Mr. Lilly said their motion was to approve notwithstanding the digital district signs.

Mr. Lilly spoke about digital district signage. Scenic Utah is largely correct about a city's ability to control signage next to freeways in a commercial zone. That is not the issue here. A sign company cannot just digitize a sign on an arterial right-of-way. Relocating billboards is tricky and may not work out in favor of the city. In South Salt Lake, the city moved a development impediment from one area to another. The transaction was a net loss for South Salt Lake. It is not always the right option to pursue a condemnation. Perhaps the condemnation does not cost \$1 million. But, even if it costs \$300,000 that is a playground, sidewalk, trails, or many other improvements that the residents would like the city to pursue.

Council Member Catten asked Mr. Lilly if he was referring to removing billboards on city owned property not the ability to remove billboards on private property and asked if a business like the emissions testing business near Highland Drive would like their billboard up forever then they have the legal right to do so and the city. She said that many people think the city has unlimited power over all billboards in the boundaries of the city. Mr. Lilly said that private property owners have that right, but if the billboard company wanted to relocate the billboard per state law, then it triggers all kinds of negotiations. Cities are successful at moving billboards, but this is still expensive and does not reduce them, cities are also successful at keeping billboards where they are. Mr. Lilly said he has done that in Millcreek to keep billboards where they are, however, this does not remove billboards, it moves them around. Mayor Pro Tempore Uipi asked what the exchange was for the Millcreek Common Digital District sign, what did it remove. Mr. Lilly said it ended up being about 3 to 1. It removed one billboard and 924 square feet of vested board rights that the billboard bank had. Mr. Winder said the agreement also required the billboard company to build a new sign that cost \$250,000, they only get

6 out of 10 turns, licensed Millcreek businesses get a reduced rate, and the lease has an end date.

Mr. Lilly continued and spoke about exchange agreements. Condemnation is expensive, local ranges are \$150,000 to \$500,000. Other cities did not base their ratios on market analysis. They looked at the optimal ratio that was the amount that both the city and sign company can agree on. There is a strategic time and place to look for an exchange ratio if you can. The Millcreek General Plan strategy is to reduce the number, size, and height of billboards along streets. Mr. Lilly said he agrees that fewer billboards are better for the city, but the perspective is different on strategy. The sign in Millcreek is smaller and more dim than other signs. Mr. Lilly said that Millcreek controls on the existing district sign are designed to address some of the more offensive aspects of a digital sign. Millcreek controls are better because Millcreek owns the sign. Digital signs do have an impact, however a smaller, lower sign has less impact. Scenic Utah did attribute two accidents since 2014 to signs, billboards etc. The accident on El Serrito Drive (2013) is in a location that is a quarter mile from a billboard. From 2010 to 2022, 79 accidents occurred in Millcreek where a “visual contributing” circumstance was at play, 2 of which involved signs and billboards. In that same period, other accident attributes included older drivers, teen drivers, or holiday related.

Council Member Catten asked if the Sandy digital billboard is dynamic. Mr. Lilly showed that the Sandy sign is dynamic, the sign changes every second as opposed to every 8 seconds in Millcreek. Council Member Catten said she has heard from residents that want this process to slow down and study what the options are. Council Member Catten said she believes there are three actual options. Council Member Catten said the Sandy sign, to her, is more offensive because of the movement in the sign and is more dangerous because the sign moves so much more. Mr. Lilly said there could be a smaller sign and the sign ordinance only allows a sign up to 26 feet high. Option B gives the Council the option to discuss what a future sign could look like. The current Millcreek sign changes less often but has more space to advertise every piece of information needed for each event. It provides more information about a city event and the picture does not move. Council Member Catten asked if a ground level message sign would be allowed. Mr. Lilly said a low-profile monument sign would be allowed but it would have to be set back 20 or 30 feet from the road and 6 feet tall, or it would be two feet tall and have almost no information on it.

Mayor Pro Tempore Uipi theorized and said that a small sign would not give Millcreek any negotiation room on a trade ratio for taking down other signs. Council Member DeSirant said that if that is the case then a smaller sign is pointless. His concerns are reduction of light pollution and reducing other signs in Millcreek. This would not help create a net reduction of other signs. Council Member Catten asked about a monument sign and the road setback. Mr. Lilly said it would have to be a very low-profile sign, about 3 feet off the ground to meet the clear view requirements and not be setback. Mayor Pro Tempore Uipi spoke about how a sign like that gives the city no negotiation power, but the council could pass the ordinance and put a smaller sign up. Council Member Catten asked what else could go on Highland Drive. Mr. Lilly said it could be landscaped but clear view requirements must be met. Council Member Jackson asked about what the entrance to Millcreek Common would look like on Highland Drive. Mr.

Lilly explained it would have two triangular shaped medians at the end of Chambers and Highland. Mr. Winder explained to the Council that the potential ordinance passage tonight does not require any digital signs, it just leaves the door open for the council to consider future trades but each of those future trades would have to be voted on by the City Council.

Council Member DeSirant said he does not support putting a sign on Highland Drive. The ordinance change allows for two more digital district signs but does not say where they must go. Council Member DeSirant explained that he believes there would not be enough votes to allow a new sign on Highland Drive. Mr. Lilly said he looks at this as a proposal to reduce the number of billboards in Millcreek. A digital sign does not make sense outside of a context like that. There is no perfect solution to this.

Mr. Lilly reviewed the Community Council recommendations. The Millcreek Community Council voted nine in favor, two against, and one abstained to approve the city's plan to add digital district signage, removing billboards was a preference for more advantages ratio than 3 to 1. The Canyon Rim Association used a combined motion and voted two in favor, two against, one abstain but encouraged the city to pursue a better exchange ratio. The Planning Commission voted six in favor, and one opposed to recommend that the city council approve the ordinance such that no additional district signs be made in the City Center Overlay Zone. Later the Planning Commission did discuss that if the City Council were to pursue an exchange agreement, 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 square feet in sign area, located within 150 feet of a residential zone, two-decked billboards, any billboard within 500 feet of a municipal boundary. Council Member DeSirant asked why target billboards within 500 feet of a municipal boundary. Mr. Lilly explained the reasoning that there are areas on 3300 S where there are signs that do not present well for the city, there is another sign by Eggs in the City and these signs by the Millcreek gateways are good options to remove. Council Member DeSirant agreed that removing signs in areas where people enter Millcreek is a good idea.

Mayor Pro Tempore Uipi asked how many Millcreek billboards are non-conforming. Mr. Lilly said that most of them are non-conforming, but not all. Council Member Jackson said she agrees with Council Member DeSirant and does not support a digital sign on Highland Drive, she also does not like the current billboards on Highland Drive. Council Member Jackson has heard from residents that hate the current signs and other residents who do not notice them anymore. Council Member Jackson said she supports exchange agreements that are advantageous to the city. She is not in favor of spending hundreds of thousands of dollars on buying billboards to take them down. There are better ways to use that money, like maintaining roads. A healthy exchange is probably the best alternative. Council Member Catten said she is an objective person and the heart of this is that people do not like billboards. She has received emails from people who say they are unhappy. In 2021 the ordinance that was passed allowed one sign, but it could have allowed more. This is a mechanism to remove other billboards, billboards that they do not like, and this is a way to achieve that. Council Member Catten added she does not like the idea of a billboard on Highland Drive. She does intend to entertain this because it could be a benefit and would not support anything less than the city received last time in the

agreement. Millcreek is an urban area and a suburb of Salt Lake City, it evolves, and it changes. If any digital signage is put up and billboards come down, then it makes the surrounding areas around the billboards look better. It makes more sense to put signs around the city center and out of other areas, however, this does not mean that two digital signs must go up. Council Member DeSirant said having an agreement where there is a time limit where the sign can be removed is better than a sign that is placed indefinitely. Council Member DeSirant then said that he wishes that a City Council 40 years ago could have made an exchange agreement to take down billboards. He stated that he is acting in a way that he feels will most benefit the city that he loves.

Mayor Pro Tempore Uipi said that she would like to make some comments. The Council has responded to every email that they have received in the last three months. The General Plan states that Millcreek plans to reduce billboards, but when it was written no one was sure how the city would reduce billboards. The General Plan is flexible, subject to change, and now there is another option to reduce billboards. Scenic Utah says to improve views, but taking down other billboards improves the view of the landscape. Mayor Pro Tempore Uipi said the discussion tonight moves Millcreek towards removing billboards and she would like to ask for a five to one ratio. The ordinance says that signage could go up, but if the city does not like the negotiation, then the signs do not go up. The ordinance only allows a sign to be put up, but it does not have to go up. Mayor Pro Tempore Uipi said she always considers the recommendations of the Planning Commission and community councils. Then Mayor Pro Tempore Uipi explained how she is leaning towards two signs for a few reasons. Millcreek Common phase 2 is just beginning. What if a sign could be placed on phase 2 where it does not affect residents? The city is far from any negotiations. Many people are concerned about safety, but the traffic statistics show that most accidents on 3300 S are caused by older drivers and teen drivers. If Millcreek buys out billboards that money cannot be used on parks or other good uses. People are asking for park equipment to be replaced in the Mount Olympus area. If money is spent on billboard condemnation, then that money cannot be spent in other ways that people would like. If the negotiation does not go in a way the Council approves then they can stop, she feels that the Council is addressing this as thoughtfully as they can. Council Member Jackson said she supports the idea of only one additional sign.

Council Member DeSirant moved to approve Ordinance 24-15, Amending Title 19 of the Millcreek Code of Ordinances by Repealing Chapter 19.82 Signs and Enacting a Revised Chapter 19.82 Signs. City Attorney, John Brems, asked about approving the specific exhibit choice. **Council Member DeSirant added to his motion to approve exhibit B, subject to technical corrections by staff.** Council Member Catten said she is concerned that two signs could be approved but that does not mean that two signs must go up, this does open the door to future councils to allow another sign even if only one goes up in the near future. She stated that she hopes future councils will not touch this. She said she would like to approve one sign only. Mr. Brems said the ordinance is to allow three signs total. Mr. Winder said that if the council changes it to two, then they allow the status quo sign plus one more. They could approve one more or two more and that does not mean they will happen. Council Member Jackson said a digital district sign can only be on city property. The options are only 1300 E, Highland Drive, and 3300 S. Council Member Jackson said she does not feel it is necessary to approve a total of three, because unless a sign is put up on Highland Drive then there is only space for one more

sign. She would rather keep the limitation in place that a sign will not go on Highland Drive unless the Council or a future council goes through the public process again. Mr. Winder said the roads right-of-way on the islands in the middle are city property so if two new signs were added they would go on city property. Mayor Pro Tempore Uipi said the current city council, or a future council would determine where the signs go. Mr. Brems said that any future council can change the number of signs to any number they want. Council Member Jackson said that it is unreasonable to put two signs of this size on Woodland Ave and Chambers Avenue. While that could be done it is not reasonable to do. Mr. Winder said it could be Elgin, it could be Villa Vista, Miller, or any of those are city property where they intersect with 1300 E. **Council Member DeSirant withdrew his motion.**

Council Member Catten moved to approve Ordinance 24-15, Amending Title 19 of the Millcreek Code of Ordinances by Repealing Chapter 19.82 Signs and Enacting a Revised Chapter 19.82 Signs with exhibit B, amending it to approve two digital signs, and allowing technical corrections by staff. Council Member DeSirant seconded. The Deputy Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

Mayor Silvestrini un-recused himself at 9:06 pm.

3. Financial Matters

3.1 Public Hearing to Consider Approving the Disposal of Computer Laptops Contributed by Comcast Corporation with a Value of \$25,000 to Students Completing the Millcreek Six-Week Digital Literacy Course

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

There were no comments.

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

3.2 Discussion and Consideration of Ordinance 24-12, Approving the Disposal of Computer Laptops Contributed by Comcast Corporation with a Value of \$25,000 to Students Completing the Millcreek Six-Week Digital Literacy Course

Mr. Brems said that the computers were given to Millcreek by Comcast and this process allows the city to give the computers away to people who complete the 6-week digital literacy course. Council Member DeSirant asked what happens to extra laptop computers. Mr. Brems said then the Council will have to re-dispose of them.

Council Member DeSirant moved to approve Ordinance 24-12, Approving the Disposal of Computer Laptops Contributed by Comcast Corporation with a Value of \$25,000 to Students Completing the Millcreek Six-Week Digital Literacy Course. Council Member seconded Catten. The Deputy Recorder called for the vote. Council Member DeSirant voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, Mayor Silvestrini voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

3.3 Public Hearing to Consider Approving Nonmonetary Assistance to the Millcreek Community Foundation

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

There were no comments.

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

3.4 Discussion and Consideration of Ordinance 24-13, Approving Nonmonetary Assistance to the Millcreek Community Foundation

Mr. Brems said the city provides services to the Millcreek Community Foundation and this allows the city to do this more formally.

Council Member DeSirant moved to approve Ordinance 24-13, Approving Nonmonetary Assistance to the Millcreek Community Foundation. Council Member Catten seconded. The Deputy Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Mayor Silvestrini voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

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

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

There were no comments.

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

3.6 Discussion and Consideration of Ordinance 24-17, Amending the 2023-24 Fiscal Year Budget

Communication Director, Rita Lund explained that this amendment is to create the position of a public information officer to help with public information during road projects. It will cost \$30,000 until the end of the fiscal year. The money could come from professional services.

Council Member Catten moved to approve Ordinance 24-17, Amending the 2023-24 Fiscal Year Budget. Council Member DeSirant seconded. The Deputy Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Mayor Silvestrini voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

4. Business Matters

4.1 Discussion and Consideration of Ordinance 24-16, Amending Section 5.19 of the Millcreek Code of Ordinances Regarding the Content of the License Application and Renewals

Mr. Brems said this is to put into the city ordinance the requirements found on the declaration form for short-term rentals. Mayor Silvestrini said it is wise to not include anything to do with HOAs.

Council Member DeSirant moved to approve Ordinance 24-16, Amending Section 5.19 of the Millcreek Code of Ordinances Regarding the Content of the License Application and Renewals. Council Member Catten seconded. The Deputy Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini said that the eclipse was spectacular in Glen Rose, Texas. He will be attending some UPD meetings this week. Emigration Canyon voted to stay with UPD, explained Mayor Silvestrini.

5.2 City Council Member Reports

Council Member Catten said that residents do not need to contact a private company to do their mosquito abatement. Mosquito services are already paid for with their tax dollars through the county mosquito abatement. Mayor Pro Tempore Uipi attended the National League of Cities in Washington D.C. and was asked to speak on a panel for a conference held by the Asian Pacific American Institute for congressional studies, this will be in May. Mayor Silvestrini said he fully supports Mayor Pro Tempore Uipi going on this trip and supports the city in reimbursing for any out-of-pocket expenses for this valuable

cause. Mr. Lilly thanked the Council for their help in navigating difficult issues. Mayor Pro Tempore Uipi thanked Mr. Lilly for his work.

5.3 Staff Reports

There were none.

6. Consent Agenda

- 6.1 Approval of February 12, 2024, Work and Regular Meeting Minutes
- 6.2 Approval of February 26, 2024, Work and Regular Meeting Minutes
- 6.3 Approval of March 25, 2024, Work and Regular Meeting Minutes

Council Member DeSirant moved to approve the February 12, 2024, Work and Regular Meeting Minutes, February 26, 2024, Work Meeting and Regular Meeting Minutes, and the March 25, 2024, Work Meeting and Regular Meeting Minutes. Council Member Catten seconded. Mayor Pro Temp Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Mayor Silvestrini voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

7. New Items for Subsequent Consideration

There were none.

8. Calendar of Upcoming Meetings

- Historic Preservation Mtg. 4/11/24 6:00 p.m.
- Planning Commission Mtg. 4/17/24 5:00 p.m.
- City Council Mtg. 4/22/24 7:00 p.m.

ADJOURNED: Council Member DeSirant moved to adjourn the meeting at 9:24 p.m. Council Member Catten seconded. Mayor Pro Temp Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Mayor Silvestrini voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

APPROVED: Jeff Silvestrini Date 5-13-2024
Jeff Silvestrini, Mayor

Attest: Elyse Sullivan
Elyse Sullivan, City Recorder