

MILLCREEK, UTAH
ORDINANCE NO. 24-28

**AN ORDINANCE APPROVING A MONETARY CONTRIBUTION OF UP TO \$14,900
TO THE MILLCREEK ARTS COUNCIL**

WHEREAS, the Millcreek Council ("Council") met in a regular session on June 10, 2024, to consider, among other things approving a monetary contribution of up to \$14,900 to the Millcreek Arts Council (the "Appropriation"); and

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

WHEREAS, on or about May 8, 2024, a study ("Study") was completed by Bonneville Research, setting forth an analysis and demonstrating the purpose for the appropriation of up to \$14,900 to the Millcreek Arts Council. A copy of the Study is attached to this Ordinance; and

WHEREAS, on May 23, 2024, the Study was made available in Millcreek for review by interested parties; and

WHEREAS, on June 10, 2024, the Council held the requisite public hearing to receive public comments concerning the Appropriation; and

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED that the Council hereby approves a monetary contribution of up to \$14,900 to the Millcreek Arts Council.

This Ordinance assigned Ordinance No. 24-28, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 10th day of June, 2024.

MILLCREEK



By: _____

Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan
Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	<u>Yes</u>	No
Catten	<u>Yes</u>	No
DeSirant	<u>Yes</u>	No
Jackson	<u>Yes</u>	No
Upi	<u>Yes</u>	No

CERTIFICATE OF POSTING

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

ORDINANCE 24-28: AN ORDINANCE APPROVING A MONETARY CONTRIBUTION OF UP TO \$14,900 TO THE MILLCREEK ARTS COUNCIL was passed and adopted the 10th day of June, 2024 and certifies that a copy of the foregoing Ordinance 24-28 was posted in accordance with Utah Code 10-3-711 this 11 day of June 2024.

Elyse Sullivan
Elyse Sullivan, City Recorder



Bonneville Research

May 8th, 2024

Introduction:

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

Reason for the Study:

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

Critical Elements of the Study:

The study shall consider the following factors:

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

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

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

Millcreek Arts Council Proposal: Up to \$14,900

- The Millcreek Arts Council requests the Millcreek Theatre has been
- folded into the Arts Council and, additionally
- The Millcreek Community Theater now operates as part of the Millcreek Arts Council.
- The Millcreek Arts Council and the Millcreek Community Theater have both been approved for grants from the Millcreek City Council.
 - A Millcreek City Grant of \$12,000 to the Millcreek Arts Council has yet to be obligated.
 - The Millcreek City Grant of \$5,000 to the Millcreek Community Theater has been fully obligated.
- The Millcreek Arts Council and the Millcreek Community Theater must now purchase their own insurance policies. They are requesting \$26,900, which would re-appropriate the unobligated \$12,000 Arts Council Grant and an additional new request of \$14,900.

ANALYSIS:

Chapter 2.39.010 of the "Millcreek Municipal Code" states that:

... it is the purpose of the City Council to support the encouragement of volunteer services and programs within the City. The City Council recognizes that volunteers are essential to the City government's productivity, efficiency, and cost-effectiveness. Therefore, the effective management of volunteer programs is of significant importance.

Chapter 2.04.130 of the "Millcreek Municipal Code" further states that:

- A. The (City) Council may establish additional committees as it deems appropriate. It may convene committee meetings for study, discussion, investigation, formal

hearings or inquiries, workshops, training, or presentations by or responses from citizens or other interested persons or groups.

- B. No official action may be taken in committee meetings other than adopting non-binding recommendations to the Council.

CONCLUSION AND REQUIRED FINDINGS:

The municipality of Millcreek's purpose for the above-listed appropriation to the Millcreek Arts Council and Community Theater will be to seek to achieve the following Community Objectives:

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

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

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FINDING:

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

GENERAL LIMITING CONDITIONS:

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

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

Robert Springmeyer

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

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