PROCLAMATION

Proclamation Recognizing Helen Loraine Blood
"Teacher Extraordinaire"

WHEREAS, Helen Loraine Blood, aka "Miss Blood" recently passed away at the age of 83; and

WHEREAS, for over forty (40) years of her life Miss Blood dedicated herself to teaching children who attended Millcreek Elementary School; and

WHEREAS, Miss Blood was far more than a classroom teacher in that she cared personally for each child who was one of "her students"; and

WHERAS, Miss Blood made a significant difference in the lives of literally thousands of students and their families; and

WHEREAS, Miss Blood was a great teacher who went above and beyond the daily classroom curriculum in that she taught each student self-worth. She continued to follow her students many years after they left her classroom by attending her student's games, activities, wedding receptions, and by always being a stable force for good in the Millcreek neighborhood; and

WHEREAS, Helen Loraine Blood's students adored her, and she adored them. Her students were her family; and

WHEREAS, Miss Blood, with a contagious smile, a positive attitude, and a love of her students was and still is, in the hearts of all "her students", a "TEACHER EXTRAORDINAIRE".

NOW, THEREFORE BE IT KNOWN, that the Mayor and City Council of Millcreek do hereby with heart felt gratitude proclaim this 12th day of November 2019 to be
HELEN LORAINE BLOOD DAY.

IN WITNESS THEREOF, I have set my hand and caused to be affixed the Great Seal of Millcreek this 12th day of November 2019.

By: _____ Attest: _____

Jeff Silvestrini, Mayor **Elyse Greiner, City Recorder**

H.B. 411 Frequently Asked Questions

1. Who will be affected by this program if Millcreek decides to participate?
    a. All Rocky Mountain Customers with Millcreek's city limits who do not opt out of participation. Rocky Mountain Power customers who have solar panels and are on Rocky Mountain Power's Schedule 135 (those who signed an interconnection agreement before November 15, 2017) are not eligible to participate.
2. What qualifies as Renewable Energy under H.B. 411?
    a. Solar, wind, geothermal, hydroelectric, energy efficiency, and certain sustainable technologies (including storage).
3. What is the process? Especially with the Public Service Commission?
    a. City adopts a resolution by December 31, 2019 that commits to attain a net100% renewable electricity goal by 2030
    b. Public Service Commission adopts Administrative Rules (process is currently underway)
    c. Cities who have adopted resolutions collectively enter into an agreement with Rocky Mountain Power
    d. Cities apply through Rocky Mountain Power to Public Service Commission for approval of the program and a plan to solicit the renewable resources. All cities that have passed a resolution and joined the application to the PSC will be responsible for the costs of the regulatory review and consulting fees, even if a city decides not to participate in the final program.
    e. Public Service Commission approves application
    f. Within 90 days of Public Service Commission approval, each City adopts an ordinance to formally establish participation in the renewable energy program
    g. Noticing period occurs for all eligible participants within city boundaries
        i. Customers will receive two notices within a 60-day period (separate from their electric bills) containing information on the program, estimated costs, and information on how to opt out.
        ii. After the 60-day period is complete, if a customer does not take action to opt out, they become a participant of the program and will begin to be billed at program rates.
        iii. Customer has three billing cycles under the new program rates to opt out without having to pay an exit fee.
4. What is the procedure to opt out? Opt-in?
    a. Customers/residents will receive instructions in their notices on how to opt-out. If a customer does not opt out within 60 days, they will be automatically enrolled in the program.
    b. If a customer opts out, they may be able to opt back in to the program.
5. What fees will be associated with the program?
    a. A participating customer will pay the program rates, which have yet to be determined. Program rates may include the costs associated with:
        i. Enhanced-energy efficiency program or renewable energy resource(s) that are built to meet the program goal of net-100% renewable by 2030.
        ii. Costs associated with replaced assets (which will be defined later in the process but may include coal plants).

iii. Cost of noticing requirements (after the initial noticing 60 days before the program begins)
iv. Administration costs

6. Will customers have the ability to opt out once they have opted in?
    a. If a participating customer decides to leave the program after both the 60 day opt out and three billing cycles, they will pay an exit fee to leave the program. Once they leave and pay the exit fee, they will return to standard rates.
7. Will new homeowners who move in to our city have an option to opt out?
    a. New residents/customers will be automatically be enrolled in the program, but they will have a 60-day opportunity to opt-out with no exit fees. See response to question no. 4 above.
8. What is net metering?
    a. Net metering is used on homes where solar panels are installed. This special meter measures the amount of electricity used in the home along with the amount of electricity produced by the solar panels. If you produce more energy than you consume, you receive credit on your bill. Customers with solar panels on their home that received an interconnection agreement before November 15, 2017 are on Rocky Mountain Power's Schedule 135, which is net metering. Customers with solar panels who received an interconnection agreement on or after November 15, 2017 are on Schedule 136, which is similar to net metering. Information about your rate schedule is available on your monthly utility bill.
9. Where does Rocky Mountain Power plan to use the revenue they receive for this program? Will RMP invest in renewables?
    a. The revenue from program participants will be separately tracked by Rocky Mountain Power and used to pay for the renewable resource and other program costs (see list above). Rocky Mountain Power will make annual filings to the Public Service Commission to present this information for review by regulating agencies.
10. What is the timeline?
    a. If the city moves ahead with plans to adopt this program, the passage of a city resolution is required by December 31, 2019. The Public Service Commission is expected to approve rules for the program by the end of 2019 or in early 2020. The cities and Rocky Mountain Power can choose when they would like to file an application to initiate the program, likely in 2020. The exact timeline for additional steps in this process, including when Rocky Mountain Power will begin procuring renewable energy for the cities, is not defined.
11. What percentage of electricity customers in our city are subscribers in a current Rocky Mountain Power program such as Blue Sky, Net Metering, or Subscriber Solar?
    a. Currently about 3%
12. What other cities or counties are in this process?

a. Park City, Salt Lake City, Summit County, Moab, Holladay, and Cottonwood Heights. There are also a few other communities in discussions with Rocky Mountain Power about this program

13. Differences between Blue Sky Program and House Bill 411?
    a. Blue Sky is an optional program where customers can purchase 100-kWh blocks of renewable energy for $1.95 per block per month to offset their usage. The customer can cancel at any time with no charge. The funds are used to purchase renewable energy credits (RECs), which are certificates that correspond to the environmental attributes of energy produced from renewable resources. These can be purchased as "bundled" – meaning the actual energy output is purchased with the REC, or "unbundled" – meaning just the REC can be purchased without the energy. Blue Sky RECs are unbundled, and do not include the purchase of electricity. Excess funds from the program also are used to provide grants to local nonprofits for installation of solar panels. H.B. 411 is different because an actual, utility-scale resource will be built to achieve the net-100% renewable goal of the program.
14. Have any other cities adopted a resolution according to H.B. 411?
    a. Yes, Holladay. The other cities mentioned above adopted their resolutions before H.B.411
15. What happens if Millcreek doesn't adopt a resolution?
    a. Millcreek will not be eligible to participate in the community renewable program. However, Millcreek is concerned about the environment and the adoption of this resolution would show a good faith effort toward sustainability and preserve Millcreek's ability to participate in the program if it chooses to do so. Additionally, Millcreek may choose not to participate due to other reasons, such as not agreeing with the bill as written or how it is implemented.
16. How much will the regulatory review and consulting fees cost?
    a. Millcreek will work with Rocky Mountain Power, the regulating agencies, and the other participating communities to identify reasonable cost for these fees that all participating communities will collectively be responsible for.
17. Has the Public Service Commission adopted the Administrative Rules?
    a. No, the rules are being developed currently and will likely be approved by the end of 2019, or the beginning of 2020.
18. Does Rocky Mountain Power have enough renewable energy sources to supply the net-100% renewable goal of the program? If not, is Rocky Mountain Power building enough renewable energy sources to supply all who want to be net-100% renewable by 2030?
    a. Currently, it is unknown whether H.B. 411 will meet net-100% renewable goal by 2030.

    To meet the net-100% renewable goal of the program, Rocky Mountain Power and the participating communities will issue a request-for-proposals to solicit competitive bids from renewable energy developers. Rocky Mountain Power will purchase and

interconnect to their system the output of the renewable resource(s) built on behalf of the participating customers. Rocky Mountain Power is participating in the H.B.411 process and will add renewable resource(s) to their portfolio according to the energy needs of those who will choose to participate in this program. If Rocky Mountain Power is unable to supply 100% of its customers renewable energy needs, RMP will be able to purchase RECs (Renewable Energy Credits). These credits are purchased from other providers of renewable energy across the country.

19. Can a resident get renewable energy through any other means?
    a. You can install solar panels on your home
20. How does Rocky Mountain Power's Subscriber Solar program work?
    a. Those who can participate in this program are buying renewable energy from a specific resource that was built to serve the participants. The Subscriber Solar program is currently fully subscribed.
21. What tax incentives do I have for installing solar panels on my house?
    a. There are state and Federal tax credits for installing solar on your home. The Federal tax credit is 30% of the cost of the solar panels through 2019 and then steps down each year until it expires at the end of 2021. The State tax credit is $1,600 until 2021 when it begins to step down and expires at the end of 2023. Private contractors/installers of solar panels can provide additional information on this question
22. If Millcreek adopts this resolution, will my power bill increase?
    a. It is likely, but not certain, that power bills will increase for customers who stay in the program. H.B. 411 requires that program costs be isolated to participating customers (and not shared with non-participating customers), so program customers will have to pay for potential upgrades to the electricity grid to accommodate new renewable energy resources. However, new renewable energy resources tend to be the least expensive energy available, which may result in cost savings over time. Estimated customer rates for the program will be included in the application filed before the Public Service Commission, and participating communities may choose to leave the program at that point by choosing not to pass an ordinance.
23. Is H.B. 411 the only option residents have for renewable energy?
    a. As mentioned above, you may be able to participate in other Rocky Mountain Power programs, or install solar panels on your home
24. How does the city's decision affect me if I already have solar panels?
    a. If you have solar panels and are on Rocky Mountain Power's Schedule 135 (if you received an interconnection agreement before November 15, 2017), you are exempt from the H.B.411 program. If you have solar panels and are on Rocky Mountain Power's Schedule 136 (if you received an interconnection agreement on or after November 2017), you are eligible to participate. Your power bill has information about your rate schedule.
25. What does net-100% renewable energy mean?

a. Net-100% means that over the course of a year, enough renewable energy is produced to supply all the energy consumers' needs. Therefore, since solar energy is produced during the daylight hours and wind energy is produced only when there is wind, RMP will always have a need to supplement their energy production, especially at night or through the winter, with current power generating resource that are not considered renewable such as coal fired plants, hydro plants, etc. This means that the new renewable energy generation resources will be integrated into the broader regional electric grid and power provided to the Millcreek community will not always be directly related to renewable projects. The goal is to catalyze construction of enough new renewable energy resources to meet all net annual community electricity needs on a yearly basis. At some point in the future, when storage capacities such as batteries or other means are more feasible, the ability to produce, store, and supply 100% renewable energy will be realized.

26. What will this mean for our air quality?
    a. This program alone will not mitigate our poor air quality issues.

Helpful Links:

PacifiCorp (parent company of Rocky Mountain Power) Newsroom
https://www.pacificorp.com/about/newsroom/news-releases/2019-draft-irp-increased-renewables-phased-coal-transition.html

House Bill 411
https://le.utah.gov/~2019/bills/static/HB0411.html

Public Service Commission rulemaking process for Community Renewable Energy Act
https://psc.utah.gov/2019/04/03/docket-no-19-r314-01/

Community Renewable Energy Act from Utah Clean Energy
https://utahcleanenergy.org/issues/policy/item/362-community-renewable-energy-act

MILLCREEK, UTAH
RESOLUTION NO. 19-37

A RESOLUTION EXPRESSING MILLCREEK'S INTENT TO STUDY AND CONSIDER PARTICIPATION IN THE COMMUNITY RENEWABLE ENERGY ACT OF THE STATE OF UTAH

WHEREAS, the Millcreek Council ("Council") met in regular meeting on November 12, 2019, to consider, among other things, approving a resolution expressing Millcreek's intent to study and consider participation in the Community Renewable Energy Act of the State of Utah; and

WHEREAS, during the 2019 Regular Legislative Session, the State Legislature adopted House Bill 411, codifying the *Community Renewable Energy Act*, which act provides for the opportunity for cities to commit to the development of renewable energy sources and the utilization of renewable energy sources; and

WHEREAS, the Council hereby finds and declares that the adoption of renewable energy technologies and the utilization of renewable energy sources is in the public interest and will benefit the public welfare; and

WHEREAS, the Council desires to take the initial steps to make the Community Renewable Energy Program available to its residents.

NOW, THEREFORE, BE IT RESOLVED by the Council as follows:

Section 1. Statement of Goal. Millcreek hereby states a goal of achieving an amount equivalent to 100% of the annual electric energy supply for participating customers from renewable energy resources by 2030. This goal is stated in accordance with the provisions of the *Community Renewable Energy Act* codified at Utah Code Ann. § 54-17-903, and is intended to express the Council's intent to participate in the study and review of the costs and other requirements related to the development of renewable energy sources for Millcreek and for use by participating customers within the city limits of Millcreek.

Section 2. Direction to City Staff. City Staff is hereby directed to take all actions which are necessary and in support of this Resolution and to provide to the Council all available information to support a determination by the Council on full participation in the *Community Renewable Energy Act*.

Section 3. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 4. Effective Date. This Resolution shall become effective immediately upon its approval by the Council.

PASSED AND APPROVED this 12th day of November 2019.

MILLCREEK COUNCIL

By:
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, City Recorder

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

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CERTIFIED PUBLIC ACCOUNTANTS

E. LYNN HANSEN, CPA
CLARKE R. BRADSHAW, CPA
GARY E. MALMROSE, CPA
EDWIN L. ERICKSON, CPA
MICHAEL L. SMITH, CPA
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ROBERT D. WOOD, CPA
AARON R. HIXSON, CPA
TED C. GARDINER, CPA
JEFFREY B. MILES, CPA
DONALD M. JACK, CPA

November 4, 2019

To the Honorable Mayor and Members of the City Council
Millcreek, Utah

We have audited the financial statements of Millcreek, Utah (the City) as of and for the period ended June 30, 2019 and have issued our report thereon dated October 29, 2019. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated September 18, 2019, our responsibility, as described by professional standards, is to form and express opinions about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

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Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, and our firm, have complied with all relevant ethical requirements regarding independence.

Qualitative Aspects of the City's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2019. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. There were no significant accounting estimates that we considered to be particularly sensitive.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. There were no significant financial statement disclosures that we considered to be particularly sensitive.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. Management has corrected all identified misstatements.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. None of the misstatements identified by us as a result of our audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City's financial statements or the auditors' report. No such disagreements arose during the course of the audit.

Representations Requested from Management

We have requested certain written representations from management, which are included in the management representation letter dated October 29, 2019.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the City, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the City, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City's auditors.

Other Information in Documents Containing Audited Financial Statements

Pursuant to professional standards, our responsibility as auditors for other information in documents containing the City's audited financial statements does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information. However, in accordance with such standards and with respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

This report is intended solely for the information and use of the City Council and management of the City and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

HBME, LLC

MILLCREEK

Basic Financial Statements
and
Independent Auditors' Report

Year Ended June 30, 2019

MILLCREEK

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JEFFREY B. MILES, CPA
DONALD M. JACK, CPA

INDEPENDENT AUDITORS' REPORT

Honorable Mayor and Members of the City Council
Millcreek, Utah

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of Millcreek, Utah (the City), as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

The City's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

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We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the City, as of June 30, 2019, and the respective changes in financial position and the respective budgetary comparison for the general fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 through 8 and the pension schedules on pages 36 through 38 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated October 29, 2019, on our consideration of the City's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

HBME, LLC

October 29, 2019

MANAGEMENT'S DISCUSSION AND ANALYSIS

This document is a narrative overview and analysis of the financial activities of Millcreek City for the fiscal year ending June 30, 2019. Millcreek City was incorporated as of January 1, 2017. Millcreek City management encourages readers to consider the information presented here in conjunction with the financial statements which follow this section. To help the reader with navigation of this report, the city's activities are classified in the following manner: government activities refers to general administration, parks, streets, police, fire, planning etc., and presently the City has no business-type activities.

FINANCIAL HIGHLIGHTS

- The total net position of Millcreek City increased from $155,707,290 to $161,559,131.

- The total net position of governmental activities is $161,559,131 and is made up of $151,713,437 in capital assets, such as land, infrastructure and equipment and $9,845,694 in other net position. The $9,845,694 in other net position is made up of $443,245 which is restricted for capital projects; the remaining $9,402,449 is unrestricted assets.

- Total liabilities of the City decreased by $3,364,087.The City issued Tax Anticipation Notes in the amount of $9,959,500 in July of 2018. The primary decrease in liabilities was the Tax Anticipation Notes were defeased in June of 2019 in the amount of $14,886,500 which included the previous year issue that was redeemed in July 2018. Deferred Inflows of Property taxes increased by $1,068,935.

REPORTING THE CITY AS A WHOLE

This discussion and analysis is intended to serve as an introduction to Millcreek City's basic financial statements. Millcreek City's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also includes other supplementary information in addition to the basic financial statements.

The government-wide financial statements are designed to provide readers with a broad overview of Millcreek City's finances, in a manner similar to a private-sector business.

- The statement of net position presents information on all of Millcreek City's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of Millcreek City is improving or deteriorating. However, you will also need to consider other nonfinancial factors.

- The statement of activities presents information showing how the City's net position changed during the fiscal year reported. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, all the current year's revenues and expenses are taken into account regardless of when cash is received or paid. The government-wide financial statements distinguish functions of Millcreek City that are principally supported by taxes and intergovernmental revenues (governmental activities).The government-wide financial statements can be found on pages 9-10 of this report.

REPORTING THE CITY'S MOST SIGNIFICANT FUNDS

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Millcreek City also uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All the funds of the City can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds. The City currently does not have any proprietary or fiduciary funds.

- Governmental funds - These funds are used to account for the same functions reported as governmental activities in the government-wide financial statements. These fund statements focus on how money flows into and out of these funds and the balances left at year-end that are available for spending. These funds are reported using an accounting method called modified accrual accounting, which measures cash and other financial assets that can be readily converted to cash. The governmental fund statements provide a detailed short-term view of the City's general government operations and the basic services it provides. Governmental fund information helps users determine whether there are more or fewer financial resources that can be spent in the near future to finance the City's programs. We describe the relationship (or differences) between governmental activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds in a reconciliation included with the fund financial statements.

The only major governmental funds (as determined by generally accepted accounting principles) are the General Fund and Capital Projects Fund.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of Millcreek City, assets exceed liabilities by$161,559,131.

By far the largest portion of Millcreek City's net position (93.91%) reflects its investment in capital assets (e.g., land, buildings, infrastructure assets, machinery and equipment). The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, which is zero at this time as there is no related debt.

STATEMENT OF NET POSITION

	Governmental Activities	
	2019	2018
Current and Other Assets	$ 24,520,715	$ 21,837,497
Capital Assets	151,794,288	151,452,587
Total Assets	176,315,003	173,290,084
Deferred outflows of resources		
Deferred related to pensions	866,502	-
Long-term Debt Outstanding	1,027,233	5,018,229
Other Liabilities	3,150,122	2,523,213
Total Liabilities	4,177,355	7,541,442
Deferred inflows of resources		
Deferred property tax revenue	11,425,980	10,357,045
Deferred related to pensions	19,039	-
	11,445,019	10,357,045
Net Position:		
Net Investment in Capital Assets	151,713,437	146,434,358
Restricted	443,245	355,671
Unrestricted	9,402,449	8,917,261
Total Net Position	$ 161,559,131	$ 155,707,290

CHANGES IN NET POSITION

	Governmental Activities	
	2019	2018
Revenues		
Program Revenues		
Charges for Services	$ 2,019,350	$ 2,583,200
Capital Grants and Contributions	3,197,802	4,084,112
General Revenues		
Property Taxes	11,778,207	362,620
Franchise Taxes	561,162	913,662
General Sales Taxes	10,518,731	9,900,601
Other Taxes	-	-
Other Revenues	429,559	130,877
Total Revenues	28,504,811	17,975,072
Expenses		
General Government	4,980,155	5,714,511
Public Safety	11,007,678	5,439,241
Streets/Public Works	6,381,250	5,161,197
Debt service	283,887	112,853
Total Expenses	22,652,970	16,427,802
Change in Net Position	5,851,841	1,547,270
Net Position Beginning	155,707,290	154,160,020
Net Position Ending	$ 161,559,131	$ 155,707,290

ANALYSIS OF GOVERNMENT'S FUNDS

The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. As of June 30, 2019, the City's governmental funds equity is $9,944,913. The General Fund is the chief operating fund of the City. All activities which are not required to be accounted for in separate funds either by state or local ordinance or by a desire to maintain a matching of revenues and expenses are accounted for in this fund.

The Capital Projects Fund has a total fund balance of $3,552,810. Amounts are restricted for various capital projects at the City's discretion. Fund balance increased by $3,552,810 as this was a new fund in fiscal year 2019.

GENERAL FUND BUDGETARY HIGHLIGHTS

During the fiscal year, the General Fund was amended resulting in an increase from the original budget of $23,489,545 to $27,272,062. Most of the increase related to a transfer from the General Fund to the Capital Projects Fund.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital assets - Millcreek City's investment in capital assets for its governmental activities as of June 30, 2019, amounts to $151,794,288 (net of accumulated depreciation). This investment in capital assets includes land, infrastructure (streets, sidewalks, curb and gutter, bridges, etc.), and equipment.

The City's capital asset additions during the fiscal year 2019 included the following:

- Infrastructure, streets, parks and storm drain for an amount of $1,239,904
- Building additions for an amount of $525,867.
- Machinery & equipment mainly vehicle additions for $288,162.

MILLCREEK CITY'S CAPITAL ASSETS

	Governmental Activities	

	Governmental Activities	
	2019	2018
Capital Assets		
Land	$ 73,005,060	$ 73,005,060
Building	525,867	-
Improvements	995,481	531,653
Infrastructure	81,720,060	80,943,984
Machinery and equipment	567,437	279,275
Total	156,813,905	154,759,972
Less Accumulated Depreciation	(5,019,617)	(3,307,385)
Total Capital Assets	$ 151,794,288	$ 151,452,587

Additional information on the City's capital assets can be found in the footnotes to this financial report and the supplemental section.

Long-term debt - At June 30, 2019, the City had no debt because the Tax Anticipation Notes in the amount of $ $4,927,000 redeemed in July 2018 and $9,959,500 which were redeemed in June of 2019.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET AND RATES

- The Unemployment rate for Salt Lake County (of which Millcreek is part) was 2.8 % compared with the State unemployment rate of 2.8%.

- Millcreek is continuing to see an increase in commercial permits and many rezoning changes.

- Being a contract city, major projects are maintaining contracts for services such as:

    - Police protection
    - Fire protection
    - Animal services
    - Public works services
    - Justice court services

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of Millcreek City's finances for all those with an interest in the City's finances. Questions concerning any information provided in this report or requests for additional financial information should be addressed to:

City Finance Officer
3330 South 1300 East
Millcreek, UT 84106

MILLCREEK
Statement of Net Position
June 30, 2019

	Governmental Activities
ASSETS	
Cash and cash equivalents	$ 10,438,458
Receivables:	
Property and other taxes	13,586,629
Due from other governments	443,245
Investment in common stock	52,383
Capital assets:	
Land	73,005,060
Buildings	525,867
Improvements	995,481
Machinery and equipment	567,437
Infrastructure	81,720,060
Accumulated depreciation	(5,019,617)
Total assets	**176,315,003**
DEFERRED OUTFLOWS OF RESOURCES	
Deferred outflows related to pensions	866,502
Total deferred outflows of resources	**866,502**
LIABILITIES	
Accounts payable	957,384
Accrued liabilites	179,923
Construction bonds	2,012,815
Non-current liabilities:	
Due within one year	100,000
Due in more than one year	72,080
Net pension liability	855,153
Total liabilities	**4,177,355**
DEFERRED INFLOWS OF RESOURCES	
Deferred property tax revenue	11,425,980
Deferred inflows relating to pensions	19,039
Total deferred inflows of resources	**11,445,019**
NET POSITION	
Net investment in capital assets	151,713,437
Restricted for:	
Capital projects	443,245
Unrestricted	9,402,449
Total net position	**$ 161,559,131**

The accompanying notes are an integral part of this financial statement.

MILLCREEK
Statement of Activities
For the Year Ended June 30, 2019

	Expenses	Charges for Services	Program Revenues: Operating Grants and Contributions	Program Revenues: Capital Grants and Contributions	Net (Expense) Revenues and Changes in Net Position: Governmental Activities
GOVERNMENTAL ACTIVTITIES					
General government	$ 4,980,155	$ 2,019,350	$ -	$ -	$ (2,960,805)
Public safety	11,007,678	-	90,306	-	(10,917,372)
Streets and public works	6,381,250	-	2,133,395	974,101	(3,273,754)
Debt service - interest and fiscal charges	283,887	-	-	-	(283,887)
Total governmental activities	22,652,970	2,019,350	2,223,701	974,101	(17,435,818)
GENERAL REVENUES					
Taxes:					
Property taxes					11,778,207
Franchise taxes					561,162
General sales taxes					10,518,731
Interest income					401,507
Miscellaneous					28,052
Total general revenues					23,287,659
Change in net position					5,851,841
Net position - beginning					155,707,290
Net position - ending					$ 161,559,131

The accompanying notes are an integral part of this financial statement.

MILLCREEK
Balance Sheet – Governmental Funds
June 30, 2019

	General	Capital Projects Fund	CRA Special Revenue Fund (non-major)	Totals Governmental Funds
ASSETS				
Cash and cash equivalents	$ 5,658,015	$ 3,938,931	$ 841,512	$ 10,438,458
Receivables:				
Sales, property and franchise taxes	12,609,559	-	977,070	13,586,629
Class C road funds	443,245	-	-	443,245
Prepaid expenditures	52,383	-	-	52,383
Total assets	$ 18,763,202	$ 3,938,931	$ 1,818,582	$ 24,520,715
LIABILITIES				
Liabilities:				
Accounts payable	$ 430,769	$ 386,121	$ 140,494	$ 957,384
Accrued liabilities	179,923	-	-	179,923
Construction bonds	2,012,815	-	-	2,012,815
Total liabilities	2,623,507	386,121	140,494	3,150,122
DEFERRED INFLOWS OF RESOURCES				
Deferred property tax revenue	10,448,910	-	977,070	11,425,980
Total deferred inflows of resources	10,448,910	-	977,070	11,425,980
FUND BALANCE				
Nonspendable	52,383			52,383
Restricted for Class C road projects	443,245	-	-	443,245
Total restricted	443,245	-	-	443,245
Assigned to:				
Special revenue fund	-	-	701,018	701,018
Capital projects fund	-	3,552,810	-	3,552,810
Total assigned	-	3,552,810	701,018	4,253,828
Unassigned	5,195,157	-	-	5,195,157
Total fund balance	5,690,785	3,552,810	701,018	9,944,613
Total liabilities, deferred inflows of resources, and fund balances	$ 18,763,202	$ 3,938,931	$ 1,818,582	$ 24,520,715

The accompanying notes are an integral part of this financial statement.

MILLCREEK
Reconciliation to the Balance Sheet of Governmental Funds
To the Statement of Net Position
June 30, 2019

Amounts reported for governmental activities in the Statement of Net Position are different because:

Total Fund Balances - Total Governmental Funds (page 11)	$ 9,944,613
Capital assets used in governmental activities are not financial resources and therefore, are not reported in the funds.	151,794,288
Net pension assets and liabilities are not available to pay for current period expenditures and, therefore, are either deferred or not applicable to funds.	(7,690)
Long-term liabilities, including bonds payable, are not due and payable in the current period and, therefore, are not reported in the funds.	(172,080)
Net Position - Governmental Activities (page 9)	$ 161,559,131

The accompanying notes are an integral part of this financial statement.

MILLCREEK
Statement of Revenues, Expenditures, and
Change in Fund Balance – Governmental Funds
For the Year Ended June 30, 2019

	General	Capital Projects Fund	CRA Special Revenue Fund (non-major)	Totals Governmental Funds
REVENUES				
Taxes	$ 22,855,132	$ -	$ 2,968	$ 22,858,100
Licenses and permits	1,943,779	-	-	1,943,779
Charges for services	75,571	-	-	75,571
Intergovernmental	2,223,701	-	974,101	3,197,802
Interest	342,378	52,810	6,319	401,507
Miscellaneous	28,052	-	-	28,052
Total revenues	27,468,613	52,810	983,388	28,504,811
EXPENDITURES				
General government	6,077,412	-	-	6,077,412
Public Safety	11,007,678	-	-	11,007,678
Streets and public works	4,014,878	1,239,905	282,370	5,537,153
Debt service:				
Interest and fiscal charges	215,887	-	-	215,887
Debt issuance costs	68,000	-	-	68,000
Total expenditures	21,383,855	1,239,905	282,370	22,906,130
Excess of revenues over (under) expenditures	6,084,758	(1,187,095)	701,018	5,598,681
OTHER FINANCING SOURCES (USES)				
Transfers in	-	4,739,905	-	4,739,905
Transfers out	(4,739,905)	-	-	(4,739,905)
Total other financing sources (uses)	(4,739,905)	4,739,905	-	-
Net change in fund balance	1,344,853	3,552,810	701,018	5,598,681
Fund balance, beginning of year	4,345,932	-	-	4,345,932
Fund balance, end of year	$ 5,690,785	$ 3,552,810	$ 701,018	$ 9,944,613

The accompanying notes are an integral part of this financial statement.

MILLCREEK
Reconciliation of the Statement of Revenues, Expenditures, and Change in Fund Balance of Governmental Funds To the Statement of Activities
For the Year Ended June 30, 2019

Amounts reported for governmental activities in the statement of activities (page 10) are different because:		
Net change in fund balances - total governmental funds (page 12)	$	5,598,681
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays and contributions exceed depreciation in the current period.		341,701
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.		(88,541)
Change in net position - governmental activities (page 10)	$	5,851,841

The accompanying notes are an integral part of this financial statement.

MILLCREEK
Statement of Revenues, Expenditures, and Changes in Fund Balance –
Budget to Actual – General Fund
For the Year Ended June 30, 2019

	Original Budget	Final Budget	Actual	Variance With Final Budget - Positve (Negative)
REVENUES				
Taxes	$ 20,304,545	$ 22,532,500	$ 22,855,132	$ 322,632
Licenses and permits	800,000	1,856,500	1,943,779	87,279
Charges for service	230,000	55,000	75,571	20,571
Intergovernmental	1,650,000	1,780,114	2,223,701	443,587
Fines and forfeitures	400,000	-	-	-
Interest	105,000	400,000	342,378	(57,622)
Miscellaneous	-	27,942	28,052	110
Total revenues	23,489,545	26,652,056	27,468,613	816,557
EXPENDITURES				
General government				
Mayor and City Council	230,176	253,000	240,165	12,835
Administration	2,517,386	3,012,245	2,951,369	60,876
Facilities	419,338	1,181,000	984,969	196,031
Planning and zoning	842,115	1,450,250	1,311,681	138,569
Public safety				
Law enforcement	10,609,989	10,612,249	10,293,884	318,365
Legal	506,620	652,973	558,828	94,145
Court	650,000	165,000	154,966	10,034
Streets and public works	6,850,322	4,903,400	4,604,106	299,294
Debt service	300,000	295,000	283,887	11,113
Transfers	563,600	4,746,945	4,739,905	7,040
Total expenditures	23,489,546	27,272,062	26,123,760	1,148,302
Net change in fund balance	(1)	(620,006)	1,344,853	1,964,859
Fund balance, beginning of year	4,345,932	4,345,932	4,345,932	-
Fund balance, end of year	$ 4,345,931	$ 3,725,926	$ 5,690,785	$ 1,964,859

The accompanying notes are an integral part of this financial statement.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of Government-Wide Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the City and its component unit. All fiduciary activities are reported only in the fund financial statements. Governmental activities, which normally are supported by taxes, intergovernmental revenues, and other nonexchange transactions, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from certain legally separate component units for which the primary government is financially accountable.

Reporting Entity

Millcreek, Utah (the City) was incorporated in 2017 under the laws of the State of Utah. The City operates under a Mayor-Council form of government. The City is a municipal corporation governed by an elected five-member Council and Mayor. The City provides the following services as authorized by its charter: general administrative, highway and streets, and planning and zoning. The accompanying financial statements present the government and its component unit, an entity for which the government is considered to be financially accountable. Blended component units are, in substance, part of the primary government's operations, even though they are legally separate entities. Thus, blended component units are appropriately presented as funds of the primary government.

The Community Reinvestment Agency of Millcreek (CRA) was established to prepare and carry out plans to improve, rehabilitate, and redevelop blighted areas within the City. The CRA is governed by a board of trustees composed of the City Mayor and members of the City Council. Although it is a legally separate entity from the City, the CRA is reported as if it were part of the primary government because of the City's ability to impose its will upon the operations of the CRA. The CRA is included in these financial statements as the Community Reinvestment Agency Special Revenue Fund as a blended component unit. Separate financial statements are not issued for the CRA.

Basis of Presentation – Government-Wide Financial Statements

While separate government-wide and fund financial statements are presented, they are interrelated. The governmental activities column incorporates data from governmental funds.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Basis of Presentation – Government-Wide Financial Statements (Continued)

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are payments in lieu of taxes where the amounts are reasonably equivalent in value to the interfund services provided. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Basis of Presentation – Fund Financial Statements

The fund financial statements provide information about the government's funds, including its blended component units. Separate statements for the governmental fund category are presented. The emphasis of fund financial statements is on major governmental funds, each displayed in a separate column. All remaining governmental funds are aggregated and reported as nonmajor funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

The City reports the following major governmental funds:

- The *general fund* is the government's primary operating fund. It accounts for all financial resources of the general government, except for those required to be accounted for in another fund.
- The *capital projects fund* accounts for the acquisition and construction of the government's major capital facilities.

During the course of operations the government has activity between funds for various purposes. Any residual balances outstanding at year end are reported as due from/to other funds and advances to/from other funds. While these balances are reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Balances between the funds included in governmental activities are eliminated so that only the net amount is included as internal balances in the governmental activities column.

Further, certain activity occurs during the year involving transfers of resources between funds. In fund financial statements these amounts are reported at gross amounts as transfers in/out. While reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Transfers between the funds included in governmental activities are eliminated so that only the net amount is included as transfers in the governmental activities column.

Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured such as *current financial resources* or *economic resources*. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Measurement Focus and Basis of Accounting (Continued)

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, and claims and judgments, are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in governmental funds. Issuance of long-term debt and acquisitions under capital leases are reported as other financing sources.

Property taxes, sales taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Entitlements are recorded as revenues when all eligibility requirements are met, including any time requirements, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year end). Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other eligibility requirements have been met, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year end). All other revenue items are considered to be measurable and available only when cash is received by the government.

Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance

Cash and Cash Equivalents The government's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

Investments City policy allows for the investment of funds in time certificates of deposit with federally insured depositories, investment in the Utah Public Treasurer's Investment Fund and other investments allowed by the State of Utah's Money Management Act. Investments are reported at fair value. The State Treasurer's Investment Fund operates in accordance with state laws and regulations. The reported value of the Fund is the same as the fair value of the Fund shares.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance (Continued)

Prepaid Items Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

Capital Assets Capital assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the City as assets with an individual cost of more than $5,000 and an estimated useful life in excess of three years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

Infrastructure	50 years
Machinery and equipment	5 years

Compensated Absences For governmental funds, amounts of vested or accumulated personal time off (PTO) are not expected to be liquidated with expendable available financial resources are reported as liabilities in the government-wide statement of net position and as expenses in the government-wide statement of activities. No expenditures are reported for these amounts in the fund financial statements. Accumulated PTO may be paid to employees upon termination or retirement if approved by the City Manager.

Deferred Inflows and Outflows of Resources Deferred inflows of resources represent an acquisition of net position that applies to a future period and is therefore deferred until that time.

Governmental funds report revenue that is unavailable as deferred inflows of resources. Governmental funds report unavailable revenue from property taxes and from special assessments. These amounts are deferred and recognized as revenue in the period that the amount become available.

Deferred outflows of resources represent a consumption of net position that applies to a future period and is therefore deferred until that time. The City recognizes a deferred outflow related to pensions.

Fund Balance Governmental fund balance is reported in five separate categories: Nonspendable, restricted, committed, assigned, and unassigned. When both restricted and unrestricted fund balance is available for use, it is the City's policy to use restricted fund balance first. When expenditures qualify for more than one unrestricted fund balance classification, it is the City's policy to use resources in the following order: Committed, assigned, and then unassigned.

Restricted Assets Restricted assets are comprised of receivables for Class C road projects.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Use of Estimates

The preparation of the financial statements in accordance with U.S. GAAP requires management to make estimates and assumptions that affect the reported amounts of certain financial statement balances. Actual results could vary from the estimates used.

Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Utah Retirement Systems Pension Plan (URS) and additions to/deductions from URS's fiduciary net position have been determined on the same basis as they are reported by the URS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

2. RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

Explanation of Certain Differences Between the Governmental Funds Balance Sheet and the Government-Wide Statement of Net Position

The governmental fund balance sheet includes a reconciliation between total governmental fund balances and net position of governmental activities as reported in the government-wide statement of net position. This difference primarily results from the long-term economic focus of the statement of net position versus the current financial resources focus of the governmental funds balance sheet.

Capital related items:

When capital assets (property, plant and equipment) that are to be used in governmental activities are purchased or constructed, the costs of those assets are reported as expenditures in governmental funds. However, the statement of net position includes those capital assets among the assets of the City as a whole.

Cost of capital assets	$ 156,813,905
Accumulated depreciation	(5,019,617)
Capital assets, net	$ 151,794,288

2. RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (CONTINUED)

Explanation of Certain Differences Between the Governmental Funds Balance Sheet and the Government-Wide Statement of Net Position (Continued)

Long-term debt transactions:

Long-term liabilities applicable to the City's governmental activities are not due and payable in the current period and accordingly are not reported as fund liabilities in the fund financials. All liabilities (both current and long-term) are reported in the statement of net position. Balances at June 30, 2019 were:

Compensated absences	$ 172,080
Pension liability, net	7,690
	$ 179,770

Explanation of Certain Differences Between Governmental Funds Operating Statements and the Statement of Net Activities

The governmental funds statement of revenues, expenditures, and change in fund balances includes a reconciliation between net change in fund balances - total governmental funds and change in net position of governmental activities as reported in the government-wide statement of activities. The first element of this reconciliation states that capital outlays and contributions are reported in the governmental fund as expenditures while the government-wide statement of activities allocates these costs over the useful lives of the assets as depreciation. While shown in the reconciliation as the net difference, the elements of this difference are as follow:

Capital outlays and contributions	$ 2,053,933
Depreciation expense	(1,712,232)
Net difference, as reported	$ 341,701

3. STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

Budgetary Information

- For the fiscal year beginning July 1, the Mayor submits a proposed budget to the City Council by the first City Council meeting in May. The budget includes proposed expenditures and the means of financing them.

- By passage of a resolution, the budget is legally enacted on or before June 22, after a public hearing has been held.

3. STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY (CONTINUED)

- Once adopted, the budget can be amended by subsequent City Council action. The budget officer is authorized to transfer budgeted amounts between departments within any fund; however, the City Council must approve any revisions that alter the total expenditures of any fund. Increased appropriations require a public hearing to amend the budget.

- Interim adjustments of estimated revenues and appropriations, during the year ended June 30, 2019, have been included in the final budget approved by the City Council, as presented in the basic financial statements.

- As determined by state law, the level by which expenditures may not legally exceed appropriations is the total departmental budgets within a given fund.

- Unencumbered appropriations lapse at the end of each fiscal year.

An annual budget for the General Fund was legally adopted by the City and is prepared on the modified-accrual method of accounting.

Although Utah State law requires the initial preparation of budgets for all City funds (both governmental and proprietary), it only requires the reporting of actual versus such budgets for governmental funds.

Tax Revenues

Property taxes are collected by the Salt Lake County Treasurer and remitted to the City in two to three installments in November, December, and January of each fiscal year and a final settlement by March 31st. Taxes are levied and are due and payable on November 1st and delinquent after November 30th of each year at which time they become liens if not paid. An accrual of delinquent current and prior year's property taxes beyond that which was received within 60 days after fiscal year end has not been made, as the amounts are not deemed to be material. An accrual for current year property taxes estimated to be collected the following November and December is made each year.

Sales taxes are collected by the Utah State Tax Commission and remitted to the City monthly. An accrual has been made for all taxes received by the State for the period ended June 30th and thus due and payable to the City.

Franchise taxes are charged to various utility companies doing business with the City including telephone, cable television, gas utility, and electric utility companies. The fees are remitted on a monthly, quarterly, semi-annual, or annual basis. An accrual has not been made for fees due and payable to the City at June 30th as the amounts are not deemed to be material.

4. DEPOSITS AND INVESTMENTS

Utah State law establishes the rules and regulations for deposits and investments and is known as the Utah Money Management Act. The Act established the Money Management Council that promulgates additional rules and determines which financial institutions may qualify to hold deposits and investments for state and local entities. The City has complied with the Utah Money Management Act and rules of the Money Management Council with regard to deposits and investments.

As of June 30, 2019, the City's demand deposits amounted to $339,653.

As of June 30, 2019, the City had investments in the Utah Public Treasurer's Investment Fund of $10,099,554. The fund is not rated and the weighted average maturity was less than 90 days.

Custodial Credit Risk - Deposits This is the risk that in the event of a bank failure, the City's deposits may not be returned. As of June 30, 2019, $250,000 of the City's $5,597,228 bank balance was insured by FDIC limits and, therefore, is not exposed to custodial credit risk. The Utah Money Management Act does not require deposits to be insured or collateralized and the City has no formal policy regarding deposit credit risk. The Act requires that the City keep deposits in a qualified depository, which the City has done.

Custodial Credit Risk – Investments This is the risk that in the event of the failure of the counterparty, the City will not be able to recover the value of its investments that are in the possession of an outside party. The City has no formal policy regarding custodial credit risk for investments. Money invested in the Utah Public Treasurer's Investment Fund is pooled with many other state and local entities, and is managed by the Utah State Treasurer. The Fund is not categorized as to custodial credit risk.

Interest Rate Credit Risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The City's policy for managing its exposure to fair value loss from changes in interest rates is to follow the Utah Money Management Act and only invest in instruments that mature in one year or less. Investments within the Public Treasurer's Investment Fund have a weighted average maturity of less than ninety days.

Credit Risk is the risk that an issuer will not fulfill its obligations. The City policy is consistent with and complies with the Utah State Money Management Act. Investment is limited to U.S. Treasuries, U.S. Government Agency instruments, Utah Public Treasurer's Investment Fund, and other instruments that are rated A or higher by Standard & Poor's or Moody's. The City only invested in the Utah Public Treasurer's Investment Fund and U.S. Treasury securities during the year.

Concentration of Credit risk City policy requires diversification and limits the amount that may be invested in the same company. First, the City may not invest more than 20% of its idle funds outside of the Utah Public Treasurer's Investment Fund. Second, not more than 10% of the total portfolio may be invested in a single company's credit instruments. The Utah Public Treasurer's Investment Fund is highly diversified and must comply with various rules of the Utah State Money Management Act and Money Management Council.

4. DEPOSITS AND INVESTMENTS (CONTINUED)

The deposits and investments described above are included on the government-wide statement of net position as follows:

Cash and cash equivalents	$ 10,438,458

5. ACCOUNTS RECEIVABLE

Receivables as of June 30, 2019 for the City's individual major funds, including the applicable allowances for uncollectible accounts, are as follows:

	General	Non-major Fund	Total
Receivables:			
Taxes	$ 12,609,559	$ 977,070	$13,586,629
Intergovernmental	443,245	-	443,245
Gross receivables	13,052,804	977,070	14,029,874
Less: allowance for uncollectibles	-	-	-
Net total receivables	$ 13,052,804	$ 977,070	$14,029,874

Governmental funds report deferred revenue as deferred inflows of resources in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period. Governmental funds also defer revenue recognition in connection with resources that have been received, but not yet earned. At June 30, 2019, the various components of deferred revenue and unearned revenue reported in the government fund were as follows:

	Deferred Inflows of Resources	Unearned
Property taxes receivable	$10,448,910	$ -
Property taxes receivable (Community Reinvestment Agency)	977,070	-
Total deferred inflows of resources/ unearned revenue, governmental funds	$11,425,980	$ -

6. CAPITAL ASSETS

Capital asset activity for governmental activities for the year ended June 30, 2019 was as follows:

	7/1/18	Increases	Decreases	6/30/19
Governmental activities				
Capital assets:				
Land	$ 73,005,060	$ -	$ -	$ 73,005,060
Buildings	-	525,867	-	525,867
Improvements	531,653	463,828	-	995,481
Infrastructure	80,943,984	776,076	-	81,720,060
Machinery and equipment	279,275	288,162	-	567,437
Total capital assets	154,759,972	2,053,933	-	156,813,905
Accumulated depreciation:				
Buildings	-	(876)	-	(876)
Improvements	(10,633)	(11,406)	-	(22,039)
Infrastructure	(3,237,759)	(1,620,173)	-	(4,857,932)
Machinery and equipment	(58,993)	(79,777)	-	(138,770)
Total accumulated depreciation	(3,307,385)	(1,712,232)	-	(5,019,617)
Net governmental capital assets	$ 151,452,587	$ 341,701	$ -	$ 151,794,288

In the government-wide financial statements depreciation was charged as follows by program or activity:

Governmental activities:	
General government	$ 92,059
Highways and public improvements	1,620,173
Total depreciation expense - governmental activities	$ 1,712,232

7. SHORT-TERM DEBT – TAX AND REVENUE ANTICIPATION NOTES

The City issues tax and revenue anticipation notes in advance of property tax and other revenue collections, depositing the proceeds in its general fund. These notes are necessary because the City's payments for contract services are made throughout the year, whereas property tax collections are received primarily in November and December.

Short-term debt activity for the year ended June 30, 2019 was as follows:

	7/1/18	Issued	Redeemed	6/30/19
Tax and revenue anticipation notes	$ 4,927,000	$ 9,959,500	$ (14,886,500)	$ -

8. CHANGES IN LONG-TERM LIABILITIES

Long-term liability activity for the governmental activities for the year ended June 30, 2019 was as follows:

	7/1/18	Additions	Reductions	6/30/19	Due in One Year
Compensated absences	$ 91,229	$ 180,920	$ (100,069)	$ 172,080	$ 100,000
Net pension liability	-	855,153	-	855,153	-
Governmental activity long-term liabilities	$ 91,229	$ 1,036,073	$ (100,069)	$ 1,027,233	$ 100,000

9. OTHER INFORMATION

Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The City carries insurance through the Utah Local Government Insurance Trust for all of these risks of loss. Settlement amounts have not exceeded insurance coverage for the current year or the three prior years. Expenses and claims not covered by insurance are recognized when it is probable that a loss has occurred and the amount of the loss can be reasonably estimated. In determining claims, events that might create claims, but for which none have been reported, are considered. City Management estimates that the amount of other actual or potential claims against the City as of June 30, 2019 will not materially affect the financial condition of the City.

Reinvestment Agency

In connection with the activities of the Community Reinvestment Agency (CRA), incremental tax revenues totaling $974,101 were generated. The CRA was not required to pay any portion of this revenue to other taxing agencies. There is no outstanding debt of the CRA at June 30, 2019.

During the year ended June 30, 2019, funds expended by the CRA were limited to administrative expenses and affordable housing.

10. PENSION PLANS

General Information About the Pension Plan

Plan Description Eligible plan participants are provided with pensions through the Utah Retirement Systems. The Utah Retirement Systems are comprised of the following pension trust funds:

Public Employees Noncontributory Retirement System (Noncontributory System); is a multiple employer, cost sharing, public employee retirement system.

10. PENSION PLANS (CONTINUED)

Plan Description (Continued)

Tier 2 Public Employees Contributory Retirement System (Tier 2 Public Employees System) is a multiple employer, cost sharing, public employee retirement system.

The Tier 2 Public Employees System became effective July 1, 2011. All eligible employees beginning work on or after July 1, 2011, who has no previous service credit with any of the Utah Retirement Systems, are members of the Tier 2 Retirement System.

The Utah Retirement Systems (Systems) are established and governed by the respective sections of Title 49 of the Utah Code Annotated 1953, as amended. The Systems' defined benefit plans are amended statutorily by the State Legislature. The Utah State Retirement Office Act in Title 49 provides for the administration of the Systems under the direction of the Board, whose members are appointed by the Governor. The Systems are fiduciary funds defined as pension (and other employee benefit) trust funds. URS is a component unit of the State of Utah. Title 49 of the Utah Code grants the authority to establish and amend the benefit terms.

URS issues a publicly available financial report that can be obtained by writing Utah Retirement System, 560 E 200 S, Salt Lake City, Utah 84102 or visiting the website: www.urs.org.

Benefits Provided

URS provides retirement, disability, and death benefits. Retirement benefits are as follows:

System	Final Average Salary	Years of Service Required and/or Age Eligible for Benefit	Benefit Percent Per Year of Service	COLA**
Noncontributory System	Highest 3 years	30 years any age 25 years any age* 20 years age 60* 10 years age 62* 4 years age 65	2.0% per year all years	Up to 4%
Tier 2 Public Employees System	Highest 5 years	35 years any age 20 years any age 60* 10 years age 62* 4 years age 65	1.5% per year all years	Up to 2.50%

*with actuarial reductions

**All post-retirement cost-of-living adjustments are non-compounding and are based on the original benefit except for Judges, which is a compounding benefit. The cost-of-living adjustments are also limited to the actual Consumer Price Index (CPI) increase for the year, although unused CPI increases not met may be carried forward to subsequent years.

10. PENSION PLANS (CONTINUED)

Contribution Rate Summary

As a condition of participation in the Systems, employers and/or employees are required to contribute certain percentages of salary and wages as authorized by statute and specified by the URS Board. Contributions are actuarially determined as an amount that, when combined with employee contributions (where applicable), is expected to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded actuarial accrued liability. Contribution rates as of June 30, 2019 are as follows:

	Employee Paid	Employer Contribution Rates	Employer Rate for 401(k) Plan
Contributory System			
111- Local Governmental Division Tier 2	N/A	15.54%	1.15%
Noncontributory System			
15- Local Governmental Division Tier 1	N/A	18.47%	N/A
Tier 2 DC Only			
211 - Local Government	N/A	6.69%	10.00%

Tier 2 rates include a statutory required contribution to finance the unfunded actuarial accrued liability of the Tier 1 plans.

For fiscal year ended June 30, 2019, the employer and employee contributions to the System were as follows:

System	Employer Contributions	Employee Contributions
Noncontributory System	$ 214,893	N/A
Tier 2 Public Employees System	103,052	-
Tier 2 DC Only System	5,844	N/A
Total Contributions	$ 323,789	$ -

Contributions reported are the URS Board-approved required contributions by System. Contributions in the Tier 2 Systems are used to finance the unfunded liabilities in the Tier 1 Systems.

10. PENSION PLANS (CONTINUED)

Combined Pension Assets, Liabilities, Expense, and Deferred Outflows and Inflows of Resources Relating to Pensions

At June 30, 2019, the City reported a net pension asset of $0 and a net pension liability of $855,153.

	(Measurement Date): December 31, 2018				
	Net Pension Asset	Net Pension Liability	Proportionate Share	Proportionate Share December 31, 2017	Change
Noncontributory System	$ -	$ 840,156	0.1140939%	0.0098201%	0.1042738%
Tier 2 Public Employees System	-	14,997	0.0350169%	0.0050222%	0.0299947%
Total Net Pension Asset / Liability	$ -	$ 855,153			

The net pension asset and liability was measured as of December 31, 2018, and the total pension liability used to calculate the net pension asset and liability was determined by an actuarial valuation as of January 1, 2018 and rolled-forward using generally accepted actuarial procedures. The proportion of the net pension asset and liability is equal to the ratio of the employer's actual contributions to the Systems during the plan year over the total of all employer contributions to the System during the plan year.

For the year ended June 30, 2019, the City recognized pension expense of $412,942.

At June 30, 2019, we reported deferred outflows of resources and deferred inflows of resources relating to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	$ 10,911	$ 18,770
Changes in assumptions	116,307	269
Net difference between projected and actual earnings on pension plan investments	179,710	-
Changes in proportion and differences between contributions and proportionate share of contributions	379,224	-
Contributions subsequent to the measurement date	180,350	-
Total	$ 866,502	$ 19,039

$180,350 reported as deferred outflows of resources related to pensions results from contributions made by us prior to our fiscal year end, but subsequent to the measurement date of December 31, 2018.

10. PENSION PLANS (CONTINUED)

Combined Pension Assets, Liabilities, Expense, and Deferred Outflows and Inflows of Resources Relating to Pensions (Continued)

These contributions will be recognized as a reduction of the net pension liability in the upcoming fiscal year. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions, will be recognized in pension expense as follows:

Year Ended December 31,	Deferred Outflows (Inflows) of Resources
2019	$ 268,802
2020	194,016
2021	114,318
2022	85,309
2023	536
Thereafter	4,133

Actuarial Assumptions

The total pension liability in December 31, 2018 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.50 percent
Salary increases	3.25 - 9.75 percent, average, including inflation
Investment rate of return	6.95 percent, net of pension plan investment expense, including inflation

Mortality rates were developed from actual experience and mortality tables based on gender, occupation and age as appropriate, with adjustments for future improvement in mortality based on Scale AA, a model developed by the Society of Actuaries.

The actuarial assumptions used in the January 1, 2018 valuation were based on the results of an actuarial experience study for the five-year period ending December 31, 2016.

The long-term expected rate of return of pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return or each major asset class are summarized in the following table:

10. PENSION PLANS (CONTINUED)

		Expected Return Arithmetic Basis	
Asset Class	**Target Asset Allocation**	**Real Return Arithmetic Basis**	**Long-Term Expected Portfolio Real Rate of Return**
Equity securities	40%	6.15%	2.46%
Debt securities	20%	0.40%	0.08%
Real assets	15%	5.75%	0.86%
Private equity	9%	9.95%	0.89%
Absolute return	16%	2.85%	0.46%
Cash and cash equivalents	0%	0.00%	0.00%
Totals	100%		4.75%
	Inflation		2.50%
	Expected arithmetic nominal return		7.25%

The 6.95% assumed investment rate of return is comprised of an inflation rate of 2.50% and a real return of 4.45% that is net of investment expense.

Discount Rate

The discount rate used to measure the total pension liability was 6.95 percent. The projection of cash flows used to determine the discount rate assumed that employee contributions will be made at the current contribution rate and that contributions from all participating employers will be made at contractually required rates that are actuarially determined and certified by the URS Board. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability. The discount rate does not use the Municipal Bond Index Rate. The discount rate was reduced to 6.95 percent from the 7.20 percent from the prior measurement period.

Sensitivity to the Proportionate Share of the Net Pension Asset and Liability to Changes in the Discount Rate

The following presents the proportionate share of the net pension liability calculated using the discount rate of 6.95 percent, as well as what the proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.95 percent) or 1-percentage-point higher (7.95 percent) than the current rate:

10. PENSION PLANS (CONTINUED)

Sensitivity to the Proportionate Share of the Net Pension Asset and Liability to Changes in the Discount Rate (Continued)

System	1% Decrease (5.95%)	Discount Rate (6.95%)	1% Increase (7.95%)
Noncontributory System	$ 1,721,866	$ 840,156	$ 105,924
Tier 2 Public Employees System	60,081	14,997	(19,796)
Total	$ 1,781,947	$ 855,153	$ 86,128

Defined Contribution Savings Plans

The Defined Contribution Savings Plans are administered by the Utah Retirement Systems Board and are generally supplemental plans to the basic retirement benefits of the Retirement Systems but may also be used as a primary retirement plan. These plans are voluntary tax-advantaged retirement savings programs authorized under sections 401(k), 457(b) and 408 of the Internal Revenue Code. Detailed information regarding plan provisions is available in the separately issued URS financial report.

Millcreek City participates in the following Defined Contribution Savings Plans with Utah Retirement Systems:

- 401(k) Plan
- 457(b) Plan
- Roth IRA Plan

Employee and employer contributions to the Utah Retirement Defined Contribution Savings Plans for fiscal year ended June 30 were as follows:

	2019	2018	2017
401(k) Plan*			
Employer contributions	$ 214,189	$ 94,723	$ -
Employee contributions	143,063	57,381	-
457 Plan			
Employer contributions	-	1,750	-
Employee contributions	12,552	3,652	-
Roth IRA Plan			
Employer contributions	N/A	N/A	N/A
Employee contributions	7,405	2,730	-

* The employer paid 401(k) contributions include the totals paid for employees in the Tier 2 Defined Contribution 401(k) Plan.

11. SUBSEQUENT EVENTS

On July 1, 2019, the City issued $6,500,000 of tax and revenue anticipation notes. The notes have a 2.25% coupon rate and mature on December 31, 2019. The proceeds will be used to pay for contract services until the City receives the majority of property tax collections during November and December 2019.

On July 30, 2019, the City issued Sales Tax Revenue Bonds Series 2019 in the amount of $17,345,000. The bonds were sold at a premium of $2,888,462 with an underwriter's discount and bond issuance costs totaling $233,462, resulting in total proceeds of $20,000,000. The average coupon rate is 4.09%, and the bonds mature on December 1, 2039.

MILLCREEK
Schedule of Revenues, Expenditures, and Changes in Fund Balance –
Budget and Actual – Capital Projects Fund
For the year Ended June 30, 2019

	Budgeted Amounts			Variance With Final Budget Positive
	Original	Final	Actual	(Negative)
REVENUES				
Interest	$ 500	$ 2,000	$ 52,810	$ 50,810
Total revenues	500	2,000	52,810	50,810
EXPENDITURES				
Streets and public works	500,500	3,152,000	1,239,905	1,912,095
Total expenditures	500,500	3,152,000	1,239,905	1,912,095
Excess (deficiency) of revenues over (under) expenditures	(500,000)	(3,150,000)	(1,187,095)	1,962,905
OTHER FINANCING SOURCES				
Transfers in	563,600	4,746,945	4,739,905	(7,040)
Total other financing sources	563,600	4,746,945	4,739,905	(7,040)
Net change in fund balance	63,600	1,596,945	3,552,810	1,955,865
Fund balance at beginning of year	-	-	-	-
Fund balance at end of year	$ 63,600	$ 1,596,945	$ 3,552,810	$ 1,955,865

MILLCREEK
Schedule of Revenues, Expenditures, and Changes in Fund Balance –
Budget and Actual – Community Reinvestment Agency – Special Revenue Fund
For the year Ended June 30, 2019

	Budgeted Amounts			Variance With Final Budget Positive
	Original	Final	Actual	(Negative)
REVENUES				
Taxes	$ -	$ -	$ 2,968	$ 2,968
Intergovernmental	982,069	982,069	974,101	(7,968)
Interest	-	-	6,319	6,319
Total revenue	982,069	982,069	983,388	1,319
EXPENDITURES				
Public works	982,069	982,069	282,370	699,699
Total expenditures	982,069	982,069	282,370	699,699
Excess of revenues over expenditures	-	-	701,018	701,018
Net change in fund balance	-	-	701,018	701,018
Fund balance, beginning of year	-	-	-	-
Fund balance, end of year	$ -	$ -	$ 701,018	$ 701,018

MILLCREEK
Schedule of the Proportionate Share of the Net Pension Liability
Last Ten Fiscal Years

	As of December 31,	Proportion of Net Pension Liability (Asset)	Proportionate Share of the Net Pension Liability (Asset)	Covered Employee Payroll	Proportionate Share of the Net Pension Liability (Asset) as a Percentage of its Covered-Employee Payroll	Plan Fiduciary Net Position as a Percentage of its Covered-Employee Payroll
Noncontributory System	2018	0.1140939%	$ 840,156	$ 920,290	91.29%	87.00%
Tier 2 Public Employees System	2018	0.0350169%	14,997	406,399	3.69%	90.80%

Note:

* This schedule usually covers the 10 most recent fiscal years; however, this is the information available as of the implementation year of GASB 68.

MILLCREEK
Schedule of Pension Contributions
Last Ten Fiscal Years

	As of fiscal year ended June 30,	Actuarial Determined Contributions	Contributions in Relation to the Contractually Required Contribution	Contribution Deficiency (Excess)	Covered Employee Payroll	Contributions as a Percentage of Covered Employee Payroll
Noncontributory System	2018	$ 83,431	$ 83,431	$ -	$ 451,711	18.47%
	2019	214,893	214,893	-	1,165,396	18.44%
Tier 2 Public Employees System*	2018	28,752	28,752	-	190,281	15.11%
	2019	103,052	103,052	-	663,143	15.54%
Tier 2 Public Employees DC Only System*	2018	942	942	-	14,080	6.69%
	2019	5,844	5,844	-	87,351	6.69%

Note:

This schedule usually covers the 10 most recent fiscal years; however, this is the information available as of the implementation year of GASB 68.

Contributions as a percentage of covered-employee payroll may be different than the Board certified rate due to rounding or other administrative issues.

* Contributions in Tier 2 include an amortization rate to help fund the unfunded liabilities in the Tier 1 systems. Tier 2 systems were created effective July 1, 2011.

MILLCREEK
Notes to the Required Supplementary Information
June 30, 2019

1. ACTUARIALLY DETERMINED PENSION CONTRIBUTIONS

Contribution rates include an amount for normal cost, the estimated amount necessary to finance benefits earned by the members during the current year, and an amount for amortization of the unfunded or excess funded actuarial accrued liability over a closed 20-year amortization period. The rates are determined using the entry age actuarial cost method.

Contributions made were in accordance with actuarially computed funding requirements. For contribution rate purposes, the actuary evaluates the assets of the plan based on a 5-year smoothed expected return wherein 20 percent of a year's excess or shortfall of expected return is recognized each year for five years.

As a result of an experience study conducted as of December 31, 2017, the Board adopted recommended changes to several economic and demographic assumptions that are used in the actuarial valuation. The assumption changes that had the largest impact on the Total Pension Liability (and actuarial accrued liability) include a decrease in the investment return assumption from 7.20% to 6.95%, a reduction in the price inflation assumption from 2.60% to 2.50% (which also resulted in a corresponding decrease in the cost-of-living adjustment assumption for the funds with a 4.00% annual COLA max), and the adoption of an updated retiree mortality table that is developed using URS's actual retiree mortality experience. There were changes to several other demographic assumptions, but those changes had a minimal impact on the Total Pension Liability (and actuarial accrued liability).

The assumptions and methods used to calculate the total pension liability remain unchanged from the prior year.

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INDPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Mayor and City Council
Millcreek, Utah

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of Millcreek, Utah (the City), as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements and have issued our report thereon dated October 29, 2019.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

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HBME, LLC IS A CERTIFIED PUBLIC ACCOUNTING FIRM

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

HBME, LLC

October 29, 2019

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ROBERT D. WOOD, CPA
AARON R. HIXSON, CPA
TED C. GARDINER, CPA
JEFFREY B. MILES, CPA
DONALD M. JACK, CPA

INDEPENDENT AUDITORS' REPORT IN ACCORDANCE WITH THE *STATE COMPLIANCE AUDIT GUIDE* ON COMPLIANCE WITH GENERAL STATE COMPLIANCE REQUIREMENTS, AND INTERNAL CONTROL OVER COMPLIANCE

Major and City Council
Millcreek, Utah

Report On Compliance with General State Compliance Requirements

We have audited City of Millcreek, Utah's (the City) compliance with general and major State program compliance requirements described in the *State Compliance Audit Guide* issued by the Office of the Utah State Auditor, that could have a direct and material effect on the City for the year ended June 30, 2019.

General state compliance requirements were tested for the year ended June 30, 2019 in the following areas:

Budgetary Compliance	Restricted Taxes and Related Revenues
Fund Balance	Open and Public Meetings Act
Utah Retirement Systems	Treasurer's Bond
Cash Management	

Management's Responsibility

Management is responsible for compliance with the general state requirements referred to above.

Auditors' Responsibility

Our responsibility is to express an opinion on the City's compliance based on our audit of the compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the *State Compliance Audit Guide*. Those standards and the *State Compliance Audit Guide* require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the compliance requirements referred to above that could have a direct and material effect on the City occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

559 WEST 500 SOUTH BOUNTIFUL, UT 84010 // O: 801.296.0200 // F: 801.296.1218 // HBME.COM

HBME, LLC IS A CERTIFIED PUBLIC ACCOUNTING FIRM

We believe that our audit provides a reasonable basis for our opinion on compliance with general state compliance requirements. However, our audit does not provide a legal determination of the City's compliance.

Opinion on General State Compliance Requirements

In our opinion, Millcreek, Utah complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on the City for the year ended June 30, 2019.

Report on Internal Control Over Compliance

Management of the City is responsible for establishing and maintaining effective internal control over compliance with the compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City's internal control over compliance with the state compliance requirements referred to above to determine the audit that are appropriate in the circumstances for the purpose of expressing our opinion on compliance with those state compliance requirements and to test and report on internal control over compliance in accordance with the *State Compliance Audit Guide*, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a state compliance requirement on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a state compliance requirement will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a state compliance requirement that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be deficiencies, significant deficiencies, or material weaknesses in internal control over compliance. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses may exist that have not been identified.

Purpose of Report

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control and compliance and the results of that testing based on the requirements of the *State Compliance Audit Guide*. Accordingly, this communication is not suitable for any other purpose.

HBME, LLC

October 29, 2019

3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.us

File # ZM-19-016

Planning Commission Staff Report

Meeting Date: 12 November 2019

Applicant: Greg Sneyd

Property Address: 1643-1647 East Woodland Avenue

Parcel: (16-28-329-034-0000) .38 acres / 16,552 s.f.

Rezone from R-1-8 to 1-6 to allow for each home to be on separate parcel by utilizing the subdivision flag lot policy located at 1643-1647 East Woodland Avenue

Zone: R-1-8

Community Council: Canyon Rim and East Millcreek

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION

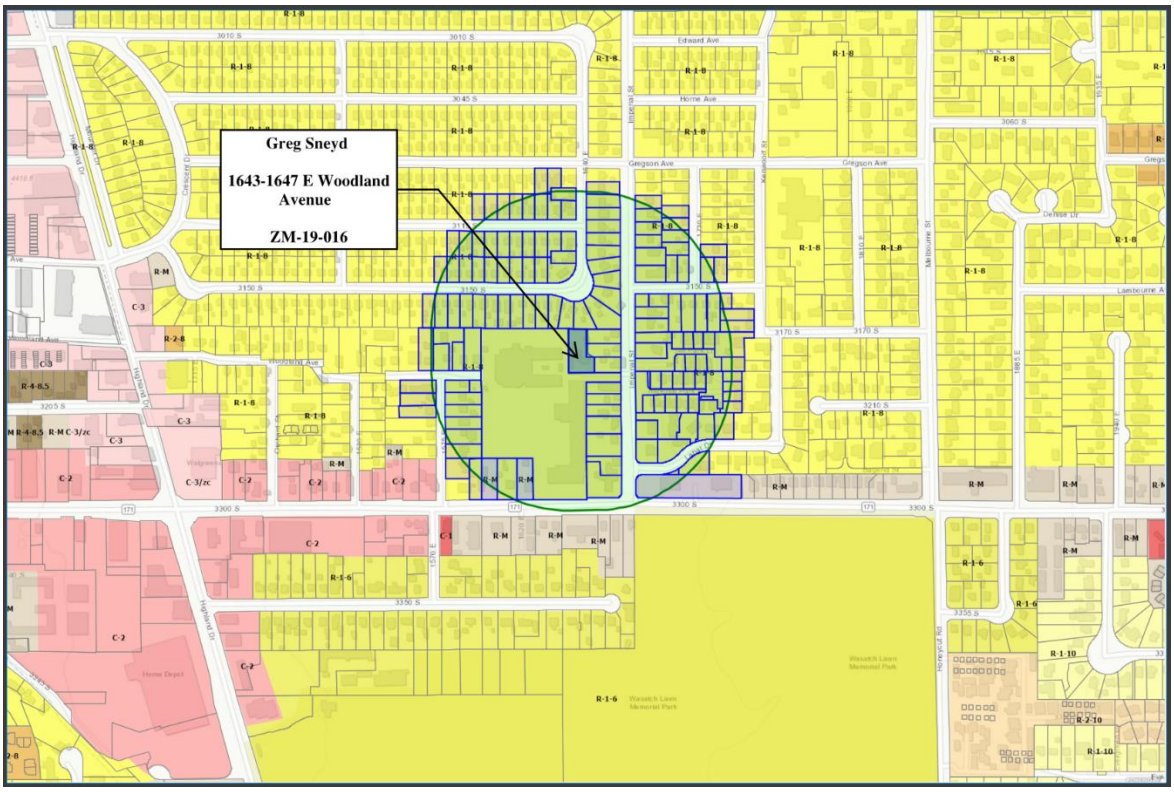
The applicant, Mr. Sneyd is petitioning the Millcreek City Council to rezone property (*16-28-329-034-000*) located at 1643-1647 E Woodland Avenue from an R-1-8 to an R-1-6 to allow for a flag lot. The subject parcel currently has two dwellings located on the property, making it nonconforming. In order to separate the two homes and establish two separate parcels that are accessed off of Woodland Avenue, a rezone to a higher density is required to make way for a proper flag lot. Additionally, one of the dwellings access is subject to an access license with the neighboring State of Utah property (Jean Massieu School of the Deaf) to the west. Such license poses questionable concerns in terms of guaranteed access in perpetuity. An informal neighborhood meeting was held by the developers and the neighboring property owners on April 30, 2019. A summary is attached to this report. The act of approving a rezone request and zone map amendment must be executed by the Millcreek City Council with a recommendation from the Millcreek Planning Commission.

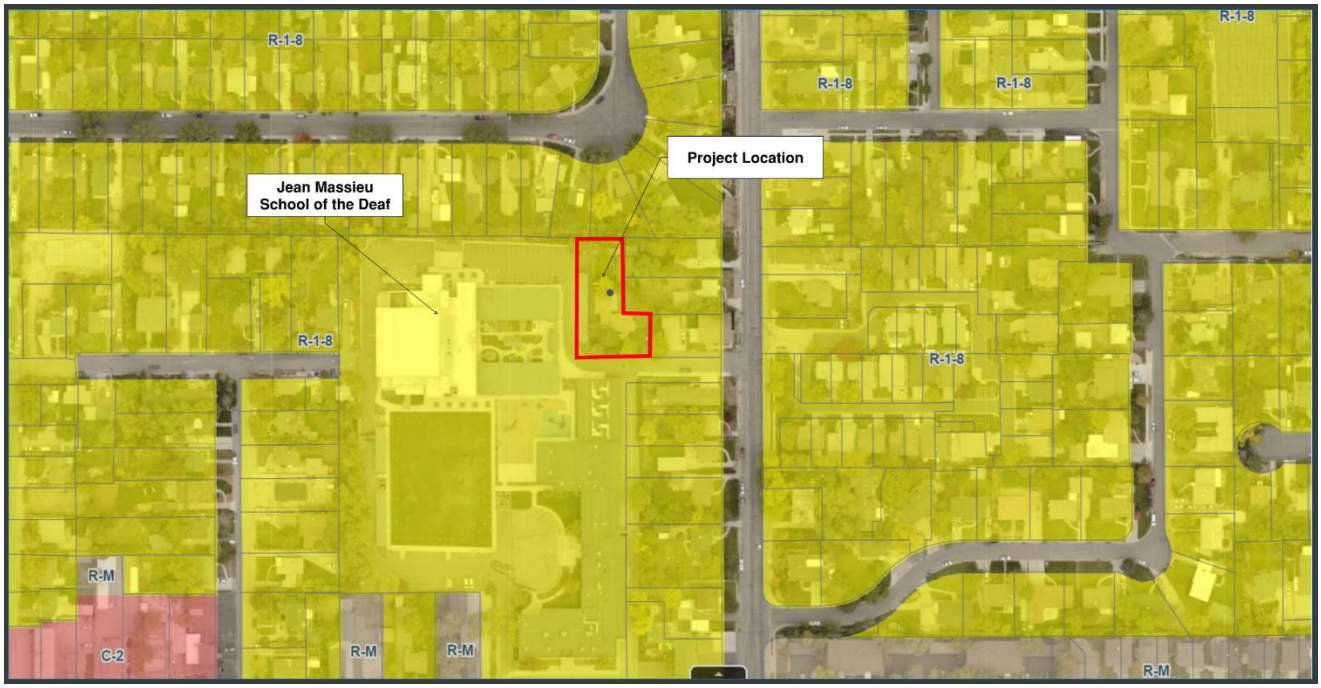
Request: **Rezone from R-1-8 to R-1-6**

File #: ZM-19-016

SITE & VICINITY DESCRIPTION

Zone Maps





Request: **Rezone from R-1-8 to R-1-6**

File #: **ZM-19-016**

Google Street Views



Looking north at property from Woodland



Request: **Rezone from R-1-8 to R-1-6**

File #: **ZM-19-016**



Looking west down Woodland

PROJECT INFORMATION

Currently in the R-1-8 Zone, to properly plat a flag lot subdivision a total of 20,000 s.f. must be maintained among lot widths and setback requirements. This equates to an 8,000 s.f. base lot and a 12,000 s.f. flag lot. Due to the subject parcel only consisting of roughly 16,500 s.f, a flag lot in the R-1-8 Zone is not possible.

Under the same requirements, to properly plat a flag in the R-1-6 Zone, a total of 15,000 s.f must be maintained. A minimum of 6,000 s.f base lot and a 9,000 s.f. flag lot with similar widths and setbacks.

Project Characteristics					
Requirement	**R-1-8**	**R-1-6**	**R-1-6 Flag Lot**	**Proposed**	
				Base Lot	**Flag Lot**
Height	28' Max	28' Max	28' Max	**18'***	**28' Max***
Front Yard Setback	25'	25'	20'	**26'**	**20'**
Side Yard Setback	8'	8'	20'	**8'**	**20'**
Rear Yard Setback	15'/30'	15'/30'	20'	**15'**	**20'**
Lot Width	65'	60'	60'	**80'**	**76'**
Lot Area	8,000 s.f.	6,000 s.f	9,000 s.f. min.	**7,592 s.f.**	**9,000 s.f.**

***The proposed rezone to R-1-6 will still be subject to the Residential Compatibility Overlay (RCOZ) Zone limiting the development in terms of height and lot coverage, etc.

Request: **Rezone from R-1-8 to R-1-6**

File #: **ZM-19-016**

Concept Plan



Flag lot and access diagram



Request: **Rezone from R-1-8 to R-1-6**

File #: **ZM-19-016**

During the preliminary design of the flag lot and its current configuration with two existing homes residing on the property, it was inevitable that the north dwelling would have to be removed.



Flag lot setbacks of 20' all sides would render the existing dwelling noncompliant. The developer has agreed to remove the existing home and plat a new buildable footprint that will meet the current requirements.



Due to the flag lot constraints and Residential Compatibility Overlay Zone, the developer is proposing to construct a home that will be compatible to the existing neighborhood. Construction of new home will be subject to the max zone height of 28 feet and a maximum lot coverage of 35% which will significantly reduce any ability of a large obnoxious dwelling.

Staff and the developer discussed entering into a development agreement that could be crafted to address any additional concerns from residents and Planning Commission.



Staff finds that many of the protections are in place already through the Flag Lot constraints and the Residential Compatibility Overlay Zone. Although some residents were curious of application, no opposition from residents has been documented.

Request: **Rezone from R-1-8 to R-1-6** **File #**: **ZM-19-016**

COMMUNITY COUNCIL RECOMMENDATION

At their regularly scheduled October meetings, the Canyon Rim Community Association and East Millcreek Community Council each **recommended approval** to the Millcreek Planning Commission of the proposed rezone from R-1-8 to R-1-6.

PLANNING STAFF ANALYSIS AND FINDINGS

Staff finds that the proposed rezone for two of the proposed lots is in harmony of the general plan and future land use map designated for this specific area of Millcreek. The "Neighborhood 1" zoning designation is preserved by maintaining an R-1 Zoning.

Staff finds that by rezoning subject property to make way for a flag lot provides a secure access to the north dwelling and new tax identification number for tax assessment purposes.

Staff finds that with a development agreement limiting the proposed rezone to a 2-lot flag lot subdivision as per plan and requiring the removal of the existing home to the north before a subdivision plat is recorded will guarantee the intent of the proposal and ensure zoning compliance.

Staff finds that adding the condition of approval requested by Planning Commission that the rezone proposal be subject to Chapter 19.77 (*Water Efficient Landscape Design and Development*) is redundant in that the this code, specifically 19.77.040, *Landscape Design Standards And Guidelines* already applies to subdivisions and allows staff to require a tree inventory and preservation plan.

Staff would recommend leaving the *Water Efficient Landscape Design and Development* requirements out of the Development Agreement unless City Council feels a stricter standard needs to be applied in addition to the existing code.

19.77.020 Scope and Applicability
Homeowner-provided landscape improvements within the front, side and rear yards of single- and two-family dwellings are exempt from the requirements of this chapter.

1. Newly Established Land Uses. Except as noted above, these landscape standards shall be applied to all new developments in the City. Residential development projects such as but not limited to planned unit developments, condominiums, multifamily residential developments **and residential subdivision projects** in which improvements such as but not limited to the dwelling units, common area, recreational amenities and infrastructure improvements are provided by the developer shall be landscaped in accordance with the requirements of this chapter.

PLANNING COMMISSION RECOMMENDATION

The Millcreek Planning Commission **recommended approval** of rezone proposal ZM-19-016 located at 1643-1647 East Woodland Avenue based on Planning Staff analysis and findings and with a development agreement outlining the following conditions and added the condition of approval be subject to the Chapter 19.77 (*Water Efficient Landscape Design and Development*) in an effort to preserve as many of the mature tree as possible:

- Limiting the proposed rezone to a 2-lot flag lot subdivision as per plan
- Requiring the removal of the existing home to the north before a subdivision plat is recorded

Request: **Rezone from R-1-8 to R-1-6**

File #: **ZM-19-016**

CITY COUNCIL RECOMMENDATION

Planning Staff recommends to the Millcreek City Council **to approve** rezone proposal ZM-19-016 based on Planning Staff analysis and findings and with a development agreement outlining the following conditions:

- Limiting the proposed rezone to a 2-lot flag lot subdivision as per proposed in Exhibit A
- Requiring the removal of the existing home to the north before a subdivision plat is recorded

SUPPORTING DOCUMENTS

- Application and Affidavit
- Letter of Intent
- Neighborhood meeting and summary
- General Plan Questionnaire
- Future Land Use Map
- Site Plan
- Existing Access license
- East Millcreek Community Council Letter of Recommendation (*Canyon Rim Does not provide letter*)
- Chapter 19.77 (*Water Efficient Landscape Design and Development*) of the Millcreek Code. More specifically Section 19.77.040
- Draft Development Agreement

Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
Millcreek.Utah.gov

File #

Land Use & Development Application

☐ FCOZ ☐ RCOZ ☐ DWSP ☐ RCOZ ☐ Watershed ☐ Over Pressure ☐ Magna Main
☐ Natural Hazards ☐ Other _____

Zone: _____ Community Council: _____ Planner: _____
Parent File #: _____ Date: _____

Property Address: 1643-1649 Woodland Ave Parcel #: 16-28-329-034
Name of Project Woodland Rentals Rezone Property Acreage: .38
Please describe your request:

New Development:
- ☐ Conditional Use
- ☐ Permitted Use
- ☐ Subdivision # lots: _____
- ☐ PUD #lots: _____

Modify an Existing Development:
- ☐ Change Conditions of Approval
- ☐ Change the Site Plan
- ☐ Condo Conversion
- ☐ Lot Consolidation
- ☑ Lot Line Adjustment
- ☐ Mobile Store
- ☐ Signs
- ☐ Billboards

Other:
- ☐ Exception Request
- ☐ General Plan Amendment
- ☐ GRAMA (Records Request)
- ☐ Land Use Hearing
- ☐ Non-Conforming
- ☐ RCOZ Appeal (Option C)
- ☐ Research Request
- ☑ Re-zone
- ☐ Right-of-Way Improvement Permit
- ☐ Vacate a Street

Is a key or gate code required to access the property? ☐ Yes ☑ No If yes, code: _____
(or provide driving directions to property):

APPLICANT'S NAME:

First: Greg Last: Sneyd Initial: M

Address: 3018 S. 2300 E City: Millcreek City State: Ut Zip: 84109

Phone: 801-554-1928 Cell: 801-554-1928 Email: greg@themovegroup.com

Property Owner(s):

First: Greg Last: Sneyd Initial: M

Address: Same City: _____ State: _____ Zip: _____

Phone: Same Cell: _____ Email: _____

Professional(s): ☑ Engineer, ☐ Architect, ☐ Other

Company: Weber Engineering Collective Contact: Jake Weber

Address: _____ City: SLC State: Ut Zip: _____

Phone: _____ Cell: 385-229-9663 Email: jakeweber8@gmail.com

**NOTE: all correspondence will be sent to the applicant's address:*

To facilitate the land use notice and review process, the undersigned hereby authorize the County to reproduce this *application and all documents attached to the application* for staff, officials, and the interested public:

Applicant's Signature: _____ Date 9/13/19

Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
Millcreek.Utah.gov

File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
} ss
COUNTY OF SALT LAKE }

I (we) Gregory M. Sneyd being duly sworn, depose and say that

I (we) am (are) the owner(s) of the property(s) located at:

1643-1647 Woodland Ave, Millcreek City UT 84106

My (our) signature below attests that I (we) have reviewed the proposal by Mike Greg Sneyd

requesting review and approval of a rezoning and subdivision application (4 lots)

and that I (we) consent to the statements and information provided in the attached plans and exhibits

and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner _____

Property Owner _____

Subscribed and sworn to me this 19th day of September, 2019.

PAIGE HERNANDEZ
Notary Public - State of Utah
Comm. No. 702278
My Commission Expires on
Sep 10, 2022

Notary: _____
Residing in Salt Lake County, Utah

Support for Rezoning and Subdivision of
1643/1647 Woodland Ave., Millcreek City, Utah, 84106.

Objective:

The property was purchased by Woodland Rentals, LLC. on February 23, 2012 Gregory Sneyd is the Manager of Woodland Rentals, LLC. There are two houses on the property but only one parcel #16-28-329-034. (See attached.) This is a non-conforming lot. Our intention is to have the property rezoned form R-1-8 to R-1-6 so that we are able to create a flag lot at the rear of the property and create two separate and distinct parcels so that both lots are conforming. We intend to demolish the existing house on the rear of the lot and build a new home on the new flag lot.

History:

When we originally purchased the property we had a narrow lane on the west side of the property providing access from Woodland Avenue to the house at the rear. However, the State of Utah decided to expand the School for the Deaf and Blind and did a survey. They informed us that the existing lane was encroaching on their property.

Since we no longer had the original lane for access, the State representative informed us that they would provide us with an easement across the parking lot of the Deaf and Blind School. The State then built a fence and access gate along the west boundary of our property.

When construction of the school was completed, the State attorney informed us that they would not provide us with an easement, as originally agreed upon, but rather a license agreement. On January 15, 2018 we entered into a License Agreement with the State of Utah for the right to access the existing rear house through the Deaf and Blind School parking area. (See attached.)

Unfortunately, this license agreement does not enable us to provide *permanent* access to the rear property because the license agreement may be revoked at any time. It is not anticipated that it will be revoked but it is possible.

As a result we would like to provide permanent access via an easement through the south boundary of the property along the east border of the property. We propose to have a common driveway on this easement so that there is permanent access to the rear property. (See attached site plan.)

We would like to create a flag lot on the rear of the property accessible by this driveway. To meet all of the code requirements to subdivide the lot we must rezone to R-1-6 from R-1-8.

Matt Sneyd
Wed 10/2/2019 11:41 AM

- Robert May;
- Greg Sneyd <greg@themuvegroup.com>

Robert,

Here is a short summary of our neighborhood meeting the other night.

We had a great neighborhood meeting the other night. We started at about 6:15 to allow anyone who was running behind to arrive. Upon arrival, we started with a brief overview of our project and why we are requesting our rezone and future flag lot. We reviewed the current two dwelling units on parcel situations to explain how our goal is to clean up the lot lines and get the property into a conforming situation. There were some questions regarding the site before the school built their addition and how we previously had access to our lot. We explained how we are purchasing land from the neighbor to make the layout as clean as possible. One person had questions regarding what are the requirements and setbacks for a flag lot and he was asking so he could be educated on if his personal house would qualify for a flag lot. Another attendee was curious about what we planned to build. Although we don't have exact plans we showed him a few conceptual ideas that we had on file of what would possibly work inside of the zoning laws. The meeting ended around 6:40 and we stayed until 7 pm in case anyone else showed up late.

Millcreek Community Development
3330 South 1300 East
Millcreek, Utah 84106
Phone: (801) 214-2750

ESSENTIAL QUESTIONS FOR ZONING MAP AMENDMENTS, DEVELOPMENT AGREEMENTS, AND CITY INITIATIVES

The Millcreek Together general plan identifies essential questions at the end of each chapter of the plan. These questions will help the community councils, planning commission, and city council make findings as they make a decision regarding a zoning map amendment, development agreement, or city initiative.

Realizing that not all these questions will be applicable to every decision, these questions should be considered as a tool to focus on and provide implementation of each theme identified in the general plan.

Unique Neighborhoods

Does the project or initiative...

1. Support adopted and relevant small area and neighborhood plans?

   Yes, we are maintaining single family residential status and fix a non conforming lot.

2. Encourage additional investment or reinvestment in neighborhoods?

   Yes. Our plan is to have a new home built on the new flag lot.

3. Positively contribute to a diversity of affordable housing choices?

   N/A

4. Stay within the existing mass, scale, and height of the immediate neighborhood?

   Yes. See site plan and elevations.

5. Create options for new gathering areas or centers where possible?

N/A

6. Support the redevelopment of blighted and/or underperforming properties?

N/A

7. Enhance the connection of neighborhoods to trails, parks, recreation, and open spaces?

N/A

8. Enhance cultural, historical, educational, and/or human service opportunities to support neighborhoods?

N/A

Thriving Economy

Does the project or initiative...

1. Advance the Goals and Policies of the Economic Development Plan?

N/A

2. Support the retention of existing Millcreek businesses?

N/A

3. Help attract new businesses in targeted business sectors?

N/A

4. Create or enhance a built environment with amenities that will help attract new, skilled talent to Millcreek?

N/A

5. Support the creation of new, high-paying and livable wage jobs?

N/A

6. Contribute to effective and efficient use of City resources?

N/A

7. Provide for balanced budgets and financial stability for the City over the long-term?

N/A

8. Promote renewable, sustainable, and environmentally healthy/friendly business practices and products?

N/A

9. Support or align with regional business attraction and retention efforts?

N/A

10. Have a positive impact on the educational competitiveness of Millcreek?

N/A

11. Result in construction and / or renovation that is compatible with the existing mass, scale, and height of the immediate neighborhood?

Yes. See site plan and elevations.

Vibrant Gathering Places

Does the project or initiative...

1. Support the overall focus of the Vibrant Gathering Places vision?

   N/A

2. Support the continued development/redevelopment of the City Center, Meadowbrook Center, or Village Centers?

   N/A

3. Result in additional infill, development, or redevelopment of appropriate types in appropriate locations?

   Yes. A new home will be built on the the new flag lot.

4. Provide a range of opportunities for transportation access, interconnection of urban centers and enhanced demand and feasibility for multimodal transportation options?

   N/A

5. Result in well designed, well integrated and compatible development?

   Yes. See site plan and elevations.

6. Include, result in or support the creation of new or enhanced places for community interaction?

   N/A

7. Enhance connections to and integrate with the City's green infrastructure networks including trails, parks, open space, adjacent communities and public lands?

   N/A

8. Support or incorporate cultural, historical, educational, and/or human service opportunities?

N/A

9. Result in places that are inclusive, adaptable, sustainable and resilient?

N/A

Great Connections

Does the project or initiative...

1. Support the overall focus of the Great Connections theme?

N/A

2. Contribute positively to increased mobility throughout the City, and particularly related to east/ west transportation needs?

N/A

3. Specifically contribute in any way to enhanced transit?

N/A

4. Contribute to enhanced non-motorized transportation systems, connections with them or their use?

N/A

5. Result in fiscally sustainable additions or other changes to the transportation network?

N/A

6. Have a positive impact on walkability?

N/A

7. Support the quality of the environment, including air quality, water quality, and dark skies.

Yes

Health and Environment

Does the project or initiative...

1. Support the overall focus on the Health and Environment theme?

Yes

2. Incorporate green building principles?

Yes

3. Enhance pedestrian connectivity in Millcreek?

N/A

4. Protect or expand Millcreek's urban tree canopy?

Yes

Outdoor Lifestyle

Does the project or initiative...

1. Support the overall focus on the Outdoor Lifestyle theme?

   N/A

2. Positively contribute to the safety, security and well-being of residents, and those who use park or open space facilities?

   N/A

3. Encourage additional investment or reinvestment in surrounding areas?

   N/A

4. Contribute to the connectivity within and between neighborhoods, particularly for walkability, access to multimodal transportation alternatives, and contribution to the feasibility of alternative modes?

   N/A

5. Enhance the connection to the outdoors, trails, parks, natural areas and green infrastructure?

   N/A

6. Increase parks in needed areas of the City?

   N/A

7. Increase the number of trails along the foothills, Mill Creek Canyon and Neff's Canyon?

   N/A

Enriched Culture

Does the project or initiative...

1. Support the overall focus on our Enriched Culture theme?

   N/A

2. Add value or help establish a cultural identity within the City?

   N/A

3. Preserve or incorporate the historic assets of the City or promote this legacy?

   N/A

4. Provide cultural services, opportunities or access to underserved populations or neighbor hoods?

   N/A

5. Incorporate public art in association with this action or decision?

   N/A

6. Support the enhancement of centers of lifelong learning and innovation in the City?

   N/A

MILLCREEK FUTURE LAND USE

- Future Land Use -

- City Center
- Conservation Open Space
- Employment/ Commercial
- Light Manufacturing
- Mixed Use 1
- Mixed Use 2
- Neighborhood 1
- Neighborhood 2
- Neighborhood 3
- Public Quasi Public
- Retail/ Office
- Urban Transit Center
- Village Center
- Parks and Recreation

PROPOSED REZONE

Published:
06 September 2019

Sources:
Utah State AGRC
Salt Lake County
Millcreek

Millcreek
3330 South 1300 East
Millcreek, UT 84106
(801) 214-2700
www.millcreek.us

0 0.25 0.5 1 Miles

Spatial Reference: NAD 1983 StatePlane Utah Central FIPS 4302 Feet
Path: G:\GIS\Projects\2019\Planning\FutureLandUse\FutureLandUse\FutureLandUse.aprx

Millcreek makes no warranty with respect to the accuracy, completeness or usefulness of this publication, or the consequential damages resulting from the use or misuse of this publication, or any of the information contained herein.



DRAWING TITLE

SITE PLAN

CLEINT

REAL ESTATE MUVE GROUP EST. 2006

COMPLETION STATUS

PRELIMINARY PLANS

PROJECT

1643 WOODLAND AVE
MILLCREEK, UT

GENERAL

LEGEND

- PROPERTY BOUNDARY
- PROPERTY SETBACK
- EXISTING ROADWAY/ EDGE OF PAVEMENT
- EXISTING HISTORIC BUILDINGS (TO REMAIN)
- PROPOSED EDGE OF ROADWAY
- PROPOSED APARTMENT BUILDINGS
- PROPOSED TOWNHOMES
- PROPOSED RETAIL W/ APARTMENTS
- EXISTING SIDEWALK / CURB GUTTER
- PROPOSED ASPHALT PAVING
- PROPOSED CONCRETE
- PROPOSED LANDSCAPING
- EXISTING FIRE HYDRANT

N

S

20 0 10 20 40

Scale (24" x 36") 1 in. = 20 FT.

REVISIONS:

REV #	DESCRIPTION	DATE

WEBER ENGINEERING COLLECTIVE

CIVIL* PLANNING* SURVEYING

SALT LAKE CITY, UTAH
PHONE (385) 229-9663

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STAMP

PROJECT NO. W-18-49

DATE 08/05/19

DRAWN BY: JACOB WEBER, P.E.

CKD BY:

SHEET NUMBER C-01

CALL BEFORE YOU DIG.
IT'S FREE &
IT'S THE LAW.
UTAH BLUE STAKES
1-800-662-4111
208-2100
(ALT.) AND BEYOND
140 EAST 12200 SOUTH
P.O. BOX 1217
DRAPER, UTAH 84020-1217

ACCESS LICENSE

THIS ACCESS LICENSE is made and entered into by and between the **STATE OF UTAH, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT**, whose principal place of business is 450 N State Street, #4110, Salt Lake City, Utah, hereinafter referred to as "**Licensor**," and **WOODLAND RENTALS LLC**, whose address is 3018 South 2300 East, Salt Lake City, Utah, hereinafter referred to as "**Licensee**".

W I T N E S E T H

THAT WHEREAS, Licensee has requested access to a portion of Licensor's property for use as access to the north rental unit on property located at 1643 E Woodland Ave #1647 as outlined in red as shown on the attached Exhibit "A"; and,

WHEREAS, Licensor currently has property available and is willing to make it available to Licensee for access to the north rental unit.

NOW THEREFORE IT IS MUTUALLY AGREED AS FOLLOWS:

SECTION 1. PREMISES ACCESS

1.1 Licensor does hereby permit Licensee nonexclusive access to the northeast parking area of the Licensor's property, parcel number 16-28-331-010 from E Woodland Avenue to the north rental unit driveway of Licensee's property, parcel number 16-28-329-034. The access area is shown outlined in red on the attached Exhibit "A", property owned by the State of Utah. This Access License is a license, not an easement and shall not be deemed to burden Licensor's property or create any interest in real property whatsoever for the benefit of Licensee and/or Licensee's property and, in consideration of this Access License, Licensee waives and releases any claim to an easement on Licensor's property. This Access License shall not be recorded. This Access License shall automatically terminate in the event Licensee obtains permanent alternate access to Licensee's property.

1.2 Licensee's access rights under this Access License may be transferred to successor owners of Licensee's property.

SECTION 2. CONDITIONS

Licensee's request to enter and use the Licensor's property for access to Licensee's property is approved by Licensor subject to the following conditions:

2.1. Licensee shall only use Licensor's property for vehicle or pedestrian ingress and egress access to Licensee's property and for no other reason. Vehicle access, ingress and egress shall be limited to cars, light passenger trucks and delivery trucks. Heavy construction equipment, "18 wheelers" and similar vehicles are prohibited.

2.2 Licensee shall not park vehicles on Licensor's property at any time. Licensee shall not block access to or ingress or egress from any area of Licensor's property at any time nor shall Licensee construct any temporary, semi-permanent and/or permanent structures (including, but not limited to, utilities) on Licensor's property.

2.3. Licensee's nonexclusive access and use of the Licensor's property shall be strictly limited to the area outlined in red on the attached Exhibit "A". Licensor may reasonably alter and/or reconfigure Licensee's access and/or ingress and/or egress points shown on Exhibit "A" to facilitate the sale and/or future development of Licensor's property.

2.4. Licensee shall not place or store any hazardous or flammable materials on Licensor's property.

2.5. Licensee shall not allow any burning of garbage, landscape materials or open flame of any kind on Licensor's property.

2.6 Licensee's property is currently zoned as Single Family Residence. Any higher density or rezoning of Licensee's property will automatically terminate this Access License.

2.7 Licensee will cooperate and work with Licensor in good faith during any future construction or improvement needs along the access area that would temporarily limit Licensee's access to the north rental unit.

SECTION 3. INDEMNIFICATION

3.1. Licensee agrees to hold harmless and indemnify the State of Utah, it's employees, agents, contractors and others against any and all claims, and all loss, damages, injury, liability, suits, and proceedings from any source resulting from the actions or inactions of Licensee, it's employees, agents, contractors, or visitors arising out of, related to or connected with their use of the Licensor's property and shall defend at Licensee's expense the State of Utah, it's employees, agents, contractors, or visitors against any and all such claims. This indemnification provision, however, shall not apply to any claims, losses, damages, injuries, liabilities, suits or proceedings that are caused by the negligence of the State of Utah or its employees, agents or contractors.

SECTION 4. MANNER OF GIVING NOTICE

4.1. Any notice to be given by either party to the other pursuant to the provisions of

this Access License or of any law, present or future, shall be in writing and delivered personally to the party to whom notice is to be given, or by certified mail, return receipt requested, addressed to the party for whom it is intended at the address below. Any change of address shall be designated by written notification to the other party. Notice shall be deemed to have been duly given after deposit in the U.S. Mail, certified, postage-paid.

Licensor:

State of Utah, DFCM
450 North State Street, Suite 4110
Salt Lake City, Utah, 84114
Attn: Real Estate Manager
801-538-3799

Licensee:

Woodland Rentals LLC
3018 South 2300 East
Salt Lake City, Utah 84109

SECTION 5. AUTHORITY TO EXECUTE

5.1. Licensor and Licensee represent and warrant that each person executing this Access License individually and personally represent and warrant that they are duly authorized to execute and deliver the same on behalf of the entity for which they are signing and that this Access License is binding upon said entity in accordance with its terms.

Licensor:

11/6/18

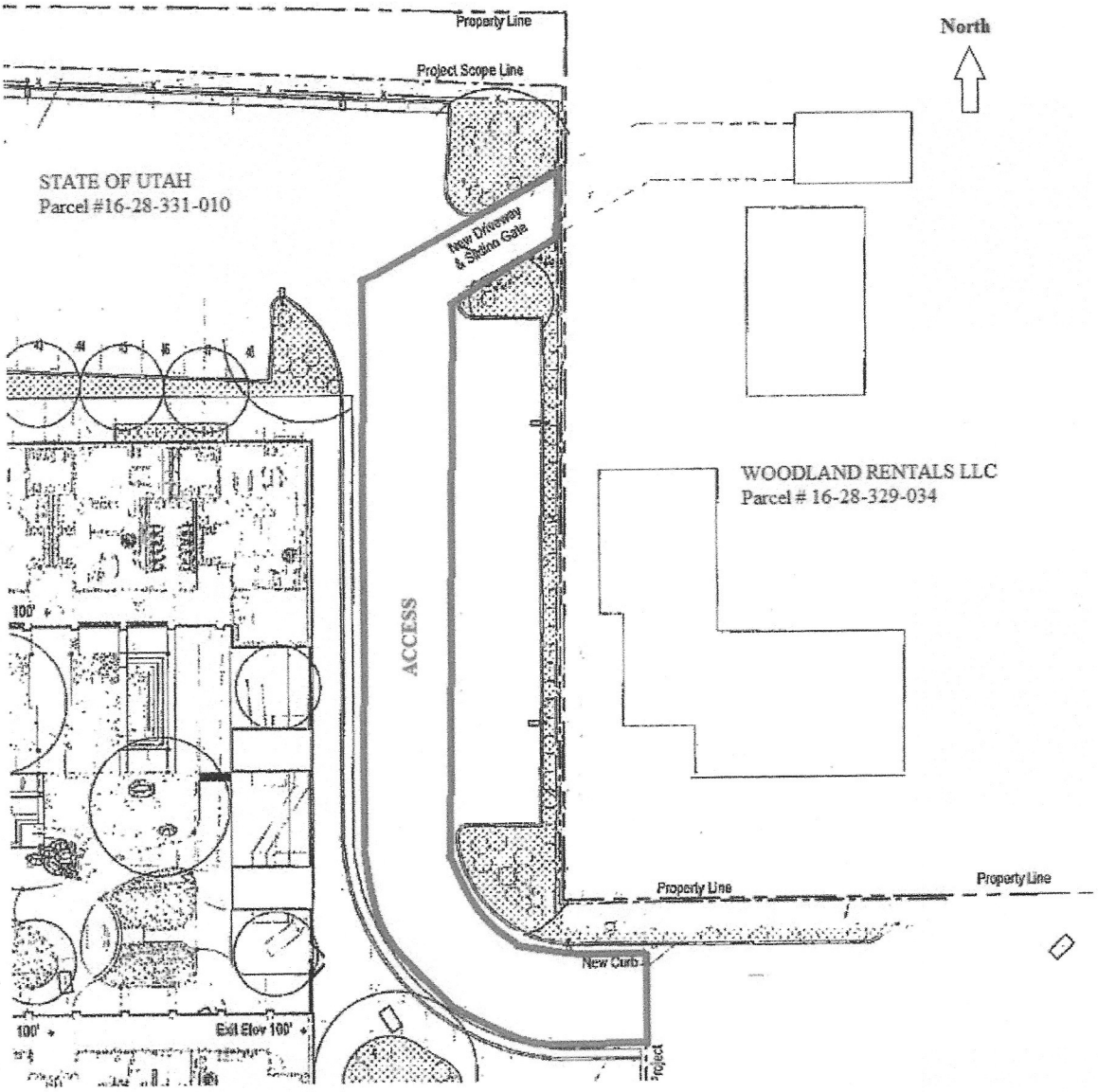
Lee Fairbourn Date
Real Estate and Debt Manager
Division of Facilities
Construction and Management

Licensee:

1/15/18

Greg Sneyd Date
Woodland Rentals LLC

EXHIBIT A


Property Line
Project Scope Line
North
STATE OF UTAH
Parcel #16-28-331-010
New Driveway & Sliding Gate
WOODLAND RENTALS LLC
Parcel # 16-28-329-034
ACCESS
Property Line
Property Line
New Curb
100'
Exit Elev 100'
Project

EAST MILL CREEK
Community Council

October 3,, 2019

To: Members of the Millcreek Planning Commission

Subject: Application ZM-19-016 Rezone from R-1-8 to R-1-6 (flag lot)
Applicant: Greg Sneyd

At the October 3, 2019 meeting of the East Mill Creek Community Council (EMCCC), application ZM-19-016 for rezone from R-1-8 to R-1-6 (for a flag lot) was presented and discussed.

EMCCC forwards a positive recommendation regarding Application ZM-19-016 Rezonet.

/s/
Nancy Carlson-Gotts
Chair

Cc: Francis Lilly
Robert May

Chapter 19.77 WATER EFFICIENT LANDSCAPE DESIGN AND DEVELOPMENT STANDARDS

19.77.010 Purpose And Intent
19.77.020 Scope And Applicability
19.77.030 Promotion Of Maximum Water Efficiency
19.77.040 Landscape Design Standards And Guidelines
19.77.050 Landscape Yards Or Setbacks And Buffer Areas
19.77.060 Parking Lot Landscaping
19.77.070 Screening Of Service And Mechanical Equipment
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19.77.120 Installation Of Landscape Improvements
19.77.130 Construction Inspection And Compliance Requirements
19.77.140 Post-Construction Verification Of Compliance
19.77.150 Certificate Of Substantial Completion
19.77.160 Long-Term Viability Of Established Landscapes
19.77.170 Completion Of And Submittal Of Water Performance Audit
19.77.180 Definitions

19.77.010 Purpose And Intent

A. The purpose of this chapter is to establish standards for the protection and enhancement of the City's environmental, economic, recreational, and aesthetic resources. The landscape design and development standards set forth in this chapter are intended to promote the following:

1. More efficient use of water resources for landscape irrigation purposes;
2. Preservation and enhancement of the City's environmental and aesthetic character;
3. Enhancement of land use compatibility and promotion of design continuity between adjacent land uses;
4. Reduction of energy consumption through the prudent placement of plant materials;
5. Improved management of stormwater runoff;
6. Reduction in the absorption and re-generation of heat from paved vehicular parking areas and other impervious surfaces;
7. Separation of vehicular and pedestrian functions within on-site vehicular circulation and parking areas;
8. Spatial and visual separation of parked vehicles from public view and adjacent vehicular travel ways;
9. Reduction of vehicular headlight glare and intrusive artificial light onto area residences;
10. Reduction of development-related environmental impacts through improved management of erosion, noise, dust, air pollution and glare;
11. Re-introduction of native and low water use plant species into the developed environment;
12. Reduction of landscape maintenance responsibilities and costs.

19.77.020 Scope And Applicability

Homeowner-provided landscape improvements within the front, side and rear yards of single- and two-family dwellings are exempt from the requirements of this chapter.

A. Newly Established Land Uses. Except as noted above, these landscape standards shall be applied to all new developments in the City. Residential development projects such as but not limited to planned unit developments, condominiums, multifamily residential developments and residential subdivision projects in

which improvements such as but not limited to the dwelling units, common area, recreational amenities and infrastructure improvements are provided by the developer shall be landscaped in accordance with the requirements of this chapter.

B. Existing Developments. Land use developments in existence at the effective date of this chapter shall, to the maximum extent feasible, be brought into compliance with the chapter's provisions if:

    1. The gross floor area of improvements existing on the property at the effective date of this chapter are changed, modified, or expanded by more than twenty percent. Compliance under the noted circumstances applies whether the changes, modifications, or expansions occur in a single event or in incremental stages.

C. Off-Street Parking.

    1. New Developments. Off-street parking facilities for all new developments shall be landscaped in accordance with the requirements of this chapter. These include:

        a. Surface or at-grade parking areas;

        b. The exterior perimeter of parking structures at all levels, as well as the open-air top parking level of such structures.

    2. Existing Parking Areas. Off-street parking areas in existence on the effective date of this chapter shall be brought into compliance with the provisions of the chapter as noted below:

        a. Expansion by Fifty Percent or Less. When an existing off-street parking area is expanded by fifty percent or less the newly established expansion area shall be brought into compliance with both the interior and exterior/perimeter landscape requirements of this chapter.

        b. Expansion by More Than Fifty Percent. When an existing off-street parking area is expanded by more than fifty percent, the entire expansion area shall be brought into compliance with both the interior and exterior/perimeter landscape standards of this section. The pre-existing parking area, while not required to be retroactively brought into compliance with this section's interior parking area landscape requirements, shall be made to conform to exterior/perimeter area landscape standards.

        c. Repeated Expansions. Repeated expansions of a parking lot area over a period of time commencing with the effective date of this chapter shall be combined in determining whether the fifty percent threshold has been reached.

D. Exemptions. The provisions of this chapter do not apply to the following:

    1. The interior undercover portions of parking structures;

    2. The interior undercover portions of carports containing no more than ten parking spaces;

    3. The interior display areas of vehicle and equipment sales lots;

    4. The interior areas of vehicle and equipment storage lots;

    5. Properties listed on the national or state historic registers.

    In addition, areas dedicated and used for the following specific purposes are exempt from the landscape water allowance limitations of this chapter:

        a. Sports fields;

        b. Turf areas within public parks;

        c. Golf courses;

        d. Cemeteries.

Although exempt from landscape water allowance limitations, all other provisions of this chapter shall apply. In particular, landscaping shall be provided in the interior and perimeter areas of off-street parking facilities, adjacent to buildings, and along walkways.

19.77.030 Promotion Of Maximum Water Efficiency

A. Establishment and Maintenance of a Site-Specific Landscape Water Allowance. So as to assure more efficient water consumption in the establishment and long-term maintenance of site landscape improvements, an annual landscape water allowance shall be established and maintained for each property improved as set forth in this chapter.

   The landscape water allowance shall be calculated using the following equation:

   Landscape Water Allowance = ET0 × 1.0 × 0.62 × A where landscape water allowance is in gallons per year.

   ET0 = Reference evapotranspiration in inches per year.
   1.0 = ET0 adjustment factor, one hundred percent of turf grass ET0 (water year adjustment factor).
   0.62 = Conversion factor (to gallons per square feet).
   A = Total irrigated landscape area in square feet.

   The ET0 or reference evapotranspiration for the City is 31.18 inches per year. Converting this figure so that a landscape water allowance can be expressed in gallons per year requires the use of the conversion factor to obtain an equivalent amount in gallons per square feet (19.33). An ET0 adjustment factor of one is used in order to accommodate the use of turf under circumstances that promote maximum water efficiency.

   Acceptable water efficiency shall be deemed to have been achieved when the approved landscape plan indicates a landscape water allowance of no more than fifteen gallons per square foot average for the entire landscaped area of the site. Multiplying this figure by the total irrigated landscape area in square feet yields the annual water budget for landscape use for the property.

B. Introduction and Use of Native and Other Drought-Tolerant Plants. In order to promote maximum water conservation, not less than eighty percent of the trees and shrubs used on a site shall be water conserving species capable of withstanding dry conditions once established. Native plants shall be used to the maximum extent feasible. Drought-tolerant grass varieties shall be used in areas planted in turf or lawn. Lists of plants that satisfy these requirements and that are available locally may be obtained from the director.

C. Plant Establishment and Arrangement on the Basis of Water Consumption. Among the many ways in which plants may be distinguished from one another is categorization on the basis of water use. Establishment and arrangement of plants on a site according to the water needs of those plants is commonly referred to as hydrozone management. Hydrozone management is required by this chapter and shall be implemented through the use of the following:

   1. Plants with similar water needs shall be grouped together as much as possible.
   2. Areas landscaped with high water use plants shall be, whenever possible, separated from those with low and very low water use by moderate water use landscape zones.
   3. For projects located at the interface between urban areas and natural (nonirrigated) open space, drought-tolerant plants that will blend with the native vegetation shall be selected. Plants that tend to accumulate excessive amount of dead wood or debris are to be avoided. Plants with low fuel volume or high moisture content are preferred. Every effort is to be taken to minimize fire hazards. Lists of plants that satisfy these requirements and that are available locally may be obtained from the director.
   4. Areas with slopes greater than thirty percent shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
   5. Park strips and other landscaped areas less than ten feet wide shall be landscaped with water-conserving plants.

D. Irrigation System Requirements.

1. Designer Qualifications. All sprinkler irrigation systems shall be designed by a qualified professional who is licensed under Utah Code Title 58 or by a person who is exempt from professional licensure requirements for the scope of work performed.
2. Design Standards. Irrigation design standards applicable to this chapter shall be as outlined in the latest version of the minimum standards for efficient landscape irrigation system design and installation prepared by the Utah Irrigation Association, subject to the following modifications and additions:
    a. Pressure Regulation. A pressure regulating valve shall be installed and maintained if the static service pressure exceeds eighty pounds per square inch (psi).
    b. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple programs, multiple repeat cycle capabilities so as to reduce runoff on slopes and soils with slow infiltration rates, and a flexible calendar program. All controllers shall be capable of utilizing an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ET0.
    c. Slope Adjustments. On slopes exceeding thirty percent, the irrigation system shall consist of low precipitation rate rotors or spray heads, drip emitters, or bubblers with a maximum precipitation rate of 0.85 inches per hour and adjusted irrigation cycle times to eliminate runoff.
    d. Irrigation Zones and Use. Each zone shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and nonturf areas shall be irrigated on separate zones. Drip emitters and sprinklers shall be placed on separate zones.
    e. Tree Irrigation. Drip emitters or bubblers shall be provided for each tree not planted in a turf area. Irrigation in the vicinity shall be factored in to prevent under or over-watering and to ensure deep root growth. Bubblers shall not exceed one and one-half gallons per minute per device. Bubblers for trees shall be placed on a separate valve as warranted by tree species and area conditions.
    f. Turf Zones. Sprinklers shall have matched precipitation rates with each zone.
    g. Elevation Adjustments. Check valves shall be required where elevation differences will cause low-head drainage. Pressure regulating valves and pressure compensating heads and drip emitters with a pressure regulating device shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
    h. Requirements for Drip Irrigation. Drip irrigation lines shall have filters and automatic end flush valves and be protected by organic or rock mulch.
    i. Automatic Controller Zones. Zones with spray or stream sprinklers shall not be scheduled to operate between the hours of ten a.m. to seven p.m. so as to reduce water loss from wind and evaporation. Drip irrigation systems are subject to no such operational constraints.
    j. Operational Efficiency. The minimum efficiency required for irrigation systems established in accordance with the requirements of this chapter is as follows:
        (1) The distribution efficiency for all fixed spray systems shall be sixty percent.
        (2) The distribution efficiency for all rotor systems shall be seventy percent.
    k. Scheduling of System Operations. A schedule shall be developed which allows for plant material to be established. This shall have a maximum two-year time period. Once established, a revised schedule shall be developed for maintenance of the plant material. The schedule presently in effect shall be posted at the controller. The schedule shall reflect an application rate which achieves optimum system efficiency, a minimum one-hour time interval between all applications, and provisions against irrigation during restricted hours.

19.77.040 Landscape Design Standards And Guidelines

A. Standards Applicable to All Developments. Required site landscape improvements shall be provided in

accordance with the standards and design guidelines set forth in this chapter. The standards set forth herein are numerically measurable so as to readily facilitate the preparation, review and approval of landscape plan submittals and the subsequent verification of compliance with the requirements of the chapter. Design guidelines, though not precisely measurable, are intended to clarify the principles associated with specified standards, provide guidance for the review and approval of submitted landscape plans, and provide flexibility for design professionals who wish to propose alternative compliance approaches.

B. Retention of Significant Natural Features. Features that are unique to a property, such as but not limited to that property's natural topography, existing vegetation, or riparian features shall be taken into consideration in the planning and design of landscape improvements for that property. Priority is to be given to the preservation or protection of existing natural areas, particularly where mature or specimen trees or wooded riparian areas are a part of a proposed development site. The proposed locations of streets, buildings and lots shall, as much as possible, minimize disturbance to significant existing trees.

C. Tree Preservation, Removal and Replacement.

1. All healthy trees having a caliper of four inches in size or larger shall be preserved to the maximum extent feasible. Preserved trees shall be credited to the satisfaction of replacement trees on a three to one caliper-to-caliper basis.

2. Preserved trees shall be credited toward the satisfaction of the tree planting requirements of this chapter.

3. Where existing trees are to be protected, the following standards shall apply:

    a. A fenced tree protection zone shall be established around each tree or cluster of trees to be retained. The perimeter of this zone, which shall coincide with the drip line of the tree or trees to be protected, shall be clearly marked with high-visibility materials at a minimum height of four feet.

    b. The storage or movement of equipment, material, debris or fill is prohibited within the fenced tree protection zone so as to minimize soil compaction.

    c. The cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree is prohibited within the drip line of any protected tree or group of trees.

    d. No cut or fill is permitted within the drip line of any protected existing tree or group of trees unless a qualified arborist, forester or landscape architect has evaluated and approved the disturbance.

    e. All protected existing trees shall be pruned as specified by a qualified arborist or forester.

    f. No damaging attachment, wires, signs or permits may be fastened to any protected tree.

    g. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required above. This may be accomplished by placing metal t-post stakes a maximum of fifty feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.

4. The removal of trees is allowed under the following circumstances:

    a. Where trees have naturally fallen or are determined by a licensed arborist to be dead or dying.

    b. Where trees have been diagnosed by a qualified arborist as unhealthy beyond reasonable rehabilitation.

    c. Where trees are determined to be potentially harmful to the public health, safety or welfare.

    d. Where it has been determined by the city that tree removal is necessary to restore clear visibility at driveways and intersections.

    e. Where the preservation of trees would prevent reasonable site grading to accommodate a functional arrangement of buildings and related improvements on the property. Written documentation of the above is required prior to the removal of any tree.

5. Trees having a caliper of four inches in size or greater which are removed shall be replaced on the development site by trees of no less than two-inch caliper in size. The required replacement ratio shall be one tree for every two caliper inches (cumulative) of trees removed. Replacement trees shall not be credited toward the satisfaction of the tree planting requirements of this chapter but shall be in addition to that otherwise specified.

D. Exposure to Sun and Wind. Plant selection and placement shall recognize the importance of energy conservation. Deciduous trees which are sun tolerant shall be planted on the south and west sides of buildings so as to provide shade from summer sun while allowing winter sun to radiate into buildings. Shade-tolerant plants and evergreen trees shall be planted on the north to northwest sides of buildings in order to reduce the chilling effects of winter winds.

E. New Plantings. The measurements and specifications for all live plants used to fulfill the requirements of this chapter shall be as set forth in the American Standard for Nursery Stock (ANSI Z60.1-204) as published and periodically amended by the American Nursery and Landscape Association. The following are minimums in relation to those standards. Nothing in this chapter shall be interpreted to prohibit the provision of landscape improvements in excess of these minimums.

1. Plant Quality. Required plant materials shall be nursery or field grown, unless otherwise approved, and shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety, free from defects decay, disfiguring roots, sun-scald, injuries, abrasions of the bark, plant diseases, insect pest eggs, borers and all forms of infestations or objectionable disfigurements of diseases, insects and injuries.

2. Plant Coverage and Growth Rate. The quantity and size of materials planted shall be sufficient to attain a percentage of coverage of seventy-five percent of organically planted areas within three years of initial planting.

3. Species Diversity. A variety of plant species shall be utilized in all site landscaping. No one species may make up more than twenty-five percent of the total nonturf plant materials within the landscaped area. In order to prevent uniform insect or disease susceptibility and to stem the untimely degeneration or premature deterioration of trees planted or retained on a development site or in the adjacent area, species diversity is required. The following minimum requirements shall apply.

TOTAL NUMBER OF TREES ON SITE	MAXIMUM PERCENT OF ANY ONE SPECIES
10—19	50%
20—39	33%
40—59	25%
60 or more	15%

Special consideration shall be given to canyon areas to protect against decimation due to insect or disease infestations.

4. Lawn and Turf Areas. Areas proposed for planting in turf or lawn shall be a minimum of ten feet in width. Drought-tolerant grass varieties shall be established and maintained.

5. Mulch. All landscape areas not planted with shrubs, perennials, turf or other groundcover shall be covered with a minimum three-inch layer of mulch (except around the crown of plants) to retain water, inhibit weed growth, and moderate soil temperature. Newly planted trees in areas predominantly improved with turf shall be provided a plant-free mulched area with a minimum radius of four feet around the trunks in order to protect the trunks from turf-maintenance operations and expedite tree root establishment. Nonporous materials (e.g., plastic) shall not be placed under the mulch. Bare soil is not permitted.

6. Tree Placement. Trees shall be located to provide summer shade and limit winter shade on walks, parking lots, and streets.

7. Root Accommodation. Prior to the installation of trees, a determination shall be made as to whether root barriers are necessary to prevent roots from uplifting or cracking sidewalks or other hard surface

improvements in the vicinity of the tree. Root barrier collars and root path trenches shall be installed as needed to provide such protection and to ensure healthy tree root growth.

8. Tree Size Requirements at Planting. All new and replacement trees shall meet the following minimum size requirements at planting:

a. Deciduous	two-inch caliper
b. Omamental and flowering	one and one-half inch caliper
c. Evergreen	six feet tall

Where the above plant materials are secured on the basis of container size, equivalency shall be in accordance with the American Standard for Nursery Stock (ANSI Z60.1-204) as published and periodically amended by the American Nursery and Landscape Association.

9. Shrub Size at Planting. All shrubs shall be a minimum of twelve inches in height or spread (typically five gallon in size at planting, except when used solely for screening purposes, in which case twenty-four inch in height or spread is required.

10. Area Requirements for Landscape Improvements. No less than twenty percent of the gross area of a property subject to the requirements of this chapter shall be improved and maintained as landscape area. Land area encumbered by buildings, structures, paving and other impervious surfaces not related to on-site landscape improvements shall not be considered in the calculation of landscape area.

F. Design Guidelines. The intent of design guidelines is to acknowledge the expertise and integrity of licensed design professionals and to afford them a commensurate level of flexibility in achieving the purposes and intent of this chapter. Guidelines are included in this chapter so as to clarify or expand upon the principles associated with specified standards. They are further provided for guidance in the preparation and submittal of complying landscape plans. Design guidelines may be used either in conjunction with or in lieu of other required on-site landscape improvements. When employed in lieu of strict compliance with chapter provisions, substantiation of compliance with the purposes and intent of this chapter is required.

1. Separation and Screening with Plant Material. The intent of this guideline is to soften long expanses of building walls, fences and other hard-surface barriers and to effectively screen such surfaces from undisturbed on- or off-site view. Its further intent is to separate and screen new buildings and ancillary site improvements and activities from off-premise view.

2. Integration with Plantings. The intent of this guideline is twofold; (1) to provide better integration of newly constructed or remodeled site building improvements and outdoor spaces with other site improvements in the vicinity, or (2) to significantly enhance area characteristics through the coordinated introduction of new architectural themes, outdoor areas, and landscape improvements into areas in need of rehabilitation. In either event the incorporation of a diversity of plant materials, colors, textures, heights and aesthetic considerations of a similar nature may be employed.

3. Establishing Privacy. Privacy is particularly important where larger buildings are proposed next to the side or rear yards of smaller buildings. In such instances a higher-than-normal incidence of vertical landscape elements may be employed to address privacy concerns.

4. Land Form Shaping. Retention of existing land form is encouraged where site topography beneficially serves aesthetic and aquifer recharge purposes. Where reconfiguration of existing topographic conditions on a site is required to achieve these purposes, such grade changes should be either reminiscent of or complementary to natural land forms in the vicinity. The resulting land form modifications should, in either event, incorporate a high degree of both horizontal and vertical land form articulation, creating both berms and swales for aesthetic variety and groundwater collection purposes.

5. Visual Integration of Fences or Walls. Security fences and solid visual barriers commonly detract from the aesthetics of the area in which they're established. Similarly, though not so severely, garden walls, privacy fences, screen panels, arbors, and structures of a like nature may adversely affect area aesthetics. In such instances creative landscape enhancements may be employed to change the sense of proximity to such structures and to improve area aesthetics.

In applying these or similar strategies to achieve the purposes and intent of this chapter, the objectives with regards to aesthetic enhancement of on-site improvements are to:

a. Add visual interest adjacent to large expanses of building walls;

b. Enhance the architectural features of new building construction;

c. Provide better site integration of structural improvements;

d. Soften hard edges;

e. Enhance the compatibility of land uses of different character, intensity, and density;

f. Reduce the potentially adverse impacts of site-generated noise;

g. Screen views into or between windows and defined outdoor spaces;

In applying these or similar strategies with regards to the integration of on-site improvements with surrounding areas, the objectives are to:

(1) Mitigate potential conflicts between divergent land uses, development densities or intensities, and building design or scale;

(2) Maintain privacy for existing area residences;

(3) Provide appropriate transitions between developed, managed landscape areas and those comprised of more natural vegetation;

(4) Introduce high quality site improvements into areas in need of redevelopment.

HISTORY
Amended by Ord. 19-19 on 5/28/2019

19.77.050 Landscape Yards Or Setbacks And Buffer Areas

A.

a. Improvement Requirements in Relation to Yard Depth. In all zones where a front yard is required the entire frontage and depth of that yard area and any side yard area abutting a street shall be landscaped. Visibility at intersecting streets shall be maintained as set forth in MKZ 19.76.160. Parking areas shall not encroach on these minimum required setbacks except as herein authorized. The perimeter boundaries of all off-street parking areas that abut streets accessible to the public shall be landscaped and screened from public view. Specified yard area depth measurements are from the public right-of-way or private street easement boundary. Where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front façade of the building.

(1) The land use authority may approve reductions to setbacks as provided in this section. Outside of town centers, urban transit centers, and village centers, as designated by the General Plan, and outside of the light manufacturing and mixed use zones, in no event shall the front yard setback be less than the average of the front yard setbacks of neighboring structures, located on the same side of the street, that are located within a 300 foot distance of the nearest property line of the subject property Where a setback reduction is provided by this section, the Land Use Authority may consider the following factors in approving or denying the setback reduction:

(A) The granting of the setback reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the property is located;

(B) The setback reduction is consistent with the policies and provision of the General Plan and this Code.

(C) Where applicable, the setback reduction results in a building site that accommodates a wider buffer between the use and adjacent R-1 or R-2 zones than what is required by

this Title.

(D) The setback reduction does not create a situation where the development will result in an increase in the number of residential dwelling units than would occur if the development was built without the reduction.

(E) The setback reduction does not create a situation where the proposed development will cause objectionable noise, odors, trespass lighting, or similar adverse impacts on adjacent properties.

(F) The setback reduction does not create a situation where the proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents any more than would be available if the development was built without the reduction.

(G) The setback reduction does not create a situation where the proposed development will create an obstruction of view in excess of two feet in height located within a triangular area bounded by lines drawn from a point on the centerline of any driveway, set back fifteen feet from the front property line to points on the property line at the street in front of the property line teen feet either side of both edges of the driveway.

(H) The setback reduction does not create a situation where it is reasonably anticipated that the proposed development will result in vehicle stacking on a public right-of-way where that right-of-way intersects with the driveway of the proposed development. Landscaping Required.

1.

a. Front and street side areas where a yard or setback depth of no less than twenty feet is maintained.

(1) An area of land graded and re-contoured at a maximum slope ratio of 3:1 (three feet horizontal to one foot vertical) so as to provide a meandering earthen berm traversing the entire width of the area and having a maximum height of three feet and an average height of thirty-two inches, as measured from the grade of the closest abutting sidewalk or top of curb.

(2) Landscaping within yards located between a street and a parking area shall include street trees as specified in this chapter. In addition, not less than fifty percent of these landscaped yards shall include a mix of evergreen and deciduous shrubs, herbaceous perennials, and nonturf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents so long as the combination of berms, plantings and visual accents effectively screen from public view any parked vehicles in contiguous off-street parking areas on the property.

b. Provisions for Yard Reductions to No Less Than Fifteen Feet. Front and street side yards or setback areas with no abutting off-street parking may be reduced to a depth of not less than fifteen feet with provision of the following:

(1) An open decorative fence (picket, split rail, etc.) on the interior side of the landscaped area. Alternatively, a continuous hedge no less than three feet in height at planting, as measured from the grade of the abutting sidewalk or street, may be provided.

(2) An area of land graded and re-contoured at a maximum slope ratio of 3:1 (three feet horizontal to one foot vertical) so as to provide a meandering earthen berm traversing the entire width of the area and having a maximum height of thirty-two inches and an average height of two feet, as measured from the grade of the closest abutting sidewalk or top of curb.

(3) No less than seventy-five percent coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this chapter together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and nonturf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents.

c. Provisions for encroachment of off-street parking areas into required front and street side yards or setback areas.

(1) Encroachments to Within Twelve Feet. Off-street parking areas may encroach into required front and street side yard or setback areas such that a minimum depth of not less than twelve feet is maintained subject to provision of the following:

(A) An area of land graded and re-contoured at a maximum slope ratio of 3:1 (three feet horizontal to one foot vertical) so as to provide an earthen berm traversing the entire width of the area with a height of no less than thirty inches above the grade of the abutting sidewalk or street and supported on its interior side by a masonry retaining wall no less than four feet in height above the grade of the abutting off-street parking area surface. The use of this alternative is restricted to properties where it is feasible to provide a parking area with a finished grade at least two feet below the grade of the adjacent street.

(B) No less than seventy-five percent coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this chapter, together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and nonturf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents.

(2) Encroachments to Within Eight Feet. Off-street parking areas may encroach into required front and street side yard or setback areas such that a minimum depth of not less than eight feet is maintained subject to provision of the following:

(A) A horizontally and vertically articulated decorative wall along the interior edge of the yard or setback area. Said wall shall have a minimum height of thirty-six inches, a maximum height of forty-eight inches and an average overall height of forty-two inches as measured from the adjacent paved parking area, if provided, or from the adjacent sidewalk or street surface level, if not. In plan view the decorative screen wall shall vary by eight to sixteen-inch offsets at linear intervals along the wall of every eight to ten feet.

(B) No less than ninety percent coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this chapter, together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and nonturf groundcover. The balance of this area must be surfaced with mulch in accordance with the standards of this chapter and may be utilized for the placement of large boulders or similar visual accents.

NOTE: Site improvements in conjunction with permitted and conditionally permitted uses in the M-1 and M-2 manufacturing zones are exempt from the above landscape area requirements.

2. Plant Quantities. Regardless of depth, all landscape areas adjacent to a street (including required park strips) shall be planted and maintained with the following:

a. One and one-fourth trees per one thousand sq. ft. of the ground or main floor level of nonresidential buildings in commercial zones.

b. Two trees per one thousand sq. ft. of the ground or main floor level of buildings in manufacturing zones.

c. One tree per twenty-five lineal feet of street frontage (not applicable to manufacturing and warehouse uses).

d. One shrub per four lineal feet of building foundation (may be grouped).

e. Any combination of other live plant materials and decorative features consistent with the requirements of this chapter.

B. Interior Side and Rear Yards. The side and rear yard areas required by this title shall be landscaped and maintained as set forth in this chapter. Overhanging or cantilevered structures may not encroach upon such areas.

C. Buffer Areas Between Nonresidential and Residential Land Uses. A landscaped buffer area not less than twenty feet wide shall be required between nonresidential and residential uses. A minimum of one tree for every twenty-five linear feet of landscape buffer is required. Either a linear or cluster arrangement of trees is allowed so long as the spacing of provided trees adequately screens the nonresidential use from the adjacent residential area. If a linear arrangement of trees is provided, tree spacing shall not exceed twenty-five feet on center.

19.77.060 Parking Lot Landscaping

A. Interior Parking Planters. Landscaped planters, which may incorporate depressions for the collection of stormwater run-off, shall be provided in any parking lot containing twenty or more parking spaces. These planters shall be constructed to the following standards.

1. Landscape Planter Types.

    a. Islands. Islands are planter areas parallel to and situated at the end of a row of individual parking stalls.

    b. Peninsulas. Peninsulas are planter areas parallel to and situated at specified intervals within a row of parking stalls.

    c. Medians. Medians are planter areas perpendicular to and separating opposing rows of head-in parking stalls.

2. Landscape Planter Construction.

    a. Landscape planters shall be constructed of continuous concrete curb in accordance with applicable standards and of no less than six inches in height unless a depression area for collection of stormwater runoff is provided.

    b. A minimum four-foot radius curbing shall be provided along drive aisles.

3. Location, Spacing and Minimum Number of Landscape Planters Required. Landscape planters shall be provided in accordance with the following:

    a. One island at each end of a row of parking stalls, together with either:

        (1) One peninsula for every six contiguous parking spaces or portion thereof per row where uninterrupted vehicular traffic flow is allowed between abutting parking spaces; or

        (2) One continuous median per row of head-in parking stalls.

    b. Flexibility is allowed in the configuration of landscape planters for rows with angled parking.

4. Landscape Planter Length. The length of each landscape planter, measured from face of curb to face of curb, shall be as follows:

    a. As an island at the end of a row of individual parking stalls, fifteen feet; for opposing rows of head-in parking stalls, thirty feet.

    b. As a peninsula parallel to a row of parking spaces, fifteen feet.

    c. As a median abutting a single row of parking stalls or as a divider median separating opposing rows of head-in parking stalls, equal to the length of each row.

5. Landscape Planter Width. The width of each landscape planter, measured from face of curb to face of curb, shall be no less than:

    a. Eight feet for each island at the end of a row of parking stalls.

    b. Nine feet for each peninsula within a row of parking stalls.

c. Eight feet, with consideration for vehicle overhang, where divider medians occur adjacent to head-in, and ten feet, with the same considerations, for divider medians separating opposing rows of head-in parking stalls. Where divider medians are improved with pedestrian walkways, the specified width is exclusive of the width of those walkways.

6. Vehicular Ingress/Egress Accommodation. That portion (eighteen inches minimum) of each landscape planter peninsula or island adjacent to a vehicular parking space shall be finished with a pervious surface suitable for temporary pedestrian use when exiting a vehicle. Alternatively, each such parking space may be provided at an additional eighteen-inch width and striped for pedestrian use. Stepping stones and graveled pathways shall be dispersed across and along median islands to minimize soil compaction and protect plant root zones.
7. Distribution of Landscaped Planters. Interior planting areas shall be located to most effectively accommodate stormwater runoff, provide positive drainage away from buildings, and provide maximum shade for large expanses of paving.

B. Plant Quantity, Size, and Diversity in Parking Lot Landscaped Planters.

1. Minimum Number of Plants Required.
    a. Within landscape planter islands and peninsulas.
        (1) One shade tree and four shrubs for each fifteen-foot planter,
        (2) Two shade trees and eight shrubs per thirty-foot planter,
        (3) Three additional shrubs where lighting standards are located in the planter.
    b. Within landscape planter medians.
        (1) Two shade trees and eight shrubs for every thirty linear feet, together with three additional shrubs for each lighting standard.
2. Minimum Size Requirements at Planting.
    a. Trees. Trees required for installation within interior parking areas shall be no less than two-inch caliper in size at planting.
    b. Shrubs. No less what is customarily accommodated within a five gallon size container, in accordance with industry standards.
    c. Groundcovers. No less than what is customarily accommodated within a one gallon size container in accordance with industry standards.
3. Tree and Shrub Distribution.
    a. Within landscape planter islands and peninsulas.
        (1) In order to minimize damage by vehicles, trees shall not be planted closer than three feet to top back of curb or exterior edge of depressed parking lot landscaped planters.
        (2) Shrubs shall be situated such that they remain within the confines of the planter at maturity.
    b. Within landscape planter medians.
        (1) Trees shall be planted such that they are dispersed from end to end of the planter at twenty-five to thirty-foot intervals (flexibility in actual placement is permitted).
        (2) Shrubs shall be planted such that they assume as natural appearance as possible (flexibility in actual placement is permitted) yet remain within the confines of the planter at maturity.
4. Diversity of Plants. A mix of coniferous and deciduous trees and shrubs shall be provided in parking

lot landscapes. Not less than forty percent of all trees and shrubs shall be coniferous except as warranted by site conditions.

C. Mulch Required. Organic mulch shall be spread to a minimum depth of three inches and rock to at least two and one-half inches in depth in all parking lot landscaped planters. Appropriate measures shall be taken to retain the mulch within the planter and to renew it as necessary. Bare dirt is prohibited.

D. Irrigation. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only.

E. Wheel Stops. Where vehicular parking stalls abut interior parking area landscaping that is not situated within and protected by a landscape planter, wheel stops shall be installed at a minimum of two feet from the edge of that landscape area.

19.77.070 Screening Of Service And Mechanical Equipment

A. Screening Required. Service areas and on-grade mechanical equipment shall be screened from public view by plants, solid opaque fencing, berms, or a combination thereof. These elements shall also be sited to minimize their visibility and impact or enclosed so as to appear to be an integral part of the architectural design of the building. Site elements that are subject to this provision include but are not limited to the following:

1. Air conditioning units;
2. Electrical transformers;
3. Loading areas and docks;
4. Mechanical equipment;
5. Outdoor storage areas;
6. Public utility transformers;
7. Service yards;
8. Telephone transformers;
9. Trash collection areas;
10. Trash dumpsters.

19.77.080 Functional And Aesthetic Enhancements

A. Pedestrian and Vehicular Pathways. The design of pedestrian and vehicular travel ways for multiple- family, residential, retail commercial, office, public and quasi-public, and mixed use developments shall incorporate plantings and related landscape improvements for separation of pedestrian and vehicular traffic movements, improved pedestrian convenience and safety, and better-defined vehicular circulation and parking.

B. Building Entrances, Drop-off and Pick-up, and Outdoor Dining Areas. Plantings and related landscape improvements shall be incorporated into the design of building entrances, drop-off and pick-up, and outdoor dining areas in order to: separate these areas from on-site vehicular circulation and parking facilities and from off-site traffic; enhance pedestrian comfort, convenience and safety; and facilitate outdoor dining with maximum insulation from vehicular traffic impacts.

C. Drive-Through Service Facilities and Automatic Car Washes. Plantings and related landscape improvements shall be provided in conjunction with drive-through service facilities and automatic car washes in order to: introduce a more aesthetically pleasing approach to these types of vehicular activities on newly developed or redeveloped sites; better integrate these types of land uses into the established character of surrounding area improvements; and screen queued vehicles from the view of passing motorists on adjacent roadways.

19.77.090 Landscaping Of Detention/Retention Basins And Ponds

A planting area and related landscape improvements shall be incorporated into the design of all lands to be used as detention/retention basins and ponds. Such landscaping may include shade and ornamental trees, evergreens, shrubbery, hedges, turf, groundcover and other plant materials and related landscape improvements.

19.77.100 Landscape Plan Submittal Requirements

A. General Provisions.

1. All applications for site development plan approval for land uses subject to this chapter shall be accompanied by a landscape plan package and water allowance worksheet prepared in accordance with the requirements of this chapter.
2. Submitted landscape plan packages shall be prepared and certified for compliance with all requirements of this chapter by a landscape architect licensed to practice in the state of Utah under Title 58 of Utah Code. A landscape designer certified by the Utah Nursery and Landscape Association may submit a landscape plan package if the certified designer is employed by the contractor installing plantings of the specific project submitted.
3. All submitted irrigation plans shall be prepared by a qualified professional who is licensed under Utah Code Title 58 or by a person who is exempt from professional licensure requirements for the scope of work performed.

B. Landscape Plan Package Contents. The information to be provided with the landscape plan package shall be presented in the following format:

1. Conceptual Planting Plan. The intent of the conceptual planting plan is to illustrate the overall design concept for landscaping and depict how it relates to the proposed development of the site. The conceptual planting plan shall describe the general landscape design intent and the water conservation concept statement of the proposed landscape improvements. At a minimum, the conceptual planting plan shall include the information as set forth in the following tables codified in this chapter.
2. Preliminary Plan. The intent of the preliminary plan is to illustrate the master landscape plan for the development. The landscape preliminary plan shall state how the proposal is consistent with the purposes and intent of these regulations as set forth at the beginning of this chapter. At a minimum, the preliminary landscape plan shall include the information set forth in the following tables codified in this chapter.
3. Final Plan. The intent of the final plan is to ensure each phase of the final landscape plan is consistent with the master landscape plan for the development and to illustrate the specific landscaping details for each phase. The final landscape plan shall describe the design intention and shall state how the proposal is consistent with this section, and/or with the preliminary landscape plan, if one was required. The final landscape plan shall be on a separate page from the final site development plan. The scale shall not be greater than one inch equals to fifty feet. At a minimum, the final landscape shall include the information set forth in the following tables.
4. Project Data.

PROJECT DATA SHEET

INFORMATION REQUIRED	SKETCH	PRELIMINARY	FINAL
The project title and City site development plan application number (the file number assigned to the development proposal that the landscape plan is associated with)	X	X	X
Preparation date and issue/revision/date table	X	X	X
The name, address, telephone number, fax, and e-mail of the applicant or authorized agent	X	X	X
The name, address, telephone number, fax, and e-mail of the landscape architect, landscape designer, or other qualified professional who prepared the landscape plan, together with their professional registration stamp (as required)	X	X	X
The landscape contractor to be used on the project, if known at the time of application	X	X	X

Site vicinity and location map, including the street address and tax identification number of the property	X	X	X
Sheet index	X	X	X
General landscape design intent statement including the general character and location of proposed landscaping and open area and how it meets the intent of these regulations	X	X	X
Annual water budget worksheet	X	X	X
Soils analysis and proposed soils amendments		X	X
Signature block for landscape package approval			X

5. Grading and Drainage Plan.

GRADING AND DRAINAGE PLAN SHEET

INFORMATION REQUIRED	SKETCH	PRELIMINARY	FINAL
Scale, north arrow, site boundary including adjacent property lines and street names	X	X	X
Existing and proposed adjacent uses	X	X	X
Existing and proposed private driveways, off-street parking areas, patios, walkways, service areas and other paved surfaces	X	X	X
Existing and proposed buildings and structures (general locations)	X	X	X
Existing and proposed utilities and easements		X	X
Limits of proposed site disturbance		X	X
Existing and proposed building and structure finish floor elevations			X
Spot elevations and contour lines at not more than one foot intervals to determine high points and low points, positive drainage of paved surfaces, wall heights and other vertical control		X	X
Existing landscaping, including location, type and size	X	X	X
Any existing landscaping proposed to be removed	X	X	X

6. Landscape Planting Plan.

LANDSCAPE PLANTING PLAN SHEET

INFORMATION REQUIRED	SKETCH	PRELIMINARY	FINAL
Base plan consisting in information included on the grading and drainage plan	X	X	X
Limits of proposed site disturbance	X	X	X
General landscape improvements with planting symbols clearly drawn to indicate location and general plant category (deciduous tree, evergreen tree, decduous shrub, evergreen shurb, groundcover, etc.)	X	X	X
Legend of plant category symbols keyed to general plant material schedule indicating quantities of each		X	X

plant category and listing of plant species (include Latin name) included in each category			
Typical detail drawings at one inch equals to twenty feet to illustrate perimeter treatment, buffering, typical front yard, and any special treatment areas on the site		X	X
All hydrozone boundaries and total area within each hydrozone with each hydrozone clearly labeled high, moderate, low or very low		X	X
Detailed landscape improvements with planing symbols clearly drawn to indicate each plant (deciduous tree, evergreen tree, deciduous shrub, evergreen shrub, groundcover, etc.)		X	X
Detailed plant material schedule with abbreviation identification key, quantity of each plant, botanical name, common name, hydrozone rating (high, moderate, low or very low), plant/container size, spacing and notes		X	X
Define areas to be considered open areas and if they will be public or private. Indicate how open areas will be maintained including; erosion control, revegetation, and wee management both during and after construction		X	X
Plant installation, mulching, tree staking, and any other applicable planting and installation details		X	X
Soil preparation details including instructions to scarify planing pit bottom and sides and surface ground planes to promote root penetration in compacted soils		X	X
Protection of existing plant and other site features to remain. Clearly identify the locations, species, size and condition of all significant trees, each labeled as to its intended retention, relocation or removal	X	X	X

7. Soils Report. A soils report is required in all cases. Special procedures or requirements shall be incorporated in the preparation and recommendations of the soils report where the past use of a site has resulted in soil contamination or where difficult soil or landscaping conditions are known to exist. The soils report shall describe:
    a. The depth, composition, fertility, bulk density, and landscaping suitability of the top soil and subsoil at the site;
    b. Soil class;
    c. An approximate soil infiltration rate for site soils, either measured or derived from soil texture/infiltration rate tables. A range of infiltration rates shall be noted where appropriate;
    d. A measure of pH, electroconductivity (ERC), salt absorption ratio (SAR) and organic matter;
    e. Recommendations for retention and re-use of viable top soil on the site together with such soil amendments as are necessary to ensure the health and sustainability of the landscaping to be planted.

    The final recommendations of the soils report shall be incorporated into the landscape planting plan and implemented with site planting operations.
8. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the landscape planting plan and shall reflect the requirements set forth in MKZ 19.77.030(E)(2).
9. Irrigation Schedule. The irrigation schedule required in MKZ 19.74.030(E)(2)(k) shall be provided in tabular form and shall specify:

a. Plant type (e.g., turf, trees, low water use plants);

b. Irrigation type (e.g., sprinklers, drip, bubblers);

c. Flow rate in gallons per minute;

d. Precipitation rate in inches per hour (sprinklers only);

e. Run times in minutes per day;

f. Number of water days per week;

g. Cycle time to avoid runoff.

19.77.110 Landscape Plan Package Acceptance

A. Standard Compliance Procedures. Submitted landscape plan documentation packages, water allowance worksheets, irrigation plans and irrigation schedules prepared in strict compliance with the requirements of this chapter shall be accepted upon certification of compliance with those requirements by the qualified professionals who prepared and submitted those plans. Final approval shall be as granted by the director upon completion of an internal or external review to assure ordinance compliance.

B. Alternative Compliance Procedures. As authorized by this chapter, an alternative landscape and tree protection plan may be substituted in whole or in part for a landscape plan prepared in strict compliance with the chapters requirements.

1. Alternative Plan Preparation and Submittal. Alternative landscape plans shall be prepared and submitted in accordance with submittal requirements for a landscape plan package. The submittal shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purposes and intent of this chapter than would a plan which strictly complies with the chapter's specified standards.

2. Alternative Plan Review Criteria. Certification of alternative plans for compliance with the purposes and intent of this chapter requires that the qualified professional who prepared the plans substantiate in writing how the alternative proposal meets or exceeds the degree of compliance that would be achieved through the strict application of specified standards. In making such assertions the qualified professional who prepared the plans shall clearly demonstrate how the alternative plans will:

a. Provide exceptional preservation and incorporation of existing site vegetation;

b. Provide significant protection of natural areas and features;

c. Provide for maximum retention of existing tree canopy cover;

d. Create exceptional enhancement of neighborhood continuity and connectivity;

e. Provide for extensive accommodation of nonvehicular access and use;

f. Represent greater innovation in site design and plant use.

3. Alternative Plan Approval. Final approval shall be as granted by the director upon completion of an internal or external review to assure satisfaction of the above criteria.

C. Plan Approval and Distribution. Copies of the professionally certified landscape plan package shall be provided for distribution to the following:

1. One copy to the property owner or site manager;

2. Two copies to the chief building official for attachment to approved building plans and use in completion of site inspections;

3. One copy to the director for retention in the site development application file.

D. Plan Revisions. Any revisions to the landscape plan package shall be reviewed and approved in writing by the director prior to commencement of construction. Re-certification of compliance with the requirements of this chapter shall be provided by the qualified professionals who prepared and submitted the plan revisions.

Site development plans that are substantially revised may require commensurate revisions to associated landscape plans.

E. Phasing. Landscape plans for projects proposed for development in multiple phases shall clearly specify the landscape improvements required in conjunction with each phase.

19.77.120 Installation Of Landscape Improvements

A. Irrigation System Installation.

1. Installer Qualifications. Irrigation Association (IA) certification shall be required for all contractor-installed landscape irrigation systems except where construction observation services are provided by a licensed landscape architect or other qualified professional under Title 58 of Utah Code.
2. License, Insurance and Bonding Requirements. All installers, designers, and auditors shall meet state and local license, insurance, and bonding requirements and be able to show proof of such.

B. Plant Delivery and Installation.

1. Plants shall be protected during delivery to prevent leaf desiccation.
2. Upon delivery, unplanted trees, shrubs and other live plants shall be kept in shade, well protected with soil, mulch or other acceptable material and appropriately watered. Plants that have died or show signs of serious deterioration prior to planting shall be replaced.
3. All trees and shrubs shall be planted in such a manner as to ensure their survival. This shall include the planting of intact balls, planting at proper depth, properly backfilling, mulching and watering, and construction of a planting saucer. Newly planted trees shall be provided a plant- free mulched area with a minimum radius of four feet around the trunks in order to expedite tree root establishment.
4. Any rope or wire binding the ball shall be cut prior to the conclusion of backfilling operations to prevent girdling of the tree trunk.
5. If a nonbiodegradable material is used around the ball, it shall be completely removed prior to backfilling.
6. In order to protect plantings from traffic, de-icing salts, and snow plowing operations, landscaped areas with tree or shrub plantings within six feet of a paved vehicle parking area or access way shall be raised above such areas by use of curbing or edging or, where depressed for stormwater collection and aquifer recharge, clearly posted for protection during periods of inclement weather.

C. Excavation. Site excavation shall be accomplished in accordance with industry standards and applicable ordinance requirements.

19.77.130 Construction Inspection And Compliance Requirements

A. Construction Observation and Certification of Compliance. Construction observation and monitoring of all required landscape improvements shall be provided by a licensed landscape architect so as to ensure compliance with the approved landscape plans for the site.

B. Right to Inspect. The director reserves the right to perform site inspections at any time and to require corrective measures regarding the installation of site landscaping and irrigation system improvements found not to comply with the requirements of this chapter.

C. The director shall field-verify landscaping improvements prior to final project approval.

19.77.140 Post-Construction Verification Of Compliance

A. Single-Phase Projects. Following construction and prior to issuing an approval for occupancy a landscape architect or other qualified professional shall complete a site inspection of all installed site landscaping improvements and provide written certification of compliance with approved plans. The director shall field-verify landscaping improvements prior to final project approval. Certification of compliance with approved

irrigation plans shall be provided by the licensed professional under whose construction observation the irrigation system was installed.

B. Multi-Phase Projects. Projects approved for development in multiple phases shall be inspected and certified to be in compliance with the approved plans for each respective phase prior to the occupancy or use of the development associated with that phase. Permits shall not be issued for subsequent phases without prior director approval until this requirement has been satisfied.

19.77.150 Certificate Of Substantial Completion

Upon completion of all required landscaping improvements the property owner shall complete a certificate of substantial completion for submittal to the director. A disclosure document shall be filed with the county recorder's office clearly indicating that the property is subject to the requirements of this chapter and that any re-landscaping by the present or future property owners shall be in accordance with the certified landscape plan for the property. Proof of recordation shall be provided prior to final land use approval.

19.77.160 Long-Term Viability Of Established Landscapes

A. Plant Maintenance. The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance. Where applicable an adequately funded Homeowner's or Property Owner's Association shall assume and be held liable for such responsibilities. In the latter instance, provisions for long-term maintenance of required landscaping in the event of dissolution of the Homeowner's or Property Owner's Association shall be provided prior to landscape plan acceptance.

B. Plant Survival. All plant materials shall be regularly maintained in a healthy condition and shall be guaranteed for survival for two years from planting. During this period, each plant shall show at least seventy-five percent healthy growth and shall have the natural characteristic of the plant of its species. Any plant found dead or unsatisfactory by the director during the guarantee period shall be replaced until it has lived through the required two-year survival period.

19.77.170 Completion Of And Submittal Of Water Performance Audit

Following construction and prior to issuing an approval for occupancy, a water audit shall be conducted by an IA certified landscape irrigation auditor. Irrigation system improvements required to achieve compliance with the requirements of this chapter shall be provided by the property owner as necessary. The water performance audit will verify that the irrigation system complies with the minimum standards of this chapter. The minimum efficiency required for the irrigation system is sixty percent for the distribution efficiency for all fixed spray systems and seventy percent distribution efficiency for all rotor systems. Copies of the auditor's certification of compliance shall be provided to the director for retention in the project file as well as to the irrigation system designer, installer, and owner/developer of the property. Compliance with this provision is required before the City will issue a letter of final acceptance.

HISTORY
Amended by Ord. 19-19 on 5/28/2019

19.77.180 Definitions

For the purposes of this chapter, the following terms shall have the meanings herein prescribed:

"Annual water budget" means the target maximum amount of irrigation water applied to a landscaped area measured in gallons per square foot per year.

"Automatic controller" means a timer, capable of operating valve stations to set the days and length of time of a water application.

"Backflow" means any unwanted flow of used or nonpotable water or substance from any domestic, industrial or institutional piping system into the pure, potable water distribution system. The direction of flow under these conditions is in the reverse direction from that intended by the system and normally assumed by the owner of the system.

"Backflow prevention device" means a safety device that prevents the flow of water from the water distribution system back to the water source. Compliance with applicable health and water quality regulations is required.

"Bubbler" means an irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

"Drip emitter" means a drip irrigation fitting that delivers water slowly at the root zone of the plant, measured in gallons per hour.

"Drought-tolerant plant" means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

"Establishment period" means the first three hundred sixty-five days of growing season after installing the plant in the landscape.

"Evaporation [E]" means water movement from a wet soil or plant surface that does not pass through the plant. Evaporation is the physical process by which a liquid is transformed to the gaseous state, which in irrigation generally is restricted to the change of water from liquid to vapor. Occurs from plant leaf surface, ground surface, water surface and sprinkler spray.

"Evapotranspiration [ET]" means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month or year.

"FPS" means feet per second.

"Flow rate" means the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

"Grading plan" means a plan that shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

"Groundcover" means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches.

"Hardscape" means elements of the landscape such as sidewalks, pathways, benches, patios, decks, seating areas, drives, and areas for vehicular parking typically constructed from nonliving materials like concrete, boulders, brick, blacktop and lumber.

"Hydrozone" means the grouping of plants with similar water requirements so that they can be irrigated with a common zone.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

"Irrigated landscaped area" means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.

"Irrigation contractor" means a person who has been certified by the Irrigation Association (IA) to install irrigation systems.

"Irrigation designer" means a person who has been certified by the Irrigation Association (IA) to prepare irrigation system designs, and/or a landscape architect.

"Irrigation plan" means a plan that shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, together with identification of all irrigation equipment.

"Landscape architect" means a person who is licensed to practice landscape architecture by the state of Utah.

"Landscape designer" means a person who has been certified by the Utah Nursery and Landscape Association (UNLA) and who prepares landscape plans as authorized by Utah Code.

"Landscape irrigation auditor" means a person who has been certified by the Irrigation Association to conduct a landscape irrigation audit.

"Landscape plan documentation package" means an assemblage of graphics and written materials including criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this chapter. The landscape plan documentation package shall include a project data sheet, a planting plan, an irrigation plan, a grading plan, a soils report, a landscape water allowance, and an irrigation schedule.

"Landscape water allowance" means, for design purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the local reference evapotranspiration rate, the ET0 adjustment factor and the size of the landscaped area.

"Landscape zone" means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

"Landscaped area" means an entire parcel of real property minus that area encompassed by building footprints, driveways, and the nonirrigated portions of parking lots. Water features and areas improved with walkways, benches, seating areas and similar improvements are included in the calculation of the landscaped area.

"Landscaping" means any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, walks, drives, benches, seating areas, fountains, reflecting pools, outdoor art work, screen walls and fences.

"Maximum extent feasible" means no prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining maximum extent feasible.

"Mulch" means any organic material such as leaves, bark, wood chips, straw, or inorganic material such as crushed stone or gravel, or other materials left loose and applied to the soil surface for the beneficial purpose of weed suppression and the conservation of soil moisture.

"Pervious surface" means a layer through which water and air may freely migrate.

"Planting plan" means a plan that clearly and accurately identifies the location and species of new and existing trees, shrubs, groundcovers, and other plants on a site.

"Precipitation rate" means the depth of water applied to a given area, usually measured in inches per hour.

"Rain shut-off device" means a device wired to the automatic controller that shuts off the irrigation system when it rains.

"Reference evapotranspiration rate or ET0" means the rate of evapotranspiration from an extensive surface cooling season green grass cover of uniform height of twelve cm., actively growing, completely shading the ground, and not short of water.

"Runoff" means irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

"Soils report" means a report by a soils laboratory indicating soil type(s), composition, bulk density, infiltration rates, pH, electroconductivity (ERC), salt absorption ratio (SAR) and organic matter for the top soil and subsoil of a given site. The soils report also includes recommendations for soil amendments.

"Spray sprinkler" means an irrigation head that sprays water through a nozzle.

"Station" means an area served by one valve.

"Stream sprinkler" means an irrigation head that projects water through a gear rotor in single or multiple streams.

"Street tree" means a shade or ornamental tree planted along public or private streets and drives to provide shade to reduce heating of pavements, provide spatial definition and visual enhancement.

"Supervision (of an employee)" means that a qualified licensed professional is responsible for and personally reviews, corrects when necessary, and approves work performed by any employee under the direction of the

licensed professional.

"Turf" means a surface layer of earth containing mowed grass with its roots.

"Valve" means a device used to control the flow of water in an irrigation system.

"Water audit" means an on-site survey and measurement of irrigation equipment and management efficiency, and the generation of recommendations to improve efficiency.

"Water-conserving plant" means a plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

"Zone" means a landscape zone.

When recorded, return to:

Millcreek
Attn: Jeff Silvestrini
3330 South 1300 East
Millcreek, UT 84106

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into this ___ day of December, 2019, by and between Gregory M. Sneyd ("Developer"), for the land to be included in or affected by the project located at approximately 1643-1647 South Woodland Avenue, Millcreek, UT 84106, a municipal corporation of the State of Utah ("City"). The Developer and the City are sometimes referred to as the "Parties."

RECITALS

WHEREAS, Developer owns approximately .38 acres of real property located at 1643-1647 South Woodland Avenue, Millcreek, UT 84106 ("Property") and intends to develop the Property. A legal description of the Property is attached hereto as exhibit "A." The Parties desire that the Property be developed in a unified and consistent fashion and establish minimum standards for a new private use development consisting of single-family homes (the "Project") on the Property; and

WHEREAS, Developer hereby represents to the Millcreek Council that it is voluntarily entering into this Agreement; and

WHEREAS, Developer is willing to restrict the Property in a manner that is in harmony with the objectives of the City's General Plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

WHEREAS, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq*., and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property**. The legal description of the Property contained within the Project boundaries is attached as exhibit "A." No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Legislative Powers**. Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer's vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the Millcreek Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

3. **Compliance with City Ordinances and Standards**. Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable ordinances and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with applicable City standards.

4. **Specific Design Conditions**. The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth in exhibit "B. The Project shall also comply with all requirements set forth in the minutes of the Millcreek Planning Commission and Millcreek meetings on this matter.

5. **Agreement to Run with the Land**. This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

6. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

7. **No Joint Venture, Partnership or Third-Party Rights**. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

8. **Integration. Modification, and Entire Agreement**. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. Exhibits A, B and C are hereby incorporated into this Agreement.

9. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER:	Gregory M. Sneyd 3018 South 2300 East Millcreek, UT 84109
TO CITY:	Millcreek Jeff Silvestrini, Mayor 3330 South 1300 East Millcreek, Utah 84106

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

10. **Choice of Law and Venue**. Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

11. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

12. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that of specific performance. Notwithstanding such limitation the City may withhold all further

reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

13. **Term of Agreement.** The term of this Agreement shall be for a period of ten (10) years or until fulfillment of the obligations of the parties unless earlier terminated or modified by a written amendment agreed to and approve by the parties. If this Agreement is not recorded at the Office of the Salt Lake County Recorder within thirty (30) days of the Effective Date, the City may terminate this Agreement and Developer irrevocably consents that the Property be rezoned to it original zone(s). Additionally, if proposed plat is not recorded at the Office of the Salt Lake County Recorder within one (1) year of the Effective date the City may vacate or void the proposed plat and this Agreement and Developer irrevocably consents that the Property be rezoned to its original zone.

14. **Force Majeure.** Neither party shall be liable or deemed to be in default for any delay, failure, or interruption in performance under the Agreement resulting, directly or indirectly, from acts of God, acts of civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, machinery or supplies, vandalism, strikes or other work interruptions, or any other cause beyond the control of either party. Both Parties, however, agree to make good faith efforts to perform under this Agreement in the event of any such circumstance.

15. **Construction.** The Parties stipulate that this Agreement and all agreements or documents incorporated herein shall not be subject to the rule of construction that a written agreement is construed against the Party preparing or drafting that Agreement.

16. **Headings**. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

17. **No Waiver**. The failure of either Party to exercise in any respect a right provided for in this Agreement shall not be deemed to be a subsequent waiver of the same right or of any other right.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Millcreek

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, CMC, City Recorder

DEVELOPER

By: _____
Gregory M. Sneyd, Owner

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Jeff Silvestrini the Mayor respectively, of Millcreek, a Utah municipality.

_____
Notary Public

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this ____day of _____ 2019 by _____.

_____
Notary Public

Exhibit A

Parcel 16-28-329-034-0000

COM 43.9 RDS S & 185.79 FT W FR CEN OF SEC 28 T 1S R 1E SL MER W 76.5 FT S 190 FT E 112.5 FT N 68 FT W 36 FT N 122 FT TO BEG 0.38 AC 7828-1135 7837-2023 9993-6623

Purchased property description included in rezone

??



Exhibit B

Developer and the City agree that the proposed development will incorporate the following:

1. Limiting the proposed rezone to a 2-lot flag lot subdivision as per proposed in Exhibit A

2. Requiring the removal of the existing home to the north before a subdivision plat is recorded

3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.us

File # ZM-19-015

City Council Staff Report

Meeting Date: 12 November 2019

Applicant: Midway Hospitality Partners, LLC

Property Address: Approximately 3898 East Thousand Oaks Circle

Parcels:

(22-01-332-013-0000) (22-01-402-009-0000)
(22-01-376-001-0000) (22-01-403-025-0000)
(22-01-332-012-0000) (22-01-403-023-0000)

Request: (1) Rezone from R-1-21 to R-1-10, (2) Adjust the boundary of the Foothills and Canyon Overlay (FCOZ) Zone and Residential Compatibility Overlay (RCOZ) Zone, and (3) Request a setback reduction from 30 feet to 18 feet for a project located approximately at 3898 East Thousand Oaks Circle.

Zone: R-1-21

Community Council: Mount Olympus Community Council

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION

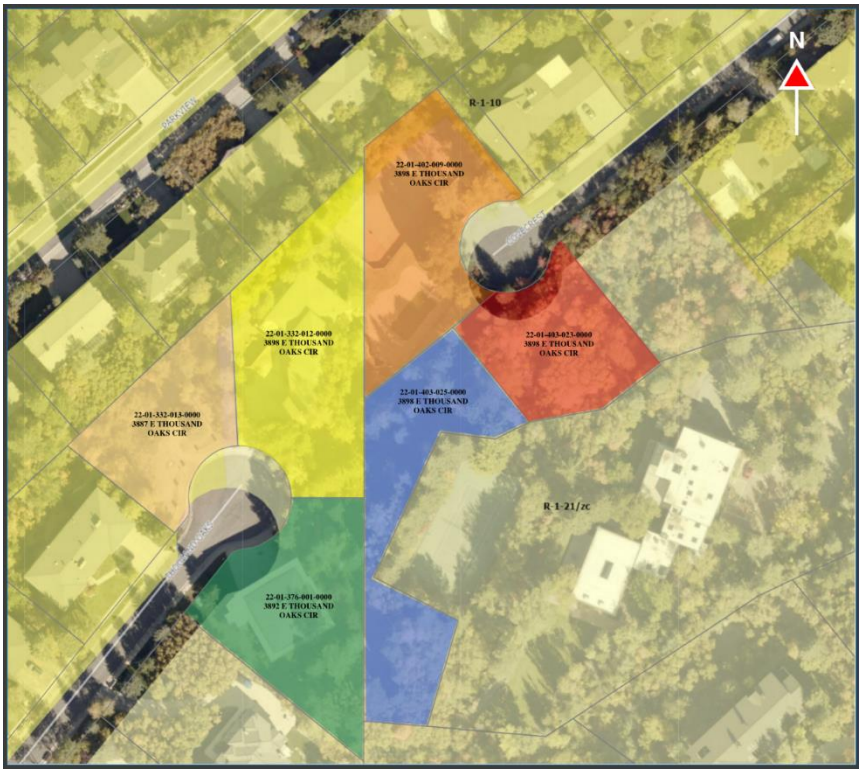
The applicant, Midway Hospitality Partners LLC is petitioning the City Council to rezone two properties located approximately at 3898 East Thousand Oak Circle from R-1-12 to R-1-10 in order to facilitate the development of a 5-Lot Subdivision. The applicant is also proposing a zone map amendment to adjust the Foothills and Canyons Overlay Zone boundaries (FCOZ) in an effort to eliminate one of the proposed lots from its requirements. Lastly, the applicant is requesting a setback reduction from 30 feet to 18 feet for three of the lots within the project.

Request: **Rezone from R-1-21 to R-1-10, adjust FCOZ and reduce setbacks**

File #: ZM-19-015

SITE & VICINITY DESCRIPTION

Figure 1: Aerial View



*Color coated parcels is merely for easy identification of parcel boundaries

Figure 2: Zoning map

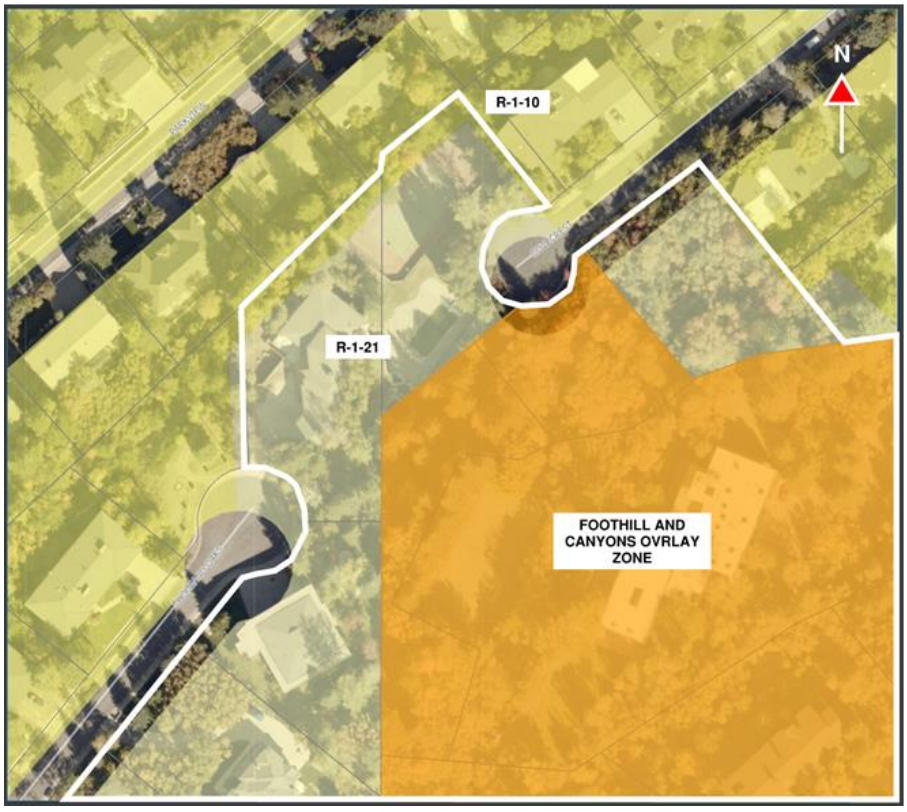
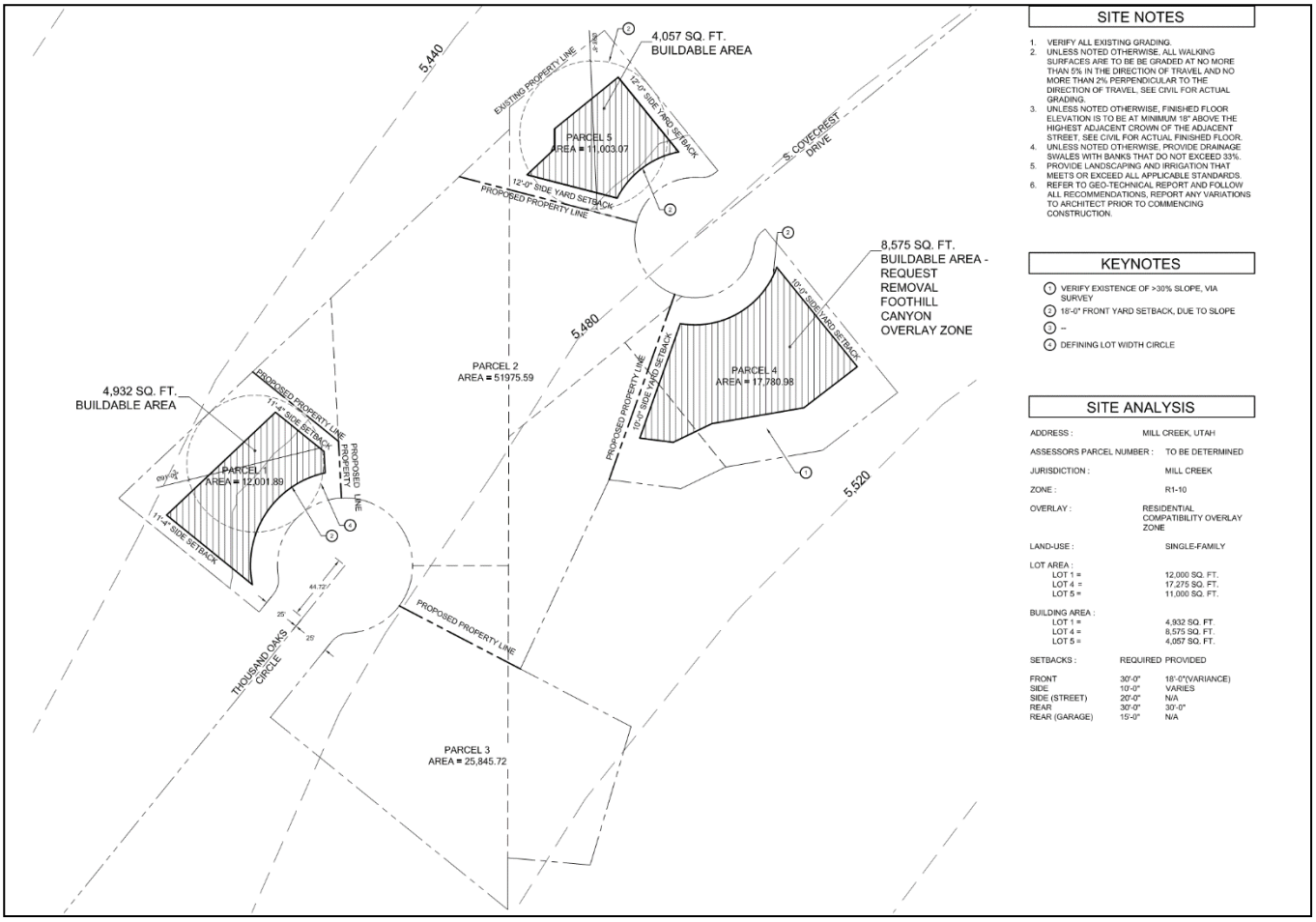


Figure 3: Proposed site plan illustrating 5 parcels



PROJECT INFORMATION

HISTORY

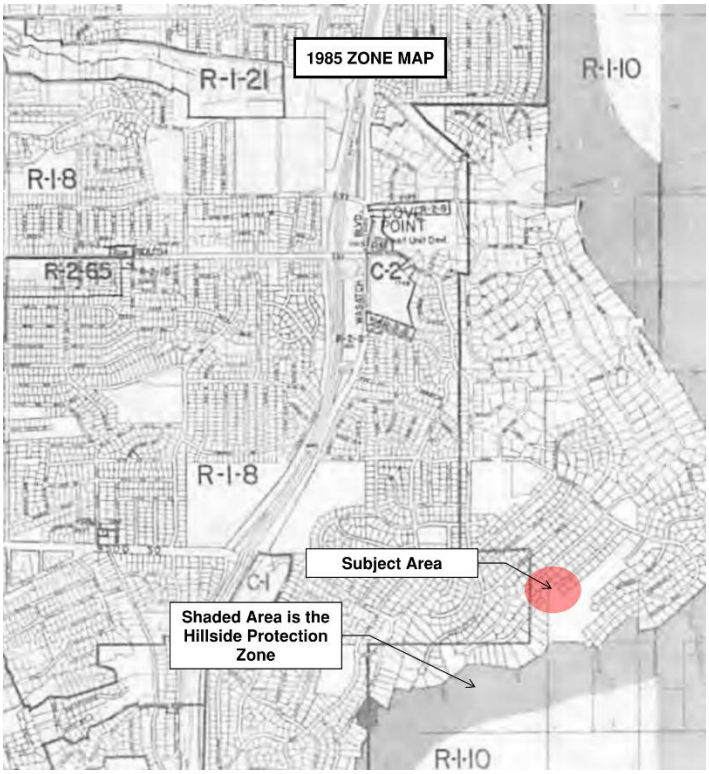
Between 1953 and approximately 1996, the subject parcels and a large majority of Olympus Cove have been under a zoning designation that has only required a minimum lot area of 10,000 square feet. The County had adopted a zone (R-1B and later R-1-21) requiring 21,000 square feet in 1953, however it did not encompass the subject area until the late 1990's.

In 1996 the Board of County Commissioners approved an ordinance that amended Title 19 which among other significant changes to the zoning code repealed the 1980 "Hillside Protection Zone" and re-enacted the "Foothills and Canyons Overlay Zone." This also included a new site development and design standards chapter. Prior to the aforementioned amendment the subject property was not located in the "Hillside Protection Zone". It wasn't until 1996, when the adoption of the new "Foothills and Canyons Overlay Zone" encompassed the property that it became subject to the FCOZ requirements. It is believed that much of the un-developed property in Olympus Cove at the time of the adoption of the new FCOZ was to be included in the boundaries of FCOZ as a safety precaution for future development of these areas.

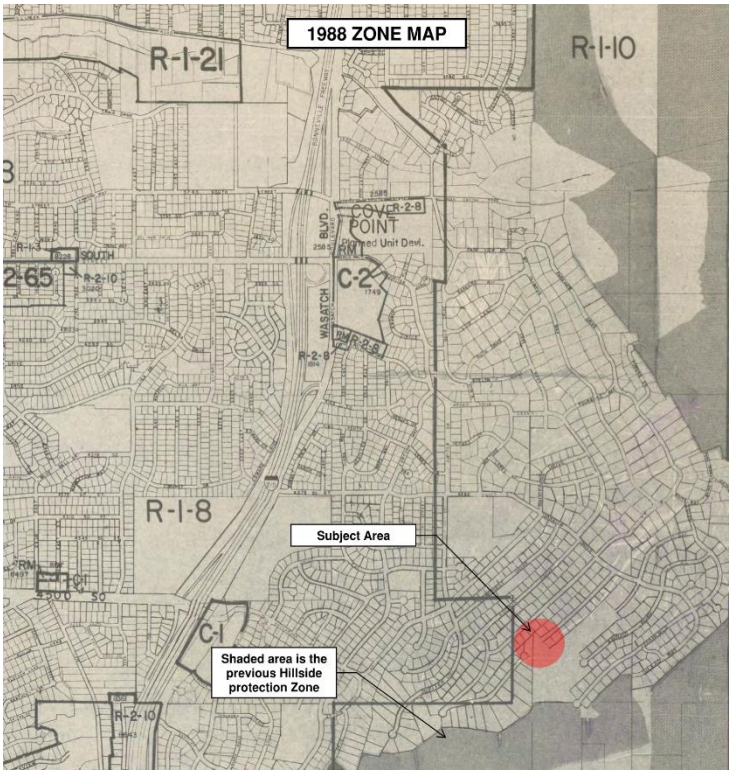
Request: **Rezone from R-1-21 to R-1-10, adjust FCOZ and reduce setbacks**

File #: ZM-19-015

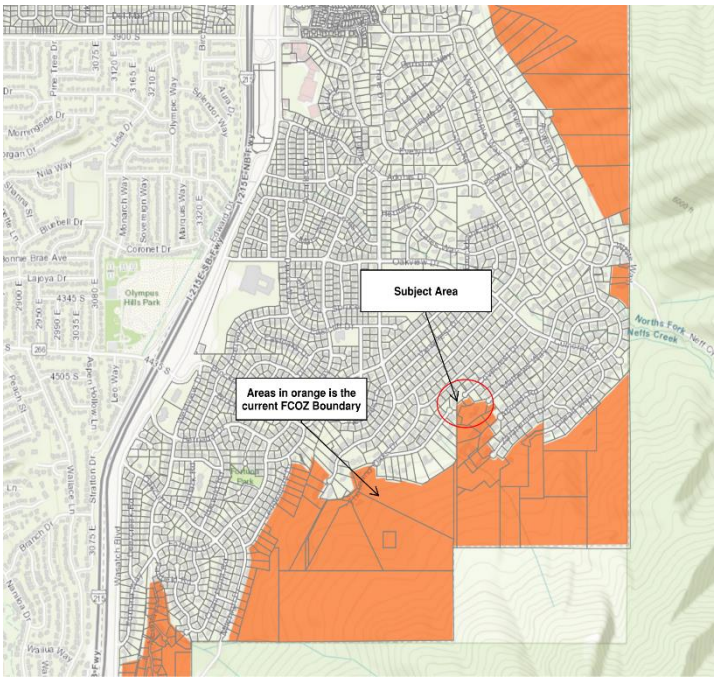
1985 ZONE MAP



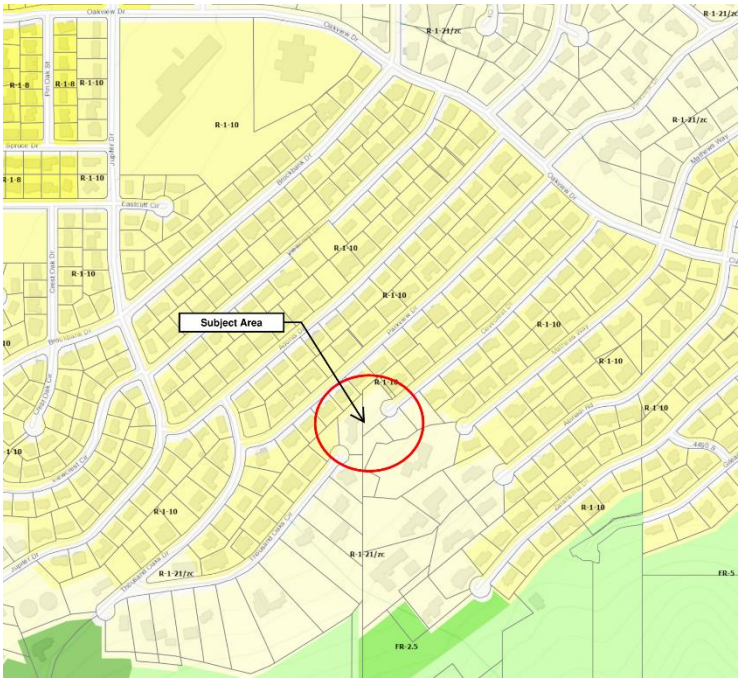
1988 ZONE MAP



CURRENT FOOTHILLS CANYONS OVERLAY ZONE MAP



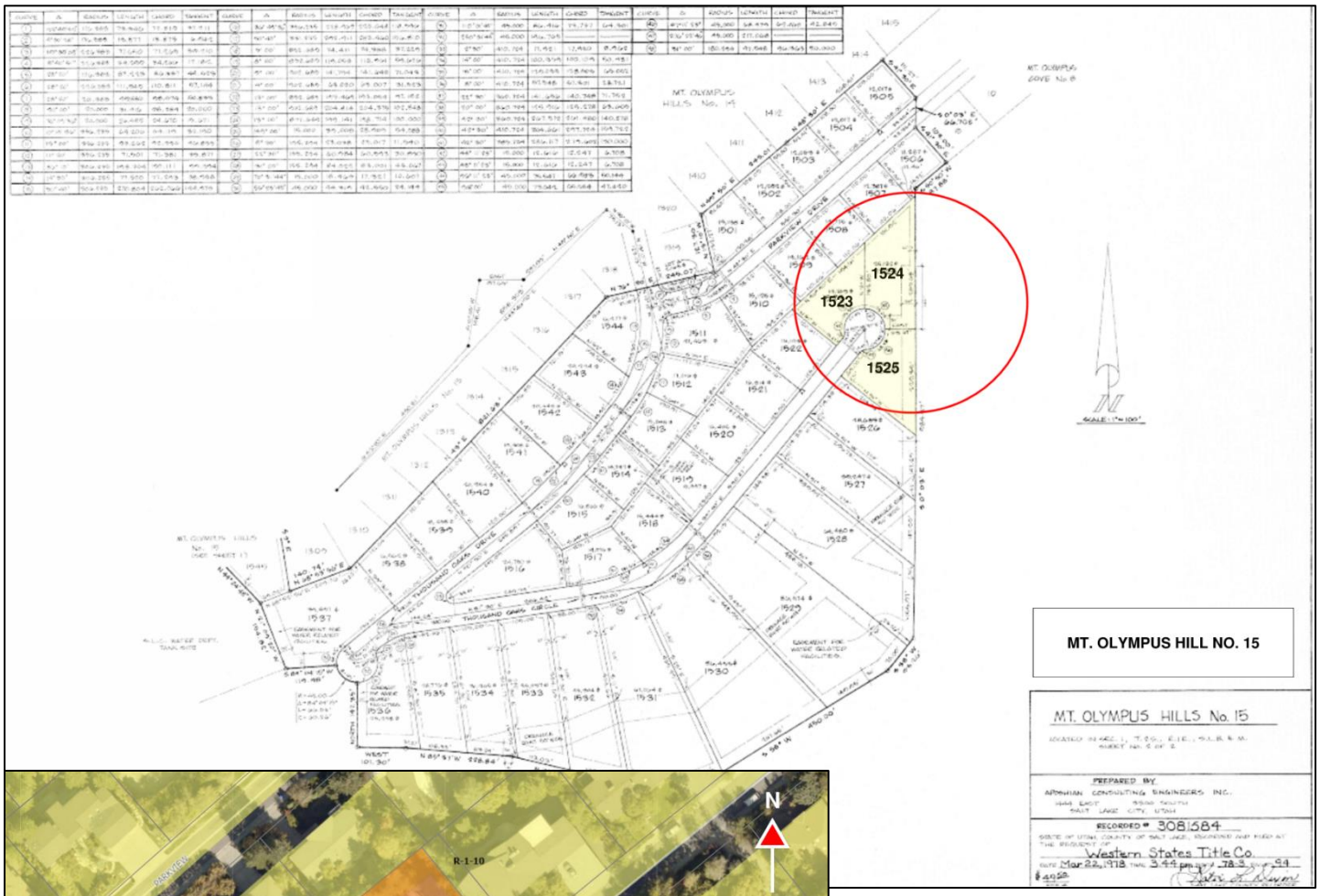
CURRENT ZONE MAP

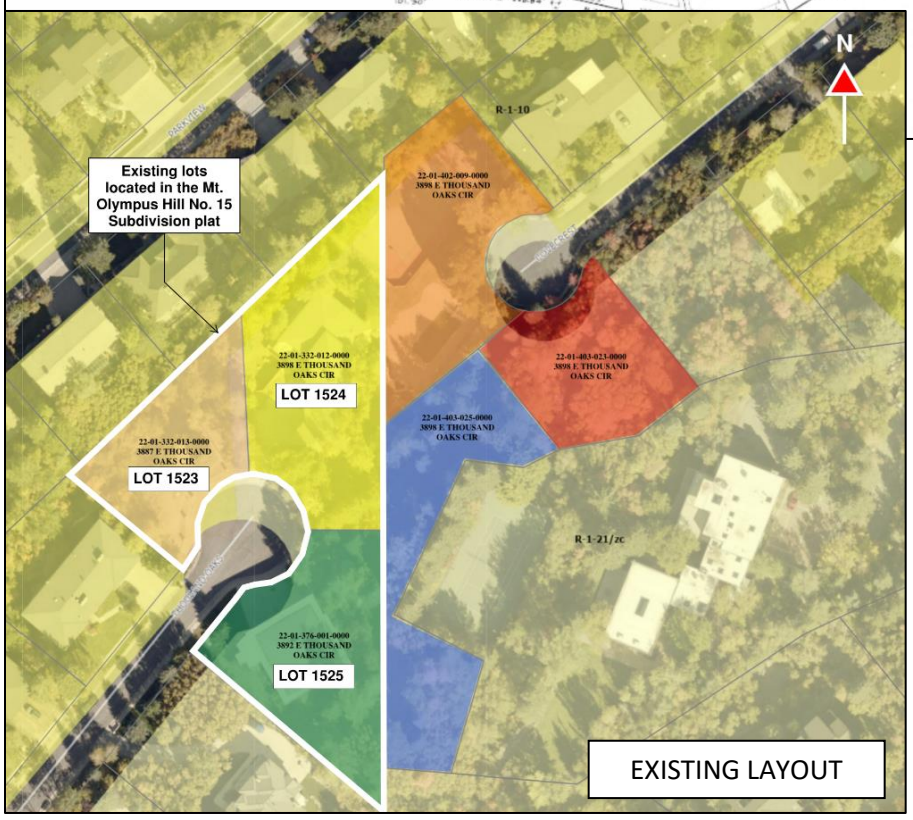


Request: **Rezone from R-1-21 to R-1-10, adjust FCOZ and reduce setbacks** **File #: ZM-19-015**

EXISTING TO PROPOSED

The six (6) subject properties are currently located between Thousand Oaks Circle cul-de-sac and the Covecrest Drive cul-de-sac. Three (3) of the six subject parcels accessed from Thousand oaks Circle are recognized as lots 1523, 1524, and 1525 of the Mt. Olympus Hill No. 15 Subdivision plat recorded in 1978.





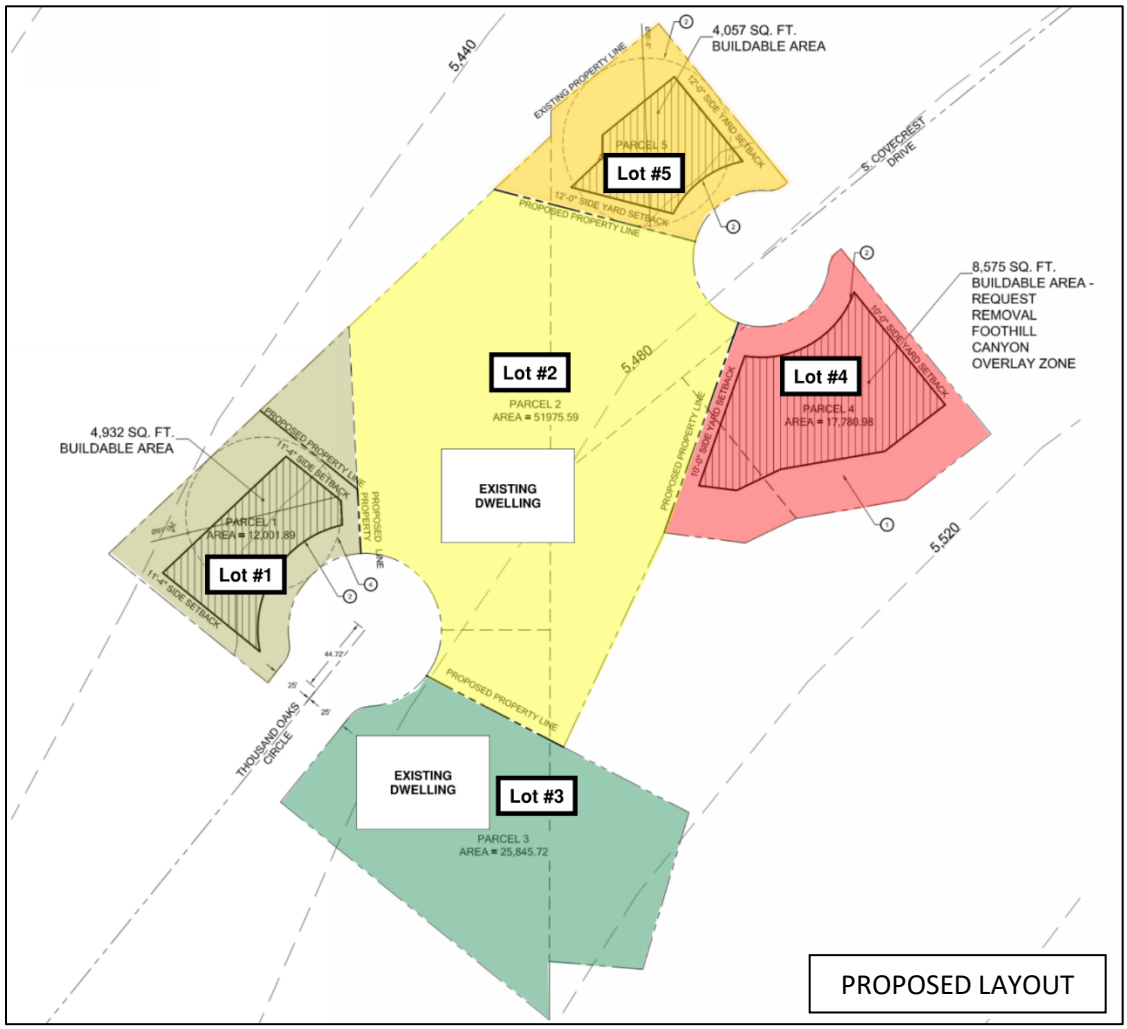
Lot #1523 is vacant. Lots #1524 and #1525 each have single-family dwellings located on them.

The remaining 3 subject parcels are vacant and are not part of a platted subdivision. Staff research indicates that the three parcels were created in the late 1980's from a larger 4.71-acre parcel. The remaining non-platted lots consist of a swimming pool, tennis court and other accessory structures. Some of which straddle and cross property lines.

Request: **Rezone from R-1-21 to R-1-10, adjust FCOZ and reduce setbacks** **File #: ZM-19-015**

Two of the parcels could be accessed from Covecrest Drive. All of the subject parcels with exception of Lot #1523 (R-1-10) of the Mt. Olympus Hill No. 15 Subdivision plat are zoned R-1-21.

The developer is proposing a plan that is a series of property boundary changes that will result in a 5-lot subdivision plat or plat amendment. The plan requires two of the proposed lots (proposed lot #4 and #5) to be rezoned from R-1-21 to R-1-10 to meet minimum property area requirements which is consistent to the zoning of the adjoining properties along Thousand Oaks Circle and Covecrest Drive. The developer is also seeking to adjust the boundary of the Foothill and Canyon Overlay Zone FCOZ.
By doing so, proposed lot #4 (**Color coded red**) is removed from the FCOZ and becomes subject to the Residential Compatibility Overlay (RCOZ) Zone and will be consistent with the adjoining properties.



IN SUMMARY

- 5 lots will emerge where 6 lots used to exist, resulting in a slightly smaller density
- Only *proposed* lots #4 and #5 are being rezoned to R-1-10
- *Proposed* lot #1 will remain R-1-10 and *proposed* lot #2 and #3 will remain R-1-21
- Only *proposed* lot #4 is being removed from the FCOZ and placed into the RCOZ

Request: **Rezone from R-1-21 to R-1-10, adjust FCOZ and reduce setbacks** **File #**: **ZM-19-015**

COMMUNITY COUNCIL RECOMMENDATION

At the Mount Olympus Community Council meeting held August 13, 2019, details of the applicants proposal ZM-19-015 were discussed by staff and the applicant. Engaged discussions between council members, staff and the applicant not only cleared any confusion of the complex proposal but produced a worthwhile conversation that surfaced a few concerns. One concern that was shared by the majority of the council members was the possibility of a drive-thru street (public or private) connecting Thousand Oaks Circle with Covecrest Drive ultimately resulting in an increase in unwanted traffic. Staff responded that although this would be highly unlikely, staff would craft the approval to eliminate any possibility of a thru-street connection.

Another concern was the front yard setback reduction to 18 feet from 30 feet. Although the council did not oppose the reduction, they felt as though it would be more effective to have each lot requesting the reduction to be reviewed case by case by way of an RCOZ Option C. Council members felt a recommendation of approval or denial for the proposed setback reduction at this phase of the development was too presumptuous and did not provide enough information.

A member of the public attending the meeting voiced his concern about one of the lots potentially becoming a Residential Treatment Center. Council member Baird and staff responded that the ability of a property owner to utilize their protected property rights to engage in the development of a Residential Treatment Center was federally protected class and the involvement of Millcreek would play a minor role in its approval.

The Mount Olympus Community Council recommended approval of the proposed rezone and zone map amendment with the condition that Covecrest Drive and Thousand Oaks Circle are prohibited from being connected by way of a private or public street. The recommendation did not include the proposed setback reduction from 30 feet to 18 feet.

PLANNING STAFF ANALYSIS AND FINDINGS

Staff finds that the proposed rezone for two of the proposed lots is in harmony of the general plan and future land use map designated for this specific area of Millcreek. The "Neighborhood 1" zoning designation is preserved by maintaining an R-1 Zoning. Furthermore, staff finds that the proposed rezone is compatible to the existing lot configuration and density along Thousand Oaks Circle and Covecrest Drive.

Staff finds that the proposed zone map amendment to adjust the Foothills and Canyons Overlay Zone (FCOZ) and replace with the Residential Compatibility Overlay Zone (RCOZ) will ensure that the future development of Lot #4 is consistent with the adjoining neighborhood development. Staff finds that applying the requirements of RCOZ to the development will produce a better outcome for the neighborhood in terms of building compatibility and arrangement. Staff finds that by removing Lot #4 from the boundaries of FCOZ will not create a detrimental effect or hazardous outcome due to the topography of the lot being primarily under the 30% slope and not being within any known drainage or avalanche channels. Staff finds that thru the implementation of the Millcreek Code and Subdivision code still reserves the needed protections to safely develop Lot#4.

Staff finds that the request for the reduction in setbacks to 18 feet from 30 feet can be approved through the subdivision plat process which would be the second phase following a successful rezone. Although staff does not oppose the reduction, staff finds that the timing for the request to be more suitable during the platting process which would allow Planning and Engineering staff to review the property's grading and drainage plans along with the slope and topography details. Due to the extreme slopes of each property which is extremely common in the Olympus Cove area, reducing the front yard setback allows for a dwelling footprint to be developed closer to flat surface rather than into the steeper side of the mountain, potentially being more hazardous and obstructing views from below.

Staff finds that the proposed rezone and zone map amendment can be approved based on the findings above and a development agreement that at minimum limits the density and configuration to the application proposal and prohibits a thru street connecting Thousand Oaks Circle and Covecrest Drive.

PLANNING COMMISSION RECOMMENDATION

At their regularly scheduled meeting August 21, 2019, the Millcreek Planning Commission recommended approval of application ZM-19-015 that excluded the request for a reduction of the front yard setback. The Planning Commission recommendation included a condition that a zone condition be placed on the subject properties within the rezone that limits the density to a maximum of 6 lots and a Development Agreement, that at minimum, prohibited a thru street connecting Thousand Oaks Circle and Covecrest Drive.

SUPPORTING DOCUMENTS

1. Application, Affidavits and Cover Letter
2. Updated Survey with legal descriptions
3. Mount Olympus Community Council Meeting Minutes
4. Development Agreement

Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
Millcreek.Utah.gov

File #

Land Use & Development Application

☐ FCOZ ☐ RCOZ ☐ DWSP ☐ RCOZ ☐ Watershed ☐ Over Pressure ☐ Magna Main
☐ Natural Hazards ☑ Other Lot Line Adjustment

Zone: _____ Community Council: _____ Planner: _____
Parent File #: _____ Date: _____

Property Address: 3898 E Thousand Oaks Circle Parcel #: See Below List of 6 parcels
Name of Project Thousand Oaks Properties Property Acreage: Approx 2.71

Please describe your request:
Lot Line Adjustment of 6 parcels to 5 parcels
Parcel 1- #22-01-332-013-0000, Par 2- #22-01-332-012-0000, Par 3-#22-01-376-001-0000, Par 4-#22-01-403-023-0000, Par 5-#22-01-403-025-0000, Par 6-#22-01-402-009-0000

New Development:
- ☐ Conditional Use
- ☐ Permitted Use
- ☐ Subdivision # lots: _____
- ☐ PUD #lots: _____

Modify an Existing Development:
- ☐ Change Conditions of Approval
- ☐ Change the Site Plan
- ☐ Condo Conversion
- ☐ Lot Consolidation
- ☐ Lot Line Adjustment
- ☐ Mobile Store
- ☐ Signs
- ☐ Billboards

Other:
- ☐ Exception Request
- ☐ General Plan Amendment
- ☐ GRAMA (Records Request)
- ☐ Land Use Hearing
- ☐ Non-Conforming
- ☐ RCOZ Appeal (Option C)
- ☐ Research Request
- ☐ Re-zone
- ☐ Right-of-Way Improvement Permit
- ☐ Vacate a Street

Is a key or gate code required to access the property? ☑ Yes ☐ No If yes, code: see notes
(or provide driving directions to property):
Contact Rachel Lambert for access to property 24 hrs in advance and a time will be scheduled to meet for full access. cell phone 602-885-2342

APPLICANT'S NAME:

First: James Bradley Last: Wagstaff Initial: _____

Address: 210 E Main St, Suite 109 City: Midway State: UT Zip: 84049

Phone: _____ Cell: 435-709-1004 Email: BradW@mogulcapital.com

Property Owner(s):

First: Midway Hospitality ~~Last:~~ Partners, LLC Initial: _____

Address: 210 E Main St, Suite 109 City: Midway State: US Zip: 84049

Phone: _____ Cell: 435-709-1004 Email: BradW@mogulcapital.com

Professional(s): ☐ Engineer ☑ Architect ☐ Other

Company: Chrysalis Architecture Contact: Richard Wilmot

Address: 3914 E Presidential Dr City: Meridian State: ID Zip: 83642

Phone: _____ Cell: 208-596-1565 Email: rw@chrysalis-architecture.com

**NOTE: all correspondence will be sent to the applicant's address:*

To facilitate the land use notice and review process, the undersigned hereby authorize the County to reproduce this *application and all documents attached to the application* for staff, officials, and the interested public:

Applicant's Signature: _____ Date 7/16/19

Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
Millcreek.Utah.gov

File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
Wasatch } ss
COUNTY OF ~~SALT LAKE~~ }

I (we) Midway Hospitality Partners, LLC, Brad Wagstaff, Managing Member being duly sworn, depose and say that I (we) am (are) the owner(s) of the property(s) located at:

Parcel (4) # 22-01-403-023-0000.

My (our) signature below attests that I (we) have reviewed the proposal by Chrysalis Architecture requesting review and approval of Lot Line Adjustment and that I (we) consent to the statements and information provided in the attached plans and exhibits and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner Bradley Wagstaff

Property Owner Bradley Wagstaff

Subscribed and sworn to me this 16th day of July, 2019.

AMANDA BILLINGS
Notary Public
State Of Utah
My Commission Expires 11/04/2019
COMMISSION NO. 686284

Notary: Amanda Billings

Residing in ~~Salt Lake~~ County, Utah
Wasatch

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File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
Wasatch ~~Salt Lake~~ ss
COUNTY OF ~~SALT LAKE~~ }

I (we) Midway Hospitality Partners, LLC, Brad Wagstaff, Managing Member being duly sworn, depose and say that I (we) am (are) the owner(s) of the property(s) located at:

Parcel (6) # 22-01-402-009-0000.

My (our) signature below attests that I (we) have reviewed the proposal by Chrysalis Architecture requesting review and approval of Lot Line Adjustment and that I (we) consent to the statements and information provided in the attached plans and exhibits and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner Brad Wagstaff

Property Owner Bradley Wagstaff

Subscribed and sworn to me this 16th day of July, 2019.

Notary: Amanda Billings

Residing in ~~Salt Lake~~ County, Utah
Wasatch ~~SL~~

AMANDA BILLINGS
Notary Public
State Of Utah
My Commission Expires 11/04/2019
COMMISSION NO. 686284

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File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
} ss
COUNTY OF ~~SALT LAKE~~ Wasatch }

I (we) Midway Hospitality Partners, LLC, Brad Wagstaff, Managing Member being duly sworn, depose and say that I (we) am (are) the owner(s) of the property(s) located at:

Parcel (1) # 22-01-332-013-0000.

My (our) signature below attests that I (we) have reviewed the proposal by Chrysalis Architecture requesting review and approval of Lot Line Adjustment and that I (we) consent to the statements and information provided in the attached plans and exhibits and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner [signature]

Property Owner Bradley Wagstaff

Subscribed and sworn to me this 16th day of July, 2019.

Notary: [signature]

Residing in ~~Salt Lake~~ County, Utah
Wasatch

AMANDA BILLINGS
Notary Public
State Of Utah
My Commission Expires 11/04/2019
COMMISSION NO. 686284

Planning and Development Services
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Millcreek.Utah.gov

File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
Wasatch AB } ss
COUNTY OF ~~SALT LAKE~~ }

I (we) Midway Hospitality Partners, LLC, Brad Wagstaff, Managing Member being duly sworn, depose and say that I (we) am (are) the owner(s) of the property(s) located at:

Parcel (3) # 22-01-376-001-0000.

My (our) signature below attests that I (we) have reviewed the proposal by Chrysalis Architecture requesting review and approval of Lot Line Adjustment and that I (we) consent to the statements and information provided in the attached plans and exhibits and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner Bradley Wagstaff

Property Owner Bradley Wagstaff

Subscribed and sworn to me this 16th day of July, 2019.

AMANDA BILLINGS
Notary Public
State Of Utah
My Commission Expires 11/04/2019
COMMISSION NO. 686284

Notary: Amanda Billings

Residing in ~~Salt Lake~~ County, Utah
Wasatch AB

Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
Millcreek.Utah.gov

File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
Wasatch } ss
COUNTY OF ~~SALT LAKE~~ OB }

I (we) Midway Hospitality Partners, LLC, Brad Wagstaff, Managing Member being duly sworn, depose and say that I (we) am (are) the owner(s) of the property(s) located at:

Parcel (5) # 22-01-403-025-0000.

My (our) signature below attests that I (we) have reviewed the proposal by Chrysalis Architecture requesting review and approval of Lot Line Adjustment and that I (we) consent to the statements and information provided in the attached plans and exhibits and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner Brady Wagstaff

Property Owner Bradley Wagstaff

Subscribed and sworn to me this 16th day of July, 2019.

Notary: Amanda Billings

Residing in ~~Salt Lake~~ County, Utah
Wasatch OB

AMANDA BILLINGS
Notary Public
State Of Utah
My Commission Expires 11/04/2019
COMMISSION NO. 686284

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File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
} ss
COUNTY OF ~~SALT LAKE~~ Wasatch OB }

I (we) Midway Hospitality Partners, LLC, Brad Wagstaff, Managing Member being duly sworn, depose and say that I (we) am (are) the owner(s) of the property(s) located at:

Parcel (2) # 22-01-332-012-0000.

My (our) signature below attests that I (we) have reviewed the proposal by Chrysalis Architecture requesting review and approval of Lot Line Adjustment and that I (we) consent to the statements and information provided in the attached plans and exhibits and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner [signature]

Property Owner Bradley Wagstaff

Subscribed and sworn to me this 16th day of July, 2019.

AMANDA BILLINGS
Notary Public
State Of Utah
My Commission Expires 11/04/2019
COMMISSION NO. 686284

Notary: [signature]

Residing in ~~Salt Lake~~ County, Utah
Wasatch OB

MOUNT OLYMPUS COMMUNITY COUNCIL
Meeting Minutes
Millcreek City Hall
August 13, 2019

Introductions
Pledge of Allegiance
Introduction of Council Members

Present:

David Baird, Chair
Kate Johnson
Brian Jorgensen
Richard Williamson
Phong Nyugen
John Knoblock
Charles Pruitt
Kumar Shah

Away:

Ken Smith
Joan Haven

Minutes

The minutes from the June 4 2019 meeting were approved.

Citizen Recognition

Millcreek City and the Mt Olympus Community Council (MOCC) formally recognized Barbara Bruno as an outstanding citizen for her efforts to beautify her neighborhood through routinely collecting and disposing of trash on her regular walks and runs.

REPORTS:

Unified Police Dept. (see Item 1 below)
Unified Fire Auth.

The UFA briefing indicated that fire control and minimization was particularly good this July, and fire incidents decreased throughout the month.

State Legislative Update (Jani Iwamoto) (Patrice Arent)

Jani Iwamoto reported on ongoing issues related to deaf students at Skyline and the presence of cougars in upper Olympus Cove. Upcoming interim issues include medicaid, marijuana, and tax reform. Potential bills include water banking and domestic violence.

Elise Scott reported on behalf of Patrice Arent on Repr.Arent's participation in Public Utility and Energy and Technology committees, and her role as co-chair of the Ethics committee. Notable, she directed the audience to a website to provide input on tax reform. The website is: Strongerfutures.utah.gov

Mayor's Update

Mayor Silvestrini reiterated the success of fire control efforts and mentioned that Millcrrek's Night Out against Crime was also a success.Upcoming events include the August 26 City Council meeting, which will include a discussion of HB 411, Renewable Emergy 2030. An open house on flood mitigation and insurance, specifically related to Neff's Canyon, will be held Sept 17, probably at Churchhill Jr High.

The City has raised $20 million in bonds for the purpose of acquiring land near the new city center for park development. Purchases are underway and should be complete by the end of the year.

A 20% set-aside for development of affordable housing is available to assist in the development and preservation of such housing, probably and most desirably in the form of blended market rate and affordable housing developments.

See https://millcreek.us/Calendar.aspx for more information on these and other events.

Jupiter Jump Update (John Miller)

Construction is likely to be completed in the summer of 2020. The project has not gone out to bid because of the high-demand market driving excessive costs. See https://maps-millcrk.hub.arcgis.com/pages/capital-improvement-projects for more information on this project and other Capitol Improvement projects.

COMMUNITY INPUT:

Angel Vice introduced herself as a candidate for Mayor of Millcreek in the 2019 election.

BUSINESS:

1. UPD briefing and discussion on presence in Mt. Olympus area (Jared Nichols reporting)

UPD crime reports and maps are available at https://www.updsl.org/page_resources_crimeReportMaps.php

Generally crime statistics for the council area are stable. Notably many thefts from cars occur at trailheads. We were reminded that school is starting soon, and to be watchful for children. Parently should avoid parking/stopping in the bike lanes on Wasatch in from of Eastwood.

UPD focussed significant effort on traffic issues in the cove in July, resulting in numerous significant citations, and some arrests (70 hours,. 31 citations, 2 arrests). Speeding is likely to remain an issue and the council requested UPDs continuing presence. Metrics may be available in the form of periodic reports to council chairs, but such reports are issued from HQ, and coordination of data production and reporting with them is necessary.

2. Rezone Application ZM-19-0155 (Thousand Oaks Circle/Covecrest Drive, Midway Hospitality Partners) (Robert May/Francis Lilly/David Baird)

The proposal is to realign six parcels into five, and to include all 5 new parcels on the Residential Compatibility Overlay Zone (RCOZ) (some are presently in FCOZ, Foothill COZ). See attached map for details. RCOZ requirements will include more strict containment on building heights, and the overall proposal will result in slightly less density.

Concerns raised by citizens and council members included increases in traffic, and the possibility that a road could be extended through the property, linking two existing cul-de-sacs.

After considering the various concerns, the council moved to recommend that set-backs not be considered until plans are available, that no thoroughfare (public or private),be allowed, now or in the future, and that the lots be changed and RCOZ applied as proposed. The Planning Commission will make a recommendation to the city council August 21 at 5 pm, Millcreek City Hall.

3. Rocky Mountain Power (RMP) Wildland Fire Risk Mitigation Strategy Update (David Baird)

RMP is developing a proposal to proactively cut off power to certain homes in the MOCC area when dire weather conditions, combined with other factors, increase the risk of accidental fires due to powerlines.The protocol for this action includes a two day advance warning of such conditions. RMP requests that people download their app and include up to date contact information.

This effort will only be focussed in a few areas, and unless people were specifically notified of an upcoming open house, their property is not affected. This doesn't mean that such people would not be at risk in a fire situation, only that their property is not in an area where power cutoffs would be necessary.

NEW BUSINESS:

There was discussion of smaller scale beautification/cleanup projects in the neighborhoods, possibly self funded. This item will be included in the September 3 MOCC meeting.

ADJOURN

Next meeting: September 3, 6 pm, Churchill Jr High Library.

When recorded, return to:

Millcreek
Attn: Jeff Silvestrini
3330 South 1300 East
Millcreek, UT 84106

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into this ___ day of November, 2019, by and between Midway Hospitality Partners, LLC ("Developer"), for the land to be included in or affected by the project located at approximately 3898 East Thousand Oaks Circle Millcreek, UT 84124, a municipal corporation of the State of Utah ("City"). The Developer and the City are sometimes referred to as the "Parties."

RECITALS

WHEREAS, Developer owns approximately 2.7 acres of real property located at 3898 East Thousand Oaks Circle, Millcreek, UT 84124 ("Property") and intends to develop the Property. A legal description of the Property is attached hereto as exhibit "A." The Parties desire that the Property be developed in a unified and consistent fashion and establish minimum standards for a new private use development consisting of single-family homes (the "Project") on the Property; and

WHEREAS, Developer hereby represents to the Millcreek Council that it is voluntarily entering into this Agreement; and

WHEREAS, Developer is willing to restrict the Property in a manner that is in harmony with the objectives of the City's General Plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

WHEREAS, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq*., and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property**. The legal description of the Property contained within the Project boundaries is attached as exhibit "A." No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Legislative Powers**. Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer's vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the Millcreek Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

3. **Compliance with City Ordinances and Standards**. Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable ordinances and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with applicable City standards.

4. **Specific Design Conditions**. The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth in exhibit "B. The Project shall also comply with all requirements set forth in the minutes of the Millcreek Planning Commission and Millcreek meetings on this matter.

5. **Agreement to Run With the Land**. This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

6. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

7. **No Joint Venture, Partnership or Third Party Rights**. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

8. **Integration. Modification, and Entire Agreement**. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. Exhibits A, B and C are hereby incorporated into this Agreement.

9. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER:	Midway Hospitality Partners, LLC 210 E Main St, Suite 109 Midway, UT 84049 Brad Wagstaff
TO CITY:	Millcreek Jeff Silvestrini, Mayor 3330 South 1300 East Millcreek, Utah 84106

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

10. **Choice of Law and Venue**. Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

11. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

12. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that of specific performance. Notwithstanding such limitation the City may withhold all further

reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

13. **Term of Agreement.** The term of this Agreement shall be for a period of ten (10) years or until fulfillment of the obligations of the parties unless earlier terminated or modified by a written amendment agreed to and approve by the parties. If this Agreement is not recorded at the Office of the Salt Lake County Recorder within thirty (30) days of the Effective Date, the City may terminate this Agreement and Developer irrevocably consents that the Property be rezoned to it original zone(s). Additionally, if proposed plat is not recorded at the Office of the Salt Lake County Recorder within one (1) year of the Effective date the City may vacate or void the proposed plat and this Agreement and Developer irrevocably consents that the Property be rezoned to its original zone(s).

14. **Force Majeure.** Neither party shall be liable or deemed to be in default for any delay, failure, or interruption in performance under the Agreement resulting, directly or indirectly, from acts of God, acts of civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, machinery or supplies, vandalism, strikes or other work interruptions, or any other cause beyond the control of either party. Both Parties, however, agree to make good faith efforts to perform under this Agreement in the event of any such circumstance.

15. **Construction.** The Parties stipulate that this Agreement and all agreements or documents incorporated herein shall not be subject to the rule of construction that a written agreement is construed against the Party preparing or drafting that Agreement.

16. **Headings**. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

17. **No Waiver**. The failure of either Party to exercise in any respect a right provided for in this Agreement shall not be deemed to be a subsequent waiver of the same right or of any other right.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Millcreek

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, CMC, City Recorder

DEVELOPER

By: _____
Brad Wagstaff, Manager

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Jeff Silvestrini the Mayor respectively, of Millcreek, a Utah municipality.

_____
Notary Public

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this ____day of _____ 2019 by _____.

_____
Notary Public

Exhibit A

Proposed Legal Descriptions and Survey

PARCEL A:
BEGINNING AT A POINT ON THE SOUTHEAST LINE OF LOT 1508, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3124.18 FEET ALONG THE QUARTER SECTION LINE TO A CORNER OF LOT 1506 OF SAID SUBDIVISION AND SOUTH 46°40'00" WEST 181.92 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 18°59'10" EAST 55.36 FEET TO THE WEST LINE OF LOT 1524 OF SAID SUBDIVISION; THENCE SOUTH 03°00'00" EAST 67.65 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF THOUSAND OAKS CIRCLE; THENCE SOUTHWESTERLY 75.55 FEET ALONG SAID STREET AND ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 96°11'18", CHORD BEARS SOUTH 38°54'16" WEST 66.98 FEET, TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY 12.62 FEET ALONG SAID STREET AND ALONG A 15.00-FOOT-RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48°11'23", CHORD BEARS SOUTH 14°54'19" WEST 12.25 FEET; THENCE SOUTH 39°00'00" WEST 15.27 FEET ALONG SAID STREET TO THE EASTERN MOST CORNER OF LOT 1522 OF SAID SUBDIVISION; THENCE NORTH 51°00'00" WEST 120.61 FEET ALONG THE NORTHEAST LINE OF SAID LOT 1522 TO THE SOUTHEAST LINE OF LOT 1510 OF SAID SUBDIVISION; THENCE NORTH 46°40'00" EAST 174.61 FEET ALONG THE SOUTHEAST LINE OF LOTS 1510, 1509, AND 1508 OF SAID SUBDIVISION TO THE POINT OF BEGINNING.

PARCEL B:
BEGINNING AT A POINT ON THE SOUTHEAST LINE OF LOT 1508, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3124.18 FEET ALONG THE QUARTER SECTION LINE TO A CORNER OF LOT 1506 OF SAID SUBDIVISION AND SOUTH 46°40'00" WEST 181.92 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE NORTH 46°40'00" EAST 75.79 FEET ALONG THE SOUTHEAST LINE OF SAID LOT 1508 AND OF LOT 1507 OF SAID SUBDIVISION; THENCE SOUTH 78°13'00" EAST 102.22 FEET; THENCE NORTH 62°29'22" EAST 69.81 FEET TO THE WEST LINE OF COVECREST DRIVE; THENCE ALONG SAID WEST LINE, SOUTHEASTERLY 59.45 FEET ALONG A 40.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 85°09'21", CHORD BEARS SOUTH 28°05'07" EAST 54.13 FEET; THENCE SOUTH 19°20'13" WEST 130.78 FEET; THENCE SOUTH 24°59'00" WEST 139.00 FEET; THENCE NORTH 62°40'00" WEST 90.95 FEET TO THE SOUTH LINE OF THOUSAND OAKS CIRCLE; THENCE NORTHWESTERLY ALONG SAID STREET A DISTANCE OF 102.20 FEET ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 130°07'43", CHORD BEARS NORTH 27°56'13" WEST 81.61 FEET TO THE WESTERLY SOUTHWEST CORNER OF LOT 1524 OF SAID SUBDIVISION; THENCE NORTH 03°00'00" WEST 67.65 FEET ALONG THE WEST LINE OF SAID LOT 1524; THENCE NORTH 18°59'10" WEST 55.36 FEET TO A POINT ON THE SOUTHEAST LINE OF LOT 1508 AND TO THE POINT OF BEGINNING.

PARCEL C:
BEGINNING AT THE NORTHEAST CORNER OF LOT 1526, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3643.21 FEET ALONG THE QUARTER SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE NORTH 51°00'00" WEST 203.94 FEET ALONG THE NORTHEAST LINE OF SAID LOT TO THE SOUTHEAST LINE OF THOUSAND OAKS CIRCLE; THENCE NORTH 39°00'00" EAST 65.00 FEET ALONG SAID SOUTHEAST LINE; THENCE NORTHEASTERLY 12.62 FEET ALONG A 15.00- FOOT-RADIUS CURVE TO THE RIGHT AND ALONG SAID LINE THROUGH A CENTRAL ANGLE OF 48°11'23", CHORD BEARS NORTH 63°05'41" EAST 12.25 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID LINE NORTHEASTERLY, A DISTANCE OF 39.32 FEET, ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 50°03'45", CHORD BEARS NORTH 62°09'30" EAST 38.08 FEET; THENCE SOUTH 62°40'00 EAST 173.96 FEET; THENCE SOUTH 16°15'00" WEST 96.01 FEET; THENCE NORTH 85°10'00" WEST 54.91 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 00°03'00" EAST 34.76 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

PARCEL D:
BEGINNING AT THE WESTERNMOST CORNER OF LOT 11, MT. OLYMPUS COVE NO. 6 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3189.45 FEET AND NORTH 89°57'00" EAST 170.84 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 39°10'00" EAST 140.02 FEET ALONG THE SOUTHWEST LINE OF SAID LOT AND ITS EXTENSION; THENCE SOUTH 52°16'00" WEST 63.77 FEET; THENCE SOUTH 80°04'00" WEST 65.32 FEET; THENCE SOUTH 64°11'00" WEST 33.24 FEET; THENCE NORTH 83°01'00" WEST 48.02 FEET; THENCE NORTH 19°20'13" EAST 130.78 FEET TO THE SOUTH LINE OF COVECREST DRIVE; THENCE ALONG SAID SOUTH LINE NORTHEASTERLY 71.10 FEET ALONG A 40.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 101°50'31", CHORD BEARS NORTH 58°24'57" EAST 62.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 11.35 FEET ALONG SAID STREET AND ALONG A 15.00-FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 43°20'19", CHORD BEARS NORTH 29°09'51" EAST 11.08 FEET; THENCE NORTH 50°50'00" EAST 3.00 FEET ALONG SAID LINE TO THE WESTERLY CORNER OF SAID LOT 11 AND TO THE POINT OF BEGINNING.

PARCEL E:
BEGINNING AT A POINT ON THE QUARTER SECTION LINE AT A LOT CORNER OF LOT 1506, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3124.18 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH; RUNNING THENCE NORTH 00°03'00" WEST 14.72 FEET ALONG SAID LOT LINE AND QUARTER SECTION LINE; THENCE NORTH 50°50'00" EAST 82.08 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1506; THENCE SOUTH 39°10'00" EAST 119.85 FEET TO THE NORTHWEST LINE OF COVECREST DRIVE; THENCE SOUTH 50°50'00" WEST 2.99 FEET ALONG SAID LINE; THENCE SOUTHWESTERLY 11.35 FEET ALONG SAID LINE AND ALONG A 15.00-FOOT- RADIUS CURVE TO THE RIGHT, RUNNING THROUGH A CENTRAL ANGLE OF 43°20'42", CHORD BEARS SOUTH 72°30'21" WEST 11.08 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY 55.63 FEET ALONG SAID LINE AND ALONG A 40.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 79°41'08", CHORD BEARS SOUTH 54°20'08" WEST 51.25 FEET; THENCE SOUTH 62°29'22" WEST 69.81 FEET; THENCE NORTH 78°13'00" WEST 102.22 FEET TO A POINT ON THE SOUTHEAST LINE OF LOT 1507 OF SAID SUBDIVISION; THENCE NORTH 46°40'00" EAST 106.13 FEET ALONG SAID LOT LINE TO SAID QUARTER SECTION LINE AND TO THE POINT OF BEGINNING.

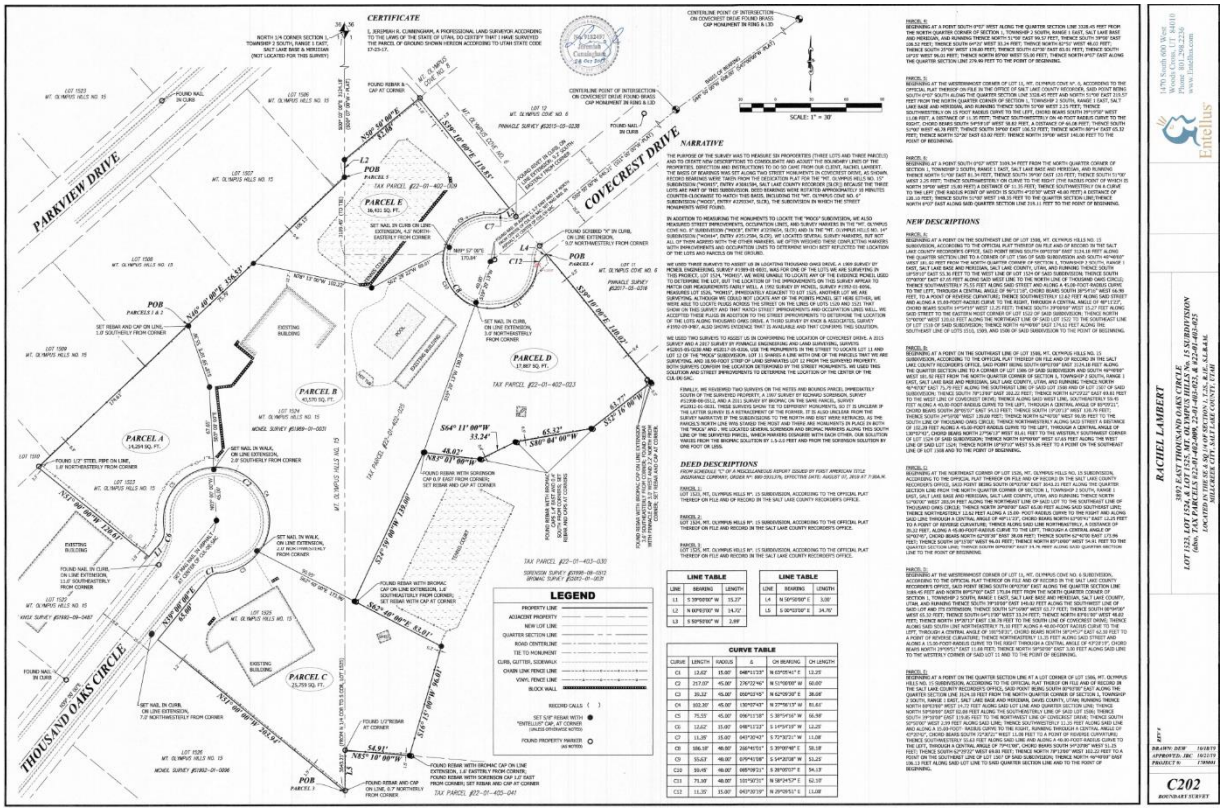


Exhibit B

Developer and the City agree that the proposed development will incorporate the following:

1. No through street, private or public will connect Covecrest Drive and Thousand Oaks Circle
2. A zone condition recorded to subject property found in Exhibit A that limits the density to a maximum of 6 lots.

MILLCREEK, UTAH
ORDINANCE NO. 19-48

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 3898 EAST THOUSAND OAKS CIRCLE FROM R-1-21 (SINGLE-FAMILY RESIDENTIAL) TO R-1-10 (SINGLE-FAMILY RESIDENTIAL)

WHEREAS, the Millcreek Council ("Council") met in regular session on November 12, 2019 to consider among other things, an ordinance rezoning certain property located at approximately 3898 East Thousand Oaks Circle from R-1-21 (single-family residential) to R-1-10 (single-family residential); and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on August 9, 2019, the required notice was published; and

WHEREAS, on August 21, 2019, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on August 21, 2019, the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the August 21, 2019 planning commission meeting the Millcreek Planning Commission recommended approval of the proposed rezone; and

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

WHEREAS, on November 6, 2019 the Council caused the required notice to be given; and

WHEREAS, on November 12, 2019, the Council considered the rezone during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek City.

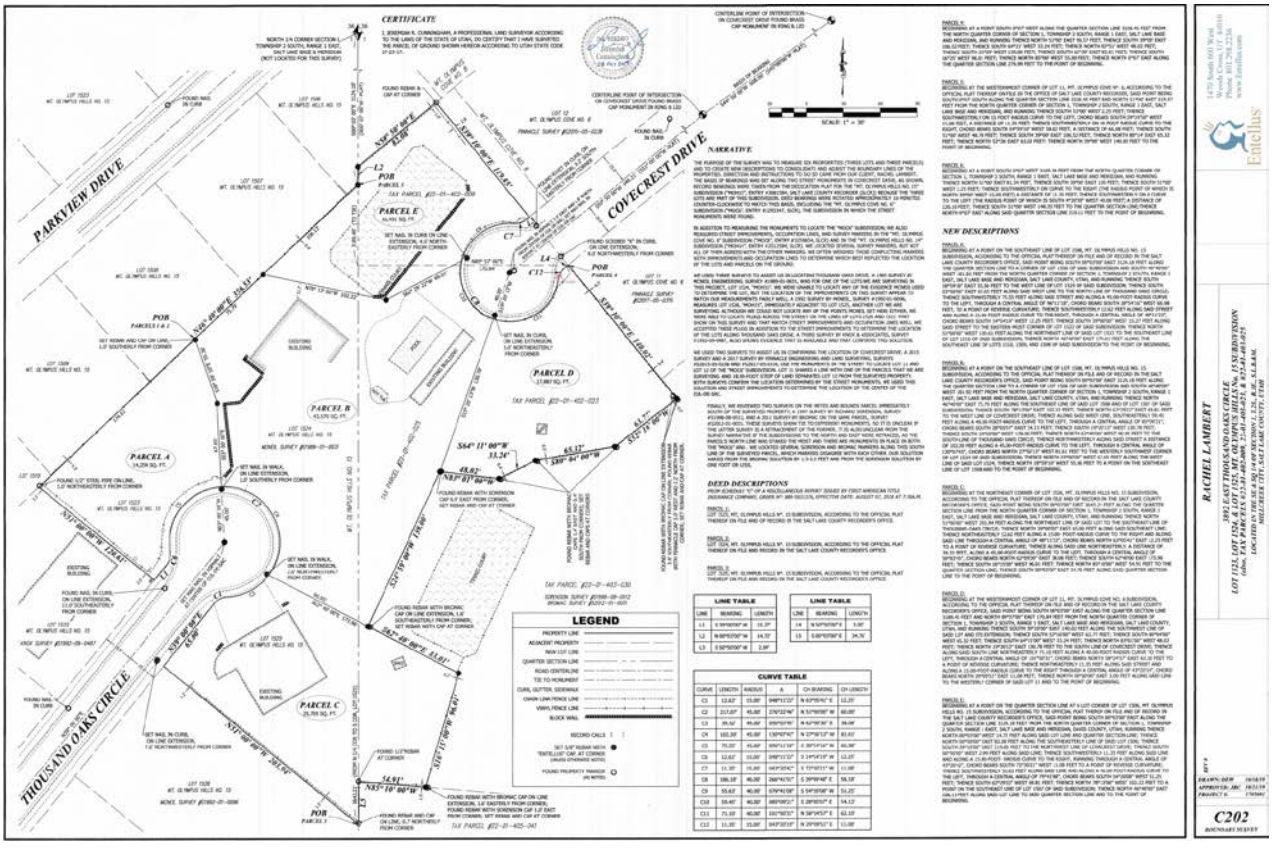
WHEREAS, Council finds that it is in the best interest of the citizens of Millcreek to adopt the rezone/map change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Council that the property described in File # ZM-19-015 filed by Brad Wagstaff located at 3898 East Thousand Oaks Circle is hereby rezoned/reclassified from R-1-21 (single-family residential) to R-1-10 (single-family residential) such property being more particularly described as follows:

Legal Description

PARCEL D:
BEGINNING AT THE WESTERNMOST CORNER OF LOT 11, MT. OLYMPUS COVE NO. 6 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3189.45 FEET AND NORTH 89°57'00" EAST 170.84 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 39°10'00" EAST 140.02 FEET ALONG THE SOUTHWEST LINE OF SAID LOT AND ITS EXTENSION; THENCE SOUTH 52°16'00" WEST 63.77 FEET; THENCE SOUTH 80°04'00" WEST 65.32 FEET; THENCE SOUTH 64°11'00" WEST 33.24 FEET; THENCE NORTH 83°01'00" WEST 48.02 FEET; THENCE NORTH 19°20'13" EAST 130.78 FEET TO THE SOUTH LINE OF COVECREST DRIVE; THENCE ALONG SAID SOUTH LINE NORTHEASTERLY 71.10 FEET ALONG A 40.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 101°50'31", CHORD BEARS NORTH 58°24'57" EAST 62.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 11.35 FEET ALONG SAID STREET AND ALONG A 15.00-FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 43°20'19", CHORD BEARS NORTH 29°09'51" EAST 11.08 FEET; THENCE NORTH 50°50'00" EAST 3.00 FEET ALONG SAID LINE TO THE WESTERLY CORNER OF SAID LOT 11 AND TO THE POINT OF BEGINNING.

PARCEL E:
BEGINNING AT A POINT ON THE QUARTER SECTION LINE AT A LOT CORNER OF LOT 1506, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3124.18 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH; RUNNING THENCE NORTH 00°03'00" WEST 14.72 FEET ALONG SAID LOT LINE AND QUARTER SECTION LINE; THENCE NORTH 50°50'00" EAST 82.08 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1506; THENCE SOUTH 39°10'00" EAST 119.85 FEET TO THE NORTHWEST LINE OF COVECREST DRIVE; THENCE SOUTH 50°50'00" WEST 2.99 FEET ALONG SAID LINE; THENCE SOUTHWESTERLY 11.35 FEET ALONG SAID LINE AND ALONG A 15.00-FOOT- RADIUS CURVE TO THE RIGHT, RUNNING THROUGH A CENTRAL ANGLE OF 43°20'42", CHORD BEARS SOUTH 72°30'21" WEST 11.08 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY 55.63 FEET ALONG SAID LINE AND ALONG A 40.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 79°41'08", CHORD BEARS SOUTH 54°20'08" WEST 51.25 FEET; THENCE SOUTH 62°29'22" WEST 69.81 FEET; THENCE NORTH 78°13'00" WEST 102.22 FEET TO A POINT ON THE SOUTHEAST LINE OF LOT 1507 OF SAID SUBDIVISION; THENCE NORTH 46°40'00" EAST 106.13 FEET ALONG SAID LOT LINE TO SAID QUARTER SECTION LINE AND TO THE POINT OF BEGINNING.



BE IT FURTHER ORDAINED, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 19.06.020.

This Ordinance, assigned Ordinance No. 19-48, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 12th day of November 2019.

MILLCREEK COUNCIL

By:_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, City Recorder

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

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 19-48: AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 3898 EAST THOUSAND OAKS CIRCLE FROM R-1-21 (SINGLE-FAMILY RESIDENTIAL) TO R-1-10 (SINGLE-FAMILY RESIDENTIAL)
was passed and adopted the 12th day of November 2019 and certifies that copies of the foregoing Ordinance 19-48 were posted in the following locations within the municipality this ____ day of _____, 2019.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

_____
Elyse Greiner, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 19-49

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 3898 EAST THOUSAND OAKS CIRCLE FROM FCOZ (FOOTHILLS AND CANYON OVERLAY ZONE) TO RCOZ (RESIDENTIAL COMPATIBILITY OVERLAY ZONE)

WHEREAS, the Millcreek Council ("Council") met in regular session on November 12, 2019 to consider among other things, an ordinance rezoning certain property located at approximately 3898 East Thousand Oaks Circle from FCOZ (foothills and canyons overlay zone) to RCOZ (residential compatibility overlay zone); and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on August 9, 2019, the required public hearing notice was published; and

WHEREAS, on August 21, 2019, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on August 21, 2019, the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the August 21, 2019 planning commission meeting the Millcreek Planning Commission recommended approval of the proposed rezone; and

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

WHEREAS, on November 6, 2019 the Council caused the required notice to be given; and

WHEREAS, on November 12, 2019, the Council considered the rezone during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek City.

WHEREAS, Council finds that it is in the best interest of the citizens of Millcreek to adopt the rezone/map change as recommended by the Planning Commission;

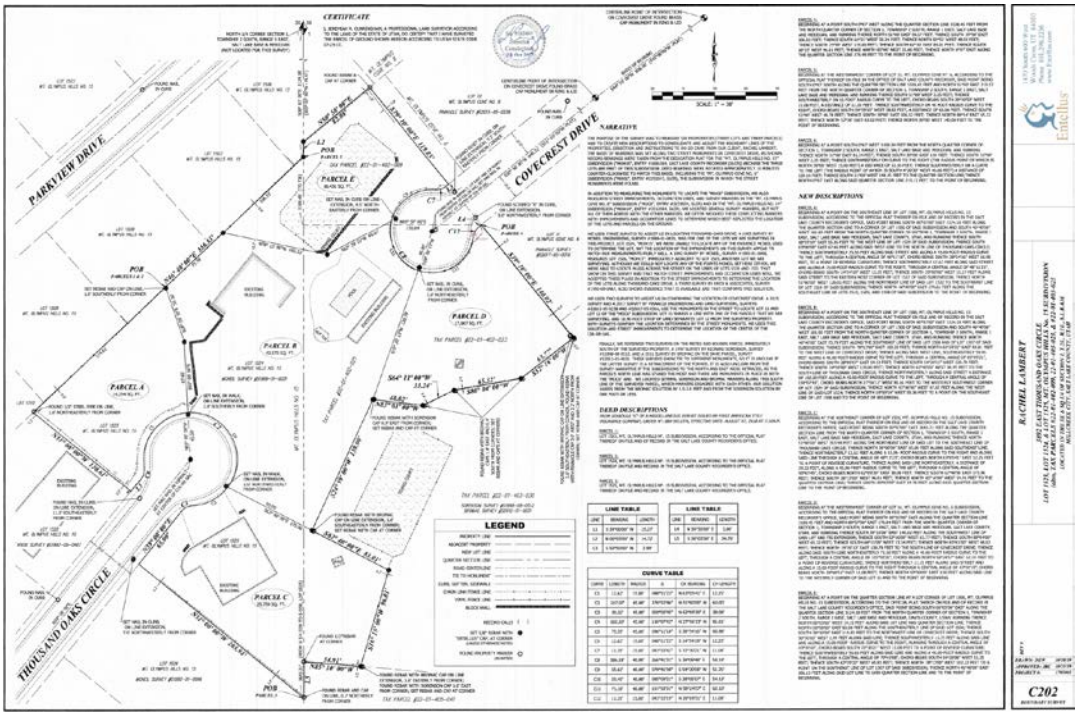
NOW THEREFORE, be it ordained by the Council that the property described in File # ZM-19-015 filed by Brad Wagstaff located at 3898 East Thousand Oaks Circle is hereby rezoned/reclassified from FCOZ (foothills and canyons overlay zone) to RCOZ (residential compatibility overlay zone) such property being more particularly described as follows:

Legal Description

PARCEL B:
BEGINNING AT A POINT ON THE SOUTHEAST LINE OF LOT 1508, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3124.18 FEET ALONG THE QUARTER SECTION LINE TO A CORNER OF LOT 1506 OF SAID SUBDIVISION AND SOUTH 46°40'00" WEST 181.92 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE NORTH 46°40'00" EAST 75.79 FEET ALONG THE SOUTHEAST LINE OF SAID LOT 1508 AND OF LOT 1507 OF SAID SUBDIVISION; THENCE SOUTH 78°13'00" EAST 102.22 FEET; THENCE NORTH 62°29'22" EAST 69.81 FEET TO THE WEST LINE OF COVECREST DRIVE; THENCE ALONG SAID WEST LINE, SOUTHEASTERLY 59.45 FEET ALONG A 40.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 85°09'21", CHORD BEARS SOUTH 28°05'07" EAST 54.13 FEET; THENCE SOUTH 19°20'13" WEST 130.78 FEET; THENCE SOUTH 24°59'00" WEST 139.00 FEET; THENCE NORTH 62°40'00" WEST 90.95 FEET TO THE SOUTH LINE OF THOUSAND OAKS CIRCLE; THENCE NORTHWESTERLY ALONG SAID STREET A DISTANCE OF 102.20 FEET ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 130°07'43", CHORD BEARS NORTH 27°56'13" WEST 81.61 FEET TO THE WESTERLY SOUTHWEST CORNER OF LOT 1524 OF SAID SUBDIVISION; THENCE NORTH 03°00'00" WEST 67.65 FEET ALONG THE WEST LINE OF SAID LOT 1524; THENCE NORTH 18°59'10" WEST 55.36 FEET TO A POINT ON THE SOUTHEAST LINE OF LOT 1508 AND TO THE POINT OF BEGINNING.

PARCEL C:
BEGINNING AT THE NORTHEAST CORNER OF LOT 1526, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3643.21 FEET ALONG THE QUARTER SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE NORTH 51°00'00" WEST 203.94 FEET ALONG THE NORTHEAST LINE OF SAID LOT TO THE SOUTHEAST LINE OF THOUSAND OAKS CIRCLE; THENCE NORTH 39°00'00" EAST 65.00 FEET ALONG SAID SOUTHEAST LINE; THENCE NORTHEASTERLY 12.62 FEET ALONG A 15.00- FOOT-RADIUS CURVE TO THE RIGHT AND ALONG SAID LINE THROUGH A CENTRAL ANGLE OF 48°11'23", CHORD BEARS NORTH 63°05'41" EAST 12.25 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID LINE NORTHEASTERLY, A DISTANCE OF 39.32 FEET, ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 50°03'45", CHORD BEARS NORTH 62°09'30" EAST 38.08 FEET; THENCE SOUTH 62°40'00 EAST 173.96 FEET; THENCE SOUTH 16°15'00" WEST 96.01 FEET; THENCE NORTH 85°10'00" WEST 54.91 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 00°03'00" EAST 34.76 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

PARCEL D:
BEGINNING AT THE WESTERNMOST CORNER OF LOT 11, MT. OLYMPUS COVE NO. 6 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3189.45 FEET AND NORTH 89°57'00" EAST 170.84 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 39°10'00" EAST 140.02 FEET ALONG THE SOUTHWEST LINE OF SAID LOT AND ITS EXTENSION; THENCE SOUTH 52°16'00" WEST 63.77 FEET; THENCE SOUTH 80°04'00" WEST 65.32 FEET; THENCE SOUTH 64°11'00" WEST 33.24 FEET; THENCE NORTH 83°01'00" WEST 48.02 FEET; THENCE NORTH 19°20'13" EAST 130.78 FEET TO THE SOUTH LINE OF COVECREST DRIVE; THENCE ALONG SAID SOUTH LINE NORTHEASTERLY 71.10 FEET ALONG A 40.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 101°50'31", CHORD BEARS NORTH 58°24'57" EAST 62.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 11.35 FEET ALONG SAID STREET AND ALONG A 15.00-FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 43°20'19", CHORD BEARS NORTH 29°09'51" EAST 11.08 FEET; THENCE NORTH 50°50'00" EAST 3.00 FEET ALONG SAID LINE TO THE WESTERLY CORNER OF SAID LOT 11 AND TO THE POINT OF BEGINNING.



BE IT FURTHER ORDAINED, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 19.06.020.

This Ordinance assigned Ordinance No. 19-49, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 12th day of November 2019.

MILLCREEK COUNCIL

By:_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, City Recorder

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

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 19-49: AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 3898 EAST THOUSAND OAKS CIRCLE FROM FCOZ (FOOTHILLS AND CANYON OVERLAY ZONE) TO RCOZ (RESIDENTIAL COMPATIBILITY OVERLAY ZONE) was passed and adopted the 12th day of November 2019 and certifies that copies of the foregoing Ordinance 19-49 were posted in the following locations within the municipality this ____ day of _____, 2019.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

_____
Elyse Greiner, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 19-50

AN ORDINANCE APPLYING A ZONE CONDITION TO CERTAIN PROPERTY LOCATED AT APPROXIMATELY 3898 EAST THOUSAND OAKS CIRCLE THAT LIMITS THE DENSITY TO A MAXIMUM OF SIX LOTS

WHEREAS, the Millcreek Council ("Council") met in regular session on November 12, 2019 to consider among other things, an ordinance applying a zone condition to certain property located at approximately 3898 East Thousand Oaks Circle that limits the density to a maximum of six lots; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on August 9, 2019, the required notice was published; and

WHEREAS, on August 21, 2019, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on August 21, 2019, the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the August 21, 2019 planning commission meeting the Millcreek Planning Commission recommended approval of the proposed rezone; and

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

WHEREAS, on November 6, 2019 the Council caused the required notice to be given; and

WHEREAS, on November 12, 2019, the Council considered the rezone during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek City.

WHEREAS, Council finds that it is in the best interest of the citizens of Millcreek to adopt the rezone/map change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Council that the property described in File # ZM-19-015 filed by Brad Wagstaff located at 3898 East Thousand Oaks Circle is hereby subject to a zone condition that limits the density to a maximum of six lots such property being more particularly described as follows:

Legal Description

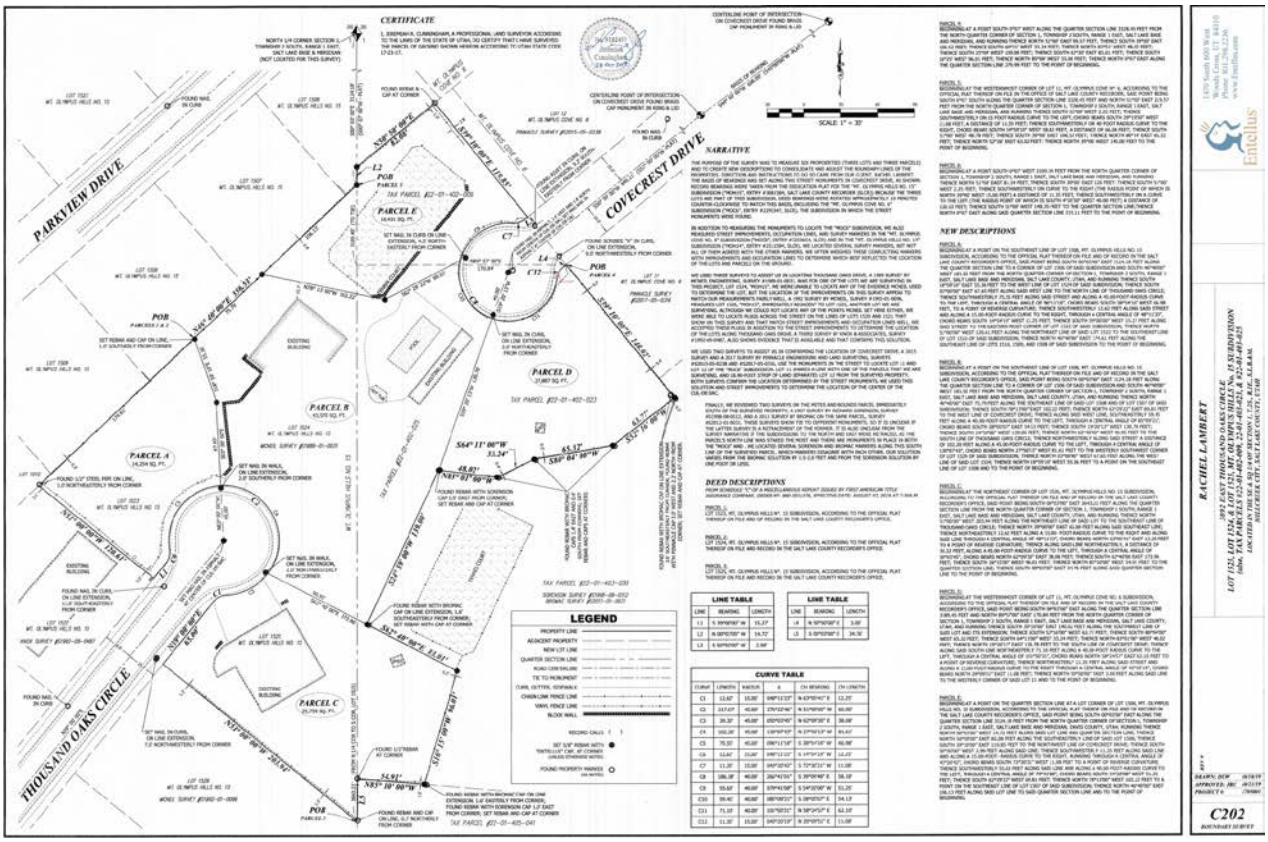
PARCEL A:
BEGINNING AT A POINT ON THE SOUTHEAST LINE OF LOT 1508, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3124.18 FEET ALONG THE QUARTER SECTION LINE TO A CORNER OF LOT 1506 OF SAID SUBDIVISION AND SOUTH 46°40'00" WEST 181.92 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 18°59'10" EAST 55.36 FEET TO THE WEST LINE OF LOT 1524 OF SAID SUBDIVISION; THENCE SOUTH 03°00'00" EAST 67.65 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF THOUSAND OAKS CIRCLE; THENCE SOUTHWESTERLY 75.55 FEET ALONG SAID STREET AND ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 96°11'18", CHORD BEARS SOUTH 38°54'16" WEST 66.98 FEET, TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY 12.62 FEET ALONG SAID STREET AND ALONG A 15.00-FOOT-RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48°11'23", CHORD BEARS SOUTH 14°54'19" WEST 12.25 FEET; THENCE SOUTH 39°00'00" WEST 15.27 FEET ALONG SAID STREET TO THE EASTERN MOST CORNER OF LOT 1522 OF SAID SUBDIVISION; THENCE NORTH 51°00'00" WEST 120.61 FEET ALONG THE NORTHEAST LINE OF SAID LOT 1522 TO THE SOUTHEAST LINE OF LOT 1510 OF SAID SUBDIVISION; THENCE NORTH 46°40'00" EAST 174.61 FEET ALONG THE SOUTHEAST LINE OF LOTS 1510, 1509, AND 1508 OF SAID SUBDIVISION TO THE POINT OF BEGINNING.

PARCEL B:
BEGINNING AT A POINT ON THE SOUTHEAST LINE OF LOT 1508, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3124.18 FEET ALONG THE QUARTER SECTION LINE TO A CORNER OF LOT 1506 OF SAID SUBDIVISION AND SOUTH 46°40'00" WEST 181.92 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE NORTH 46°40'00" EAST 75.79 FEET ALONG THE SOUTHEAST LINE OF SAID LOT 1508 AND OF LOT 1507 OF SAID SUBDIVISION; THENCE SOUTH 78°13'00" EAST 102.22 FEET; THENCE NORTH 62°29'22" EAST 69.81 FEET TO THE WEST LINE OF COVECREST DRIVE; THENCE ALONG SAID WEST LINE, SOUTHEASTERLY 59.45 FEET ALONG A 40.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 85°09'21", CHORD BEARS SOUTH 28°05'07" EAST 54.13 FEET; THENCE SOUTH 19°20'13" WEST 130.78 FEET; THENCE SOUTH 24°59'00" WEST 139.00 FEET; THENCE NORTH 62°40'00" WEST 90.95 FEET TO THE SOUTH LINE OF THOUSAND OAKS CIRCLE; THENCE NORTHWESTERLY ALONG SAID STREET A DISTANCE OF 102.20 FEET ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 130°07'43", CHORD BEARS NORTH 27°56'13" WEST 81.61 FEET TO THE WESTERLY SOUTHWEST CORNER OF LOT 1524 OF SAID SUBDIVISION; THENCE NORTH 03°00'00" WEST 67.65 FEET ALONG THE WEST LINE OF SAID LOT 1524; THENCE NORTH 18°59'10" WEST 55.36 FEET TO A POINT ON THE SOUTHEAST LINE OF LOT 1508 AND TO THE POINT OF BEGINNING.

PARCEL C:
BEGINNING AT THE NORTHEAST CORNER OF LOT 1526, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3643.21 FEET ALONG THE QUARTER SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE NORTH 51°00'00" WEST 203.94 FEET ALONG THE NORTHEAST LINE OF SAID LOT TO THE SOUTHEAST LINE OF THOUSAND OAKS CIRCLE; THENCE NORTH 39°00'00" EAST 65.00 FEET ALONG SAID SOUTHEAST LINE; THENCE NORTHEASTERLY 12.62 FEET ALONG A 15.00- FOOT-RADIUS CURVE TO THE RIGHT AND ALONG SAID LINE THROUGH A CENTRAL ANGLE OF 48°11'23", CHORD BEARS NORTH 63°05'41" EAST 12.25 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID LINE NORTHEASTERLY, A DISTANCE OF 39.32 FEET, ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 50°03'45", CHORD BEARS NORTH 62°09'30" EAST 38.08 FEET; THENCE SOUTH 62°40'00 EAST 173.96 FEET; THENCE SOUTH 16°15'00" WEST 96.01 FEET; THENCE NORTH 85°10'00" WEST 54.91 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 00°03'00" EAST 34.76 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

PARCEL D:
BEGINNING AT THE WESTERNMOST CORNER OF LOT 11, MT. OLYMPUS COVE NO. 6 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3189.45 FEET AND NORTH 89°57'00" EAST 170.84 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 39°10'00" EAST 140.02 FEET ALONG THE SOUTHWEST LINE OF SAID LOT AND ITS EXTENSION; THENCE SOUTH 52°16'00" WEST 63.77 FEET; THENCE SOUTH 80°04'00" WEST 65.32 FEET; THENCE SOUTH 64°11'00" WEST 33.24 FEET; THENCE NORTH 83°01'00" WEST 48.02 FEET; THENCE NORTH 19°20'13" EAST 130.78 FEET TO THE SOUTH LINE OF COVECREST DRIVE; THENCE ALONG SAID SOUTH LINE NORTHEASTERLY 71.10 FEET ALONG A 40.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 101°50'31", CHORD BEARS NORTH 58°24'57" EAST 62.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 11.35 FEET ALONG SAID STREET AND ALONG A 15.00-FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 43°20'19", CHORD BEARS NORTH 29°09'51" EAST 11.08 FEET; THENCE NORTH 50°50'00" EAST 3.00 FEET ALONG SAID LINE TO THE WESTERLY CORNER OF SAID LOT 11 AND TO THE POINT OF BEGINNING.

PARCEL E:
BEGINNING AT A POINT ON THE QUARTER SECTION LINE AT A LOT CORNER OF LOT 1506, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3124.18 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH; RUNNING THENCE NORTH 00°03'00" WEST 14.72 FEET ALONG SAID LOT LINE AND QUARTER SECTION LINE; THENCE NORTH 50°50'00" EAST 82.08 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1506; THENCE SOUTH 39°10'00" EAST 119.85 FEET TO THE NORTHWEST LINE OF COVECREST DRIVE; THENCE SOUTH 50°50'00" WEST 2.99 FEET ALONG SAID LINE; THENCE SOUTHWESTERLY 11.35 FEET ALONG SAID LINE AND ALONG A 15.00-FOOT- RADIUS CURVE TO THE RIGHT, RUNNING THROUGH A CENTRAL ANGLE OF 43°20'42", CHORD BEARS SOUTH 72°30'21" WEST 11.08 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY 55.63 FEET ALONG SAID LINE AND ALONG A 40.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 79°41'08", CHORD BEARS SOUTH 54°20'08" WEST 51.25 FEET; THENCE SOUTH 62°29'22" WEST 69.81 FEET; THENCE NORTH 78°13'00" WEST 102.22 FEET TO A POINT ON THE SOUTHEAST LINE OF LOT 1507 OF SAID SUBDIVISION; THENCE NORTH 46°40'00" EAST 106.13 FEET ALONG SAID LOT LINE TO SAID QUARTER SECTION LINE AND TO THE POINT OF BEGINNING.



BE IT FURTHER ORDAINED, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 19.06.020.

BE IT FURTHER ORDAINED, that pursuant to Section 19.90.060 of the Millcreek Code of Ordinances that the following conditions be attached to the zoning map amendments enacted hereby:

A zone condition to certain property located at approximately 3898 East Thousand Oaks Circle that limits the density to a maximum of six lots.

This Ordinance assigned Ordinance No. 19-50, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 12th day of November 2019.

MILLCREEK COUNCIL

By:_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, City Recorder

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

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 19-50: AN ORDINANCE APPLYING A ZONE CONDITION TO CERTAIN PROPERTY LOCATED AT APPROXIMATELY 3898 EAST THOUSAND OAKS CIRCLE THAT LIMITS THE DENSITY TO A MAXIMUM OF SIX LOTS
was passed and adopted the 12th day of November 2019 and certifies that copies of the foregoing Ordinance 19-50 were posted in the following locations within the municipality this ____ day of _____, 2019.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

_____
Elyse Greiner, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 19-51

AN ORDINANCE OF THE MILLCREEK COUNCIL APPROVING A DEVELOPMENT AGREEMENT FOR A REZONE TO ACCOMMODATE A 5-LOT SUBDIVISION WITH RESPECT TO APPROXIMATELY 2.7 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 3898 EAST THOUSAND OAKS CIRCLE

WHEREAS, the Millcreek Council ("*Council*") met in regular meeting on November 12, 2019, to consider, among other things, an ordinance of the Millcreek Council approving a development agreement for a rezone to accommodate a 5-lot subdivision with respect to approximately 2.7 acres of real property located at approximately 3898 East Thousand Oaks Circle; and

WHEREAS, the Utah Code Ann. § 10-9a-102 authorizes, among other things, that the City may enter into development agreements; and

WHEREAS, staff has presented to the Council a Development Agreement for the referenced property ("Development Agreement"); and

WHEREAS, Council has reviewed the Development Agreement and hereby find that it is in the best interests of the both parties to enter into the Development Agreement; and

NOW, THEREFORE, **BE IT ORDAINED** that the Development Agreement is approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

PASSED AND APPROVED by the Council this 12th day of November 2019.

M**ILLCREEK**

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, City Recorder

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

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 19-51: AN ORDINANCE OF THE MILLCREEK COUNCIL APPROVING A DEVELOPMENT AGREEMENT FOR A REZONE TO ACCOMMODATE A 5-LOT SUBDIVISION WITH RESPECT TO APPROXIMATELY 2.7 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 3898 EAST THOUSAND OAKS CIRCLE
was passed and adopted the 12th day of November 2019 and certifies that copies of the foregoing Ordinance 19-51 were posted in the following locations within the municipality this ____ day of _____, 2019.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

_____
Elyse Greiner, City Recorder

When recorded, return to:

Millcreek
Attn: Jeff Silvestrini
3330 South 1300 East
Millcreek, UT 84106

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into this ___ day of November, 2019, by and between Midway Hospitality Partners, LLC ("Developer"), for the land to be included in or affected by the project located at approximately 3898 East Thousand Oaks Circle Millcreek, UT 84124, a municipal corporation of the State of Utah ("City"). The Developer and the City are sometimes referred to as the "Parties."

RECITALS

WHEREAS, Developer owns approximately 2.7 acres of real property located at 3898 East Thousand Oaks Circle, Millcreek, UT 84124 ("Property") and intends to develop the Property. A legal description of the Property is attached hereto as exhibit "A." The Parties desire that the Property be developed in a unified and consistent fashion and establish minimum standards for a new private use development consisting of single-family homes (the "Project") on the Property; and

WHEREAS, Developer hereby represents to the Millcreek Council that it is voluntarily entering into this Agreement; and

WHEREAS, Developer is willing to restrict the Property in a manner that is in harmony with the objectives of the City's General Plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

WHEREAS, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq*., and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property**. The legal description of the Property contained within the Project boundaries is attached as exhibit "A." No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Legislative Powers**. Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer's vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the Millcreek Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

3. **Compliance with City Ordinances and Standards**. Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable ordinances and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with applicable City standards.

4. **Specific Design Conditions**. The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth in exhibit "B. The Project shall also comply with all requirements set forth in the minutes of the Millcreek Planning Commission and Millcreek meetings on this matter.

5. **Agreement to Run With the Land**. This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

6. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

7. **No Joint Venture, Partnership or Third Party Rights**. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

8. **Integration. Modification, and Entire Agreement**. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. Exhibits A, B and C are hereby incorporated into this Agreement.

9. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER:	Midway Hospitality Partners, LLC 210 E Main St, Suite 109 Midway, UT 84049 Brad Wagstaff
TO CITY:	Millcreek Jeff Silvestrini, Mayor 3330 South 1300 East Millcreek, Utah 84106

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

10. **Choice of Law and Venue**. Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

11. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

12. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that of specific performance. Notwithstanding such limitation the City may withhold all further

reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

13. **Term of Agreement.** The term of this Agreement shall be for a period of ten (10) years or until fulfillment of the obligations of the parties unless earlier terminated or modified by a written amendment agreed to and approve by the parties. If this Agreement is not recorded at the Office of the Salt Lake County Recorder within thirty (30) days of the Effective Date, the City may terminate this Agreement and Developer irrevocably consents that the Property be rezoned to it original zone(s). Additionally, if proposed plat is not recorded at the Office of the Salt Lake County Recorder within one (1) year of the Effective date the City may vacate or void the proposed plat and this Agreement and Developer irrevocably consents that the Property be rezoned to its original zone(s).

14. **Force Majeure.** Neither party shall be liable or deemed to be in default for any delay, failure, or interruption in performance under the Agreement resulting, directly or indirectly, from acts of God, acts of civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, machinery or supplies, vandalism, strikes or other work interruptions, or any other cause beyond the control of either party. Both Parties, however, agree to make good faith efforts to perform under this Agreement in the event of any such circumstance.

15. **Construction.** The Parties stipulate that this Agreement and all agreements or documents incorporated herein shall not be subject to the rule of construction that a written agreement is construed against the Party preparing or drafting that Agreement.

16. **Headings**. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

17. **No Waiver**. The failure of either Party to exercise in any respect a right provided for in this Agreement shall not be deemed to be a subsequent waiver of the same right or of any other right.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Millcreek

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, City Recorder

DEVELOPER

By: _____
Brad Wagstaff, Manager

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Jeff Silvestrini the Mayor respectively, of Millcreek, a Utah municipality.

_____
Notary Public

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this ____day of _____ 2019 by _____.

_____
Notary Public

Exhibit A

Proposed Legal Descriptions and Survey

PARCEL A:
BEGINNING AT A POINT ON THE SOUTHEAST LINE OF LOT 1508, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3124.18 FEET ALONG THE QUARTER SECTION LINE TO A CORNER OF LOT 1506 OF SAID SUBDIVISION AND SOUTH 46°40'00" WEST 181.92 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 18°59'10" EAST 55.36 FEET TO THE WEST LINE OF LOT 1524 OF SAID SUBDIVISION; THENCE SOUTH 03°00'00" EAST 67.65 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF THOUSAND OAKS CIRCLE; THENCE SOUTHWESTERLY 75.55 FEET ALONG SAID STREET AND ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 96°11'18", CHORD BEARS SOUTH 38°54'16" WEST 66.98 FEET, TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY 12.62 FEET ALONG SAID STREET AND ALONG A 15.00-FOOT-RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48°11'23", CHORD BEARS SOUTH 14°54'19" WEST 12.25 FEET; THENCE SOUTH 39°00'00" WEST 15.27 FEET ALONG SAID STREET TO THE EASTERN MOST CORNER OF LOT 1522 OF SAID SUBDIVISION; THENCE NORTH 51°00'00" WEST 120.61 FEET ALONG THE NORTHEAST LINE OF SAID LOT 1522 TO THE SOUTHEAST LINE OF LOT 1510 OF SAID SUBDIVISION; THENCE NORTH 46°40'00" EAST 174.61 FEET ALONG THE SOUTHEAST LINE OF LOTS 1510, 1509, AND 1508 OF SAID SUBDIVISION TO THE POINT OF BEGINNING.

PARCEL B:
BEGINNING AT A POINT ON THE SOUTHEAST LINE OF LOT 1508, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3124.18 FEET ALONG THE QUARTER SECTION LINE TO A CORNER OF LOT 1506 OF SAID SUBDIVISION AND SOUTH 46°40'00" WEST 181.92 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE NORTH 46°40'00" EAST 75.79 FEET ALONG THE SOUTHEAST LINE OF SAID LOT 1508 AND OF LOT 1507 OF SAID SUBDIVISION; THENCE SOUTH 78°13'00" EAST 102.22 FEET; THENCE NORTH 62°29'22" EAST 69.81 FEET TO THE WEST LINE OF COVECREST DRIVE; THENCE ALONG SAID WEST LINE, SOUTHEASTERLY 59.45 FEET ALONG A 40.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 85°09'21", CHORD BEARS SOUTH 28°05'07" EAST 54.13 FEET; THENCE SOUTH 19°20'13" WEST 130.78 FEET; THENCE SOUTH 24°59'00" WEST 139.00 FEET; THENCE NORTH 62°40'00" WEST 90.95 FEET TO THE SOUTH LINE OF THOUSAND OAKS CIRCLE; THENCE NORTHWESTERLY ALONG SAID STREET A DISTANCE OF 102.20 FEET ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 130°07'43", CHORD BEARS NORTH 27°56'13" WEST 81.61 FEET TO THE WESTERLY SOUTHWEST CORNER OF LOT 1524 OF SAID SUBDIVISION; THENCE NORTH 03°00'00" WEST 67.65 FEET ALONG THE WEST LINE OF SAID LOT 1524; THENCE NORTH 18°59'10" WEST 55.36 FEET TO A POINT ON THE SOUTHEAST LINE OF LOT 1508 AND TO THE POINT OF BEGINNING.

PARCEL C:
BEGINNING AT THE NORTHEAST CORNER OF LOT 1526, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST 3643.21 FEET ALONG THE QUARTER SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE NORTH 51°00'00" WEST 203.94 FEET ALONG THE NORTHEAST LINE OF SAID LOT TO THE SOUTHEAST LINE OF THOUSAND OAKS CIRCLE; THENCE NORTH 39°00'00" EAST 65.00 FEET ALONG SAID SOUTHEAST LINE; THENCE NORTHEASTERLY 12.62 FEET ALONG A 15.00- FOOT-RADIUS CURVE TO THE RIGHT AND ALONG SAID LINE THROUGH A CENTRAL ANGLE OF 48°11'23", CHORD BEARS NORTH 63°05'41" EAST 12.25 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID LINE NORTHEASTERLY, A DISTANCE OF 39.32 FEET, ALONG A 45.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 50°03'45", CHORD BEARS NORTH 62°09'30" EAST 38.08 FEET; THENCE SOUTH 62°40'00 EAST 173.96 FEET; THENCE SOUTH 16°15'00" WEST 96.01 FEET; THENCE NORTH 85°10'00" WEST 54.91 FEET TO THE QUARTER SECTION LINE; THENCE SOUTH 00°03'00" EAST 34.76 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

PARCEL D:
BEGINNING AT THE WESTERNMOST CORNER OF LOT 11, MT. OLYMPUS COVE NO. 6 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3189.45 FEET AND NORTH 89°57'00" EAST 170.84 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 39°10'00" EAST 140.02 FEET ALONG THE SOUTHWEST LINE OF SAID LOT AND ITS EXTENSION; THENCE SOUTH 52°16'00" WEST 63.77 FEET; THENCE SOUTH 80°04'00" WEST 65.32 FEET; THENCE SOUTH 64°11'00" WEST 33.24 FEET; THENCE NORTH 83°01'00" WEST 48.02 FEET; THENCE NORTH 19°20'13" EAST 130.78 FEET TO THE SOUTH LINE OF COVECREST DRIVE; THENCE ALONG SAID SOUTH LINE NORTHEASTERLY 71.10 FEET ALONG A 40.00-FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 101°50'31", CHORD BEARS NORTH 58°24'57" EAST 62.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY 11.35 FEET ALONG SAID STREET AND ALONG A 15.00-FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 43°20'19", CHORD BEARS NORTH 29°09'51" EAST 11.08 FEET; THENCE NORTH 50°50'00" EAST 3.00 FEET ALONG SAID LINE TO THE WESTERLY CORNER OF SAID LOT 11 AND TO THE POINT OF BEGINNING.

PARCEL E:
BEGINNING AT A POINT ON THE QUARTER SECTION LINE AT A LOT CORNER OF LOT 1506, MT. OLYMPUS HILLS NO. 15 SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 00°03'00" EAST ALONG THE QUARTER SECTION LINE 3124.18 FEET FROM THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH; RUNNING THENCE NORTH 00°03'00" WEST 14.72 FEET ALONG SAID LOT LINE AND QUARTER SECTION LINE; THENCE NORTH 50°50'00" EAST 82.08 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1506; THENCE SOUTH 39°10'00" EAST 119.85 FEET TO THE NORTHWEST LINE OF COVECREST DRIVE; THENCE SOUTH 50°50'00" WEST 2.99 FEET ALONG SAID LINE; THENCE SOUTHWESTERLY 11.35 FEET ALONG SAID LINE AND ALONG A 15.00-FOOT- RADIUS CURVE TO THE RIGHT, RUNNING THROUGH A CENTRAL ANGLE OF 43°20'42", CHORD BEARS SOUTH 72°30'21" WEST 11.08 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY 55.63 FEET ALONG SAID LINE AND ALONG A 40.00-FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 79°41'08", CHORD BEARS SOUTH 54°20'08" WEST 51.25 FEET; THENCE SOUTH 62°29'22" WEST 69.81 FEET; THENCE NORTH 78°13'00" WEST 102.22 FEET TO A POINT ON THE SOUTHEAST LINE OF LOT 1507 OF SAID SUBDIVISION; THENCE NORTH 46°40'00" EAST 106.13 FEET ALONG SAID LOT LINE TO SAID QUARTER SECTION LINE AND TO THE POINT OF BEGINNING.

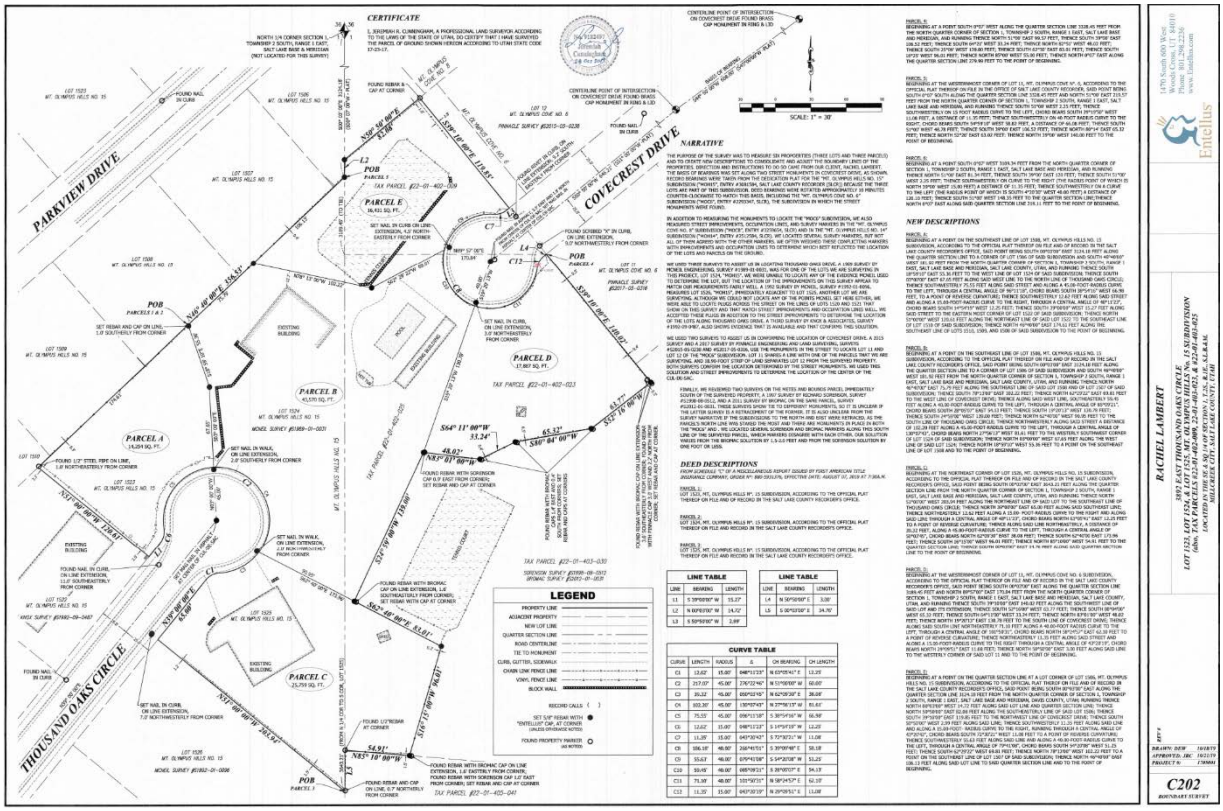


Exhibit B

Developer and the City agree that the proposed development will incorporate the following:

1. No through street, private or public will connect Covecrest Drive and Thousand Oaks Circle
2. A zone condition recorded to subject property found in Exhibit A that limits the density to a maximum of 6 lots.

MILLCREEK, UTAH
ORDINANCE NO. 19-46

AN ORDINANCE AMENDING SECTION 2.04.130 OF MILLCREEK CODE OF ORDINANCES TO CLARIFY THAT CITY COMMITTEES DO NOT HAVE AUTHORITY TO BIND THE CITY OR IMPOSE ANY CONDITION ON THE CITY OR ITS CITIZENS AND IS NOT VESTED WITH AUTHORITY TO MAKE DECISIONS REGARDING THE PUBLIC'S BUSINESS

WHEREAS, on November 12, 2019, the Millcreek Council (the "*Council*") met in regular session to consider, among other things, amending section 2.04.130 of the Millcreek Code of Ordinances to clarify that City committees do not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business; and

WHEREAS, the Council has determined that it is necessary to clarify that City committees do not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the residents of the City to amend Section 2.04.130 of the Millcreek Code of Ordinances to clarify that City committees do not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business.

NOW, THEREFORE, **BE IT ORDAINED** by the Council that Section 2.04.130 of the Millcreek Code of Ordinances be amended as follows (designated by interlineating the words to be deleted and underlining the words to be added):

2.04.130 - Additional committees.

A. The council may establish additional committees as it deems appropriate and may convene committee meetings at any time for the purpose of study, discussion, investigation, formal hearings or inquiries, workshops, training, or presentations by or responses from citizens or other interested persons or groups.

B. Committees shall not have authority to bind the City or impose any condition on the City or its citizens and are not vested with authority to make decisions regarding the public's business. ~~No official action may be taken in committee meetings other than the adoption of non-binding recommendations to the council.~~

C. Committee meetings are ~~shall be~~ open to the public. ~~in accordance with state statute and public notice shall be given of all committee meetings in the same manner as required for regular meetings.~~

PASSED AND APPROVED this 12th day of November, 2019.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, City Recorder

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

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 19-46: AN ORDINANCE AMENDING SECTION 2.04.130 OF MILLCREEK CODE OF ORDINANCES TO CLARIFY THAT CITY COMMITTEES DO NOT HAVE AUTHORITY TO BIND THE CITY OR IMPOSE ANY CONDITION ON THE CITY OR ITS CITIZENS AND IS NOT VESTED WITH AUTHORITY TO MAKE DECISIONS REGARDING THE PUBLIC'S BUSINESS
was passed and adopted the ____ day of _____2019 and certifies that copies of the foregoing Ordinance 19-46 were posted in the following locations within the municipality this ____ day of _____, 2019.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

_____
Elyse Greiner, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 19-47

AN ORDINANCE AMENDING SECTION 14.12.027 OF THE MILLCREEK CODE OF ORDINANCES TO ADD CURB AND/OR GUTTER TO THE PROVISION THAT PROVIDE FOR CITY FINANCIAL PARTICIPATION WITH RESPECT TO RESIDENTIAL PROPERTIES FOR LIMITED INSTALLATION OF NEW SIDEWALKS AND THE REPAIR OF DEFECTIVE SIDEWALKS WITHIN THE CITY SUBJECT TO AVAILABILITY OF FUNDS

WHEREAS, on November 12, 2019, the Millcreek Council (the "*Council*") met in regular session to consider, among other things, amending Section 14.12.027 of the Millcreek Code of Ordinances to add curb and/or gutter to the provision that provides for City financial participation with respect to residential properties for limited installation of new sidewalks and the repair of defective sidewalks within the City subject to availability of funds; and

WHEREAS, the Council finds and determines that certain area of the City require installation of new sidewalks, curb, and/or gutter and require the replacement of defective concrete will result in an improvement benefiting the adjoining property in the amount of fifty percent (50%) of the total cost of such project in the case of property used as a residence or residences; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to amend Section 14.12.027 of the Millcreek Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council that Section 14.12.027 of the Millcreek Code of Ordinances be amended as follows (interlineating the words to be deleted and underlining the words to be added):

14.12.027-New, repair, or replacement options and costs.

Subject to availability of funds the city may pay up to fifty percent (50%) of the cost of an eligible sidewalk, ~~curb,~~ and/or curb and gutter projects and the eligible participant shall pay the remaining cost of project, such amount being equal to the resulting benefit to the property. For purposes of this section eligible ~~sidewalk~~ sidewalk, ~~curb,~~ and/or curb and gutter projects ~~project~~ means a new sidewalk, ~~curb,~~ and/or curb and gutter, replacement sidewalk, ~~curb,~~ and/or curb and gutter, or repaired sidewalk, ~~curb,~~ and/or curb and gutter ~~–~~that has complied with a process adopted by the city, ~~that~~ is located in a residential area within the city, is not a business, and ~~that~~ is not subject to a delay agreement or a required improvement by the Millcreek Code of Ordinances or the Planning Commission. For purposes of this section eligible participant means a resident of the city. In such case, the eligible participant shall, subject to city standards, make the improvements or employ a contractor to make the improvements,

PASSED AND APPROVED this 12th day of November, 2019.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, City Recorder

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

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 19-47: AN ORDINANCE AMENDING SECTION 14.12.027 OF THE MILLCREEK CODE OF ORDINANCES TO ADD CURB AND/OR GUTTER TO THE PROVISION THAT PROVIDE FOR CITY FINANCIAL PARTICIPATION WITH RESPECT TO RESIDENTIAL PROPERTIES FOR LIMITED INSTALLATION OF NEW SIDEWALKS AND THE REPAIR OF DEFECTIVE SIDEWALKS WITHIN THE CITY SUBJECT TO AVAILABILITY OF FUNDS
was passed and adopted the ____ day of _____2019 and certifies that copies of the foregoing Ordinance 19-47 were posted in the following locations within the municipality this ____ day of _____, 2019.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

_____
Elyse Greiner, City Recorder

Minutes of the
Millcreek City Council
October 14, 2019
5:00 p.m.
Work Meeting
7:00 p.m.
Regular Meeting

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on October 14, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members
Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff
John Geilmann, City Manager
John Brems, City Attorney
Elyse Greiner, City Recorder
Rita Lund, Communications Director
Francis Lilly, Planning & Zoning Director
Mike Winder, Economic Development Director
Kurt Hansen, Legislative Policy Director
Laurie Johnson, HR-Finance Director
Jim Hardy, Building Department Director
Jared Bowling, Information Center Manager
Nicole Chidester, Asst. to the Econ. Dev. Director

Attendees: Samantha DeSeelhorst, Aarushi Verma, Mary Caputo, Tony Caputo, Rick Hansen, Marv Poulson, Angel Vice, France Barral, David Williams, Hunter Holman, Pam Roberts, Renee Roberts, Tom Helme, Melissa Freshman, Brandi Southard, Sean Southard, Angela Kirsling, Sandra Coffman, Trish DeYoung, Kirk Bradford, Kate Bowman, Travis Jones, Sarah Inwood, Micah Peters, and Chief Steve DeBry.

WORK MEETING – 5:00 p.m.
TIME COMMENCED: 5:03 p.m.

Mayor Silvestrini called the meeting to order. He introduced Samantha DeSeelhorst as the joint Sustainability Coordinator for Millcreek, Cottonwood Heights, and Holladay. He said Millcreek would use her services one day a week.

1. **Overview of H.B. 411 Community Renewable Energy Act**
   Samantha DeSeelhorst went over her background experience for the Council. She went over what other municipalities have done with H.B. 411. She said Summit County previously passed a similar resolution (2017) that has a different aspirational date; it needs to be 2030 to be eligible for this program. Park City (2018) and Moab (2019) signed resolutions that count towards H.B. 411. Cottonwood Heights would review the resolution within the week.

Holladay approved the resolution on October 10, 2019. She said South Jordan and other cities were still reviewing the resolution. Mayor Silvestrini brought up forming a sustainability committee with citizen volunteers. He said Millcreek has interest in anti-idling and recycling efforts.

Sarah Inwood, Millcreek resident with experience in the power grid, said she was a technical expert. She said the bill was written by the utility for the utility. She went over fundamental misconceptions about the bill. The first is that the bill does not improve air quality along the Wasatch Front or address the inversion. The second is that there are not bulk energy storage technologies other than pumped storage hydro and Li-Ion batteries (only consist of 2.5% of annual electricity consumed in the U.S.) that are affordable and scalable. The third misconception is that solar and wind PV are cheap and will soon be cheaper than natural gas generating assets. She gave the Council a high level overview of the power sector: it is highly capital intensive; it is reliable, resilient, and affordable; it is environmentally responsible; it follows the laws of physics with frequency at 60.0 Hz; and it is heavily regulated by state and federal commissions. California, Oregon, and Vermont have instituted variations of renewable energy options. She said Millcreek being 100% net renewable by 2030 was not achievable. She said cities need flexible power generation to accommodate the demand and net renewables are not flexible. She said the last misconception is that building solar and wind options in the U.S. is the best way to combat climate change.

Mayor Silvestrini said he wanted the Council to adopt a resolution to be at the table during the rate making process and not miss out on the program. Inwood said H.B. 411 has unique features: 1) Rocky Mountain Power and the Public Service Commission of Utah select the consultant and there would be no reviewing consultant; 2) the resident opt out period would be 60 days with two notices; 3) there would be a penalty to opt out after the opt out period was to be determined; 4) the rate making process would increase annually without city involvement; and 5) after the launch of the program, there is no defined role for the cities to participate. She said San Francisco offers three service options and the residents get to pick. Those rates are three times higher than what Utah residents currently pay. H.B. 411 does not mention rate cost controls. She felt there were misconceptions of what the bill offered. Her recommendations were: 1) cities select the consultant/reviewer for the rate impact study; 2) tiered service options be offered; 3) there be no penalty to leave the program; 4) start with renewable energy credits and 5-year power agreements to reduce price risk; and 5) empower the cities with oversight authority over Rocky Mountain Power's submissions to the Public Service Commission. Council Member Marchant asked about renewable energy credits (RECs). Inwood said a power plant that produces renewable energy has the right to sell the claim of renewable energy to anyone in the country. Some entities could buy the credits without being connected to them on the grid. Mayor Silvestrini said there was a benefit to buying RECs by reducing the burning of fossil fuels to reduce carbon output.

Council Member Marchant inquired about the State Legislature being able to accommodate her recommendations by the cities opt-in deadline. Mayor Silvestrini said there would need to be some measure of control for the participating cities, otherwise the cities would not have to continue with program. Inwood said she had been told that the cities may sit on the selection committee and that the rates would be reasonable. Council Member Jackson suggested approving the resolution contingent on certain conditions to ensure participation. Council Member Marchant mentioned that there would be a cost for the study by opting in. Mayor

Silvestrini said the cost would come when signing an agreement with Rocky Mountain Power. Mayor Silvestrini said Hillary Lambert, another Millcreek resident with a power background, recommended that Millcreek opt-in to the program.

Travis Jones, Rocky Mountain Power Business Manager, said Sandy City had investigated the bill and its implications. Mayor Silvestrini asked Jones to ask Rocky Mountain Power authorities if they would be willing to address the concerns that Inwood raised and in letting the cities be a player.

Kate Bowman, Utah Clean Energy, said a lot of the concerns raised by Inwood had been discussed but they were not at that stage in the process yet (stages 3, 4, and 5). There is no formal process for the cities' participation. The cities will work with the utility on procuring resources. Council Member Jackson asked about the press release from PacifiCorp and its relation to H.B. 411. Bowman said Rocky Mountain Power 20-year resource plan shows 7 gigawatts of solar battery storage and wind. Rocky Mountain Power customers as a whole will not be 100% renewable by 2030. She said the analysis shows that the shift to renewable resources makes economic sense.

Hunter Holman, Utah Clean Energy, said the statute is intentionally ambiguous as far as how the program will be administered. The Steering Committee will be made up of the participating communities which will have a say in how the program is administered and in resource selections. There will be some discretion that the communities will have throughout the process. They are in the rulemaking process right now and will send rules to the Public Service Commission next month. Passing the resolution reserves the cities' right to participate in the program. By participating in the negotiating process, Millcreek would not be bound to anything. The consultant will not be hired to design the rate but evaluate the proposal at the Public Service Commission review phase. There is city discretion in the agreement negotiation phase to work with Rocky Mountain Power to design the rate. Council Member Uipi asked about public comment taking place before cities enter into an agreement. Holman said stakeholders will come up with a joint set of rules to propose to the Public Service Commission and the Public Service Commission may adjust the proposal. They would then take public input about the rules before adopting any. Council Member Uipi asked if any legislation would go to the upcoming legislative session that would affect H.B. 411. Holman did not anticipate any.

Holman discussed the opt-out phase. He said there would be a 60-day period where customers will be given two notices that they will be opted into the program unless they actively opt out. After the 60 days, the program begins and then residents can still opt out during the next three billing cycles without being subject to a termination charge. They can still opt-out after that, but they may be subject to a termination charge. Council Member Jackson asked why there would be a termination fee. Holman said the termination fee helps balance customer charges because the rates have been designed for the year, so if too many people opt-out then the rates are left to the remaining customers. Council Member Jackson expressed concern about burdening vulnerable populations that do not pay attention to opting out. Council Member Uipi asked who would be on the stakeholders committee. Holman said the meeting would be public and the stakeholders would be the Division of Public Utilities, the Office of Consumer Services, Rocky Mountain Power, Utah Clean Energy, the Interwest Energy Alliance, Heal Utah, and others. Mayor Silvestrini said Kurt Hansen from Millcreek staff had been attending.

Mayor Silvestrini said on October 28th the Council would take public comment on the issue. He said the Council had received a lot of emails on the matter. He anticipated an opt-in resolution being on the November 12th Council agenda. Millcreek has until December 31st to opt-in to the program.

2. Urban Land Institute Presentation; Francis Lilly, Planning and Zoning Director, Mike Winder, Economic Development Director, and Nicole Chidester, Assistant to the Economic Development Director

Mayor Silvestrini said three members of staff attended the Urban Land Institute in Washington D.C.; Francis Lilly, Mike Winder, and Nicole Chidester. They then went over the top ten takeaways from the Institute.

1. Community Land Trusts - Lilly said the availability of housing is not catching up with household creation. Millcreek needs to think about ways to create more opportunities for affordable housing. A community land trust removes the land from owners' mortgages and is owned by a trust. Salt Lake City has initiated a land trust. The advantage is that it does not disrupt existing neighborhood forms. Mayor Silvestrini asked if cities fund the land trust. Lilly said yes, sometimes community reinvestment areas fund them. He said he thought the land trust would qualify for the affordable housing requirement in the community reinvestment area. Council Member Marchant asked about equity in the land. Lilly said the resident would not get equity in the land unless there was a deal through re-financing or at the end of the lease. The trustee would be the City or someone the City designates.

2. Tools to Make It Happen - Winder said business improvement districts can make parts of the City special, like installing furniture and greenery. He said naming rights are another tool. Winder said some states are giving incentives for opportunity zones. Cities could utilize public air space and should maintain focus through the plan.

3. Transportation Demand Management - Lilly said the management would be a series of tools in ordinance that forces a developer who commits a lower parking ratio to a performance measure that is measurable and verifiable. He said some cities require the developer to post a bond which binds the developer to honoring on an ongoing basis a commitment to reduce travel demand through incentivizing walk trips or subsidizing transit passes. Mayor Silvestrini asked about discretion in ordinance. John Brems said discretion could be added to the ordinance. Lilly said cities have written standards. Brems said the development agreement would be approved by the City Council and the Planning Commission could make a recommendation on it.

4. Water Works: Why H2O Make Good Places Great - Chidester said adding a water element creates ambiance and an oasis feel in a concrete jungle. She said water creates art, makes a place marketable, grabs attention for memorials, and provides entertainment.

5. Looking Up: Lessons Learned from Arcades, Strategic Architecture, and Palmer Alley – Lilly said an awning needs to be at least 10 feet wide. He said signs could be integrated into the structure. He highlighted pictures of examples for alleyways with matrix material.

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6. Economic Trends and the Forecast for Real Estate – Winder said the national expectation is that inflation will be relatively flat for the next few years. The unemployment rate will not dramatically change either. He said ecommerce represented 10 percent of U.S. retail in Q2 2019. He said shopping needs to be emotional and entertainment is part of that.

7. Instagrammable: Why Entertainment is the Future of Retail – Chidester said the experience to linger and take pictures is what retail needs to survive. The open space must be interactive, not passive, and people need to feel the need for participation. The simple solution is a design with people and photos in mind through repeat, reuse, and repurpose.

8. Millcreek Needs an Urban Backyard – Lilly said Millcreek needs a backyard, not a front porch.

9. We Need S'more Popups in our Cities – Chidester said Millcreek needs to plan for people, invite interaction, have portable entertainment that aid programming, temporary solutions, be cost effective, and be flexible.

10. Best Practices in Programming Parks – Winder said people want authentic community interactions. He said programming is needed at different levels for the whole year and during different times of the day. Lilly said the park should have something appealing for everyone at different times throughout the year.

Council Member Marchant said parks in the City were underutilized so some of the ideas could be used there too.

3. Reports from Millcreek Staff
There were none.

4. Discussion of agenda items, correspondence, and/or future agenda items
There were none.

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

REGULAR MEETING – 7:00 p.m.
TIME COMMENCED: 7:05 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance
Mayor Silvestrini called the meeting to order led the pledge of allegiance.

1.2 Public Comment
Aarushi Verma, Mayor of Millcreek Youth Council, said the Youth Council was co-hosting a dance with the Jean Massieu School of the Deaf on October 23, 2019. She said the event was free and all resident students were invited.

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Trish DeYoung, 3232 S. 1575 E., said she lives to the east of a blue building that was built behind Dewey's Bail Bond. She asked about the status of the building. Mayor Silvestrini said Francis Lilly could fill her in.

Marv Poulson, 3631 Carolyn Street, said the bail bonds building (accessory structure to the north of Dewey's Bail Bonds) was a failure of the master plan by allowing property owners no regress when the City makes mistakes. He wondered how the building permit got issued. He expressed concern in how the City Center Master Plan was being developed. He asked about city accountability to the injury of residents.

Mayor Silvestrini said the building of the structure was a mistake made by a city planner. The property is in two zones, a circumstance was overlooked, so it was not a flaw of the master plan but a mistake by an employee. He said the situation was being handled internally as a personnel matter. He directed the public to talk to the Planning and Zoning Director, Francis Lilly.

2. Planning Matters

2.1 First Reading:

a. GP-19-002, Amendment to the Millcreek Together General Plan; Blaine Gehring, Planner

Mayor Silvestrini said planning matters are heard through a first reading by staff and the Council then acts on the items at another meeting. Blaine Gehring said planning staff had been requested to process an amendment to the Millcreek Together General Plan in response to a neighborhood petition. The request is to change the area in the vicinity of 4000 S. and 700 W. designated as Neighborhood 2 in the Future Land Use Map to a Neighborhood 1 designation. The subject area lies in the area that is one of the few remaining agricultural areas left in Millcreek, many of which are slowly being sold off and rezoned for housing. Millcreek has two agricultural zones remaining in the area which host a variety of agricultural uses that are no longer compatible with urban living. The subject area is approximately one mile west from the Meadowbrook TRAX Station and is situated among other medium to high density housing just to the north and into South Salt Lake. Due to the proximity of the TRAX station, the area has become a site for medium to high density housing which also contains some low-income housing. Basic planning concepts encourage a higher density of residential when in close proximity to public transit and parks. One of the goals of the Millcreek Together General Plan is to increase the amount of affordable housing in the City.

Gehring said Millcreek's Future Land Use Map indicates the area to be designated as "Neighborhood 2" to accommodate a mix of different higher density housing types. During the overall General Plan process, it was felt that this was a good area where medium density housing could be developed at a more affordable price range. The area was designated Neighborhood 2 because of its adjacency to existing multiple family housing, a large public park and next to industrial zoning. At their meeting on September 3, 2019, the Millcreek Community Council voted unanimously to send a favorable recommendation to the Planning Commission on this General Plan amendment. At their meeting on September 18, 2019, the Millcreek Planning Commission voted 4 in favor and 3 against to send a favorable

recommendation to the City Council to change the area near 4000 S. 700 W. from Neighborhood 2 to Neighborhood 1 in the Millcreek Together General Plan.

Council Member Jackson asked for a summary of the Planning Commission's discussion. Gehring said the Commission discussed what was in the area and the overall process in developing the General Plan. Mayor Silvestrini asked for the Commission's minutes from their September meeting. Gehring said he would get the minutes to the Council.

2.2 Discussion and Consideration of Ordinance 19-41, Rezoning Property at 3419 S. 1300 E. from R-1-8 (Single Family Residential) to R-2-8 (Medium Density Residential); Blaine Gehring, Planner

Blaine Gehring said Jake Wright of Brad Reynolds Construction was seeking to rezone property located at 3419 South 1300 East from R-1-8 to R-2-8 to facilitate construction of a new duplex. The subject property is a .38-acre parcel which had a single-family home on it (since been demolished) and is adjacent on the south to a new planned unit development by Brad Reynolds Construction. There is an existing single-family home between the subject parcel and the PUD. Currently the subject property is located adjacent to R-2-8 zoning to the south and across the street on 1300 East and adjacent to R-1-8 zoning on the east and west. Brad Reynolds Construction would like to build a duplex on this parcel similar to those in the PUD though it will not be part of the PUD. The Planning Commission sent a favorable recommendation to the City Council for the rezone from R-1-8 to R-2-8 at 3419 S. 1300 E. with a development agreement with the following condition:

1. Each unit shall have similar appearance, with slight variance of color and material, to the units in the adjacent Planned Unit Development known as The Meadows of Millcreek.

Mayor Silvestrini asked about the community council recommendation. Gehring said they recommended approval. Council Member Marchant asked if there would be a fence separating this project from the PUD. It was said by an audience member that a concrete wall was already in place.

Mayor Silvestrini asked for public comment. There were no comments.

Council Member Marchant moved to approve Ordinance 19-41, rezoning property at 3419 S. 1300 E. from R-1-8 to R-2-8 subject to the development agreement. Council Member Jackson seconded. The City Recorder called for the vote. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 19-42, Approving a Development Agreement for Development of a Single-Family Duplex Located at 3419 S. 1300 E.; Blaine Gehring, Planner

Blaine Gehring said the development agreement lays out in detail what the duplex would look like.

Council Member Catten moved to approve Ordinance 19-42, approving a development agreement for a single-family duplex at 3419 S. 1300 E. Council Member Jackson seconded. The City Recorder called for the vote. The motion passed unanimously.

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2.4 Discussion and Consideration of Ordinance 19-43, Approving a Development Agreement for Clearwater Development; Blaine Gehring, Planner

Blaine Gehring said the parcel is zoned MD and is adjacent to M and MD zoning to the north and west and MD and R-M zoning to the east (Artesian Springs). The property borders Big Cottonwood Creek with Murray City on the south side of the creek and the new Front Climbing Gym is being built directly to the east of the property. The development agreement would allow for up to 150 three-story townhomes with 2,200 square feet of commercial space and 6 live/work units. A portion of the townhomes would be platted as owner-occupied dwellings, and a portion of the development will remain as a multifamily rental development. In addition, the developers will develop a 1.09-acre park which will be dedicated to the City to include a pedestrian bridge across Big Cottonwood Creek to facilitate pedestrian traffic to the Murray North TRAX station. Both the Millcreek Community Council and the Planning Commission have sent favorable recommendations on this project subject to the development agreement.

Council Member Jackson asked about the owner-occupied percentage. Gehring said the development agreement called for 50% owner-occupied. Mayor Silvestrini said 50% will be for-sale and 50% will be rented and a declaration of covenants will set those ratios. Council Member Catten asked about affordable housing units. Francis Lilly said it was not contemplated as part of the development. Council Member Catten asked about park maintenance. Mike Winder said Millcreek would be responsible for the park maintenance. Mayor Silvestrini said this was effectively the same park space the Council previously approved for Mr. Hassenflu. The prior project had greater density that was all rental units though the amenities the City gets would be the same. Mayor Silvestrini asked about the conversations with Murray City on the pedestrian bridge. Lilly said Murray was amenable to the bridge if they did not have to pay for it. Millcreek will help in the facilitation of the bridge, but the developer will have to pay for and install it per the City's standards. Lilly said staff tried to fulfill the Meadowbrook Small Area Master Plan with a mid-block crossing between the rail line and Main Street and this project accomplishes that. Council Member Jackson asked who was designing the park. Lilly said the developer will design the park and it will be approved by staff. Mayor Silvestrini brought up a typographical error in reference to Big Cottonwood Creek in paragraph 5 of the development agreement being referred to as Cottonwood Creek. The development agreement is ancillary to the participation agreement being considered by the Community Reinvestment Agency. It does provide for reimbursement to the developer using tax increment for the park and park amenities. The reimbursement amount is the cost of improvements and some interest on the developer's loan. Millcreek is pledging only the increment generated by this project.

Applicant - Micah Peters, Clearwater Homes, thanked staff for their work. He said the developers would like to start development of the property as soon as possible. He said they were finalizing details with Rocky Mountain Power to not use gas on the property, only electricity. Council Member Marchant asked if there was a walking trail on both sides of the creek. Peters said Murray City has one, so they will be adding one for Millcreek. Mayor Silvestrini said there was a 5,000 square foot commercial pad in the prior project. Peters said there are live-work units in this project. The developers did not want to commercial development to compete with the Front Climbing Gym next door and

add to the parking problem in the area by bringing in a lot of retail. He said they would be careful in selecting a tenant for the leased space. Council Member Catten asked if the community was gated. Peters said no, and they added a second and third access to the property. He said there would be 33 additional parking stalls in the project for use of the climbing gym.

Mayor Silvestrini asked for public comment.

Marv Poulson said he was in favor of the project.

Council Member Uipi moved to approve item 2.4 Ordinance 19-43 with the correction of name change to Big Cottonwood Creek. Council Member Marchant seconded. The City Recorder called for the vote. The motion passed unanimously.

3. Business Matters

3.1 Discussion and Consideration of Resolution 19-36, Appointing Alexander Wendt as Deputy Recorder; Elyse Greiner, City Recorder

Elyse Greiner said Alexander Wendt had been training on becoming a recorder for the last month and there was still some training to be done. She said Wendt was interested in becoming a recorder, so she recommended his appointment. Mayor Silvestrini said his appointment would be to fill the position as there was no longer an appointed Deputy Recorder on staff. He said Wendt had been doing a great job in business licensing and had recovered over $77,000 in business license renewals. Greiner said Wendt would still be doing business licensing fulltime as the Business License Administrator.

Council Member Jackson moved to approve item 3.1 appointing Alexander Wendt as Deputy Recorder. Council Member Catten seconded. The City Recorder called for the vote. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini said there was a successful Mountair Streetscape design open house on Saturday, October 12, 2019. Lilly said there were comments on extending the proposed wall and the public generally like the proposed concept. He said the design celebrates the Mountair neighborhood. The architect will refine ideas again and take the final design back to the public. Mayor Silvestrini said Millcreek received two awards from the American Planners Association Utah Chapter for the General Plan and City Center Master Plan. He said Millcreek was congratulated on the public engagement with and the content of the plans. Mayor Silvestrini said he participated in the awarding of an honorary doctorate degree to a Millcreek resident, Arline Hawkins Ockey, for schooling efforts for girls in India.

4.2 City Council Member Reports

Council Member Jackson said she, Council Member Marchant, and staff attended the Wasatch Front Regional Council planning meeting on Wasatch Choice.

Council Member Uipi said Mt. Olympus neighbors were anxious about the FEMA floodplain map. Rita Lund said FEMA would not be able to come back for another open

house until after the new year. She said staff was working on a FAQ sheet for the public. Mayor Silvestrini said staff was checking on restrictions enforced by the State.

4.3 Staff Reports

Rita Lund said the 3900 S. Project meeting would be on October 23, 2019 at the Our Savior Lutheran Church. She announced Millfreaks, the Trunk or Treat, the Youth Council Halloween Dance, and City Hall trick or treating. She said saw cutting on sidewalks would take place on various locations throughout the City, asphalt plant production was cutting back due to the season, and leaf collections were happening at the parks. She said snow season was coming up so code enforcement officers would be warning residents about cars parked on street because roads will be not be plowed if there are any parked cars on them. Lund announced a new emergency manger, Andrew Clark, was hired and would start on October 28, 2019.

5. Consent Agenda

5.1 Approval of September 16, 2019 Work Meeting Minutes
5.2 Approval of September 23, 2019 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve item 5.1 and 5.2. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

6. New Items for Subsequent Consideration

7. Calendar of Upcoming Events

- Mt. Olympus Community Council Mtg., 10/1/19, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 10/1/19, 6:30 p.m. at City Hall
- Canyon Rim Citizens Association Mtg., 10/2/19, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 10/3/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., 10/14/19, 5:00 p.m. at City Hall
- Planning Commission Mtg., 10/16/19, 5:00 p.m. at City Hall
- City Council Work Mtg., 10/21/19, 5:30 p.m. at City Hall
- City Council Mtg., 10/28/19, 5:00 p.m. at City Hall

Mayor Silvestrini went over the calendar of upcoming events.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:01 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____ Date
Jeff Silvestrini, Mayor

_____
Attest: Elyse Greiner, City Recorder

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Minutes of the
Millcreek City Council
October 21, 2019
5:30 p.m.
Work Meeting

The City Council of Millcreek, Utah, met in a public work meeting on October 21, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members	**City Staff**
Jeff Silvestrini, Mayor	John Geilmann, City Manager
Silvia Catten, District 1	John Brems, City Attorney
Dwight Marchant, District 2	Elyse Greiner, City Recorder
Cheri Jackson, District 3	Rita Lund, Communications Director
Bev Uipi, District 4 (arrived 6:11 p.m.) `	Laurie Johnson, HR-Finance Director
	John Miller, Public Works Director
	Mike Winder, Economic Development Director

Attendees: Bill Hodson and Marv Poulson.

REGULAR MEETING – 5:30 p.m.
TIME COMMENCED: 5:38 p.m.

Mayor Silvestrini called the meeting to order.

1. Discussion Items

1.1 Amendments to Various Code Sections (9.56.010, 9.56.020, 11.40.020, 14.12.100, 14.48.050 and Repealing section 14.04.140 and Chapter 14.28); Elyse Greiner, City Recorder

Elyse Greiner said when she and John Brems were reviewing the code for updates, they came across some sections that were no longer relevant to Millcreek. The term "real estate section" was from the County and the chapter on canyon and rural roads only applied to unincorporated County. She said Kurt Hansen told her that the code enforcement officers wanted the term "junk" as defined in Title 19 to be added to Title 9 for consistency. The amendment in code section 11.40.020 was to align city code with the practice of Unified Police Department. The Council said the code changes made sense. Brems said state statute required a car to be parked in the same place on the street for at least 48 hours before action could be taken in declaring it a nuisance, so the amendment would align city code with state code. Mayor Silvestrini said the parked cars issue was complaint driven. Bill Hodson, from the audience, asked about opportunity for public comment. Mayor Silvestrini said the Council would take public comment at its

regular meeting (on the second and fourth Monday of the month) and that supporting documentation to the meeting agendas could be found on the City's website.

1.2 Amendment to Code Section 2.04.130 Additional Committees; John Geilmann, City Manager

John Geilmann said staff recently discussed City-sponsored committees. He handed out a list of current committees recognized in some capacity by Millcreek, including the Recycling Committee, Youth Council, Utah Venture Outdoors, Millcreek Emergency Response Committee, Millcreek Arts Council, Envision Committee, Promise Committee, Millcreek Business Council, Wasatch Business Series, and Sustainability Committee. He said the meeting packet included text from City Code 2.04.130 which references required public meeting notices for committees and Utah State Code Ann. 52-4-103 which addresses the definition of a public body. Some of the City's committees could meet the public body definition if recognized by the Council through legislation. Mayor Silvestrini said some of the entities were independent of the City, such as the Millcreek Arts Council and community councils. Rita Lund said Millcreek also needed a US Census Committee. There was a conversation about whether some committees warranted public noticing for meetings. Council Member Jackson asked if there was a draw back to not noticing the committee meetings. John Brems said he could not think of one. Council Member Marchant asked what other cities do. Mike Winder said West Valley City notices some committee meetings. Brems said he would draft a proposed ordinance amending Millcreek Code 2.04.130.

1.3 Strategic Planning; Laurie Johnson, HR-Finance Director

Laurie Johnson said the Council added the term "Engaged Community" at their last strategic planning session to the strategic plan. She suggested the following definition for it, "Millcreek seeks to engage the community through communication and transparency to achieve long-term sustainable outcomes, process, and relationships." Mayor Silvestrini said the engagement was not the public to the Council but the Council to engage the public. Council Member Jackson said the communication should go both ways. Council Member Marchant suggested, "…be engaged with the community…" Mayor Silvestrini suggested, "Millcreek seeks community engagement..." The Council concurred with Mayor Silvestrini's suggestion. Johnson said the Council needed to establish strategic priorities for "Engaged Community." She suggested adding a strategic priority about fiscal responsibility. Council Member Marchant said governments could fail without fiscal responsibility and liked the idea of adding it. The Council agreed to adding that priority. Johnson said the strategic plan starts with strategic priorities, then strategic objectives, then strategies, then goals and accomplishments. She said the hierarchy came from the language of the General Plan. She said the Council would need to establish strategic objectives and strategies for "Engaged Community," establish a definition, strategic objectives and strategies for "Fiscally Responsible Government," and review and discuss a specific strategic priority each month moving forward. Johnson handed out draft copies of the strategic plan. She briefly went through the draft plan with the Council. She said by the next meeting, she would draft objectives and definitions. Mayor Silvestrini said a lot of the information needed could be found in the General Plan, but the Council needed to provide input for the "fiscally responsible" strategy. Johnson asked the Council to mark the draft plan handout and provide input on it to her within the next

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couple of weeks. Mayor Silvestrini said the Council could review it at the work meeting on November 18th.

1.4 Mayor and Council's Discretion on Discussion Topic

Mayor Silvestrini said there was a code violation complaint at the property on 900 E. and Van Winkle owned by Salt Lake City Public Utilities (SLCPU). The complaint was that the area was being used by transients and was littered with syringes and the like. He said Millcreek code enforcement had been in contact with SLCPU. He said SLCPU had offered to turn the property into a park of sorts and Millcreek could join an interlocal agreement with them for the use of the property. Council Member Catten suggested that if the property was cleared out, it may become more of a resting place for transients and suggested turning it into a different green space, like a dog park. Mayor Silvestrini brought up water shed issues with Big Cottonwood Creek nearby. Rita Lund said part of the property was designated as wetlands and she would reach out to the Army Corp of Engineers about jurisdiction. Council Member Jackson asked if there would be money in the budget to maintain it. Council Member Catten asked about having conversations with Murray City because a new mixed-use development was developing in the old Kmart on 900 E. and those residents would use the space too. Mayor Silvestrini said he would explore possibilities with the property. Council Member Jackson asked about access to the property. Geilmann said the property could be accessed by foot through a gate on Van Winkle. He said the property used to be a park because there is rock work for creeks and ponds on the property and an access road to it on Murray Holladay Road. John Miller said the property had a high water table. The Council said they were interested in Mayor Silvestrini pursuing possibilities with the property.

Mayor Silvestrini said a young resident had reached out to him about the possibility of a bike park or pump track in the City. The Council explored potential property locations for one on an aerial map, especially near Wasatch Boulevard.

Mayor Silvestrini said he met with the joint Sustainability Coordinator, Samantha DeSeelhorst, about her duties. Millcreek is entitled to 6 hours of her week for Millcreek specific projects. That said, he did not want her to come to a lot of city meetings. He said they talked about doing a sustainability inventory for the contracted cities (Cottonwood Heights, Holladay, and Millcreek). He said the Council needed to decide what she should be doing for Millcreek and provide Kurt Hansen with feedback.

Mayor Silvestrini said the Unified Police Department (UPD) salary survey was completed. The Department got a 6 percent salary increase in the current fiscal year. He said other cities gave increases, so Millcreek held ground instead of advancing the Department's position against other departments in the County. He said Unified Fire Authority (UFA) Station 112 would be rebuilt from the current fiscal year budget and mentioned that other stations in the system need to be replaced and would be done through a bond. He said a five-foot stretch of property would be sold to UFA from the Olympus Hills Shopping Center for a reasonable price for inclusion in the Station 112 site.

Mayor Silvestrini said he had been telling the public that the Council would take public comment on H.B. 411 Community Renewable Energy Act at the October 28th Council

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meeting. Council Member Jackson asked if there should be a resident survey on H.B. 411. She said she would draft something and give it to staff to publish. Council Member Uipi asked if the Council would act on the feedback from the survey. Council Member Jackson said it would be more for their education of the bill. Council Member Marchant said the survey should be to get feedback, not on whether or not the City should opt-in to the program. The Council decided to send out a frequently asked questions (FAQs) sheet instead of a survey.

Council Member Marchant said Helen Blood, a former Mill Creek Elementary School teacher, passed away that week. He suggested doing a proclamation for her as a valued member of the community because she was very engaged in her students' lives. The Council agreed. Council Member Jackson said Nate Gibby was working on finding speakers for a symposium and asked for recommendations. Council Member Marchant suggested writing a city newsletter article on Leigh Harline (deceased) who wrote, "When You Wish Upon a Star."

Council Member Uipi said she would call in to participate in the October 28th Council meeting. Mike Winder gave the Council an overview of the City Center presentation that he would present to staff the following day which involved timelines and upcoming projects. Lund mentioned that the city center open space consultant, John Kelsh, would be meeting with city stakeholders in the coming weeks.

Council Member Jackson moved to go into closed session at 7:18 p.m. per Utah State Code Ann. 52-4-205(1)(c), to discuss pending or reasonably imminent litigation. Council Member Marchant seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Jackson moved to go back into the public meeting at 8:00 p.m. Council Member Marchant seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

1.5 Correspondence and/or Future Agenda Items

There were none.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:01 p.m. Council Member Marchant seconded. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____ Date
Jeff Silvestrini, Mayor

_____
Attest: Elyse Greiner, City Recorder

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Minutes of the
Millcreek City Council
October 28, 2019
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 October 28, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members
Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (electronic participation)

City Staff
John Geilmann, City Manager
John Brems, City Attorney
Elyse Greiner, City Recorder
Rita Lund, Communications Director
Francis Lilly, Planning & Zoning Director
Mike Winder, Economic Development Director
Kurt Hansen, Legislative Policy Director
Laurie Johnson, HR-Finance Director
Jim Hardy, Building Department Director
John Miller, Public Works Director
Jared Bowling, Information Center Manager
Blaine Gehring, Planner
Kalie Boska, Information Center & IT Technician

Attendees: Rick Hansen, Jorge Reyes, Amber Measom, Marv Poulson, Kaleb Bardner, Hilary Lambert, Sean Flynn, Eliza Petersen, Beth Allen, Brandi Southard, Sean Southard, Peter Helfrich, Tony Caputo, Kay Osborne, BrieAnna Osborne, Angela Kirsling, Lou Kirsling, David Page, Ed Trujillo, Sandra Coffman, Barbara Andrade, Joe Andrade, Gordon Scheffner, Ten Cundick, Travis Jones, Steve Schaller, Eric VanEpps, Richard Christiansen, Steve Knox, Kimberly Otto-Biebuyck, Ryan Stefani, Jody Coutu, Steve Linde, Allison Powers, Mike Powers, Karen Jackson, Shauna Henderson, James Henderson, Stephanie Steele, TJ Seemann, Arya Barkesseh, Jennifer Eden, Jane Garcia, Justin Park, Sally Weigel, France Barral, Gretchan Silver, Niloufar Sanatinia, Jill Allen, Phil Millett, Sharee Hughes, David Buchman, Sheryl Martin, Jemina Keller, Angel Vice, Dr. Andrew Schoenberg, Gerald Lazar, Elise Lazar, Bill Hodson, John Kelsh, Dave Harris, Officer Andrew Jensen, Detective Jared Nichols, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 5:30 p.m.
TIME COMMENCED: 5:31 p.m.

Mayor Silvestrini called the meeting to order. He said Council Member Uipi would participate over the phone for the meeting.

1. "Millcreek Common" City Center Open Space Discussion with EPG Design

Francis Lilly introduced Dave Harris and John Kelsh, EPG Design team, to the Council. He said they would assist the City in designing the City Center open space. He said staff would take a tour with them the next day to local sites.

Rita Lund introduced recent staff hire Kalie Boska, Information Center & IT Technician, to the Council. Lund said Andrew Clark, the new Emergency Manager, started work that day.

Mike Winder said John Kelsh was meeting with city committees over the next few days. John Kelsh went over his background experience with developing city downtowns (specifically Rapids City, South Dakota) by creating audiences, utilizing evenings, and keeping the people flow constant through the use of plazas with programming. He said the public and private sector work together to create and maintain the space. He said there are many ways to make a downtown work, but the critical point is getting the mass of people to the space. Mayor Silvestrini said Millcreek was not looking for a cookie cutter shopping mall but something that would be unique to Millcreek. Kelsh said it was better to invite people into the area than an open free-for-all to fill the space. He said the consultants were in the final drafts of an online poll to allow the public to prioritize amenities and provide their own ideas. He went over the components of active parks, which included: a hard-surfaced plaza area, programmed activities 250-360 days a year, a daily crowd of pedestrians, adjacent restaurants and consumer retail, businesses open until 9-10 p.m., great restrooms, landscaping and beautification, parking within 3 blocks, and adjacent upper floor residential. He went over other park elements to consider like shade trees, shrubs and flowers, expansive lawn, children's play equipment, permanent seating, large art structures, ambient and safety lighting, and water features. He mentioned that there are multiple park architectural styles to choose from including mid-century modern, modern curvilinear, modern angular, modern with clean angular lines, formal, traditional, pastoral, and organic. Kelsh said different amenity options could be ice skating, a musical fountain, a splash pad, a stage, and summer/winter convertible spaces. There should be very few amenities that people have to pay for to use since it is a public space. He showed a sample activity calendar and site plan for a plaza.

Mayor Silvestrini asked if Kelsh had mapped out a schedule for public engagement. Kelsh said he was meeting with city stakeholders for the next three days and would be conducting the online public poll. Dave Harris said there would be a public engagement event series. Mayor Silvestrini said he would like to engage with all parts of the community, even in the high schools. He suggested having a Millcreek event to draw people to participate that would not come to a meeting otherwise. Mike Winder said the event series dates would be November 19, January 22, and March 17. Council Member Catten suggested meeting with the Millcreek Business Council. Mayor Silvestrini said the Millcreek Business Council would meet with the consultants as part of the stakeholder group. Kelsh said he could do some engagement in the schools. Harris asked for the Council's feedback with design and style for the park. Mayor Silvestrini said themes in the Millcreek Together General Plan should be used and said some features that had been previously discussed were a water-themed amenity, a place for a farmer's market, and a place for a movie night. He said Millcreek was connected by nature, so the park should have a lot of trees. He said he would like variation in the plaza. Council Member Catten recommended blending nature into a functional space. She brought up the old seven canyons splash pad at Liberty Park in Salt Lake City.

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Harris asked for the Council's input on winter activities. The Council brought up an ice ribbon and ice rink ideas. Mayor Silvestrini suggested a market space that could be used year-round. Council Member Catten said she did not want a one-use type space. Welsh said most amenities would be moveable to accommodate the season. Council Member Jackson asked about the proposed geodesic dome being available year-round. Kelsh said he was looking at options to make them seasonally versatile. Council Member Catten said she wanted a lot of accessibility for emergency services and ADA requirements. Kelsh said electric bollards assist with emergency access as well as not having curbs in the plaza. The Council brought up having family restrooms. Harris brought up synthetic-type ice that could be used that is less expensive than real ice. Kelsh said capital expenses for the park would be constant and operating expenses would be generated from revenue. Council Member Catten said she would be interested to see if the residents wanted an ice rink. Kelsh said ice rinks were popular and a big activity would be needed to anchor winter involvement. He also brought up a Christmas tree forest, caroling, fire pits, ice sculpture contests, and hot chocolate stands as other winter options.

2. Reports from Millcreek Staff
There were none.

3. Discussion of agenda items, correspondence, and/or future agenda items
There were none.

Council Member Jackson moved to adjourn the work meeting at 6:27 p.m. Council Member Marchant seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.
TIME COMMENCED: 7:04 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance
Mayor Silvestrini called the meeting to order and Scout Troop 3410 led the pledge of allegiance.

1.2 Unified Police Department Officer of the Month for September 2019
Chief Steve DeBry announced Officer Andrew Jensen as Officer of the Month for September 2019. Officer Jensen responded to a robbery at Iceberg Drive Inn and apprehended two suspects and recovered stolen goods and other paraphernalia. The Citizens Advisory Board presented Officer Jensen with a gift. Mayor Silvestrini thanked Officer Jensen for his service to Millcreek. Chief DeBry said he received a positive memo from the Metro Gang Unit regarding the Millcreek Street Crimes Unit for their attention to detail and thoroughness in investigations. He then presented Detective Jared Nichols with a 5-year achievement with Unified Police Department.

1.3 Public Comment
Mayor Silvestrini invited public comment that was not related to an agenda item.

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Marv Poulson, 3631 Carolyn Street, said there should be a Council vote when the City approves each legal settlement related to the City's multiple failures to properly evaluate property zoning status of the Dewey's Bail Bonds building (accessory structure) prior to approving the building permit. He said the process in which the building permit was approved was hasty and should favor people impacted by the approval. He said what happened with the building should not happen again. He said implementing simple management processes would be less costly than legal settlements. He then said an image was presented in the last Council work meeting by a senior staff member that was not appropriate and was dismayed that the Council did not address it at the time. He said the behavior was sexist and should not happen again. Council Member Marchant said the Council immediately addressed the image as being inappropriate.

2. Business Matters

2.1 Public Comment on H.B. 411 Community Renewable Energy Act

Mayor Silvestrini invited the public to speak on H.B. 411.

Jemina Keller, 2910 S. Cascade Way, asked for the Council to support H.B. 411. She said it was an incredible opportunity presented through bipartisan cooperation. Millcreek being connected by nature was not just about the land but through harnessing wind and solar.

Karen Jackson, 4577 Park Hill Drive, said she was a retired pediatric nurse practitioner. She asked the Council to consider passing the resolution for 100% net renewable energy by 2030. The cost to participate was unknown, but she anticipated lower energy costs. She explained recent trends on carbon pricing legislation at the federal level. She said approving a resolution for the program would help create a healthier, cleaner, and more prosperous Millcreek.

Ken Garner, electrical engineer, said battery storage was real and scalable. He said solar and wind energies were competitive and it would be easier to shut down stranded assets now than later. There will be costly hazards related to coal plants. He said clean air was for kids. He highly supported the bill. He said Millcreek could lead the way.

Hilary Lambert, 3796 S. Alta Loma Drive, said she used to work on renewable energy issues in Virginia and back then renewable energy credits used to be the only way to get scalable renewable energy on the grid. H.B. 411 would fund wind and solar energy projects rather than giving credits and will give Utah the opportunity to join the grid. She said other states in the grid have already committed to using 100% renewable power and the coal plants in some western states will be shut down by 2030 anyway. Renewable energy was currently cheaper than other assets and costs might go up until 2030, but cities would only be paying the renewable energy rate after 2030. She said she supported H.B. 411 and said audience members were holding up "100% Clean Millcreek" signs in favor of H.B. 411, too.

France Barral, 3205 E. Oakcliff Drive, said she supported H.B. 411. She shared a petition with the Council with over 300 signatures of residents who were in support of H.B. 411. She asked the audience to raise their hands if they were in support of the bill. The majority of the audience rose a hand in support of the bill. Mayor Silvestrini then asked

for a show of hands of people who opposed the bill. A couple of hands were raised. Barral read a quote from President John F. Kennedy (May 25, 1961) about choosing to go to the moon. She said eight years later people went to the moon. She then challenged the Council to challenge themselves to do something hard. Mayor Silvestrini asked how the petition was conducted. Barral said the petition was conducted online.

Jennifer Eden, 4597 Park Hill Drive, said she taught climate science at Westminster College. She said her students were concerned about the climate change and lack of action. The Council had a moral obligation to take action to provide clean and renewable energy.

Angel Vice, 3610 Carolyn Street, said she supported Millcreek turning to renewable energy. She quoted Ansel Adams about fighting government to save the environment. She said H.B. 411 was not an election year issue because she was in favor of the bill.

Ted Cundick, 3114 Gregson Court, said nobody wanted dirty air but there was a lot of balancing that was left out of the bill. He said experts could be hired to find the results that are wanted by one side or the other. Rocky Mountain Power would get to choose the consultant for the studies. Cities should be able to choose their own experts from a neutral perspective. He said the opt-out option was a problem. The people who will opt out are the ones who can least afford the increase. He said pushing for 100% renewable sources was a mistake when there were other options like natural gas. He said renewable energy was important but trying to go to 100% zero was not cost effective or realistic, so he was not in favor of the bill.

Dr. Andy Schoenberg, 3792 S. Millcreek Road, spoke about electric cars and said people could look at more efficient cars to improve air quality. He said residents could do a lot as individuals to improve the release of carbon emissions.

Phil Millett, 2025 E. Atkin Avenue, asked the audience how many participated in Rocky Mountain Power's BlueSky program; about half the audience rose their hands. Mayor Silvestrini said 3% of Millcreek residents participated in BlueSky or have solar panels. Millett said residents have the option to be part of a renewable program that already exists but only 3% of the City has. He said Rocky Mountain Power was pushing the initiative to get help to pay for the depreciation cost of power plant equipment. The air quality was affected by the industry in the valley. Renewables take finite natural resources and rhetorically asked about the carbon footprint for mining those. He said if the community supported H.B. 411, they should already participate in BlueSky. He concluded by saying that the carbon footprint was not the enemy because carbon was needed for life.

Eric VanEpps, 1548 E. 3115 S., said he had a doctorate degree in economics, and he specialized in consumer behavior. He said an opt-in default was not a force, but a choice for residents. Statistics of opt-in defaults reflect more participation than choosing to opt-in. He said he would voluntarily assist in setting up mailers informing people how to opt-out of the program.

Mike Powers, 3667 Laurel Circle, said he was in favor of the bill. He said natural gas was cleaner than coal though the power plants leak it making it on par with coal. The bill allowed the opt-in for clean resource materials. He asked what the health cost would be if the City did not opt-in. He said the air quality in the valley was affecting peoples' health.

Ryan Stefani, 3563 Crestwood Drive, said he had to inquire about BlueSky participation with Rocky Mountain Power, he was not informed about it. He said there was no downside yet for the City to opt-in to the program.

Jay D., 3882 Brockbank Drive, said he was an anxious college student and did not want to bring children into the world. He said forests would burn because bark beetles do not die due to the winters not getting cold enough.

Sharee Hughes, 1422 E. 3010 S., said she did not understand H.B. 411. She said she participated in the BlueSky program. Her power bill was low, and she could afford a couple extra dollars increase for the program. She said she was in favor of renewable energy because the air quality was bad.

Gerald Lazar, 4187 S. Neptune Drive, said he has watched the pollution move up the valley as he has lived in Millcreek. If he were younger, he would not live in the valley because the air quality was bad. He said people do not trust Rocky Mountain Power though he was a BlueSky member.

Arya Barkesseh, 3471 Brockbank Drive, said he was a senior at West High School. He said Millcreek was a great place to raise kids. He said the air quality had been increasingly getting worse. As a new city, Millcreek should take initiatives to take care of the citizens.

Elise Lazar, 4187 S. Neptune Drive, brought up extinction rebellion which is a movement on climate crisis (change). She said people need to get away from using all fossil fuels, which includes natural gas. She said she supported H.B. 411.

Richard Christiansen, 3025 S. 1935 E., said he had worked in the oil and gas industry and people waste fuel. The problem with H.B. 411 was the need to have a way to produce electrical energy at all times. There should be a fully operable power station that was not affected by the weather and that it was good to have a mixture of options. He said energy was fundamental to society and asked that caution be exercised.

Bill Hodson, 3020 Metropolitan Way, said he was in favor of renewable energy. He said he has been building a shed for car charging. He hoped the City was pro innovation to lead the way as being progressive with this and other initiatives.

Council Member Jackson moved to close public comment. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

Mayor Silvestrini said the Council would discuss and consider the resolution on H.B. 411 at the next Council meeting on Tuesday, November 12th. He said the Council had spent two work

sessions on the topic. He said the Council had been receiving comments from the public via email and still welcomed them.

3. Planning Matters

3.1 Discussion and Consideration of Ordinance 19-45, Amending the Together General Plan by Changing the Future Land Use Map in the Area of 4000 South and 700 West from Neighborhood 2 to Neighborhood 1; Blaine Gehring, Planner

Blaine Gehring said planning staff processed an amendment to the Millcreek Together General plan in response to a neighborhood petition. The request was to change the area in the vicinity of 4000 S. and 700 W. designated as Neighborhood 2 on the Future Land Use Map to a Neighborhood 1 designation. Millcreek has two agricultural zones remaining in the area which host a variety of agricultural uses that are no longer compatible with urban living. The subject area is approximately one mile west from the Meadowbrook TRAX Station and is situated among other medium to high density housing just to the north and into South Salt Lake. Gehring said basic planning concepts encourage a higher density of residential when in close proximity to public transit and parks. One of the goals of the Millcreek Together General Plan is to increase the amount of affordable housing in the City. Millcreek's Future Land Use Map indicates the area to be designated as "Neighborhood 2" to accommodate a mix of different higher density housing types. During the overall General Plan process, it was felt that this was a good area where medium density housing could be developed at a more affordable price range. The area was designated Neighborhood 2 because of its adjacency to existing multiple family housing, a large public park, and industrial zoning. At their meeting on September 3, 2019, the Millcreek Community Council sent a favorable recommendation to the Planning Commission. At their meeting on September 18, 2019, the Millcreek Planning Commission voted 4 in favor and 3 against a motion to send a favorable recommendation to the City Council to change the area near 4000 S. 700 W. from Neighborhood 2 to Neighborhood 1 designation. Mayor Silvestrini asked for public comment.

Bill Hodson, 3020 Metropolitan Way, asked what the application entailed. Council Member Marchant said it was a change to the General Plan map, not the current zoning. Mayor Silvestrini said it would not change the use of the property, but the General Plan which provides guidance to what zoning should be adopted in the future. By changing the designation, the long-term plan would be preserved as less dense residential. He said the area is currently rural with open space but was adjacent to high density and TRAX. The petition was started by the residents living there because they did not engage in the General Plan process. Mayor Silvestrini said the Council had been open to listening to suggestions on changing the Future Land Use map to accommodate what people wanted to see for future planning and this application was an extension of that. The property was currently zoned agricultural.

Marv Poulson, 3631 Carolyn Street, said he was in favor of the citizen petition.

Brandi Southard, 4088 S. 700 W., said the neighborhood residents were not given General Plan notice because they have a Taylorsville zip code. She said property in their neighborhood had not been sold or purchased since the General Plan was adopted which meant that none of it was purchased with the belief that higher density should be allowed.

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She said the General Plan's purpose was to also preserve the existing single-family neighborhoods.

Council Member Catten said the area was in the most western part of the City. She said because the neighborhood may have been missed in the General Plan process, there was some validity to the request. She said other neighborhoods requested designations on the map. She said because the designation was being changed, that did not mean property owners did not have the right to request a zone change; every property owner has the right to develop their property. Mayor Silvestrini said he felt terrible the neighbors were not involved in the General Plan engagement process because the City tried to engage with every resident. He said the petition was initiated because a property owner applied for a rezone (Rick Whiting and Jason Williams). He wanted to accommodate the property owners who want the designation change and others to be able to develop. He said he approved of the designation for the neighborhood except for Mr. Whiting's property. Council Member Jackson asked about the density of the current zone and asked if removing the General Plan neighborhood designation from Whiting's property would affect his ability to develop it. Francis Lilly said the current A-1 zone on Whiting's property allowed planned dwelling groups. He then read from Millcreek Code section 19.48.100, "The allowable density for planned unit developments and dwelling groups shall be determined by the planning commission on a case by case basis, taking into account the following factors: recommendations of non-City agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable general plan." Council Member Marchant said allowing Whiting's property to remain as Neighborhood 2 would act as a buffer from the adjacent higher density properties. Mayor Silvestrini invited more public comment.

Hilary Lambert, Millcreek Community Council, said the Community Council's recommendation of approving the designation was based on preserving the Jordan River corridor and not spot zoning Whiting's property. She said there had been many project proposals by Mr. Whiting, and they had not seen his latest proposal (duplexes). Council Member Catten said there had been neighborhood meetings since the Millcreek Community Council Meeting. Council Member Marchant said the compromise (between the area neighbors and Mr. Whiting on developing duplexes) had not been proposed to the Community Council for consideration.

Marv Poulson said what the Mayor was proposing was ad hoc and an exception to the application should be entertained by the community council.

Brandi Southard said in the A-1 Zone, Whiting could have up to 8 units per acre with a two-family dwelling. Mayor Silvestrini said he did not want the General Plan designation to interfere with the compromised development for Mr. Whiting with the neighbors. She said the neighborhood had been united throughout the process and agreed to the last proposal Whiting brought to them.

Mayor Silvestrini asked John Brems how to approve the map designation without interfering with Mr. Whiting's development. Francis Lilly said the A-1 Zone can consider the General Plan in evaluating appropriate densities. The General Plan describes Neighborhood 2 as 6-18 dwelling units per acre, which best fits how the neighborhood is.

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He said staff was concerned that the A-1 Zone allows duplexes, but duplexes are not consistent with the Neighborhood 1 designation. Lilly said Mr. Whiting had abandoned his first two development applications. He said the Planning Commission would have to look at mitigating harm with conditional use permits. He said he could communicate the Council's discussion to the Planning Commission. Council Member Jackson said she was in favor of the change of designation.

Council Member Jackson moved to approve Ordinance 19-45, Amending the Together General Plan by Changing the Future Land Use Map in the Area of 4000 South and 700 West from Neighborhood 2 to Neighborhood 1. Council Member Catten seconded. The City Recorder called for the vote. The motion passed unanimously. Mayor Silvestrini thanked the residents for their comments and cooperation.

4. Financial Matters

4.1 FY 2019-20 Quarterly Report for the Period Ending September 30, 2019; Laurie Johnson, HR-Finance Director

Laurie Johnson said 25% of the budget year had passed; 8.7% of General Fund revenues had been received and 25.02% of the General Fund budget had been expended. She said 1.89% of property tax and one month of sales tax had been received and other revenues were on track. Mayor Silvestrini asked about the 41% received in building permits. Council Member Jackson said it reflected the summer building season.

Johnson then went over General Fund expenses by department. The Mayor and Council's budget was lower than expected with 52% of the budget available due to one-time payments to the Utah League of Cities and Towns and Central Wasatch Commission. The City Manager budget was on track with 74% of the budget available. The Justice Court budget was at 100% because no bills had come through yet. The Legal Services budget was higher than expected with 84% available. The Public Safety budget was within parameters with 74%. The City Recorder budget was within parameters at 84% but would decrease when the County elections bill came. The Building Services budget was on track with 75%, though the professional services line item would need to be increased with the next budget amendment. The Communications and Programs budget was at 83% and the professional services line item would need to be increased in the next amendment. The Emergency Management budget was on track at 76% as was the Information Center budget at 76%. The IT Management budget was high at 90% because equipment and software budgets had not been expended yet. The Economic Development budget was at 73%, Business License Administration budget at 76%, and Finance budget at 75% were all within expected parameters. The Human Resources budget was higher than expected at 85%. The Non-Departmental budget was low at 6% because of the transfer to the Capital Improvement Project budget. The Legislative Policy budget was at 72% and would need an amendment with the travel line item in the next amendment. The Facilities budget was at 76%, Fleet at 85%, Planning and Zoning at 73%, and Promise Program at 76% were all on track. The Public Works budget was high at 95% because of a lack of billing from Salt Lake County for services as well as the Class B & C Road Funds at 100%. She said the overall budget was on track at 74% still available. The Capital Improvement Project fund was at 99% because billings had not yet come through.

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Mayor Silvestrini asked about the 50/50 sidewalk program expenses. Johnson said funds could be carried forward between fiscal years, so the prior fiscal year balances would be added in the next budget amendment. John Miller guessed the amount of expenditures was about half of what was budgeted. Mayor Silvestrini wondered about expanding the program for fixing curb and gutter. Miller said the Council previously discussed it and he had been allowing those fixes. John Brems said the ordinance should be amended to allow curb and gutter repairs. Miller said road cuts would not be allowed in new streets and mentioned that curb and gutter repairs are equally important to sidewalks. The Council gave staff direction for an ordinance amending code that would allow the 50/50 program to be used for curb and gutter improvements. Johnson said the 2018-19 Fiscal Year audit would come to the Council at their meeting on November 12th. She said the audit had been going well. She felt the auditors would have recommended implementing a new financial management software had they not taken the initiative already.

Council Member Catten moved to accept the quarterly report. Council Member Marchant seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

2. Business Matters continued

2.2 Discussion and Consideration of Ordinance 19-44, Amending Various Sections of Millcreek Code Related to the Definition of Junk (9.56.010 and 9.56.020), Eliminating the Term "Real Estate Section" (14.04.140 and 14.48.050), Eliminating the References to Canyon and Rural Roads (14.28 and 14.12.100), and Changing the Time Period that a Vehicle left Parked in the Same Place Constitutes a Nuisance (11.40.020); John Brems, City Attorney

John Brems said the intent of the ordinance was to clean up Millcreek code by removing irrelevant sections carried over from the County, using the same "junk" definition throughout the code, and making ordinances consistent with state statute.

Council Member Jackson moved to adopt Ordinance 19-44, Amending Various Sections of Millcreek Code. Council Member Catten seconded. The City Recorder called for the vote. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini said there was an open house on the 3900 S. project last week. John Miller said over 100 people attended. He said the City would lease property to tie in driveways. Mayor Silvestrini said the lease would be a construction easement while work was being done. He said he went on a tour of Jordan River facilities with County Mayor Jenny Wilson and others and discussed putting a trail on both sides of the Jordan River. He said he made a presentation on the grant funding Millcreek had received for work along the Jordan River. He said he attended the Council of Mayors meeting and they discussed coordination of transportation and economic development between the three cities of Millcreek, Holladay, and Cottonwood Heights. Mayor Silvestrini said he met with Chief Peterson with Unified Fire Authority (UFA) about the construction of the new Fire Station 112 on Jupiter Drive and funding for seismic retrofitting for other stations in the system. He reported that the other two stations in Millcreek were seismically sound.

5.2 City Council Member Reports

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Council Member Jackson said she attended the Youth Council dance at the Jean Massieu School of the Deaf on October 23rd. She also attended the Salt Lake City Public Utilities Board meeting and the Wilfred Stake Prepare Fair on emergency preparedness.

5.3 Staff Reports
There were none.

5.4 Unified Police Department Report
Detective Jared Nichols said calls for service (2,912) and cases (1,179) for September were about the same as August. He said citations had stabilized to 350 and there was a decrease in booking arrests, though he felt the data was not being pulled correctly. The September crime review showed a 14% increase in assaults, 68% decrease in burglaries, 6% decrease in family offenses, no change in homicide, 117% decrease in kidnappings, 4% decrease in larcenies, 29% increase in robberies, no change in sexual offenses, and a 24% decrease in stolen vehicles. He warned residents about leaving cars running in the morning during the cold months because thieves look for that. He then gave updates on the different precinct units. The Millcreek Street Crimes Unit responded to an attempted homicide in October and made an arrest on a serial mail theft suspect. The Community Crime Suppression Unit found a fugitive and exposed gambling operations on West Temple. The Community Oriented Policing Unit conducted an EASY (Eliminating Alcohol Sales to Youth) investigation and one business failed. They had an active shooter training at Fortis College and presented an officer awareness training to the Jean Massieu School of the Deaf. They also delivered pumpkins to the students at the School of the Deaf. Homeless encampments were cleaned up at 901 E. Murray Holladay Road, 3800 S. Highland Drive, and at Scott Avenue Park. Detective Nichols asked the Council for resident referrals to receive a turkey donation for Thanksgiving.

5.5 Unified Fire Authority Report
Chief Woolsey said he would present statistic data on a quarterly basis. He announced that Station 106 had a pancake breakfast that went well. He said 40 recruits were moving through the hiring process. He showed the Council a picture of a firefighter holding a large house cat named Frank the Tank and read a letter about the compassionate service the cat's owner, Mary, had received from the firefighters in helping her overcome her pain pill dependency.

6. Consent Agenda
5.1 Approval of October 12, 2019 Special Meeting Minutes

Council Member Jackson moved to approve the minutes of the special meeting on October 12th. Council Member Marchant seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

6. New Items for Subsequent Consideration
There was none.

7. Calendar of Upcoming Events
- Mt. Olympus Community Council Mtg., 11/5/19, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 11/5/19, 6:30 p.m. at City Hall

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- Canyon Rim Citizens Association Mtg., 11/6/19, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 11/7/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., TUESDAY 11/12/19, 5:00 p.m. at City Hall
- City Council Work Mtg., 11/18/19, 5:30 p.m. at City Hall
- Planning Commission Mtg., 11/20/19, 5:00 p.m. at City Hall
- City Council Mtg., 11/25/19, 5:00 p.m. at City Hall

Mayor Silvestrini went over the calendar of upcoming events.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 9:33 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____ Date
Jeff Silvestrini, Mayor

_____
Attest: Elyse Greiner, City Recorder

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