Millcreek City Council
Meeting Agenda

Public Notice is hereby given that the City Council of Millcreek will assemble in a regular public meeting on Monday, **11 October 2021** at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at **7:00 p.m**.

7:00 p.m. - REGULAR MEETING:

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance
1.2 Personal Privilege Statement; Council Member Uipi
1.3 Public Comment
Audience members may bring any item to the Council's attention. Comments are subject to the Public Comment and Policy set forth below. State Law prohibits the Council from acting on items that do not appear on the agenda.

2. Planning Matters

2.1 Discussion and Consideration of **Ordinance 21-42**, Rezoning Certain Property Located at Approximately 1315 East Magda Lane from the R-1-8 Single Family Residential Zone to the R-2-6.5 Medium Density Residential Zone
2.2 Discussion and Consideration of **Ordinance 21-43**, Approving a Development Agreement for the Magda Lane Planned Unit Development with Respect to Approximately 1.25 Acres of Real Property Located at Approximately 1315 East Magda Lane
2.3 Discussion on Caretaker Dwellings; Bruce Baird
2.4 Planning Matter First Reading: GP-21-001 / ZT-21-007, Amendment to the City Center Master Plan Regarding District Signs / Amendment to Chapter 19.82 of the Millcreek Zoning Ordinance Regarding Billboards and District Signs; Francis Lilly, Planning and Zoning Director

3. Financial Matters

3.1 1st Quarterly Report for Fiscal Year 2021-22 Budget; Laurie Johnson, HR-Finance Director

4. Business Matters

4.1 Discussion and Consideration of **Ordinance 21-41**, Appointing a Municipal Inspector
4.2 Discussion and Consideration of **Resolution 21-37**, Approving an Agreement with Baker Leavitt for Federal Lobby Services

5. Reports

5.1 Mayor's Report
5.2 City Council Member Reports
5.3 Staff Reports

6. Consent Agenda

6.1 Approval of September 13, 2021 Work Meeting and Regular Meeting Minutes
6.2 Approval of September 16, 2021 Special Meeting Minutes

7. New Items for Subsequent Consideration

8. Calendar of Upcoming Events

- Planning Commission Mtg., 10/20/21, 5:00 p.m. at City Hall
- City Council Mtg., 10/25/21, 5:00 p.m. at City Hall

9. Closed Session (If Needed)

The Council may convene in a closed session to discuss items as provided by Utah Code Ann. §52-4-205.

10. Adjournment

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or khansen@millcreek.us, at least 48 hours in advance of the meeting.

Public Comment Policy and Procedure: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Council may be asked to complete a written comment form and present it to the City Recorder. In general, the Chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the Chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The Chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action. *Public comment can be submitted via the City's website at: https://millcreek.us/FormCenter/Contact-Us-5/Public-Comments-61.*

The meeting will be live streamed via the City's website at: https://millcreek.us/373/Meeting-Live-Stream. The Council may convene in an electronic meeting. Council members may participate from remote locations and may be connected to the electronic meeting by GoToMeeting, Zoom, or telephonic communications. The anchor location will be City Hall.

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF MILLCREEK HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

City Offices	City Website	Utah Public Notice Website
Those Listed on the Agenda	http://millcreek.us	http://pmn.utah.gov

DATE: October 7, 2021 CITY RECORDER: Elyse Sullivan

Agenda items may be moved in order, sequence, and time to meet the needs of the Council.

MILLCREEK, UTAH
ORDINANCE NO. 21-42

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 1315 EAST MAGDA LANE FROM THE R-1-8 SINGLE FAMILY RESIDENTIAL ZONE TO THE R-2-6.5 MEDIUM DENSITY RESIDENTIAL ZONE

WHEREAS, the Millcreek Council ("Council") met in regular session on October 11, 2021 to consider, among other things, an ordinance rezoning certain property located at approximately 1315 East Magda Lane from the R-1-8 Single Family Residential Zone to the R-2-6.5 Medium Density Residential 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 December 11, 2019, the required public hearing notice was published; and

WHEREAS, on December 3, 2019, the proposed amendment was submitted to the community council for its recommendation; and

WHEREAS, on December 18, 2019, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on December 18, 2019, the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the December 18, 2019 planning commission meeting, the planning commission voted to continue this matter to a subsequent meeting for further consideration; and

WHEREAS, at the August 21, 2021 planning commission meeting the Millcreek Planning Commission recommended approval of the proposed rezone subject to a development agreement; 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 October 6, 2021, the Council caused the required notice to be given; and

WHEREAS, on October 11, 2021, 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 Salt Lake County planning and development services division on behalf of the City; and

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-19-012 filed by Salem Holdings the property located at approximately 1315 East Magda Lane is hereby rezoned/reclassified from the R-1-8 zone to the R-2-6.5 zone, such property being more particularly described as follows:

Parcel No. 16-32-485-007
4101 South 1300 East

BEG 7 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; E 70 FT; N 78 FT; W 70 FT; S 78 FT TO BEG. 0.13 AC, M OR L. 5130-0097 5494-2828 5560-1774 5576-0283 5757-1860 6838-1833 7482-1285 8610-4221 9865-7827 9908-7169 10261-0689

Parcel No. 16-32-485-004
1313-1315 East Magda Lane

BEG N 78 FT FR SW COR LOT 7, BLK 2, TEN ACRE PLAT A, BIG FIELD SUR; N 78 FT; E 115 FT; S 78 FT; W 115 FT TO BEG. 0.21AC. 4922-1159,1160 4922-1161 5493-0409 6823-342 6823-0342 7298-2381 7390-1266 7691-1447 8310-0559 8443-2427 8742-4446 9363-4532 9865-7828 9908-7170 10261-0688

Parcel No. 16-32-485-005
1317-1319 East Magda Lane

BEG 156 FT N & 115 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; S 65 FT; E 75 FT; N 65 FT; W 75 FT TO BEG 0.11 AC, M OR L. 4799-569 4603-0793 5560-1773 5576-0283 5694-1556 5756-1690 5805-1620 5932-1129 5943-2552 6024-2830 6531-1837 6560-1034 7399-1150 7560-2042 7691-1447 8310-0572 8443-2427 8762-3574 10055-7710

10261-0690

Parcel No. 16-32-485-008
1318-1320 East Magda Lane

BEG 77 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELDSUR; N 78 FT; E 103 FT; S 78 FT; W 103 FT TO BEG. 0.18 AC 5024-0883 5560-1778 5576-0283 5694-1556 5756-1690 5805-1620 5942-0228 5990-1193 6217-0497 6645-1654 6689-1681 8312-7330 8443-2427 8801-0254 10055-7710 10261-0692

Parcel No. 16-33-385-005
1321-1323 East Magda Lane

BEG E 180 FT FR SW COR LOT 7 BLK 2, TEN AC PLAT A, BIG FIELDSUR; E 176 FT; N 156 FT; W 166 FT; S 65 FT; W 75 FT; S 13 FTE 65 FT; S 78 FT TO BEG. 0.63 AC 4783-1086 5560-1775 5576-0283 5694-1557 5756-1690 5805-1620 6838-1833 6927-721 6927-0723 7401-0365 8312-7338 8443-2427 8801-0276 10055-771010628-1070

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 no. 21-42, 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 11th day of October, 2021.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, 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 21-42: AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 1315 EAST MAGDA LANE FROM THE R-1-8 SINGLE FAMILY RESIDENTIAL ZONE TO THE R-2-6.5 MEDIUM DENSITY RESIDENTIAL ZONE
was passed and adopted the 11th day of October 2021 and certifies that copies of the foregoing Ordinance 21-42 were posted in the following locations within the municipality this ____ day of October, 2021.

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 Sullivan, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 21-43

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH SALEM HOLDINGS FOR THE MAGDA LANE PLANNED UNIT DEVELOPMENT WITH RESPECT TO APPROXIMATELY 1.25 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 1315 EAST MAGDA LANE

WHEREAS, the Millcreek Council ("*Council*") met in regular meeting on October 11, 2021 to consider, among other things, an ordinance of the Millcreek Council approving a master development agreement for the Magda Lane Planned Unit Development with respect to approximately 1.25 acres of real property located at approximately 1315 East Magda Lane; 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.

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 11th day of October, 2021.

M**ILLCREEK**

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, 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 21-43: AN ORDINANCE OF THE MILLCREEK COUNCIL APPROVING A DEVELOPMENT AGREEMENT WITH SALEM HOLDINGS FOR THE MAGDA LANE PLANNED UNIT DEVELOPMENT WITH RESPECT TO APPROXIMATELY 1.25 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 1315 EAST MAGDA LANE
was passed and adopted the 11th day of October 2021 and certifies that copies of the foregoing Ordinance 21-43 were posted in the following locations within the municipality this ____ day of October, 2021.

1. Millcreek City Hall, 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 Sullivan, 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 26th day of August 2021, by and between Salem Holdings ("Developer"), for the land to be included in or affected by the project located at approximately 1313-1331 Magda Lane in Millcreek Utah, 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 1.25 acres of real property located at 1313-1331 Magda Lane in Millcreek, Utah ("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 Planned Unit Development ("PUD") consisting of apartments and offices (the "Project") on the Property; and

WHEREAS, Developer hereby represent 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 and B 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:	Salem Holdings 48 West Broadway, # 2301 North Salt Lake City, Utah 84101
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 until August 26, 2030 and shall automatically expire on such date.

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 Sullivan, MMC, City Recorder

DEVELOPER

By: _____

Title: _____

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

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Jeff Silvestrini and Elyse Greiner as the Mayor and the City Recorder, 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 _____ 2021 by _____.

_____
Notary Public

Exhibit A
Legal Descriptions

Parcel No. 16-32-485-007
4101 South 1300 East

BEG 7 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; E 70 FT; N 78 FT; W 70 FT; S 78 FT TO BEG. 0.13 AC, M OR L. 5130-0097 5494-2828 5560-1774 5576-0283 5757-1860 6838-1833 7482-1285 8610-4221 9865-7827 9908-7169 10261-0689

Parcel No. 16-32-485-004
1313-1315 East Magda Lane

BEG N 78 FT FR SW COR LOT 7, BLK 2, TEN ACRE PLAT A, BIG FIELD SUR; N 78 FT; E 115 FT; S 78 FT; W 115 FT TO BEG. 0.21AC. 4922-1159,1160 4922-1161 5493-0409 6823-342 6823-0342 7298-2381 7390-1266 7691-1447 8310-0559 8443-2427 8742-4446 9363-4532 9865-7828 9908-7170 10261-0688

Parcel No. 16-32-485-005
1317-1319 East Magda Lane

BEG 156 FT N & 115 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; S 65 FT; E 75 FT; N 65 FT; W 75 FT TO BEG 0.11 AC, M OR L. 4799-569 4603-0793 5560-1773 5576-0283 5694-1556 5756-1690 5805-1620 5932-1129 5943-2552 6024-2830 6531-1837 6560-1034 7399-1150 7560-2042 7691-1447 8310-0572 8443-2427 8762-3574 10055-7710 10261-0690

Parcel No. 16-32-485-008
1318-1320 East Magda Lane

BEG 77 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELDSUR; N 78 FT; E 103 FT; S 78 FT; W 103 FT TO BEG. 0.18 AC 5024-0883 5560-1778 5576-0283 5694-1556 5756-1690 5805-1620 5942-0228 5990-1193 6217-0497 6645-1654 6689-1681 8312-7330 8443-2427 8801-0254 10055-7710 10261-0692

Parcel No. 16-33-385-005
1321-1323 East Magda Lane

BEG E 180 FT FR SW COR LOT 7 BLK 2, TEN AC PLAT A, BIG FIELDSUR; E 176 FT; N 156 FT; W 166 FT; S 65 FT; W 75 FT; S 13 FTE 65 FT; S 78 FT TO BEG. 0.63 AC 4783-1086 5560-1775 5576-0283 5694-1557 5756-1690 5805-1620 6838-1833 6927-721 6927-0723 7401-0365 8312-7338 8443-2427 8801-0276 10055-771010628-1070

Exhibit B

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

1. **Height.** The height of the buildings will not exceed 28 feet in height.

2. **Setbacks.** The setbacks for each building and the perimeter setback for the Planned Unit Development shall be as established on the attached site plan, Exhibit C.

3. **Parking.** The project will include 58 parking stalls for the development. There will be 12 units with 3 parking spaces each, and 4 units with 4 parking spaces each, and 6 guest parking spaces.

4. **Open Space.** The project will consist of open space totaling forty-six percent (46%)of the project site. Twenty-two percent (22%) of the open space will be common, and twenty-four percent (24%) of the open space will be private.

5. **Amenities.** The open space will include the following residential amenities: Community Garden consisting of at least 16 garden beds, that are at least 12 feet long by 3 feet in width.

6. **Screening.** Parking between 1300 E and the buildings fronting 1300 E shall be screened from view with an evergreen hedge.

7. **Units.** The project will consist of 12 four-bedroom units, and 4 five-bedroom units.

8. **Lighting.** The developer will install Street lights on the south side of Magda Lane as shown in the drawing. Lighting shall be dark-sky compliant.

9. **Fencing.** The developer will install Wooden Fencing along perimeter of PUD. Fencing shall be subject to the requirements for fencing in the PUD ordinance.

10. **Uses.** Uses will be limited to 16 Residential Twin Homes.

11. **Landscaping.** Landscaping will be provided as provided in the attached landscape plan, and shall include an ornamental tree in front of each unit. Trees, community garden space, resident's choice. Trees will be preserved per the tree preservation plan indicated in the attached exhibit.

12. Materials. The project will consist of the following materials.

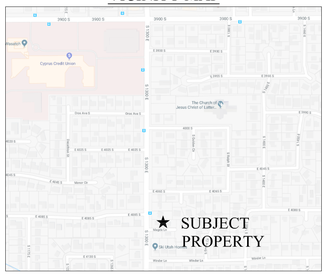
a. White Jerusalem Stone
b Stucco
c Wood

13. Arrangement of the materials and the windows will be as shown on the attached renderings.

14. Dedication. As part of the Planned Unit Development approval, the Developer shall dedicate a portion of 1300 East as required by Millcreek Public Works.

Exhibit C - Page 1

VICINITY MAP



RECORD LEGAL DESCRIPTION

4101 S 1300 E BEG 7 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; E 70 FT; N 78 FT; W 70 FT; S 78 FT TO BEG. 0.13 AC, M OR L.

1313-1315 E MAGDA LN BEG N 78 FT FR SW COR LOT 7, BLK 2, TEN ACRE PLAT A, BIG FIELD SUR; N 78 FT; E 115 FT; S 78 FT; W 115 FT TO BEG. 0.21 AC.

1317-1319 E MAGDA LN BEG 156 FT N & 115 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; S 65 FT; E 75 FT; N 65 FT; W 75 FT TO BEG 0.11 AC, M OR L.

1318-1320 E MAGDA LN BEG 77 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; N 78 FT; E 103 FT; S 78 FT; W 103 FT TO BEG. 0.18 AC

1321-1323 E MAGDA LN BEG E 180 FT FR SW COR LOT 7 BLK 2, TEN AC PLAT A, BIG FIELD SUR; E 176 FT; N 156 FT; W 166 FT; S 65 FT; W 75 FT; S 13 FT E 65 FT; S 78 FT TO BEG. 0.63 AC

NEW LEGAL DESCRIPTION

LEGAL DESCRIPTION OF PUD

BEG 156 FT N & 7 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; E 349 FT; S 156 FT; W 349 FT; N 156 FT TO BEG, M OR L. 1.25 AC, M OR L.

LEGAL DESCRIPTION OF LAND TO BE DEDICATED TO THE CITY STREET

BEG 78 FT N FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; N 78 FT, E 7 FT, S 78 FT, W 7 FT TO BEG. 0.01 AC, M OR L.

DRAWING LEGEND

BOUNDARY LINE (SUBJECT PROPERTY)

STREET MONUMENT LINE

FENCE

STRUCTURE – HOUSE/GARAGE

STREET MONUMENT (FOUND)

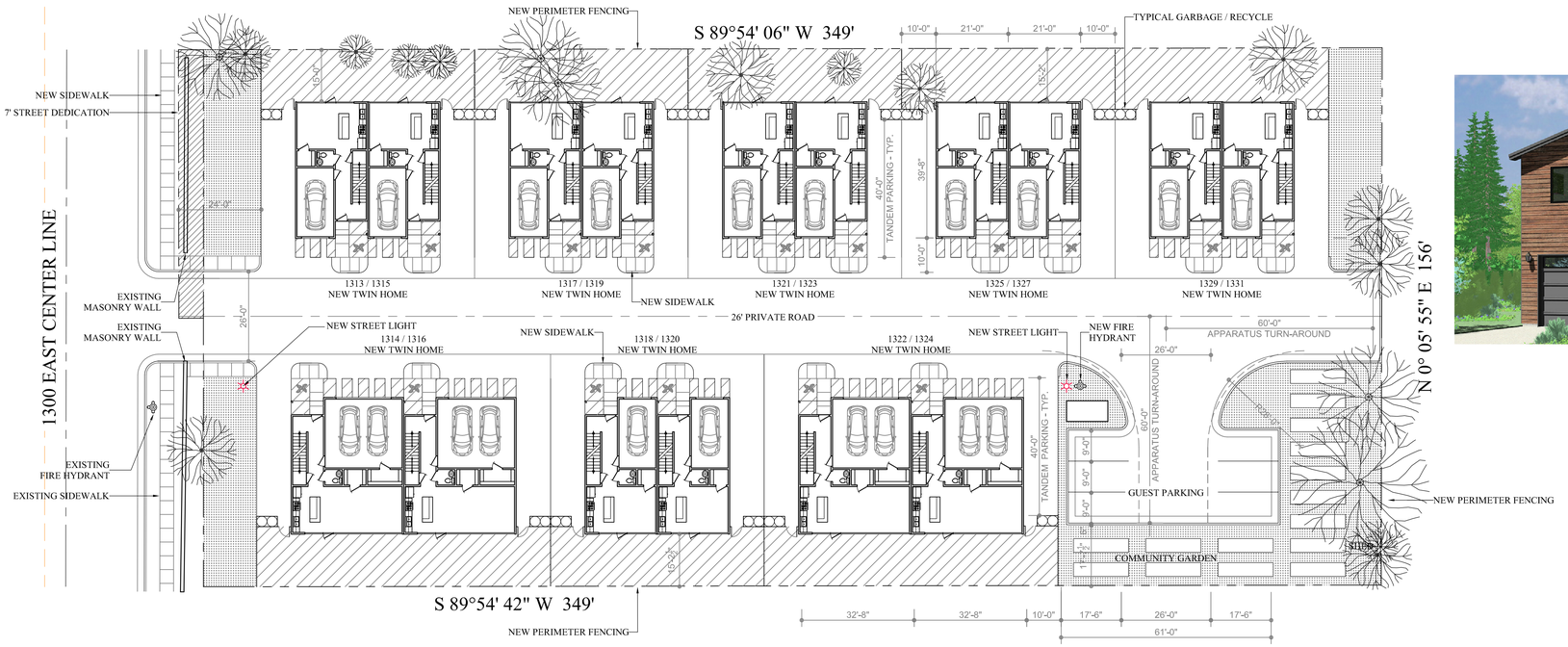
FOUND REBAR TAG LS 7731

COMMON OPEN SPACE

PRIVATE OPEN SPACE

PARKING SUMMARY

TOTAL PRIVATE PARKING	52 SPACES
TOTAL GUEST PARKING	6 SPACES
TOTAL PARKING	58 SPACES





PROPOSED HEIGHT 28'-0" ABV. EXISTING GRADE

PRELIMINARY RENDERING

PRELIMINARY P.U.D. PROPOSAL & ZONING CHANGE TO R-2-6.5

GRAPHIC SCALE

20 0 10 20 40 60

(IN FEET)
1 inch = 20 ft.

SHEET: 1 OF 1

LOCATED IN SALT LAKE COUNTY, UTAH

PRELIMINARY P.U.D. PROPOSAL
MAGDA LANE

712 5th Ave.
Salt Lake City,
Utah 84103

801-450-3732
JasonRPerkins@gmail

CLIENT: RAED SALEM

DWG:

JOB No:

DRAWING IS REDUCED IF LESS THAN 24"x36". DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALE

DRAWN BY:

DESIGN BY:

CHECKED BY:

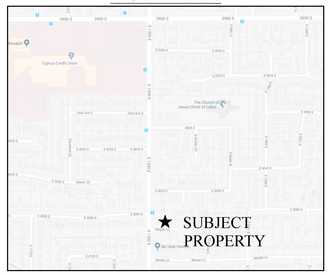
DATE: 09/02/21

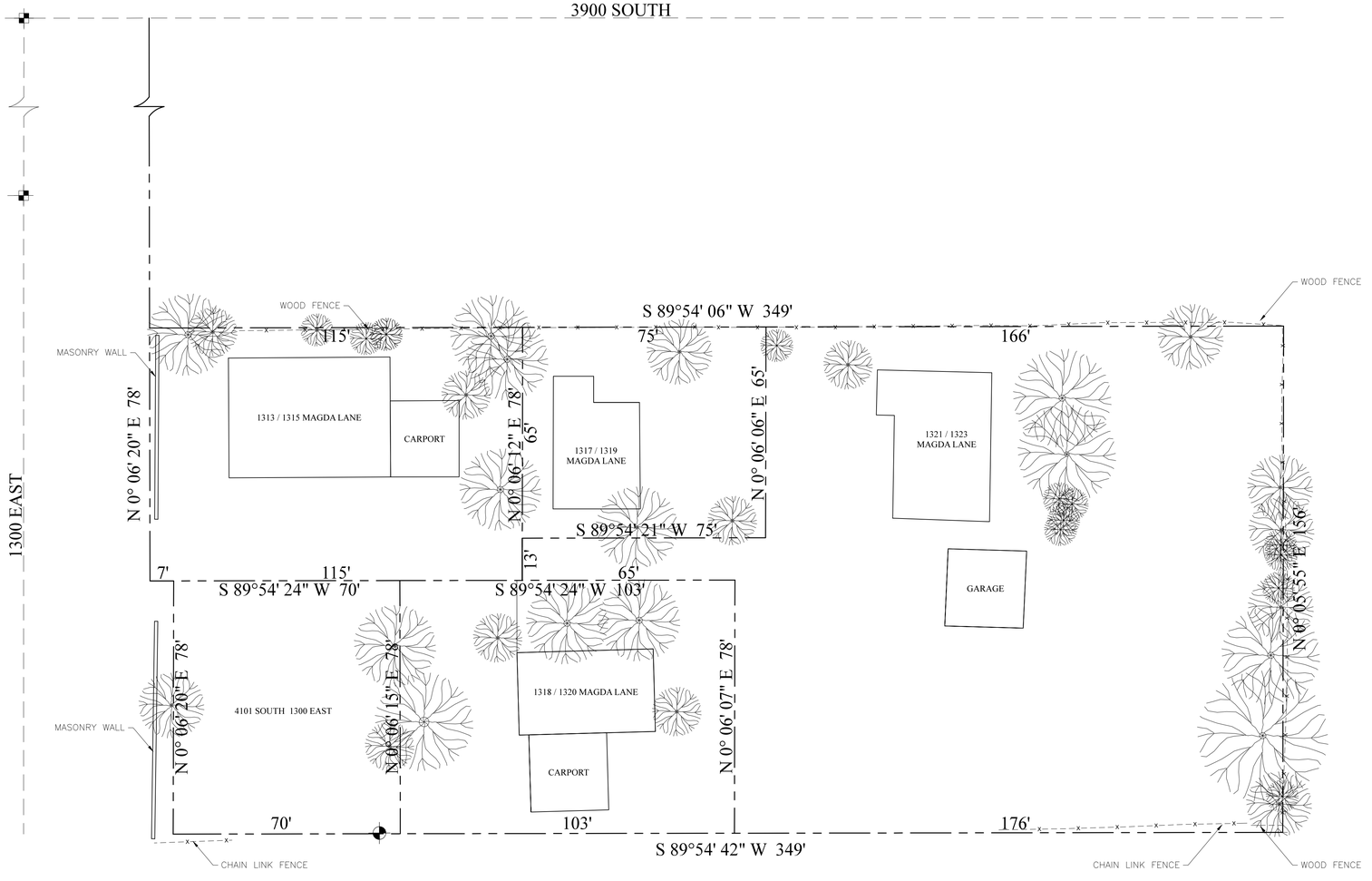
REVISIONS

No.	DATE	BY	DESCRIPTION

Exhibit C - Page 2

VICINITY MAP





DRAWING LEGEND

BOUNDARY LINE (SUBJECT PROPERTY)

STREET MONUMENT LINE

FENCE

STRUCTURE – HOUSE/GARAGE

STREET MONUMENT (FOUND)

FOUND REBAR TAG LS 7731

RECORD LEGAL DESCRIPTION

4101 S 1300 E BEG 7 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; E 70 FT; N 78 FT; W 70 FT; S 78 FT TO BEG. 0.13 AC, M OR L.

1313-1315 E MAGDA LN BEG N 78 FT FR SW COR LOT 7, BLK 2, TEN ACRE PLAT A, BIG FIELD SUR; N 78 FT; E 115 FT; S 78 FT; W 115 FT TO BEG. 0.21 AC.

1317-1319 E MAGDA LN BEG 156 FT N & 115 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; S 65 FT; E 75 FT; N 65 FT; W 75 FT TO BEG 0.11 AC, M OR L.

1318-1320 E MAGDA LN BEG 77 FT E FR SW COR LOT 7, BLK 2, TEN AC PLAT A, BIG FIELD SUR; N 78 FT; E 103 FT; S 78 FT; W 103 FT TO BEG. 0.18 AC

1321-1323 E MAGDA LN BEG E 180 FT FR SW COR LOT 7 BLK 2, TEN AC PLAT A, BIG FIELD SUR; E 176 FT; N 156 FT; W 166 FT; S 65 FT; W 75 FT; S 13 FT E 65 FT; S 78 FT TO BEG. 0.63 AC

SURVEYORS NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS BETWEEN THE FOUND SALT LAKE CITY STREET MONUMENT FOR THE INTERSECTIONS OF 1300 EAST / 4085 SOUTH & 1300 EAST / 3900 SOUTH.

2. THE PURPOSE OF THIS SURVEY WAS TO LOCATE THE EXISTING BUILDING AND FENCE LINES IN RELATION TO HE RECORD LEGAL DESCRIPTIONS AS A PRELIMINARY SITE PLAN TO CREATE A P.U.D. - ADDING ADDITIONAL BUILDINGS AND AS EVIDENCE TO APPLY FOR A ZONING VARIANCE.

3. REFERENCED DOCUMENTS ARE AS FOLLOWS:
   - SURVEY - S91-12-0660
   - SURVEY - S91-03-0173
   - EMMA CIRCLE RECORDED # 3189441
   - SLOAN SUBDIVISION RECORDED # 6010756
   - SEC. 33 T1S-R1E AREA REFERENCE PLAT
   - BLOCKS 1 & 2, 10 ACRE PLAT "A" B.F.S.

GRAPHIC SCALE

20 0 10 20 40 60

(IN FEET)
1 inch = 20 ft.

SHEET: 1 OF 1

LOCATED IN SALT LAKE COUNTY, UTAH

PRELIMINARY P.U.D. SURVAY
MAGDA LANE

712 5th Ave.
Salt Lake City,
Utah 84103

801-456-7732
JasonRPerkins@gmail

Lion Surveying
King of Surveys

CLIENT: RAED SALEM

DWG:

JOB No:
DRAWING IS REDUCED IF LESS THAN 24"x36". DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALE.

DRAWN BY:

DESIGN BY:

CHECKED BY:

DATE: 01/26/21

REVISIONS

No.	DATE	BY	DESCRIPTION

MILLCREEK PLANNING AND ZONING
3330 SOUTH 1300 EAST
MILLCREEK, UTAH 84106

MEMORANDUM

To: **City Council**
From: **Francis Xavier Lilly, AICP, Planning Director**
Meeting Date: **11 October 2021**

Re: **GP-21-001** **Amendment to the City Center Master Plan Regarding District Signs**

ZT-21-007 **Amendment to Chapter 19.82 of the Millcreek Zoning Ordinance Regarding Billboards and District Signs**

Summary and Scope of Decision

Millcreek has identified a billboard at 1333 East 3300 South as a development impediment to the southwest corner of Millcreek Common, a site that will include City Hall. The impediment is not just the sign itself, but it is also a right of first refusal that the sign operator, Reagan Outdoor Advertising (ROA) has on the property immediately adjacent to the west of the billboard. Under state law, the City has limited options for terminating a billboard and associated rights. In evaluating ways to remove the sign, the City approached the sign operator, ROA to discuss options for removing the sign and the right of first refusal.

The purpose of this request is to consider a general plan amendment and an amendment to the Millcreek Zoning Ordinance to accommodate digital district signs solely in Millcreek's City Center.

As a result of the discussions with ROA, the City and ROA prepared a proposed agreement in a Memorandum of Understanding (MOU) pending City Council Approval. The MOU identifies four signs in the City Center area to be removed:

Sign 1: **1325 East 3300 South**
Faces: 2
Dimensions: 10'6" x 36"
Total Area: 721 sf
Height: 35 feet



Sign 2: **1333 East 3300 South**
Faces: 2
Dimensions: 10'5" x 22'8"
Total Area: 472 sf
Height: 33.5 feet



Sign 3: **3155 South Highland Drive**
Faces: 4
Dimensions: 10'5" x 22'8"
Total Area: 944 sf
Height: 48 feet



Sign 4:	**3155 South Highland Drive**
Faces:	2
Dimensions:	5' x 11'
Area:	110 sf
Height:	25 feet



The combined sign area of the signs to be removed is 2,247 square feet.

In exchange for removing the signs, the MOU stipulates that ROA would build and give to the city three digital signs district signs, each with two 288 sf digital sign faces, and that the City would lease the sign to ROA to operate for a term of forty years. Advertisements would be limited to an 8 second dwell time, and four of each ten advertising "turns" would be reserved for the sole use of the City throughout each day. The concept district sign will adhere to the following dimensions and design:



The signs will likely be installed on 3300 South along the Millcreek Common, and at the intersection of Chambers Avenue and Highland Drive, and Chambers Avenue and Richmond Street. Additional details are as follows:

Sign	Height	Area	Notes
Millcreek Common	26.5 feet	288 sf per face	
1300 E Chambers Avenue	30 feet	288 sf per face	Additional height of up to 35 feet may be required if the sign is located on either side of Chambers Avenue
Highland Drive / Chambers Avenue	26.5 feet	288 sf per face	Additional height of up to 35 feet may be required if the sign is located on either side of Chambers Avenue The sign will be turned off between the hours of midnight and 5 am.
Combined District Sign Area		**1,728 sf**	

The MOU also provides that ROA would relinquish its right to 924 square feet of banked sign area it is entitled to use before December, 2023.

A summary of the proposed exchange of the static billboards for the digital district signs is as follows:

Billboards Removed				**District Signs Added**			
Location	**Height**	**Sign Faces**	**Area (SF)**	**Location**	**Height**	**Sign Faces**	**Area (SF)**
1325 East 3300 South	35 feet	2	721	Millcreek Common	26.5 feet	2	576
1333 East 3300 South	33.5 feet	2	472	Chambers Avenue at Richmond Street	30 feet	2	576
3155 South Highland Drive	48 feet	4	944	Chambers Avenue at Highland Drive	26.5 feet	2	576
3155 South Highland Drive	25 feet	2	110				
Subtotal		10	2,247				
ROA Billboard Bank Balance			924				
Total			**3,171**			**6**	**1,728**
Net Total Removed		**4**	**1,443**				

As you review the proposed changes below, you are encouraged to review the Millcreek General Plan (GP), the City Center Master Plan (CCMP), and the MOU itself, all of which are linked to or attached to this document.

If the City Council is to execute an agreement and license based off of the MOU prepared by staff, the City Council must also amend the Millcreek Sign Code to accommodate the change. Additionally, staff recommends an amendment to the City Center Master Plan.

The issues surrounding this proposed change are nuanced. This staff report will brief you on state statute considerations, considerations from the existing billboard ordinance, and elements from both the Millcreek General Plan and the City Center Master Plan.

The MOU is a result of a series of conversations between the City and ROA, and is a voluntary effort on both parties to suggest a means of reducing reduce the number and combined square footage of billboards where feasible, which is a policy adopted by the City in its billboard ordinance update in 2020.

Pursuant to **§19.90.010** of the Millcreek Code, The City Council may amend the number, shape, boundaries or area of any zone or any regulation within any zone. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the relevant planning commission.

Planning Commission Discussion and Recommendation

This item was formally submitted to the Planning Commission on 15 September 2021, after a review by all four community councils. At their meeting on 15 September, the Planning Commission requested additional time to consider the proposal.

Prior to the proposal being submitted to the Planning Commission, and at their public meeting on 18 August 2021, the Planning Commission formally adopted the following message, and transmitted it to the City Council:

> *To: Millcreek City Council*
>
> *From: Millcreek Planning Commission*
> *Re: Open Letter to the City Council Regarding the City Center Digital Billboard Process*
>
> *Dear City Council Members,*
>
> *An open letter from a planning commission to a city council is perhaps unprecedented, but we feel it is important that you understand our alarm at the prospect of erecting digital billboards within the City Center. Nothing in our current ordinances supports billboards in the City Center and we oppose efforts to approve them without a robust open public process.*
>
> *No support for this digital billboard plan can be found in the General Plan (adopted in 2019). The City Center Master Plan (adopted in 2019) explicitly stipulates signage that is diametrically the opposite of what constitutes a digital billboard. The City Center Overlay Zone Ordinance (adopted in 2019) prohibits digital billboards. The underlying sign and billboard ordinance (adopted in 2020) specifically prohibits digital billboards in the City Center.*
>
> *All these documents are effectively new and were adopted by the city council after extensive public involvement, including open houses, polling of residents, public hearings and public meetings. These guiding documents and ordinances represent what Millcreek residents want. If the goal of erecting digital billboards in the city center persists, these guiding documents and multiple zoning ordinances must first be changed in substantive ways. All changes in these documents should go through the same extensive process involved in their creation. That includes outreach meetings, multiple hearings, dialogue with neighborhoods throughout the entire city, the community councils, the planning commission and finally the*

city council will then be free to move forward. After the culmination of this public process, and IF the changes in these city planning documents are approved, it would then be appropriate to start the discussion of any applications relevant to this issue.

The City Council appears to be motivated by what it feels are certain immediate exigencies regarding one billboard located on 3300 South. This is not a new issue nor is it urgent that a deal be made in the near future to exchange traditional billboards for digital billboards. The City Council can start the process of condemnation to remove this billboard, and then if and after changes are approved to the ordinances and guiding documents, a deal can still be made with Reagan Outdoor Advertising, or the city can simply choose to complete the condemnation process. Revising the definition of a digital billboard to make them acceptable – by adjusting their size, height, fancy framing and duration of each digital image – will not work.

Our advice: slow down. There are rational and thoughtful alternatives that are well within the control and financial resources of the city.

Commissioners

Dave Allen

Aryel Cianflone

Scott Claerhout

Shawn LaMar

*Christian Larsen**

Victoria Reid

Skye Sieber

Tom Stephens

Ian Wright

**Mr. Larsen was not present to formally vote at the meeting but indicated via email he was in favor*

Staff was asked to prepare this discussion for a first reading before the City Council on 11 October, however in light of the Planning Commission's request for additional time, the City Council will further consider the proposed general plan amendment and text changes at their meeting on 8 November 2021.

State Statute Considerations and Options to Remove Billboards

Utah State Code provides that cities may *only* remove billboards using the following means:

10-9a-512 Termination of a billboard and associated rights.
(1) A municipality may only require termination of a billboard and associated rights through:
(a) gift;
(b) purchase;
(c) agreement;
(d) exchange; or
(e) eminent domain.
(2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent of the billboard owner.

Millcreek should consider the costs and benefits of a gift, purchase, agreement or an exchange of a billboard, relative to condemnation. The proposed MOU contemplates an agreement or exchange, allowable under state law. Other options involve a voluntary gift or a willingness to sell the billboard and the associate right of first refusal on the part of ROA, or condemnation (eminent domain).

State statute makes it very difficult and expensive for cities to remove a billboard. Prior to condemnation, sections 10-9a-512 and 10-9a-513 of the Utah Code allows a sign company the opportunity to move any billboard to another location in a city's commercial, industrial, or manufacturing zone within one mile of the original sign, subject to a 300 foot separation requirement. This provision of state code allows a sign company to modify an existing structure, such as to enlarge it to the maximum size or height allowed by a city's code. If a city denies the request, or does not respond to the request within 180 days, the city may be required to purchase the sign through an eminent domain process spelled out in state statute.

That eminent domain process accounts for not only the value of the sign itself, but for the value of the sign's contribution to a market area. Eminent domain proceedings must be directed against the *billboard owner.*

Consequently, eminent domain proceedings involving billboards in other communities, including Salt Lake City or Holladay, have resulted in those cities spending sometimes over a million dollars for the removal of a single sign and any associated rights.

The proposed MOU not only exchanges static sign area into digital sign area, but it also transfers ownership of the signs from ROA to the City. The City would own the digital district signs and ROA would operate the signs through a lease agreement with the city, that terminates after 40 years. Digital signs are obviously more valuable than static signs, and that value would be accounted for in an appraisal related to a condemnation. Generally, staff advises caution when considering a regulatory provision to convert a static sign face into a digital face, because digital signs would become much more difficult to remove through eminent domain, should a future City Council pursue that option.

One advantage of the MOU is simply that ROA does not own the digital district signs, and is thus not eligible for the statutory provisions regarding eminent domain, including the enhanced just compensation provision under Utah Code Ann. 10-9a-513(2)(e).

The property at 1333 East 3300 South is an essential part of Millcreek's City Center redevelopment effort, as it is part of a plan to include a multifamily project, a large restaurant or retail space along Millcreek Common, City Hall and a large shared public parking structure for the benefit of patrons of Millcreek Common.

Millcreek could simply condemn the sign and pay the ROA fair market value as defined in Utah State Code, but in the case of the sign at 1333 East 3300 South, ROA not only owns the sign, but it has a right of first refusal to acquire the property as well. An agreement to remove and relocate the sign could avoid a costly condemnation process, but would also resolve the right of first refusal on the property, which would otherwise be subject to a condemnation as well.

To guide the City Council's decision, staff summarized the termination options specific to the billboard in question in the chart on the following page. The summary encapsulates potential impacts relating to the billboard bank, as well as budgetary and other impacts to the City, depending on which option the City exercises to remove a billboard.

Deciding which option to pursue should consider enacted policies in the General Plan and city ordinances, as well as budgetary impacts and tradeoffs relating to eminent domain of a billboard and the associated right of first refusal.

Digital Signage Implications

Millcreek ordinance does not currently contemplate digital billboards anywhere outside of freeway corridors. Digital signage is clearly different than static signage, and a decision to allow digital signage should consider aesthetics, safety, sign brightness, and the implications of a future condemnation under the "just compensation" provision under state law.

Aesthetic Considerations

Staff acknowledges that there are significant differences on opinion regarding the aesthetics of a digital billboard relative to a static billboard. However, we note that the typical complaints regarding the aesthetics of a billboard – obstruction of view, development impediments, and their contribution to an unpleasant corridor – are just as apparent with a static sign as they are with a digital sign. Digital signs present some additional impacts, including light trespass in the evening, the possibility of animated images, and the potential for distracted driving accidents. These impacts can be controlled for and regulated through appropriate code.

Safety Considerations

There is a considerable body of research regarding digital billboards and highway safety, and there is considerable disagreement as to whether digital billboards adversely impact road safety, particularly when one considers other potential distractions, like cell phones. Staff prepared a detailed memorandum regarding digital billboards and highway safety, and obtained data on Utah highways and arterials where digital signage was placed recently.

Staff also notes that the City recently adopted an ordinance requirement for digital signage, prohibiting animations, and requiring an eight second dwell time for on-premise digital signs, which are allowed in most commercial zones in Millcreek. These requirements are intended to render the signs less able to distract a driver, and should be applied to any digital signage, whether it is an on-premise sign or a billboard.

Sign Brightness Considerations

A brightly-illuminated digital sign can have a detrimental impact on a commercial corridor at night, and there is a considerable risk of light trespass. This condition can exist for static billboards as well, which are lit upward. Recently, a digital billboard owner in Bluffdale agreed to install louvers on a sign along Bangerter Highway to reduce light trespass, and the MOU proposes the same solution.

Staff recommends that digital signage be considered *only if* it complies with the ambient illumination standards for on-premise signs the city already adopted in its code. These standards account for signs up to 300 square feet in area. Having adopted a standard for signs up to 300 square feet, staff sees no reason that off-premise signs should be held to a different standard, due only to the nature of the advertising on the sign.

In addition, staff recommends that incorporation of louvers or other technologies that can direct the illumination of the sign toward the street and away from adjoining properties.

Considerations Relating to Eminent Domain and Just Compensation

Normally, staff would not recommend an exchange of static billboards for digital signs, because the digital signs would become much more difficult to condemn if the city ever needed to remove it. The "just compensation" provision in state statute requires that an appraisal of a billboard account for its contribution in a rotary market area with multiple signs. A sign that can change its face once every eight seconds obviously has more value than a sign that can change its face only every month. Thus, for the purposes of an eminent domain action,, digital billboards are substantially more expensive than an equivalent static sign. The constraints in state law are reason enough fot staff to *recommend against* a digital conversion exchange for privately-owned billboards, because that would be a land use decisions that could create significant development impediments in the future.

However, in the proposed agreement, Millcreek owns the signs, and not ROA. The signs are on public property, and serve a public purpose, for at least 40 percent of the advertising time on each sign. Because the City owns the sign and Reagan only leases advertising time on the sign, the "just compensation" provision in state statute would not apply in the case of the digital district signs. The City cannot condemn its own property interest.

Staff recommends an agreement and exchange as permissible under state law that appropriately balances the City's interests with those of a sign owner is the best way to achieve the policy adopted in the City's general plan and sign code to reduce the number of billboards in Millcreek, given existing constraints in state statute. Ownership of the resulting signs is a critical consideration in considering the City's equity in an agreement and exchange that converts static billboards into digital signs.

Billboard Removal Options Under State Law

OPTION 1: GIFT OR PURCHASE	ROA voluntarily removes 1325 E 3300 S sign. Credit for sign goes into billboard bank.			
Billboard Bank Balance	1,396 square feet, unless ROA waives the right to 924 sf in the bank through a gift or purchase agreement.			
Possible New Sign Faces	30 Sheet - 10'5" x 22'8"	4 + balance remaining	Bulletin - 14" x 48"	2 + balance remaining
Budget Impacts	Millcreek pays for its own signage on the Common. Millcreek may simply pay to have the sign removed. Staff anticipates that the cost to remove by agreement would be similar to the cost to remove by condemnation.			
Other Impacts	ROA could say no. Anywhere from 1 - 3 new two-sided billboards in Millcreek. All other signs in the City Center to remain.			

OPTION 2:	Millcreek does nothing.			
Billboard Bank Balance	924 square feet			
Possible New Sign Faces	30 Sheet - 10'5" x 22'8"	3 + balance remaining	Bulletin - 14" x 48"	1 + balance remaining
Budget Impacts	Millcreek pays for its own signage on the Common			
Other Impacts	All signs on the City Center to remain. Construction of Millcreek Common West, City Hall, and shared parking likely delayed or scope radically changed to accommodate existing sign. Anywhere from 1-2 new two-sided billboards in Millcreek			

OPTION 3: EMINENT DOMAIN	Millcreek condemns the sign at 1325 E 3300 S.			
Billboard Bank Balance	924 square feet			
Possible New Sign Faces	30 Sheet - 10'5" x 22'8"	3 + balance remaining	Bulletin - 14" x 48"	1 + balance remaining
Budget Impacts	Millcreek pays to condemn the sign and pays for its own signage on the Common.			
Other Impacts	Billboard inventory reduced by 427 sf. Anywhere from 1-2 new two-sided billboards in Millcreek. All other signs in the City Center to remain.			

OPTION 4: AGREEMENT / EXCHANGE	Millcreek signs an agreement with ROA to exchange static billboards for digital district signs.			
Billboard Bank Balance	0			
Possible New Sign Faces	30 Sheet - 10'5" x 22'8"	0	Bulletin - 14" x 48"	0
Budget Impacts	Millcreek pays nothing. Funds used for condemnation and/or its own signage can now be used for other projects in the City Center.			
Other Impacts	Four existing signs removed from Millcreek. Three large digital signs on the Common. No additional possible signs could be allowed, because the overall billboard inventory reduced by a net 1,443 sf.			

Existing Billboard Ordinance Considerations

In early 2020, the Millcreek City Council adopted a new billboard ordinance that was unanimously recommended by all four community councils and was recommended by a majority of members on the Planning Commission. That ordinance includes the following policy statement:

It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.

Millcreek currently has 50 billboards totaling 36,120 square feet in area. Millcreek's existing Billboard Ordinance imposes a cap on the combined square footage of all billboards in Millcreek and provides billboard operators the option to demolish a billboard and place that square footage into a billboard bank. Operators have up to three years to identify a new location for a billboard and use that banked sign area. Currently, ROA is the only operator in the city that has sign area in the billboard bank – 924 square feet in total. That area is due to expire in December 2023. Under this provision, ROA could simply demolish the sign at 1333 East 3300 South, and add that area to the bank. The resulting banked area would be 1,396 square feet. Due to size limits in the billboard ordinance, the banked area could result in one large two-sided 672 square feet sign on or near State Street or two ore more smaller signs in other commercial zoned districts in the City. ROA could remove additional smaller signs and recombine that square footage into a new sign somewhere along Millcreek's commercial corridors.

The billboard ordinance gives sign companies the option to increase the allowable height of a billboard or decrease the required separation distance between billboards in order to facilitate redevelopment.

The MOU proposes an alternative approach: four signs totaling 1,174 square feet will be removed from ROA's inventory and will not be placed into the billboard bank. Accordingly, the billboard cap on area of billboards contemplated by the ordinance will be reduced by 2,247 square feet.

The MOU eliminates 4 billboards totaling 2,247 square feet in area, and voids 924 square feet of signage in the billboard bank. In exchange, ROA will waive its right of first refusal and will build, maintain, and give to the City three district signs totaling 1,728 square feet in area. ROA would lease the signs for a duration of 40 years, after which and maintenance of the signs reverts to Millcreek.

The purpose of the agreement is to find a reasonable and voluntary exchange between two parties to accomplish a reduction in overall square footage, which is one of the limited options provided for under state law. Assessing the merits of that exchange should account not only for the reduction in square footage, but also the City's utilization of the signs, and eventual ownership of the structures.

Well managed digital signs will be the result of the agreement if the zone text change and general plan amendment is approved by the City Council, upon recommendation by the Community Council and Planning Commission. Approval of these changes creates a mechanism to reduce the number and combined square footage of billboards in the community, although part of the tradeoff involves digital signs. Subject to appropriate controls described in the MOU, staff recommends approval of the changes as this is the best way forward to achieve the adopted policy to reduce the number and size of billboards, short of an expensive and time consuming condemnation effort.

Staff acknowledges that allowing digital signage in the City Center is a significant change in strategy, but that change is not inconsistent with the goal to reducing the number and combined square footage of billboards where feasible, particularly given the removal of four signs and the relinquishment of additional banked square footage.

General Plan and City Center Master Plan Considerations

Billboards in the General Plan and the City Center Master Plan: The Millcreek Together General Plan has three specific recommendations regarding billboards in Millcreek – and in both cases, the General Plan advises the city to do what it can to remove them where possible.

SIGNS. GOAL GP-2 (GP Page 55): ***Ensure that sign location and design is responsive to site context and compatible with the surrounding character.***

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

As discussed above, state statute makes it difficult and expensive for a City to remove a billboard. The General Plan advises techniques to remove or alter billboards, including purchase, amortization, or other techniques. The MOU is an alternative to condemnation that would remove four billboards in the City Center area, as well as 924 square feet of billboard sign area ROA holds in the billboard bank. Condemnation would only remove the subject billboard. Because the City owns the sign and ROA leases its operation, the MOU amortizes ROA's rights to the digital signage over a period of forty years. No permanent additional property interest is established through the MOU.

STREETSCAPE. GOAL GC-3 (GP Page 77): ***Improve the safety and visual image of the community by enhancing the look and feel of major corridors and protecting our scenic viewsheds.***

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

This General Plan Strategy offers the clearest guidance we have as a city to do what we can to reduce the number, size, and height of billboards along all City Streets. The MOU eliminates four existing signs totaling 2,247 square feet, eliminates 924 square feet of sign area in the billboard bank, and replaces those signs with three District signs owned by the City and leased and operated for 40 years by ROA. The City will control 40 percent of the messaging time on each sign.

There is no other means in Millcreek's code or by state statute to remove signs, short of condemnation. A sign can be demolished voluntarily, but the sign area would vested into the billboard bank, unless the sign operator voluntarily waives that right.

A voluntary agreement between Millcreek and ROA to remove signs and entitled square footage, replacing it with an opportunity for digital advertisement on new signs that are fewer in number and shorter in height than those being removed, may be the most effective way we have to reduce the number, size, and height of billboards along all City streets given state statutory limits.

EXISTING CONDITIONS - WEAKNESSES. (CCMP Page 2.4).

While easy access by car is considered a strength by many members of the community, it has resulted in an environment devoted to serving people in cars and not to people walking or on bikes. A walk through the study area reveals a notable lack of infrastructure devoted to pedestrians and cyclists. It is an unpleasant experience due to the rate of speed of vehicles, resulting road noise and inconsistent and unattractive pedestrian facilities such as sidewalks, landscaped park strips, overhead lighting or other urban design elements which contribute to an enjoyable streetscape experience. Billboards and other visual clutter such as overhead power lines detract from the otherwise pleasant views to the mountains. While the community is known for its connection to nature, the project area is bereft of any park or open space which could further reinforce the connection to nature many Millcreek residents feel is the community's primary identifying characteristic.

URBAN DESIGN – EXISTING SIGNAGE (CCMP Page 4.20).

Billboards and other outdoor advertising signs that are oriented to solely automobile traffic are also present on the major arterials around the City Center. While these provide minimal revenue to the City, they often block important view corridors. Future signage should intentionally be accessible to people traveling by all modes and that better integrate and enhance the environment within the new City Center.

The City Center Master Plan discusses billboards as a weakness to be overcome. MOU replaces four existing billboards owned by ROA with three digital district signs that would be operated by ROA and would show a mix of messages, 40 percent of which would be on-premise messaging for Millcreek Common and other City events and initiatives, and the remainder of which would be off-premise advertising managed by ROA. The signs at 1325 and 133 East 3300 South as well as the signs along Highland Drive all block views. The replacement district signs will be on the west side of Highland Drive, the east side of Richmond Street, and the north side of 3300 South, in Millcreek Common. The replacement district signs will be shorter than the signs that are being removed. All but one of the billboards being replaced are currently lit at night. The MOU requires that the replacement district sign along Highland Drive will be turned off nightly between the hours of 12 am and 5 am. All signs will have reduced brightness between 10 pm and 6 am.

Signs in the General Plan and the City Center Master Plan: The Millcreek General Plan includes a goal and three additional strategies regarding signs in general. Here, the General Plan advises strategies to ensure that new signs are compatible with surrounding development. Notably, the General Plan itself is silent on the topic of digital signs, other than to encourage dark-sky compliant lighting standards into future ordinances and to encourage sustainability and energy conservation in building and site design (refer to the Sustainable Design and Building Goal HE-4 on pages 85-86 in the General Plan).

SIGNS. GOAL GP-2 (GP Page 55): *Ensure that sign location and design is responsive to site context and compatible with the surrounding character.*

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

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

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

Fundamentally, the question of compatibility is a question of use, aesthetics, and appropriateness in terms of scale and design to surrounding development. In terms of use, it is worth noting that in the agreement, the city has 40 percent of the messaging time on each sign to promote community events (especially on Millcreek Common), public meetings, or other activities or messages. It could even be a venue to display artistic images.

In terms of aesthetics and compatibility, the proposal is to mount the sign on a pole that incorporates design elements of the Millcreek Common, and to become a branding element of the Millcreek Common itself. Staff acknowledges that digital signage itself is an aesthetic question. Critically, the agreement incorporates a provision that each district sign include physical light-blocking louvers to provide for light-protected areas and will use down-angled LED diodes for the control of blue wavelength light. Staff also encourages the City Council to consider the potential benefit of removing four billboards from City streets, replacing them with three shorter digital signs, and whether or not the exchange of static billboard square footage with digital sign area is a fair trade for the city, considering the city's own messaging time on the signs, as well as the use terms and operating limits in the MOU.

IDENTITY. GOAL GP-8 (GP Page 61). Create unique, desirable, and vibrant places and features in Millcreek.

Strategy 8.1: Create design guidelines for development of City gateways. Gateway branding serves as an opportunity to brand the City as a whole.

URBAN DESIGN FRAMEWORK – UNIQUE BRAND AND IDENTITY (CCMP Page 4.3).

Millcreek has the rare combination of being a gateway to the outdoors and a place where eclectic arts and culture thrive. With the mountains and canyon in its backyard, it is innately "connected by nature." Its identity is equally defined by its diverse architectural and cultural styles. Modern exists next to traditional, bright colors along muted tones. Natural styles mingle with retro classic ones and together they represent the diverse community of Millcreek.

FUTURE SIGNAGE - DISTRICT AND MONUMENT (CCMP Page 4.23).

District signs that represent Millcreek's characteristic brand and identity should be placed at the edges of each district. This will signal a sense of arrival and a change of environments. These signs should have the look and feel of other natural and artistic material elements present throughout the City Center.

CITY CENTER GUIDING PRINCIPLES - THE DESIGN OF MILLCREEK'S CITY CENTER SHOULD REPRESENT THE CITY IN WAYS THAT ARE DISTINCTIVE FROM OTHER CITIES AND UNIQUE TO MILLCREEK. (CCMP Page 3.5).

Millcreek should stand out distinctively with a City Center that honors our history and celebrates our character. Gatherings and conversations should be encouraged. Culture and arts should be facilitated. Design for civic functions should be non-commercial and distinct from the surrounding commercial and

residential properties. Signage, site amenities, and architecture should be restrained, lowlight, and traditional but artful. Water and trees should be used to highlight these places, a direct expression of the character of the City. Spaces, walkways and seating should integrate indoor with outdoor environments.

A well-designed sign can contribute to the branding of the City, and the flexibility of an electronic messaging center can allow that brand to translate into a variety of community and public service messages. This is one reason why the City is controlling 40 percent of the messaging time on each sign. The signs themselves will incorporate design elements of the Millcreek Common.

The City Center Master Plan contemplates a role for district and monument signs as part of the City Center. Staff recommends that, as part of the consideration of the MOU, that the City Council consider amending the City Center Master Plan to elaborate on the meaning of a "district sign" and to establish that digital signage is not incompatible with the overall goals of the City Center.

Other Considerations in the General Plan and the City Center Master Plan. Both the General Plan and the City Center Master Plan discuss the need to be flexible and creative, and to reduce development impediments, as well as the need to promote a vibrant and iconic city center.

INFILL. GOAL GP-9 (GP Page 61): Support complementary infill development and land use investment in the mature and developed areas of the city.

Strategy 9.3: Encourage the development or redevelopment of vacant and under-utilized properties in centers and along major corridors by using a combination of incentives, rezoning, and creative design solutions.

Strategy 9.4: Provide opportunities for redevelopment by identifying and supporting catalyst projects in underutilized locations such as disinvested strip malls, former "big box' retail spaces, and no longer needed school buildings.

Strategy 9.5 Evaluate zoning regulations for opportunities to be more streamlined and flexible regarding infill, redevelopment, and mixed-use development, especially in older, underutilized commercial areas.

CITY CENTER GUIDING PRINCIPLES - THE CITY CENTER SHOULD EMPHASIZE CULTURE, ART, IDEAS AND INTERACTION BETWEEN CITIZENS (CCMP Page 3.5).

Millcreek needs to emphasize its support for all arts and the City Center can and should showcase that. The population of Millcreek is sophisticated, with schools that have aggressively taught arts for many years. The range of arts should be broad, covering the visual, musical, performance and literary arts, as well as newer forms. An emphasis on shopping as a city culture can be decadent. Millcreek's City Center can stand out from the majority of the homogenized and consumer-centric commercial centers in Utah. The Center should have an equal focus on bringing Millcreek citizens together to do things other than shopping. Activities like concerts, art exhibits, and community fairs should be programmed. Cultivating these types of interactions with residents through events and happenings like outdoor sculpture gardens and art installation exhibits will help create a more interconnected, cohesive community.

The above goals in the General Plan and the City Center Master Plan speak to working collaboratively and creatively toward redeveloping an aging commercial strip into a new City Center. The General Plan speaks to being flexible regarding development, and the City Center Master Plan urges the community to consider a city center that is not just a shopping district. The MOU removes multiple billboards which are current or potential development impediments in the City Center, and replaces them with district signs. A digital sign serving **only** a commercial power center is clearly incompatible with the City Center Master Plan, however staff notes that the City Center is a civic gathering spot, and not just a commercial center. Per the MOU, the City will control 40 percent of the operating time on each sign for its own civic messaging. In order for the City's programming to enjoy a maximum reach, various stakeholders including Venture Out, Great Destination Strategies, and Woodbury Corporation all recommend the utilization of digital signage as part of the overall branding concept for the City Center.

Staff intended to pursue an option for digital signage in the Common ever since it was suggested to the City by the design team, as a strategy to communicate civic events and to promote the Common as a public amenity. The MOU has the advantage of removing existing billboards without need of a costly condemnation process, and allows the City to leverage the money potentially spent on condemnation of the existing sign at 1333 East 3300 South, as well as the cost of its own signage, spending it instead on additional land for a future phase of Millcreek Common, removal of the power poles along 3300 South, or other enhancements to the planned public space in Millcreek's City Center.

Proposed Amendments to the City Center Master Plan

If the City Council approves an agreement based on the MOU, staff recommends that the City Center Guiding Principles are to be amended as follows:

CITY CENTER GUIDING PRINCIPLES - THE DESIGN OF MILLCREEK'S CITY CENTER SHOULD REPRESENT THE CITY IN WAYS THAT ARE DISTINCTIVE FROM OTHER CITIES AND UNIQUE TO MILLCREEK. (CCMP Page 3.5).

Millcreek should stand out distinctively with a City Center that honors our history and celebrates our character. Gatherings and conversations should be encouraged. Culture and arts should be facilitated. Design for civic functions should be non-commercial and distinct from the surrounding commercial and residential properties. In keeping with the General Plan goal to reduce the number, size, and height of billboards along all City streets, and in order to facilitate the removal of billboards in the City Center that may serve as a development impediment, district signage is encouraged at the edges of the City Center to promote city events and events on the Millcreek Common. That signage may be electronic, and should be incorporated into the design of the public spaces. The City should own the signs as a public amenity, but such signage can be operated by a third party under a license agreement with the City. Other signage ~~Signage~~, site amenities, and architecture should be restrained, lowlight, and traditional but artful. Water and trees should be used to highlight these places, a direct expression of the character of the City. Spaces, walkways and seating should integrate indoor with outdoor environments.

FUTURE SIGNAGE - DISTRICT AND MONUMENT (CCMP Page 4.23).

District signs that represent Millcreek's characteristic brand and identity should be placed at the edges of each district. This will signal a sense of arrival and a change of environments. These signs should be

incorporated into the design of the public spaces, and should be owned by the City as a public amenity. These signs may include a digital element as warranted to promote city events but should have the look and feel of other natural and artistic material elements present throughout the City Center.

Proposed Text Changes to the Millcreek Zoning Ordinance

1. **Update the definition of 'billboard' (19.82.020)**

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

2. **Eliminate the definitions of "Off-Premises Sign" and "On-Premises Sign" (19.82.020)**

~~"Off-premises sign" means a sign directing attention to a use, product, commodity or service not related to the premises upon which the sign is located.~~

~~"On-premises sign" means a sign directing attention to a use conducted, product or commodity sold, service performed or business name upon the premises on which it is located.~~

In 2015, The United States Supreme Court clarified in *Reed v. Town of Gilbert* how municipalities can regulate signs. In the majority opinion, the Court ruled that a city could not regulate a sign based on the content of the sign. While this opinion addressed non-commercial speech, recent litigation t is challenging traditional definitions of "off-premise" and "on-premise" advertising, on the basis that a municipality cannot make such a distinction without reading the content of the sign. Accordingly, staff recommends changing the definition of "billboard" to avoid the concept of "off-premise" advertising altogether. Instead, a billboard is defined as a larger-than-allowed ground sign that is also regulated under the Utah Outdoor Advertising Act. This definition will cover all existing billboards in the City.

3. **Create a definition for 'District Sign' (19.82.020)**

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

The three new signs proposed in the MOU are not traditional billboards, as the code currently defines them. Much of the advertising time on the signs will be for events and activities on the premises of Millcreek Common, which includes City Hall. Staff is recommending the adoption of a specific definition of "district sign", a term used in page 4.3 of the City Center Master Plan.

4. **Permit District Signs to have an Electronic Message Center of up to 100% of a District Sign's area. (19.82.135)**

Table 19.82.135 ELECTRONIC MESSAGE CENTER, ALLOWED SIGN TYPES, AND ALLOWABLE SIZES BY ZONE

ZONE	ALLOWED SIGN TYPES	PERMITTED USE, PERMITTED WITH CONDITIONS	ALLOWABLE EMC SIZE AS A PERCENTAGE OF TOTAL ALLOWABLE SIGN SIZE per table 19.82.190 [1]
MD	Monument	Permitted	50%
C-2	Monument	Permitted	50%
	Ground	May not be located within 100' of an R-1, R-2, R-4, or R-M zone	50%
C-3	Monument	Permitted	70%
	Ground	May not be located within 100' of an R-1, R-2, R-4, or R-M zone	50%
M	Monument	Permitted	70%
	Ground	May not be located within 100' of an R-1, R-2, R-4, or R-M zone	50%
CCOZ	District	Permitted	100%
All other zones	None	NA	NA

This proposed change allows district signs **only** in the City Center Overlay Zones, and provides that an electronic message center would be allowed for 100 percent of a district sign's area. Electronic message centers, including the proposed signs, are further regulated in Section 19.82.135 of the Millcreek Code. The above table describes the sign types in each zone that are eligible for an electronic message center. **Under this proposal, the only sign type that is eligible for an electronic message center is a District Sign. District signs can only be owned by the City.**

5. **Allow District Signs only in the City Center Overlay Zone. Add other allowable CCOZ sign types to the Sign Table in Chapter 19.82. (19.82.135)**

ZONE	SIGN TYPE	SIZE	HEIGHT	LOCATION AND NUMBER OF SIGNS	OTHER
CCOZ	District	288 sf	35 feet	Maximum 3 within the CCOZ	Must be located on City Property.
	Monument	Subject to base zone requirements	Subject to base zone requirements	Subject to base zone requirements	
	Flat or Wall	Subject to base zone requirements	Subject to base zone requirements	Subject to base zone requirements	Internally illuminated flat or wall signs are prohibited.
	Projecting/Blade	Subject to base zone requirements	8 foot minimum above the ground	Subject to base zone requirements	Projecting or Blade Signs along the Millcreek Common are limited to 42 inches in width.

Section 19.82.190 of the Millcreek Code specifies sign types allowed by zoning district. Because the City Center Overlay Zone was adopted after the sign code, the signs contemplated in the CCOZ were not included in the sign code itself. This proposed change adds to the table the allowed signs currently described in the City Center Overlay Zone, as well as the proposed district sign. The height, sign area, and allowable number of District Signs is determined by the MOU.

Community Council Recommendations

Subsequent to the Planning Commission's statement, staff presented the memorandum of understanding and the foregoing staff memorandum to each of the four community councils, in accordance with Millcreek code. The Community Councils made the following recommendations:

Canyon Rim Citizens Association

A majority of members of the Canyon Rim Citizens Association voted to support the MOU and the proposed general plan amendment and text change by a vote of four members in support to two opposed, with one abstention. The motion in support included a recommendation that the City include a provision in the license agreement that Millcreek businesses could purchase advertising time on the proposed district signs at a preferential rate .

East Mill Creek Community Council

The proposed MOU and general plan amendment and text change received a unanimous vote of recommendation among the East Mill Creek Community Council members present at the meeting.

Millcreek Community Council

The Millcreek Community Council discussed three motions. A motion to continue failed on a vote of 2 in support to 8 opposed. A motion to recommend the proposed MOU and general plan amendment and text change failed on a vote of 5 in support and 5 opposed. After subsequent discussion, **the Millcreek Community Council recommended approval of the proposed MOU and general plan amendment and text change by a vote of seven members in support to three opposed, provided that the agreement as presented to the City Council does not change from the agreement as presented to the Millcreek Community Council.**

Mount Olympus Community Council

The Mount Olympus Community Council recommended approval of the proposed MOU and general plan amendment and text change on a vote of eight in support to three opposed. The Mount Olympus Community Council included in their motion that the City revise the MOU to prohibit ROA from using the sign to advertise products known to be harmful to children, including but not limited to tobacco and vape products, cannabis, firearms, fireworks, pharmaceuticals, opioids, and nutritional supplements.

Planning Staff Recommendation

Staff recommends an agreement and exchange as permissible under state law that appropriately balances the City's interests with those of a sign owner is the best way to achieve the policy adopted in the City's general plan and sign code to reduce the number of billboards in Millcreek, given existing constraints in state statute.

Specifically, Staff recommends approval of the following proposed changes to the Millcreek City Center Master Plan and the billboard ordinance for the following reasons:

1. The proposed changes implement the policy adopted by the City to reduce the number and combined square footage of billboards where feasible.

2. The proposed changes implement Strategy 2.4 in the General Plan to consider techniques to remove or alter billboards such as purchase, amortization or other techniques.

3. Given the removal of billboards and the limits imposed by the MOU, including the requisition of billboard banked footage, the lease term and ownership provisions, and the opportunity for the city to utilize 40% of the advertising time on each District Sign, the proposed changes are a net benefit to the city.

4. The proposed changes implement Strategy 9.5 in the General Plan to evaluate zoning regulations for opportunities to be more streamlined and flexible regarding infill, redevelopment, and mixed-use development, especially in older, underutilized commercial areas.

Attachments

Memorandum on Digital Billboards and Distracted Driving
Proposed Changes to the Billboard Ordinance
Millcreek Common Master Plan
Letter of Support from Millcreek Venture Out
Letter of Support from the Woodbury Corporation
Memorandum of Understanding between Millcreek and Reagan Outdoor Advertising

Hyperlinks: City Center Master Plan
Millcreek Together General Plan

MILLCREEK PLANNING AND ZONING
3330 SOUTH 1300 EAST
MILLCREEK, UTAH 84106

MEMORANDUM

To: **Planning Commission and City Council**
From: **Francis Xavier Lilly, AICP, Planning Director**

Date: **13 September 2021**

Re: GP-21-001 and ZT-21-007 – Memorandum on Digital Billboards and Distracted Driving

Staff was asked to prepare a brief discussion on the relationship between digital billboards and distracted driving. This discussion includes two parts: 1) a brief literature review of various studies that make a variety of conclusions with respect to the relationship between digital billboards and distracted driving; and 2) a review of local data on distracted driving accidents and vehicle fatalities in three locations in the region where billboards have been digitized in recent years. We linked to the original studies and data we obtained.

Literature Review

"Effects of electronic billboards on driver distraction" *Dukic, et al, Traffic Injury Prevention, 2012*

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

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

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

The Outdoor Advertising Association of America posted a rebuttal to this study, in part arguing that the summary fundings of the Swedish study were inconclusive and that Sweden's digital billboards are not directly comparable to the industry standards for digital signs in the United States.

"CEVMS and Driver Visual Behavior Study" *Federal Highway Administration, 2012*

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

"Digital billboards and road safety: An analysis of policy and research findings in 2013–14" Outdoor Media Association (Australia), 2015.

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

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

A review of the studies suggests there is no consensus on the definitive impact that digital billboards have on distracted drivers, but there appears to be consensus that the a driver's gaze on a digital billboard is rarely more than 2 seconds long.

These studies all seem to be challenged with disentangling the distractive effect of a billboard from other potential distractions, including other signage, roadway design, and driver-initiated diversions such as cell phone use, particularly texting. These variables likely confound the ability of these studies to make a definitive determination. In any case, the science appears unsettled, and the studies themselves are often contested as to their practical implications.

A Review of Local Data on Distracted Driving Accidents at Three Locations with Digital Billboards

We pulled publicly-available data from the Utah Department of Public Safety (DPS) and from the Utah Department of Transportation (UDOT) to examine accident data at three locations with digital billboards. At each location, we were able to identify specifically the number of "distracted driving accidents" from DPS data from 2011 to 2019, as well as the number of overall accidents and fatalities at each site. Using UDOT data on annual average daily traffic (AADT) for each of the sections, we were able to compare the growth in the number of accidents to the growth in AADT over the same time period.

State Street and University Parkway, Orem



Sometime between 2012 and 2015, an existing three-sided billboard was replaced with the digital sign as seen in the street view image to the left. The previous sign also had a changeable sign face – but it was a mechanically-operated tri-action sign. From 2012 to 2019, the traffic at the intersection of State Street and University Parkway increased from 43,000 AADT to 47,000 AADT. The accident data below includes any accident within approximately 500 feet of the center of the intersection. While trips through the intersection gradually increased over eight years,

distracted driving accidents ranged from a 6 in 2012 to 2 in 2019. There were no fatalities at this intersection from 2012 to 2019.

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

Highland Drive and Fort Union Boulevard, Cottonwood Heights

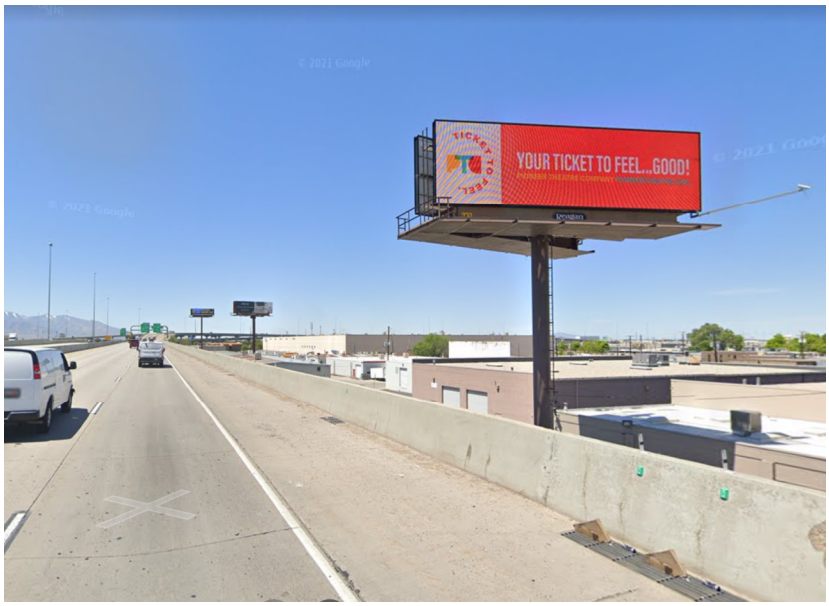


A north-facing static billboard located at the northeast corner of Highland Drive and Fort Union Boulevard was replaced with a digital sign face sometime between 2012 and 2014. From 2012 to 2019, traffic at this intersection increased 22 percent. We examined accidents within 400 feet of the center of the intersection.

Distracted driving accidents ranged from a low of zero in 2013 and 2019 to a high of five in 2014. There were no fatalities at this intersection from 2012 to 2019.

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

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



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

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

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

Data Limitations and Summary

There are substantial limitations to this data. While the DPS data presents cell-phone related accidents different than other distracted driving accidents, the data does not provide any insight on the nature of the distractions. Moreover it there appears to be no correlation between traffic and the number of distracted driving accidents, at least at the areas where we obtained data. There is no evidence in any of these data sets to suggest a correlation between the digitization of billboards at these intersections and an increased number of distracted driving accidents, or even

accidents overall. In fact, in all three cases, it appears that distracted driving accidents actually declined in 2018 and 2019. Based on local data, I cannot say with certainty that there is a correlation between the presence of digital billboards and an increase in the number of distracted driving accidents, at least at the three areas above, where it is known that signs changed from static to digital faces.

Chapter 19.82 SIGNS

19.82.010 Purpose
19.82.020 Definitions
19.82.025 Noncommercial Signs
19.82.030 Interpretation
19.82.040 Conformity Required
19.82.050 Exceptions
19.82.060 Comprehensive Sign Plan
19.82.070 Permit Required
19.82.080 Size Computation
19.82.085 Height Of Ground Signs
19.82.090 Imprint Of Ownership Required
19.82.100 ~~Off-Premises Sign~~Billboard Requirements
19.82.110 Visibility At Intersections
19.82.120 Signs On Public Property
19.82.130 Illuminated Signs
19.82.135 Electronic Message Center Requirements For On-Premises Signs
19.82.140 Temporary Signs
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19.82.150 Traffic Hazard Prohibited
19.82.160 Maintenance; Removal Of Sign
19.82.170 Prohibited Signs
19.82.180 Action To Remove Or Abate Violation
19.82.185 ~~Off-Premises Signs;~~ Billboards
19.82.190 ~~On-Premises Signs Allowed In Zoning Districts~~Sign Types Allowed by Zoning District
19.82.200 Non-Conforming Signs
19.82.210 Iconic Signs

19.82.010 Purpose

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

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.020 Definitions

As used in this chapter:

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

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

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

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

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

"Balloon sign" means a temporary sign attached to real or personal property with the purpose of effect or attraction to an object or site.

"Beacon light" or searchlight means:

A. Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically; or
B. A fixed or flashing high-intensity light, such as a spotlight, a floodlight, or a strobe light.
C. "Beacon light" includes searchlights.

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

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

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

"Billboard ~~sign~~" means ~~an off-premises advertising sign.~~a free-standing ground sign with a sign face of at least 128 square feet in area and with a height of at least 30 feet, or a ground sign regulated under the Utah Outdoor Advertising Act or the Municipal Land Use, Development, and Management Act. Billboards are supported by a

substantial permanent monopole or bipole support structure. -Billboards are typically owned by nongovernmental entities or leased separately from the principal buildings or uses on the property upon which they are located and are larger and/or taller than any sign expressly permitted by this title.

“Blower machine” a fan or mechanism that can move air under pressure. Used to provide air for certain processes.

"Construction/development sign" means a sign located on a lot where construction or proposed development activities are being actively conducted and which is not permanently attached to a structure of the ground.

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

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

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

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

"Existing billboard" means a billboard that is either constructed, or for which an application for a land use permit was received and approved by the planning and development services division and state authorities where necessary, prior to May 18, 2004. Billboards that have received prior approval from the City at a particular location must be approved by the state by June 2, 2005. If no state approval is given, the City approval shall expire on said date and the permit shall become null and void.

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

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

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

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

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

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

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

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

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

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

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

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

"Image transition duration" means the period of time in which one image changes to another on an electronic message center.
“Inflatable” is an object or sign that is filled with air before use.

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

"Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

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

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

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

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

~~"Off-premises sign" means a sign directing attention to a use, product, commodity or service not related to the premises upon which the sign is located.~~

~~"On-premises sign" means a sign directing attention to a use conducted, product or commodity sold, service performed or business name upon the premises on which it is located.~~

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

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

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

"Property sign" means a sign located on a property that is being sold or leased or a property that does not offer public access.

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

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

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

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

"Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, light display, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign

structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

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

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

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

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

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

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

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

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

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

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

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

"Window sign" means a sign attached and located on a window so as to be visible from outside the building through a window or door.

“Yard sign” means a temporary sign placed upon or supported by the ground independently of any other sign on the property.

HISTORY
Amended by Ord. 17-24 on 5/8/2017
Amended by Ord. 19-19 on 5/28/2019
Amended by Ord. 20-06 on 2/10/2020

19.82.025 Noncommercial Signs

It is not the intent of this chapter to allow commercial speech to a greater extent than noncommercial speech. Any sign allowed under this chapter may contain lawful noncommercial sign copy that occupies the entire sign area or any portion hereof, and may be suitable for, or be combined with, a commercial message. Sign copy may be changed at will at any time without any additional approvals or permitting, providing the sign is not prohibited and complies with applicable requirements of this chapter.

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.030 Interpretation

A. Properties divided by public streets are not adjacent.
B. The sign requirements contained in this chapter are declared to be the maximum allowable.
C. Sign types not specifically allowed as set forth within this chapter shall be prohibited.
D. Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.
E. In matters of interpretation, the provisions of this ordinance shall be interpreted by the Zoning Administrator or designee.

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.040 Conformity Required

A. Except as provided in this title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with the regulations specified in this chapter. Sign alterations (see section 19.82.200) that are in excess of 25% of the total sign face square footage shall require conformance to this title. Signs not expressly listed are not allowed.

B. Other chapters of the zoning ordinance may have a reduced list of applicable signs. Other chapter sign types shall be utilized over the listed types found in this chapter.

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.050 Exceptions

A. Signs not regulated by this chapter:
    1. Yard signs.
    2. Signs located on school or church occupied property.
    3. Interior signs, not including window signs.
    4. Devices that only display time and/or temperature.
    5. A sign that is setback back a minimum of 15 feet from the public right of way and not exceeding the maximum height allowed in the zone.

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.060 Comprehensive Sign Plan

When a land use application on a parcel of ground is submitted to the City, the application it shall be accompanied by a complete comprehensive sign plan showing the location and sign type of all existing or proposed signs on the parcel of ground. A comprehensive sign plan shall also include conceptual renderings of each sign.

HISTORY
Amended by Ord. 19-19 on 5/28/2019
Amended by Ord. 20-06 on 2/10/2020

19.82.070 Permit Required

No person shall erect, alter, relocate, or modify any sign without first obtaining a sign permit, if required, and a building permit, if required, for such work unless no permit is required. (See MKZ Section 19.82.050(B).)

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.080 Size Computation

A. The following shall be used when calculating sign sizes: When more than one use occupies a lot, the frontage may be used to calculate the sign size for one total ground or projecting sign, not for each use. The total may then be divided

between the uses. There may be any number of flat or wall signs, provided their total does not exceed the percentage of wall area coverage allowed.

B. A property line which abuts a nonaccess freeway, road, street or right-of-way may not be used in computing sign area.

19.82.085 Height Of Ground Signs

The height of ground signs, except as otherwise specified in this chapter, shall be measured from the grade at the property line of the yard in which the sign is located, but shall not exceed the sign height allowed in the zone.

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.090 Imprint Of Ownership Required

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

19.82.100 ~~Off-Premises Sign~~ Billboard Requirements

~~Off-premises~~Billboards signs erected along the interstate or the primary highway system as defined by the state shall conform with the provisions of the Utah Outdoor Advertising Act.

19.82.110 Visibility At Intersections

A. There shall be a minimum clearance of ten feet between the ground and any part of a projecting sign or ground sign, as measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the property lines and a line connecting them at points forty feet from the intersection or a driveway at a point formed by an extension of the two curb faces until they meet. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness, or diameter.

B. A service sign located within the clear view of an intersection shall not exceed 30 inches in height measured from grade.

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.120 Signs On Public Property

No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Signs shall include, but not be limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street.

19.82.130 Illuminated Signs

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

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.135 Electronic Message Center Requirements For ~~On-Premises~~District, Ground or Monument Signs

A. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed, to avoid dark sky illumination and their light source shall not be seen from adjacent residential properties (see section MKZ 19.82.135 D.)
B. The minimum image display duration shall be eight seconds.
C. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve into the next static image without the use of flashing, animation, or movement.
D. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions. The nighttime illuminance of an electronic message center shall not increase ambient lighting conditions by more than three-tenths foot candles when measured perpendicular to the electronic message center face at a distance determined by the following table: An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign turned off to a black screen. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken with the sign turned on to a full white screen.

Area of Sign (sq. ft.)	Measurement (ft.)
10	32

15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110

130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

Table 19.82.135 ELECTRONIC MESSAGE CENTER, ALLOWED SIGN TYPES, AND ALLOWABLE SIZES BY ZONE

ZONE	ALLOWED SIGN TYPES	PERMITTED USE, PERMITTED WITH CONDITIONS	ALLOWABLE EMC SIZE AS A PERCENTAGE OF TOTAL ALLOWABLE SIGN SIZE per table 19.82.190 [1]
MD	Monument	Permitted	50%
C-2	Monument	Permitted	50%

	Ground	May not be located within 100' of an R-1, R-2, R-4, or R-M zone	50%
C-3	Monument	Permitted	70%
	Ground	May not be located within 100' of an R-1, R-2, R-4, or R-M zone	50%
M	Monument	Permitted	70%
	Ground	May not be located within 100' of an R-1, R-2, R-4, or R-M zone	50%
CCOZ	District	Permitted	100%
All other zones	None	NA	NA

HISTORY
Amended by Ord. 17-18 on 4/17/2017
Amended by Ord. 17-23 on 5/8/2017
Amended by Ord. 20-06 on 2/10/2020

19.82.140 Temporary Signs

A. All temporary signs shall be located a minimum of 5' back, or as noted for a particular temporary sign type, from the public ROW.
B. Each business may have a temporary banner sign(s) located on the building with a total maximum square footage of 50 square feet unless the business encompasses a building face with over 150 linear feet. Such businesses may use up to 10% of the first-floor building face square footage, but at no time shall the combination of temporary signs equal more than 30% of the first-floor building face. Other banners located in the landscaping, at least 5' from the property line, with temporary independent supports shall not exceed 20 square feet and shall conform to the time period specified in "D" below.
C. Any temporary, banner type, sign installed on a building face may continue for up to 6 months, except temporary grand opening signs installed on a building face may continue for up to 3 months. Grand-opening signs shall be allowed for any new business that obtains a new business license for the opening of a new

establishment. A facility renovation requiring a building permit qualifies for a grand-opening sign.

D. All other temporary signs, except A-frames, may be displayed for a total time period of 6 weeks during any calendar year.
E. All A-frame signs shall be taken indoors at night or at the close of business. All A-frame signs shall be located at a minimum of at least one foot back from the public right of way. Only one A-frame sign is allowed per business.
F. All temporary signs shall be maintained in good condition, without any frayed, ripped, tattered, or faded appearance issues. Such signs are meant to be temporary with a permanent sign installed as soon as possible.
G. Construction/development Project signs shall not exceed 32 square feet. Shall not be internally lit but may include external down lighting. Such signs shall not exceed 10' in height. Such signs may be constructed of wood (including simulated wood products) or metal with painted advertising or other professional applications, excluding paper. Such signs shall be removed within 30 days of the final inspection or completion of the project.
H. Outside Display of Merchandise, Products, or Goods sold or leased on the premises, shall be setback a minimum of 10 feet from any property line and shall not infringe on any internal sidewalk, nor be located in a parking space.
I. Property Signs, shall be setback a minimum of 5 feet from any property line or public right of way. Such signs are limited to one sign per street frontage.
J. Temporary window signs shall be limited to a maximum of 50 percent coverage of window area. The 50 percent shall be calculated per façade or elevation. Where paint of marker is used on the window, the area shall be measured by creating the smallest rectilinear shape that completely contains the entire message. Where one window is completely covered in signage, another window of equal or greater size shall be left free of any window signs.

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.145 Window Signs

Permanent window signs shall be made from adhesive film and be used for privacy purposes or additional design for building facades. Permanent window signs may cover up to 100 percent of the window area.

HISTORY
Adopted by Ord. 20-06 on 2/10/2020

19.82.150 Traffic Hazard Prohibited

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

19.82.160 Maintenance; Removal Of Sign

A. All signs and advertising structures shall be maintained in good condition.
B. After a verbal notification, non-maintained signs or advertising copy, that are not removed or repaired within the required thirty days, the owner(s) shall be given written notice sent by certified mail. If not removed by the owner within ten (10) days, the sign or copy may be removed by the City at the expense of the owner.
C. Vacant portions of signs where panels remain empty for over 6 months shall be removed or brought into compliance by the property owner. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the City and all costs incurred shall be the responsibility of the property owner.

HISTORY
Amended by Ord. 19-19 on 5/28/2019
Amended by Ord. 20-06 on 2/10/2020

19.82.170 Prohibited Signs

Signs not specifically allowed by this chapter are prohibited. Without restricting or limiting the provisions of this section, the following signs are specifically prohibited: Snipe, feather, blower machines, streamers, mobile signs, signs on vehicles parked within 20' of the public ROW, searchlights, pennants/streamers, inflatable, items used to convey services or products sold on the premises within 30' of the public right-of-way, and pedestal signs.

HISTORY
Amended by Ord. 20-06 on 2/10/2020

19.82.180 Action To Remove Or Abate Violation

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

4. Fines may also be imposed as per section MKZ 19.94.040

B. Notice by the City shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the Building Inspector or Zoning Administrator to be unsafe.

HISTORY
Amended by Ord. 19-19 on 5/28/2019
Amended by Ord. 20-06 on 2/10/2020

19.82.185 ~~Off-Premises Signs;~~ Billboards

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

B. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.

C. Billboards are only allowed in the C-2, C-3, and M zones as a permitted use, subject the additional restrictions established in this chapter.

D. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.

E. Size. Billboards shall not exceed 300 square feet in the C-2, C-3, and M zones, except as provided below and in Subsection 13 of this chapter.
   1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 672 square feet.
   2. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 672 square feet.

F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within 100 feet of the Main Street right-of-way, east of Interstate 215, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
   1. 2000 East and 3300 South
   2. 1100 East and 3900 South
   3. 1300 East and 3900 South
   4. 2300 East and 3900 South
   5. 2300 East and Claybourne Avenue
   6. Murray-Holladay Road and Highland Drive

G. Height. Except as provided below and in Subsection 13 of this chapter, the maximum height of a billboard shall be 32 feet above the grade level of the road in the C-2, C-3, or M zones, except as provided below:
    1. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level.
    2. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
        a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the residential zone boundary, and
        b. The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).

H. Separation. The minimum distance between all billboards on the same side of the street shall be 500 lineal feet as measured along the same side of the street including intersections. All billboards must be at least 250 radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.

I. Setbacks.
    1. Setbacks from Rights-of-Way. The minimum setback shall be five feet to the leading edge of a billboard, including all structural and service support elements The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Functional Classification Map of the General Plan. The closest edge of a billboard shall not project into any required setback area.
    2. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
    3. Setbacks from ~~on-premise~~ ground signs. The minimum setback between a billboard and any ~~on-premise~~ ground sign shall be 100 feet.
    4. Setbacks from A-1, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any residential zone boundary shall be one hundred fifty feet. The minimum setback of a billboard may be reduced to 100 feet if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A-1, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.

J. Lighting. Lighting shall be confined to the sign face and the lighting source shall not be directly visible from any ground-level vantage point.

K. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard

so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four-hour period. Two-decked billboards are prohibited in all zones.

L. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.

M. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:
    1. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections and may be reduced to 150 radial feet from any other billboard.
    2. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established in Section 7(b) above.

N. Credits for Removal. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face. Credits may not be used to enlarge any non-conforming billboard or conforming billboard , other than those billboards located immediately adjacent to the Interstate 15 freeway, along State Street or within 20 feet of the State Street right-of-way.

O. Relocation. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received. If a sign is to be relocated within 600 feet of a community district boundary, the city shall inform the affected

community council chairs of each community district. Billboards moved to approved locations shall conform to all billboard requirements of the new location. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

P. Notice Required for Billboards Relocated Subject to State Statute. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

Q. Business Licenses Required for Billboards.
    1. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.

R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

HISTORY
Amended by Ord. 17-24 on 5/8/2017
Amended by Ord. 19-19 on 5/28/2019
Amended by Ord. 20-07 on 2/24/2020

19.82.190 ~~On-Premises Signs Allowed In Zoning Districts~~Sign Types Allowed by Zoning District

A.

Table 19.82.190
SIGNS ALLOWED, BY ZONES

ZONE	SIGN TYPE	SIZE	HEIGHT	LOCATION AND	OTHER

				NUMBER OF SIGNS	
(1) All zones	Construction/ development	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 to a maximum of 64 sq. ft. per development	12 ft. max.	On private property and a minimum of 5' from the public ROW. One per frontage	Sign must be removed 6 months from final building or conditional use inspection that allows occupancy or when 100% of the facilities are occupied, whichever occurs first. No illumination allowed
		Signs for subdivisions of 5 lots or more located on the development may be 32 sq. ft. plus 1 sq. ft. for each lot over 5 to a maximum of 64 sq. ft. per sign	12 ft. max.	On private property and a minimum of 5' from the public ROW. One per development	Sign must be removed 6 months from final building or conditional use inspection that allows occupancy or when 100% of the facilities are occupied, whichever occurs first. No illumination allowed
		Construction signs for multifamily developments of more than 20 units and not located on the	12 ft. max.	On private property	All signs must be approved by the planning commission for a period not to exceed one year.

		development shall not exceed a maximum of 10 ft. vertical and 20 ft. horizontal			Approval may be renewed by the planning commission
	Nameplate	3 sq. ft. maximum per use		Attached to main structure. One per residential unit or business	Backlit only
	Property	6 sq. ft. maximum	4 ft. max.	On private property and a minimum of 5' from the public ROW. Two per development, per frontage.	
	Service	6 sq. ft. maximum	3 ft. when free-standing	On private property and a minimum of 5' from the public ROW. Two per development, per frontage.	Only allowed for non-residential uses. No illumination allowed
	Monument for certain uses (see other zones for specific requirements which supersede these requirements)	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	6 ft. max.	On private property and set back 5 ft. from property lines	One sign per street frontage and landscaped appropriately for the site. Allowed with public or quasi-public

					buildings or uses, planned unit developments, golf courses, cemeteries, dwelling groups, day care/preschool centers, or other uses permitted in the zone
	Flat/Wall for certain uses (see other zones for specific requirements which supersede these requirements)	5% of a wall area		Attached to a building and one per street frontage	Allowed with public or quasi-public buildings, planned unit developments, golf courses, cemeteries, dwelling groups, or other uses permitted in the zone or as approved in conjunction with a conditional permit approval
Downlit illumination may be built into or attached onto the signs listed above, unless prohibited above.					
SPECIFIC ZONE	SIGN TYPE	SIZE	HEIGHT	LOCATION AND NUMBER OF	OTHER
R-4- 8.5, R- M,					

RMH, MD					
	Flat	15% of a wall area		Attached to a building	Signs that are exposed to dwellings on adjacent properties shall not be illuminated
	Monument	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 to a maximum of 64 sq. ft.	6 ft. max.	Only allowed on private property and setback 5 ft. from property lines	Shall be incorporated into a landscaped accent area. May be illuminated if located on a major arterial street and not directly shining onto a property occupied by a residential use.
C-1	Ground/pole sign	One per lot, 48 sq. ft. plus 1 sq. ft. for each 4 ft. of street frontage over 30, but not to exceed 64 sq. ft.	15 ft. max.	15 ft. setback	Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval.

					No upward illumination is allowed.
	Window	12 sq. ft. maximum per use			No illumination allowed
	Flat or wall	15% of a wall area		One per business per street frontage	Illumination may be built into the letters. A flat or wall sign may only be used if an awning sign is not used. No upward illumination is allowed.
	Temporary				See MKZ 19.82.140
	Monument	One per lot, 32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 to a maximum of 64 sq. ft.	6 ft. max.	On private property and setback 5 ft. form property lines. One per every 200' of street frontage.	
	Awning	25% of a first floor wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground and not above bldg. wall	6 ft. maximum projection from bldg. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is

					not used. Awning signs may not be internally illuminated.
(4) C- 2, C-3	C-2 Ground/pole sign	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 150 sq. ft.	20 ft. max	On private property and a minimum of 10' from the public ROW. One per frontage and located at least 100' from any other pole or monument sign	Illumination may be built into or attached to signs
	TemporaryWindow	Up to 50% of window may be covered			No illumination allowed
	Flat or wall	20% of a wall area			Illumination may be built into the letters. A flat or wall sign may only be used if an awning sign is not used. No upward illumination is allowed.
	Temporary				See MKZ 19.82.140
	Monument	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street	6 ft. max.	On private property and setback 5 ft. form property	

		to a maximum of 64 sq. ft.		lines. 1 sign per 300 ft. frontage or part thereof and located at least 50 ft. from any monument or pole sign.	
	Awning	25% of a first floor wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground and not above bldg. wall	6 ft. maximum projection from bldg. Must be on private property. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used. Shall not be internally illuminated.
	Projecting/Blade sign	One per entrance along frontage and a total of 12 square feet	A minimum of 10 ft. above the ground	6 ft. maximum projection from bldg.	Attached to building. Primary graphics on face or street side of structure. No illumination.
M	Ground/Pole	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 150 sq. ft.	25. ft. max.	15 ft. setback, 1 sign per frontage	Illumination may be built into or attached to sign. No upward illumination is allowed.

	Window	Up to 50% of the window			No illumination allowed
	Flat or wall	20% of a wall area			A flat or wall sign shall only be used if an awning sign is not used
	Temporary				See MKZ 19.82.140
	Monument	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	5 ft minimum setback and 1 sign per 300 ft. frontage or part thereof	
	Awning	25% of a wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. above bldg. wall	4 ft. maximum projection from bldg. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used
(6) F-R,F-M	Monument				Monument signs only as per the C-1 zone
CCOZ	District	288 sf	35 feet	Maximum 3 within the CCOZ	Must be located on City Property

	Monument	Subject to base zone requirements	Subject to base zone requirements	Subject to base zone requirements	
	Flat or Wall	Subject to base zone requirements	Subject to base zone requirements	Subject to base zone requirements	Internally illuminated flat or wall signs are prohibited.
	Projecting/Blade	Subject to base zone requirements	8 foot minimum above the ground	Subject to base zone requirements	Projecting or Blade Signs along the Millcreek Common are limited to 42 inches in width.

B. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty days of such unavailability. Empty signs frames shall either be replaced with new signs for an active business or removed within 6 months from the time the sign area becomes vacant.

C. Design: All signs shall use materials that reflect the adjacent building. All single pole signs where the pole is over 15' in height shall include pole covers and a sign base. All double pole signs over 10 feet in height shall use pole covers and base. Monument signs shall include a base of 25% or more of the sign's height with materials and colors reflecting the adjacent building.

D. Pan channel lettering for flat/wall signs is encouraged and shall be permitted to exceed the maximum allotted area for the zone an additional 5%.

HISTORY
Amended by Ord. 17-18 on 4/17/2017
Amended by Ord. 17-23 on 5/8/2017
Amended by Ord. 19-19 on 5/28/2019
Amended by Ord. 20-06 on 2/10/2020

19.82.200 Non-Conforming Signs

A. Alterations - A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to

conform to all provisions of Title 19.82. All alterations shall require conformance to the provisions of Title 19.82 including any physical changes to the sign panel or the sign cabinet itself. Face changes, normal maintenance/repair, and copy changes in signs with a changeable copy feature are excluded. Further exclusions include any architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least 25 percent of the front façade of the building. Overall height, size, and shape of the sign shall not be increased. Any sign that is located within or projects into the existing public right-of-way shall be made conforming when an alteration occurs or a change in a land use designation that requires a permit.

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

HISTORY
Adopted by Ord. 20-06 on 2/10/2020

19.82.210 Iconic Signs

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

HISTORY
Adopted by Ord. 20-06 on 2/10/2020



MILLCREEK COMMON

April 16, 2021

epg design
planning + landscape architecture

August 2, 2021

Mayor and Council,

As you know, I have been involved with creating successful events (including countless in Millcreek) for close to two decades. It is my passion and my charge to help launch a successful Millcreek Common. Inclusive in the amenity scope of this new public plaza will be a public market space on the ground floor of the new City Hall and a large community room on the top floor of the new City Hall.

This is mixed-use district combining civic, retail, and entertainment uses will be unlike anything seen in this part of the West. The 11,000-sf ice rink and ribbon will be the largest outdoor skating venue in the state and will double as a one-of-a-kind roller-skating rink in the warm months. The outdoor plaza will be the home to concerts, festivals, farmers markets, pop-up events and more. The splash pad, pizzeria, and ice cream shop will create countless family memories; and the 65' climbing wall on the outside of City Hall will be the tallest outdoor climbing wall in Utah.

There have been millions of city, state, and private dollars used to make Millcreek Common a reality, but it is only in the attraction of patrons that the Common will see success. In my professional judgement, despite the best web, social media, and conventional media marketing for this new center nothing can replace the effectiveness of electronic district signs. Such signs are easy to read to thousands of cars passing by, encourage spontaneous visits, and build a sense of destination with our target market.

We need large, dynamic, versatile signage to declare a sense of arrival to Millcreek Common, boldly announce something new and great, support the entrepreneurs on the plaza, and to keep up with the many events. **Please work to support Millcreek Common with large (12' x 24'), modern, elegant, and easy to update digital signage on each main entry point to Millcreek Common.**

Sincerely,

Aimee McConkie

Aimee S. McConkie

Executive Director, Millcreek Common
Events Director, Millcreek
Founder & Executive Director, Venture Out!

WOODBURY CORPORATION

Realtors / Brokers / Managers
Developers / Consultants / Architects

2733 East Parleys Way, Suite 300 / Salt Lake City, Utah 84109-1662

(801) 485-7770
Fax (801) 485-0209

July 29, 2021

Mayor Jeff Silvestrini
3330 South 1300 East
Millcreek, Utah 84106

Dear Mayor Silvestrini,

We are excited to watch the rapid and continuing progress of Millcreek Common. How exciting to see a city center coming together with such a strong mix of retail, office, and housing! We appreciate you asking our advice throughout the process and are pleased to offer an important observation as you prepare for opening Millcreek Common this fall.

As property owner neighbors (and your current landlord) and as community members we are anxious for Millcreek Common to reach its full potential. We have learned while developing over 10 million square feet of retail projects throughout the country that one of the most overlooked elements in such projects is signage. We strongly encourage you to have a full size digital board as part of your entrance marquees, ones that can publicize the many events of the center and support the businesses courageous enough to pioneer in a new project.

We often see the mistake of communities making multi-million dollar investments in projects and then failing to sign the project at a magnitude appropriate to the scale and importance of the center. It is important that a project the size of Millcreek Common located on such busy arterials as Highland Drive, 3300 South, and 1300 East has a sign that is readable to passing traffic, as well. We recommend a sign of at least 35 feet in height to accomplish this.

Once again, we continue to cheer you on, Mayor, as friends of Millcreek. We are excited to see this center progress!

Sincerely,

McKinnon L. Woodbury
Director Development & Acquisitions

Jeffrey K. Woodbury
Sr. VP Development & Acquisitions

MEMO OF UNDERSTANDING BETWEEN
MILLCREEK & REAGAN OUTDOOR ADVERTISING

With a desire to amicably remove an outdoor sign in the path of the new Millcreek Common construction, find a sponsor to finance the construction of three electronic district signs needed for the new Millcreek Common, and possibly remove some of the existing outdoor signs in the city center area; Millcreek staff approached Reagan Outdoor Advertising (ROA) asking for help.

Below is what Millcreek staff and ROA propose in good faith. The items stated herein are not in force until the Millcreek City Council formally acts and a formal contract is created and executed by Millcreek and ROA.

1. There will be three new two (2) faced digital signs:

   a) At 3205 S 1300 E

   b) At 3205 S Highland Drive

   c) At 1350 E 3300 S (as part of the grand entry into Millcreek Common)

   (See maps in Attachment A)

2. These will replace the ten ROA sign faces shown in Attachment B and located at:

   a) 1333 East 3300 South (2 faces, 10'5" x 22'8", total sf 472, height 33.5')
   b) 1235 East 3300 South (2 faces, 10'6" x 36', total sf 721, height 35')
   c) 3155 S Highland Drive (4 faces, 10'5" x 22'8", total sf 944, height 48')
   d) 3155 S Highland Drive (2 faces, 5' x 11', total sf 110, height 40')

3. The square footage from the signs described in the immediately preceding paragraph (#2) will NOT go into the billboard bank. Upon completion and becoming operational (going live) of all three digital signs ROA will also surrender its credits for the existing 924 square feet of billboard area currently in Millcreek's "billboard bank."

4. The dimensions of each new digital sign face shall be 12' x 24' .

5. ROA will build and install at their expense the three signs in Attachment C (NOTE: height in attachment is the 26'6" version. Some signs may be higher.)

- The new sign at 1350 E 3300 S (as part of the grand entry into Millcreek Common) will not exceed 26'6"

D.R.
8/27/9.

- The new sign at 3205 S 1300 E will not exceed 30' if Millcreek locates it in the traffic island of Chambers Avenue (3205 S). If it is located on either side of Chambers Avenue the sign cannot exceed a height of 35'.

- The new sign at 3205 S Highland Drive will not exceed 26'6" if Millcreek locates it in the traffic island of Chambers Avenue (3205 S). If it is located on either side of Chambers Avenue the sign cannot exceed a height of 35'.

6. ROA is responsible for the maintenance and utility costs of these signs for the duration of their leases. Millcreek is responsible for all costs associated with initial installation of electrical service to the signs.

7. The signs are being built on city owned property and will be leased to ROA for advertising consideration and $1 per year for forty (40) years from the date each sign begins operation. At the conclusion of each of the forty-year periods, ROA will remove the screens. At the conclusion of each of the forty-year periods, the sign poles and cabinets become the property of Millcreek.

8. Millcreek will have four out of every ten digital turns (of eight seconds each) on each digital sign face, during each eighty second rotation. The parties will cooperate concerning allowing some of Millcreek's turns to run consecutively, when possible. Millcreek will be prohibited from selling their turns to others. Millcreek will provide ROA with their artwork/copy at least seventy-two business week hours in advance of their desired postdate.

9. ROA will have six out of every ten, eight second turns, throughout each eighty second rotation, on each digital sign face. ROA is prohibited from advertising political candidates or political issue ads as they could imply the endorsement of the city. Specific brands of alcohol or any sexually oriented businesses and products are also prohibited on these signs.

10. ROA agrees to remove the existing board at 1333 East 3300 South by November 1, 2021 to enable Millcreek Common construction.

11. The signs located at 3155 S Highland Drive are to be removed by ROA within 30 days of the digital sign at 3205 S Highland Drive beginning operation.

12. The sign located at 1235 E 3300 S is to be removed by ROA within 30 days of the digital sign at 3205 S 1300 E beginning operation.

13. Upon receipt of all necessary permits to allow the construction and use of the three digital signs, ROA will execute a waiver of their right of first refusal to purchase the property at 1333 East 3300 South.

D-R 8/27/21

14. The digital signs at 1350 E 3300 South and 3205 S 1300 East will be allowed to operate 24 hours per day seven days per week, but the digital sign on Highland Drive must be turned off each night between midnight and 5:00 AM.

15. All signs must have brightness reduced to an illuminance level of not more than 0.3 foot candles above ambient light (when measured from a point 170 feet away and perpendicular to the sign) each night between 10:00 PM and 6:00 AM.

16. SITELINE or displays with equivalent technology shall be included in the initial installation of all three signs and shall include physical light-blocking louvers to provide for light-protected areas and use down-angled LED diodes for the control of blue wavelength light.

17. ROA will be permitted to place an imprint on both sides of each of the three signs stating the signs are sponsored by Reagan Outdoor Advertising.

Dewey A. Reagan for R.O.A. General, LLC — 8/27/21

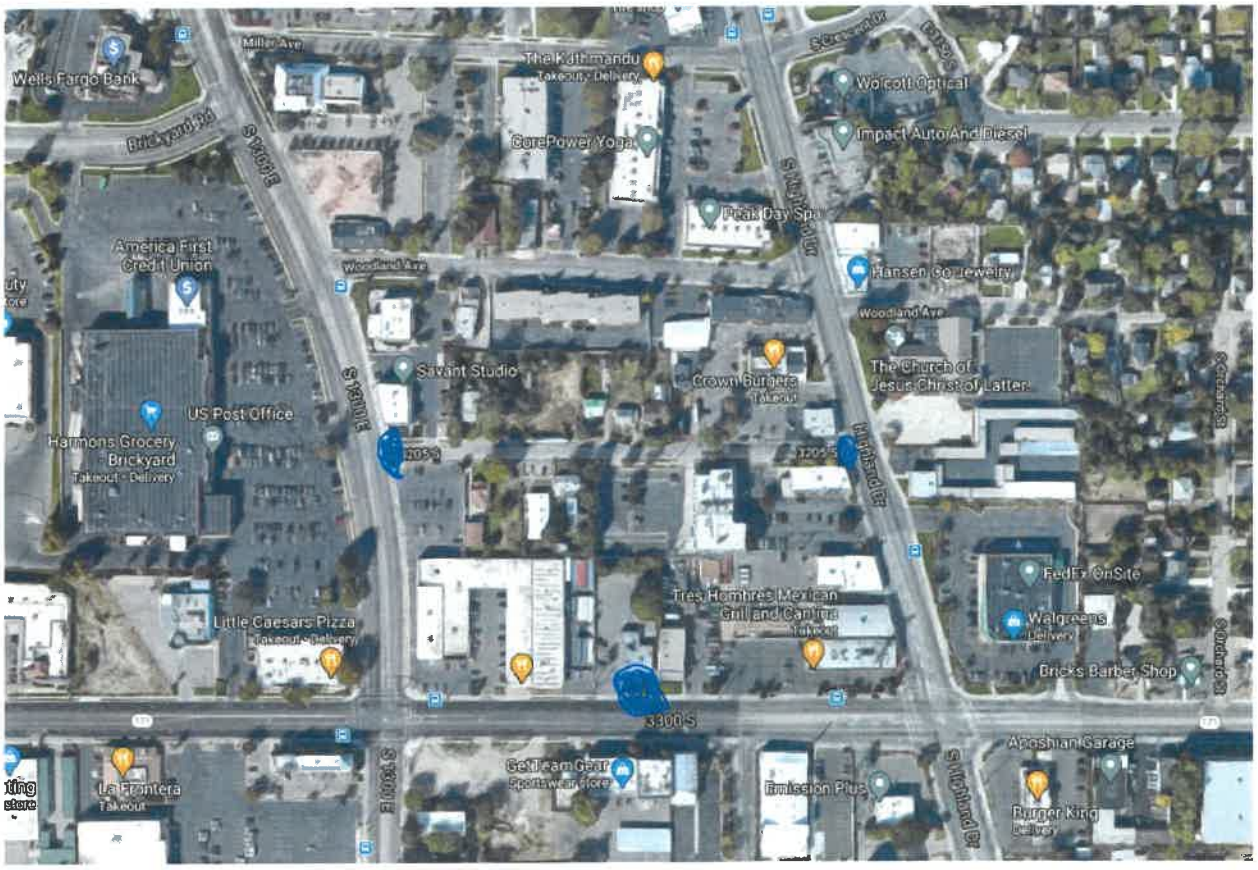
Dewey Reagan, Reagan Outdoor Advertising — Date

Mike Winder, Millcreek Asst. City Manager — Date

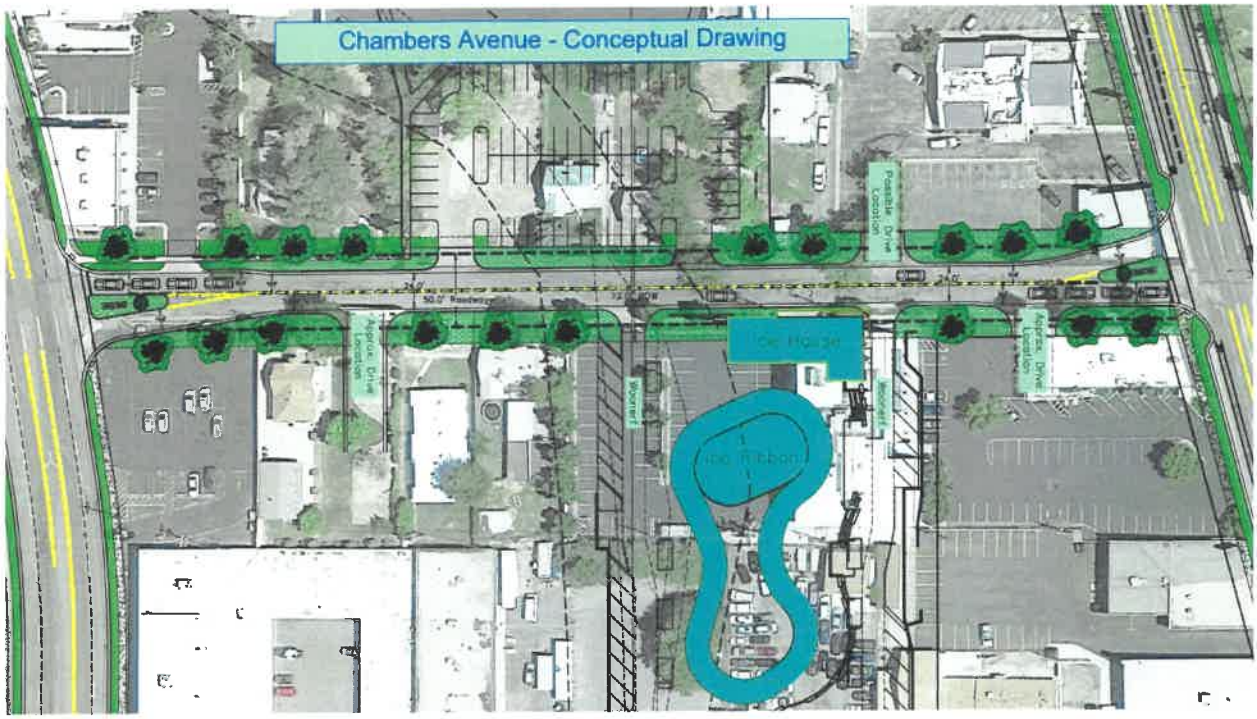
ATTACHMENT A

LOCATION OF NEW DIGITAL SIGNS

1- 3205 S 1300 E 2- 3205 S Highland Drive 3- 1350 E 3300 S



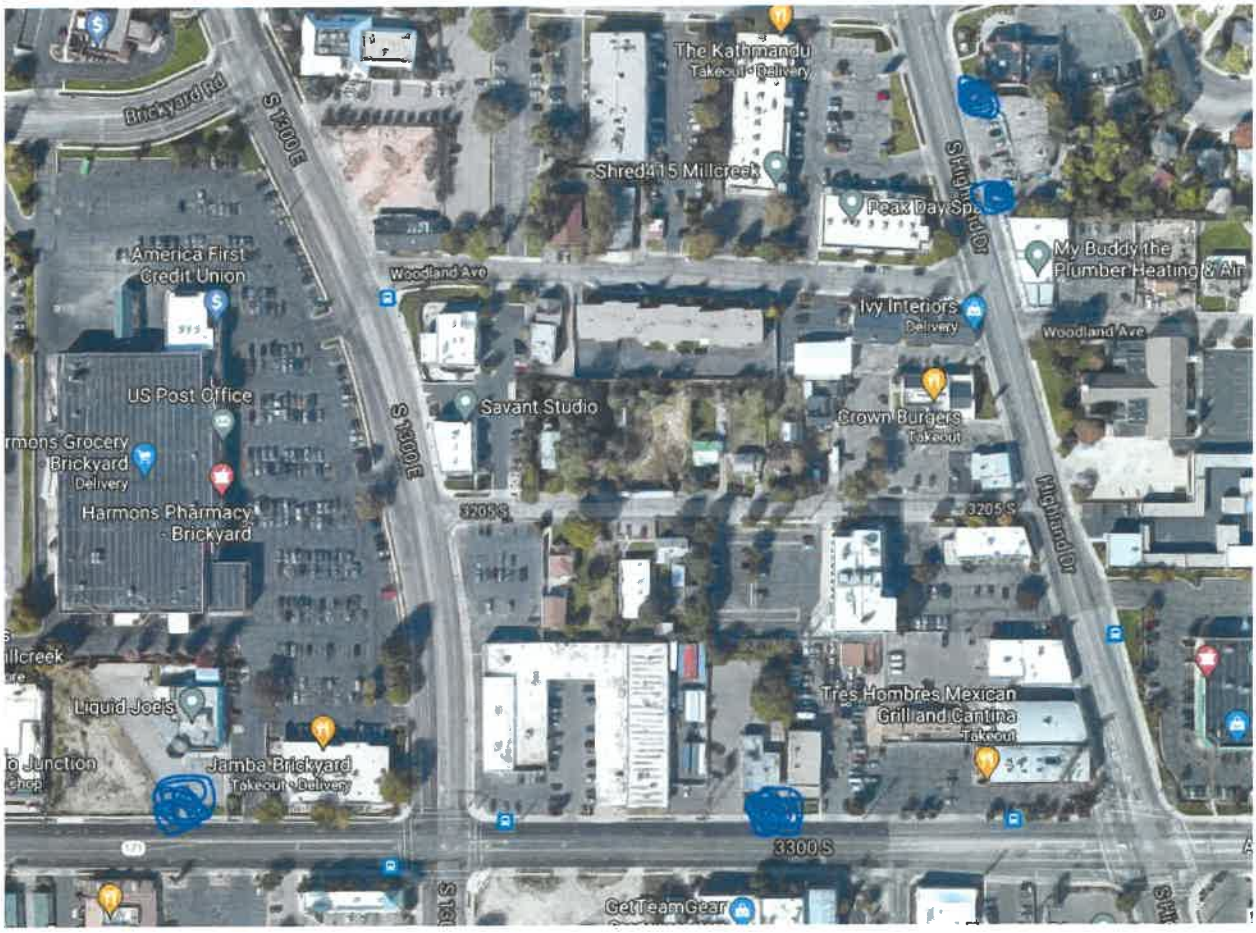
D.R 8/27/21


Chambers Avenue - Conceptual Drawing


FUTURE DEVELOPMENT
3205 SOUTH
ICE SUPPORT BUILDING
HIGHLAND
FUTURE DEVELOPMENT
ICE RIBBON
NORTH BOUND WOONERF
SOUTH BOUND WOONERF
1300 EAST
FUTURE DEVELOPMENT
COFFEE SHOP
DROP OFF
FUTURE DEVELOPMENT
ENTRY
3300 SOUTH

ATTACHMENT B

LOCATION OF EXISTING SIGNS TO BE REMOVED



D.R. 8/27/21

ATTACHMENT C



(Height in attachment is the 26'6" version. Some signs may be higher per item #5.)

D.R 8/27/21

Millcreek HR-Finance

Memo

To: Mayor & Council

From: Laurie Johnson – HR/Finance Director

cc: Mike Winder, Assistant City Manager

Date: October 4, 2021

Re: FY 2021-22 Quarterly Report for period ending September 30, 2021

Attached you will find the FY2021-22 Quarterly Report for the period ending September 30, 2021.

Please note that 25% of the budget year has passed, and total General Fund revenues received is just under 13%. Please note this percentage excludes "Bond Proceeds" which will be transferred to the CIP fund with the next budget amendment. Also, 18.22% of the General Fund budget has been expended. I have added explanatory notes on each page of the expense budget.

The Capital Improvement Project expense budget and the Storm Water Fund budget is also included.

Please let me know if you have any questions.

MILLCREEK FY 2021-22 GENERAL FUND REVENUE BUDGET

	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Received Jul	Received Aug	Received Sep	Total Received 1st Quarter	Total Received	% Received
100 GENERAL FUND									
3100 **TAXES**									
3110 **Property Tax**									
12 Months of UPD Contract + costs of borrowing	11,075,860	11,075,860	11,075,860	-	121,219	121,091	242,310	242,310	2.19%
3120 **Sales & Use Tax**									
General	10,000,000	10,000,000	11,901,521	-	-	1,034,024	1,034,024	1,034,024	8.69%
3125 **Mass Transit Tax**	750,000	750,000	750,000	-	-	91,548	91,548	91,548	12.21%
3130 **Franchise Tax**									
Cable Tax	550,000	550,000	550,000	-	-	-	-	-	0.00%
3140 **Transient Room Tax**	1,500	1,500	1,500	-	-	438	438	438	29.22%
Total Taxes	**$ 22,377,360**	**$ 22,377,360**	**$ 24,278,881**	**$ -**	**$ 121,219**	**$ 1,247,102**	**$ 1,368,321**	**$ 1,368,321**	**5.64%**
3200 **LICENSES & PERMITS**									
3210 **Business Licenses & Permits**	550,000	550,000	550,000	36,418	42,313	65,340	144,071	144,071	26.19%
3220 **Building Permits**	1,200,000	1,200,000	1,200,000	113,724	56,113	68,599	238,435	238,435	19.87%
3230 **Special Event Permits**	500	500	500	400	400	150	950	950	190.00%
3240 **Engineering Permits**	350,000	350,000	350,000	30,616	93,108	62,601	186,325	186,325	53.24%
Total Licenses & Permits	**$ 2,100,500**	**$ 2,100,500**	**$ 2,100,500**	**$ 181,158**	**$ 191,934**	**$ 196,690**	**$ 569,781**	**$ 569,781**	**27.13%**
3300 **INTERGOVERNMENTAL**									
3310 **Local Grants**	-	-	-	-	-	-	-	-	0.00%
3320 **State Grants**	-	-	3,000	3,000	-	-	3,000	3,000	0.00%
Thrive 125 Grant									
3330 **Liquor Grants**	45,000	45,000	45,000	-	-	-	-	-	0.00%
3350 **Federal Grants**	-	1,694,089	1,694,089	-	1,694,089	-	1,694,089	1,694,089	100.00%
American Recovery Act Funds									
Fund 111 **Class C Road Funds**	1,800,000	1,800,000	1,800,000	-	-	315,898	315,898	315,898	17.55%
Total Intergovernmental	**$ 1,845,000**	**$ 3,539,089**	**$ 3,542,089**	**$ 3,000**	**$ 1,694,089**	**$ 315,898**	**$ 2,012,987**	**$ 2,012,987**	**56.83%**
3400 **CHARGES FOR SERVICES**									
3410 **Planning Fees**	70,000	70,000	70,000	3,408	10,038	11,674	25,120	25,120	35.89%
3420 **Engineering Fees**	-	-	-	-	-	-	-	-	0.00%
3430 **Rents & Leases**	-	-	-	-	-	-	-	-	0.00%
3470 **Park Impact Fees**	-	-	-	-	-	-	-	-	0.00%
Total Charges For Services	**$ 70,000**	**$ 70,000**	**$ 70,000**	**$ 3,408**	**$ 10,038**	**$ 11,674**	**$ 25,120**	**$ 25,120**	**35.89%**
3500 **FINES & FORFEITURES**									
3510 **Court Fines**	-	-	-	-	-	-	-	-	0.00%
3520 **Code Compliance Fines**	5,000	5,000	5,000	500	250	2,216	2,966	2,966	59.32%
Total Fines & Forfeitures	**$ 5,000**	**$ 5,000**	**$ 5,000**	**$ 500**	**$ 250**	**$ 2,216**	**$ 2,966**	**$ 2,966**	**59.32%**
3600 **MISCELLANEOUS**									
3610 **Interest Earnings**	100,000	100,000	100,000	8,301	6,950	56	15,308	15,308	15.31%
3620 **Misc. Income**	-	-	-	829	3,863	37	4,729	4,729	0.00%
3630 **Administrative Fees**	110,000	110,000	110,000	9,167	9,167	9,167	27,500	27,500	25.00%
3690 **Bond Proceeds**	-	-	-	-	39,243,823	-	39,243,823	-	0.00%
Total Miscellaneous	**$ 210,000**	**$ 210,000**	**$ 210,000**	**$ 18,297**	**$ 39,263,803**	**$ 9,260**	**$ 39,291,360**	**$ 47,537**	**22.64%**
3800 **CONTRIBUTIONS**									
3810 **Donations**	-	-	-	20	160	20	200	200	0.00%
3820 **Use of Fund Balance**	1,085,573	1,085,573	1,243,973	-			-	-	0.00%
General Fund	-	-	-						
UPD Contract	*1,085,573*	*1,085,573*	*1,243,973*						
Total Other Contributions	**$ 1,085,573**	**$ 1,085,573**	**$ 1,243,973**	**$ 20**	**$ 160**	**$ 20**	**$ 200**	**$ 200**	**0.02%**
Total General Fund Revenues	**$ 27,693,433**	**$ 29,387,522**	**$ 31,450,443**	**$ 206,383**	**$ 41,281,492**	**$ 1,782,860**	**$ 43,270,736**	**$ 4,026,913**	**12.80%**

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4100 LEGISLATIVE										
100-4110 **Mayor & City Council**										
Personnel Expenses										
1100 **Salaries & Wages**	100,000	100,000	100,000	6,408	7,863	7,863	22,133	22,133	77,867	77.87%
1400 **Employee Benefits**	88,000	88,000	88,000	5,363	8,957	5,557	19,877	19,877	68,123	77.41%
Total Personnel	**188,000**	**188,000**	**188,000**	**11,771**	**16,819**	**13,419**	**$ 42,010**	**$ 42,010**	**$ 145,990**	**77.65%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	180,000	187,000	187,000	117,798	7,000	18,421	143,220	143,220	43,780	23.41%
Utah League of Cities & Towns										
ULCT American Recovery Act Assessment										
Jordan River Commission										
Community Renewable Energy										
Central Wasatch Commission										
2300 **Travel**	2,000	2,000	2,000	-		-	-	-	2,000	100.00%
Total Operating	**182,000**	**189,000**	**189,000**	**117,798**	**7,000**	**18,421**	**$ 143,220**	**$ 143,220**	**$ 45,780**	**24.22%**
Professional & Contracted Services										
3100 **Professional Services**	50,000	50,000	50,000	2,500	2,500	2,500	7,500	7,500	42,500	85.00%
Capstone Strategies	*30,000*									
Sustainability Coordinator	*5,000*									
Auditor	*15,000*									
3300 **Training**	4,000	4,000	4,000	-		1,729	1,729	1,729	2,271	56.78%
Total Professional & Contracted	**54,000**	**54,000**	**54,000**	**2,500**	**2,500**	**4,229**	**$ 9,229**	**$ 9,229**	**$ 44,771**	**82.91%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	500	500	500	-	-	-	-	-	500	100.00%
Total Misc.	**500**	**500**	**500**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 500**	**100.00%**
Total Mayor & City Council	**$ 424,500**	**$ 431,500**	**$ 431,500**	**$ 132,069**	**$ 26,319**	**$ 36,070**	**$ 194,458**	**$ 194,458**	**$ 237,042**	**54.93%**

Notes: *Overall budget available is lower than what would be expected due to the payment of membership fees due at the beginning of the fiscal year.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4200 ADMINISTRATION										
100-4210 City Management										
Personnel Services										
1100 **Salaries & Wages**	138,000	140,500	140,500	9,003	13,683	11,147	33,834	33,834	106,666	75.92%
Assistant City Manager										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1400 **Employee Benefits**	48,000	48,000	48,000	2,085	3,041	2,579	7,704	7,704	40,296	83.95%
Total Personnel	**186,000**	**188,500**	**188,500**	11,088	16,724	13,726	**$ 41,538**	**$ 41,538**	**$ 146,962**	**77.96%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	1,500	1,500	1,500	-	-	-	-	-	1,500	100.00%
2300 **Travel**	2,000	2,000	2,000	-	-	-	-	-	2,000	100.00%
2400 **Office Supplies**	-			-	-	-	-	-	-	0.00%
Total Operating	**3,500**	**3,500**	**3,500**	-	-	-	**$ -**	**$ -**	**$ 3,500**	**100.00%**
Professional & Contracted Services										
3100 **Professional Services**	5,000	5,000	5,000	-	-	-	-	-	5,000	100.00%
Various										
3300 **Training**	3,000	3,000	3,000	-	-	-	-	-	3,000	100.00%
Total Professional & Contracted	**8,000**	**8,000**	**8,000**	-	-	-	**$ -**	**$ -**	**$ 8,000**	**100.00%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	5,000	5,000	5,000	-	378	728	1,106	1,106	3,894	77.89%
Total Misc.	**5,000**	**5,000**	**5,000**	-	378	728	**$ 1,106**	**$ 1,106**	**$ 3,894**	**77.89%**
Total City Management	**$ 202,500**	**$ 205,000**	**$ 205,000**	**$ 11,088**	**$ 17,101**	**$ 14,454**	**$ 42,643**	**$ 42,643**	**$ 162,357**	**79.20%**
Notes: *Budget is within expected parameters.*										

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4220 **Justice Court**										
Professional & Contracted Services										
3100 **Professional Services**	-			-	-	-	-	-	-	0.00%
3200 **Contracted Services**	215,000	215,000	215,000	-	-	-	-	-	215,000	100.00%
Total Professional & Contracted	**215,000**	**215,000**	**215,000**	-	-	-	$ -	$ -	**215,000**	**100.00%**
Total Justice Court	**$ 215,000**	**$ 215,000**	**$ 215,000**	$ -	$ -	$ -	$ -	$ -	**$ 215,000**	**100.00%**

Notes: *No expenditures have been made as invoices have not been received from SL County Justice Court.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4230 **Legal Services**										
Personnel Services										
1100 **Salaries & Wages**	-	-	-	-	-	-	-	-	-	0.00%
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1400 **Employee Benefits**	-	-	-	-	-	-	-	-	-	0.00%
Total Personnel	-	-	-	-	-	-	$ -	$ -	$ -	**0.00%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	-	-	-	-	-	-	-	-	-	0.00%
2300 **Travel**	-	-	-	-	-	-	-	-	-	0.00%
Total Operating	-	-	-	-	-	-	$ -	$ -	$ -	**0.00%**
Professional & Contracted Services										
3100 **Professional Services**	165,000	167,500	167,500	300	26,420	4,351	31,071	31,071	136,429	81.45%
John Brems										
Misc. Legal										
3300 **Training**	2,000	2,000	2,000	-	-	779	779	779	1,221	61.07%
3200 **Contracted Services**	335,000	335,000	335,000	-	-	17,764	17,764	17,764	317,236	94.70%
SL County Indigent Defense	*112,558*									
SL County Prosecutorial Services	*220,000*									
Total Professional & Contracted	**502,000**	**504,500**	**504,500**	**300**	**26,420**	**22,894**	**$ 49,614**	**$ 49,614**	**$ 454,886**	**90.17%**
Misc. Expenses										
6100 **Misc. Expenses**	250	250	250	-	-	8	8	8	242	96.82%
Total Misc.	**250**	**250**	**250**	-	-	**8**	**$ 8**	**$ 8**	**$ 242**	**96.82%**
Total Legal Services	**$ 502,250**	**$ 504,750**	**$ 504,750**	**$ 300**	**$ 26,420**	**$ 22,902**	**$ 49,622**	**$ 49,622**	**$ 455,128**	**90.17%**
Notes: *Budget is within expected parameters.*										

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget		FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4240 **Public Safety**											
Professional & Contracted Services											
3200 **Contracted Services**											
	SLC Animal Control	565,000	565,000	565,000	-	153,531	-	153,531	153,531	411,469	72.83%
12 Months of Contract	Unified Police	12,080,000	12,080,000	12,238,400	1,001,821	1,001,821	1,001,821	3,005,463	3,005,463	9,232,937	75.44%
	CARES Act (UPD)	-	-	-	-	-	-	-	-	-	0.00%
	CARES Act (UPD Payroll)	-	-	-	-	-	-	-	-	-	0.00%
	American Recovery Act (UFA)	-	130,261	130,261	-	-	-	-	-	130,261	100.00%
	American Recovery Act (WFWRD)	-	9,328	9,328	-	-	-	-	-	9,328	100.00%
	UPD (Alcohol Tax Exp)	45,000	45,000	45,000	-	-	-	-	-	45,000	100.00%
	Total Professional & Contracted	**12,690,000**	**12,829,589**	**12,987,989**	**1,001,821**	**1,155,352**	**1,001,821**	**$ 3,158,994**	**$ 3,158,994**	**$ 9,828,995**	**75.68%**
	Total Public Safety	**$ 12,690,000**	**$ 12,829,589**	**$ 12,987,989**	**$ 1,001,821**	**$ 1,155,352**	**$ 1,001,821**	**$ 3,158,994**	**$ 3,158,994**	**$ 9,828,995**	**75.68%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4250 **Promise Program**										
Personnel Services										
1100 **Salaries & Wages**	70,000	71,000	71,000	4,183	6,152	5,132	15,467	15,467	55,533	78.22%
Promise Program Manager										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	1,500	1,500	1,500	-	-	-	-	-	1,500	100.00%
1400 **Employee Benefits**	25,800	25,800	25,800	1,399	2,579	1,612	5,590	5,590	20,210	78.33%
Total Personnel	**$ 97,300**	**$ 98,300**	**$ 98,300**	**5,582**	**8,730**	**6,744**	**$ 21,056**	**$ 21,056**	**$ 77,244**	**78.58%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	750	750	750	-	-	-	-	-	750	100.00%
2300 **Travel**	1,500	1,500	1,500	-	-	-	-	-	1,500	100.00%
2400 **Office Supplies**	200	200	200	-	-	-	-	-	200	100.00%
2500 **Equipment/Supplies**	500	500	500	-	-	-	-	-	500	100.00%
Total Operating	**2,950**	**2,950**	**2,950**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 2,950**	**100.00%**
Professional & Contracted Services										
3100 **Professional Services**	1,000	1,000	1,000	-	-	-	-	-	1,000	100.00%
3300 **Training**	500	500	500	-	-	-	-	-	500	100.00%
3400 **Printing**	250	250	250	-	-	-	-	-	250	100.00%
Total Professional & Contracted	**1,750**	**1,750**	**1,750**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 1,750**	**100.00%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	500	500	500	-	251	47	298	298	202	40.44%
Total Misc.	**500**	**500**	**500**	**-**	**251**	**47**	**$ 298**	**$ 298**	**$ 202**	**40.44%**
Community Programs										
8200 **Events**	7,500	157,500	157,500	-	69	241	310	310	157,190	99.80%
American Recovery Act Funds				-						
Total Community Programs	**7,500**	**157,500**	**157,500**	**-**	**69**	**241**	**$ 310**	**$ 310**	**$ 157,190**	**99.80%**
Total Promise Program	**$ 110,000**	**$ 261,000**	**$ 261,000**	**$ 5,582**	**$ 9,050**	**$ 7,032**	**$ 21,664**	**$ 21,664**	**$ 239,336**	**91.70%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4310 **City Recorder**										
Personnel Services										
1100 **Salaries & Wages**	76,000	78,500	78,500	5,195	8,965	6,428	20,588	20,588	57,912	73.77%
City Recorder										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1400 **Employee Benefits**	35,000	35,000	35,000	1,174	1,848	1,431	4,453	4,453	30,547	87.28%
Total Personnel	**111,000**	**113,500**	**113,500**	**6,369**	**10,813**	**7,859**	**$ 25,041**	**$ 25,041**	**$ 88,459**	**77.94%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	500	500	500	-	565	-	565	565	(65)	-13.00%
2300 **Travel**	1,500	1,500	1,500	-	-	-	-	-	1,500	100.00%
2400 **Office Supplies**	-	-	-	-	-	-	-	-	-	0.00%
2800 **Postage & Shipping**	-	-	-	-	-	-	-	-	-	0.00%
Total Operating	**2,000**	**2,000**	**2,000**	**-**	**565**	**-**	**$ 565**	**$ 565**	**$ 1,435**	**71.75%**
Professional & Contracted Services										
3100 **Professional Services**	-			-	-	-	-	-	-	0.00%
3200 **Contracted Services**	40,000	40,000	40,000	-	-	-	-	-	40,000	100.00%
SL County Elections										
3300 **Training**	1,200	1,200	1,200	-	-	-	-	-	1,200	100.00%
3400 **Printing**	-	-	-	-	-	-	-	-	-	0.00%
3500 **Advertising & Public Notices**	10,000	10,000	10,000	-	28	263	291	291	9,709	97.09%
Total Professional & Contracted	**51,200**	**51,200**	**51,200**	**-**	**28**	**263**	**$ 291**	**$ 291**	**$ 50,909**	**99.43%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	500	500	500	-	-	-	-	-	500	100.00%
Total Misc.	**500**	**500**	**500**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 500**	**100.00%**
Total City Recorder	**$ 164,700**	**$ 167,200**	**$ 167,200**	**$ 6,369**	**$ 11,406**	**$ 8,122**	**$ 25,896**	**$ 25,896**	**$ 141,304**	**84.51%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4400 BUILDING SERVICES										
100-4410 **Building Services**										
Personnel Services										
1100 **Salaries & Wages**	675,000	698,500	698,500	42,299	76,398	52,755	171,453	171,453	527,047	75.45%
Building Services Director /Building Off.										
Plans Examiner I										
Building Inspector III										
Building Inspector III										
Building Inspector I										
Permit Technician II										
Permit Technician I										
Code Compliance Inspector II										
Code Compliance Inspector I										
Code Compliance Inspector I										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	2,500	2,500	2,500	-	-	-	-	-	2,500	100.00%
1400 **Employee Benefits**	330,000	330,000	330,000	20,075	33,388	22,058	75,521	75,521	254,479	77.11%
Total Personnel	**1,007,500**	**1,031,000**	**1,031,000**	**62,374**	**109,786**	**74,813**	**$ 246,974**	**$ 246,974**	**$ 784,026**	**76.05%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	4,000	4,000	4,000	-	100	39	139	139	3,861	96.53%
2300 **Travel**	5,000	5,000	5,000	-	-	287	287	287	4,713	94.26%
2500 **Equipment/Supplies**	5,000	5,000	5,000	-	336	-	336	336	4,664	93.27%
Total Operating	**14,000**	**14,000**	**14,000**	**-**	**436**	**326**	**$ 762**	**$ 762**	**$ 13,238**	**94.55%**
Professional & Contracted Services										
3100 **Professional Services**	90,000	90,000	90,000	-	-	968	968	968	89,032	98.92%
Building Inspection Services										
Code Compliance Abatement										
3300 **Training**	10,000	10,000	10,000	-	250	605	855	855	9,145	91.45%
Total Professional & Contracted	**100,000**	**100,000**	**100,000**	**-**	**250**	**1,573**	**$ 1,823**	**$ 1,823**	**$ 98,177**	**98.18%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	2,500	2,500	2,500	-	12	559	572	572	1,928	77.13%
Total Misc.	**2,500**	**2,500**	**2,500**	**-**	**12**	**559**	**$ 572**	**$ 572**	**$ 1,928**	**77.13%**
Total Building Services	**$ 1,124,000**	**$ 1,147,500**	**$ 1,147,500**	**$ 62,374**	**$ 110,485**	**$ 77,272**	**$ 250,131**	**$ 250,131**	**$ 897,369**	**78.20%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4500 COMMUNICATIONS & PROGRAMS										
100-4510 **Communications & Programs**										
Personnel Services										
1100 **Salaries & Wages**	83,250	85,750	85,750	5,301	9,102	6,566	20,970	20,970	64,780	75.55%
Communications & Programs Director										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	-			-	-	-	-	-	-	0.00%
1400 **Employee Benefits**	37,000	37,000	37,000	2,395	2,699	2,699	7,792	7,792	29,208	78.94%
Total Personnel	**120,250**	**122,750**	**122,750**	**7,696**	**11,801**	**9,265**	**$ 28,762**	**$ 28,762**	**$ 93,988**	**76.57%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	500	500	500	-	-	-	-	-	500	100.00%
2300 **Travel**	750	750	750	-	-	-	-	-	750	100.00%
2500 **Equipment/Supplies**	2,500	2,500	2,500	-	-	-	-	-	2,500	100.00%
2800 **Postage & Shipping**	45,000	45,000	45,000	-	-	6,326	6,326	6,326	38,674	85.94%
Total Operating	**48,750**	**48,750**	**48,750**	**-**	**-**	**6,326**	**$ 6,326**	**$ 6,326**	**$ 42,424**	**87.02%**
Professional & Contracted Services										
3100 **Professional Services**	35,000	35,000	35,000	-	200	-	200	200	34,800	99.43%
3300 **Training**	2,000	2,000	2,000	-	-	-	-	-	2,000	100.00%
3400 **Printing**	75,000	75,000	75,000	-	-	4,716	4,716	4,716	70,284	93.71%
Total Professional & Contracted	**112,000**	**112,000**	**112,000**	**-**	**200**	**4,716**	**$ 4,916**	**$ 4,916**	**$ 107,084**	**95.61%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	2,000	2,000	2,000	16	-	29	45	45	1,955	97.77%
Total Misc.	**2,000**	**2,000**	**2,000**	**16**	**-**	**29**	**$ 45**	**$ 45**	**$ 1,955**	**97.77%**

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
Community Programs										
8100 **Community Councils**	29,000	29,000	29,000	6,000	-	-	6,000	6,000	23,000	79.31%
Canyon Rim	*6,000*									
East Millcreek	*5,000*									
Millcreek	*15,000*									
Mt. Olympus	*3,000*									
8200 **Events**	10,000	10,000	10,000	113	15	2,408	2,535	2,535	7,465	74.65%
Utah Venture Out (Moved to Events Budget)	-									
Youth City Council	*5,000*									
Other	*5,000*									
8300 **Programs**	6,250	106,250	106,250	-	25,000	-	25,000	25,000	81,250	76.47%
Rain Barrel Program	*6,250*	*6,250*	*6,250*							
Asian Association of Utah		*100,000*	*100,000*							
Total Community Programs	**45,250**	**145,250**	**145,250**	**6,113**	**25,015**	**2,408**	**$ 33,535**	**$ 33,535**	**$ 111,715**	**76.91%**
Total Communications & Programs	**$ 328,250**	**$ 430,750**	**$ 430,750**	**$ 13,825**	**$ 37,016**	**$ 22,744**	**$ 73,584**	**$ 73,584**	**$ 357,166**	**82.92%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4520 **Emergency Management**										
Personnel Services										
1100 **Salaries & Wages**	67,000	69,500	69,500	4,210	7,880	5,189	17,280	17,280	52,220	75.14%
Emergency/Risk Manager										
1200 **Part-Time Wages**	-			-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	2,000	2,000	2,000	-	-	-	-	-	2,000	100.00%
1400 **Employee Benefits**	38,000	38,000	38,000	2,259	4,972	2,521	9,752	9,752	28,248	74.34%
Total Personnel	**107,000**	**109,500**	**109,500**	**6,469**	**12,852**	**7,711**	**$ 27,032**	**$ 27,032**	**$ 82,468**	**75.31%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	1,000	1,000	1,000	-	-	-	-	-	1,000	100.00%
2300 **Travel**	250	250	250	-	-	-	-	-	250	100.00%
2400 **Office Supplies**	-	-	-	-	-	-	-	-	-	0.00%
2500 **Equipment/Supplies**	12,500	12,500	12,500	-	-	-	-	-	12,500	100.00%
Total Operating	**13,750**	**13,750**	**13,750**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 13,750**	**100.00%**
Professional & Contracted Services										
3100 **Professional Services**	-	-	-	-	-	-	-	-	-	0.00%
3300 **Training**	5,000	5,000	5,000	-	175	300	475	475	4,525	90.50%
3400 **Printing**	1,000	1,000	1,000	-	-	-	-	-	1,000	100.00%
Total Professional & Contracted	**6,000**	**6,000**	**6,000**	**-**	**175**	**300**	**$ 475**	**$ 475**	**$ 5,525**	**92.08%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	2,500	2,500	2,500	-	-	-	-	-	2,500	100.00%
Total Misc.	**2,500**	**2,500**	**2,500**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 2,500**	**100.00%**
Total Emergency Management	**$ 129,250**	**$ 131,750**	**$ 131,750**	**$ 6,469**	**$ 13,027**	**$ 8,011**	**$ 27,507**	**$ 27,507**	**$ 104,243**	**79.12%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4530 **Information Center**										
Personnel Services										
1100 **Salaries & Wages**	160,000	167,500	167,500	9,506	19,381	11,746	40,633	40,633	126,867	75.74%
Information Center Manager										
Information Center Technician										
Information Center Technician										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	10,000	10,000	10,000	97	194	145	436	436	9,564	95.64%
1400 **Employee Benefits**	78,000	78,000	78,000	4,551	9,150	5,088	18,789	18,789	59,211	75.91%
Total Personnel	**248,000**	**255,500**	**255,500**	**14,154**	**28,725**	**16,979**	**$ 59,858**	**$ 59,858**	**$ 195,642**	**76.57%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	500	500	500	-	-	-	-	-	500	100.00%
2300 **Travel**	500	500	500	-	-	-	-	-	500	100.00%
2400 **Office Supplies**	20,000	20,000	20,000	122	1,003	360	1,485	1,485	18,515	92.58%
2500 **Equipment/Supplies**	5,000	5,000	5,000	-	-	-	-	-	5,000	100.00%
2800 **Postage & Shipping**	17,500	17,500	17,500	742	1,448	1,131	3,321	3,321	14,179	81.03%
Total Operating	**43,500**	**43,500**	**43,500**	**864**	**2,451**	**1,491**	**$ 4,805**	**$ 4,805**	**$ 38,695**	**88.95%**
Professional & Contracted Services										
3100 **Professional Services**	1,000	1,000	1,000	-	-	-	-	-	1,000	100.00%
3300 **Training**	1,200	1,200	1,200	-	-	-	-	-	1,200	100.00%
3400 **Printing**	1,200	1,200	1,200	-	55	-	55	55	1,145	95.42%
Total Professional & Contracted	**3,400**	**3,400**	**3,400**	**-**	**55**	**-**	**$ 55**	**$ 55**	**$ 3,345**	**98.38%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	5,000	5,000	5,000	-	58	-	58	58	4,942	98.83%
6300 **Meals**	7,500	7,500	7,500	-	-	347	347	347	7,153	95.37%
Total Misc.	**12,500**	**12,500**	**12,500**	**-**	**58**	**347**	**$ 406**	**$ 406**	**$ 12,094**	**96.75%**
Total Information Center	**$ 307,400**	**$ 314,900**	**$ 314,900**	**$ 15,018**	**$ 31,289**	**$ 18,817**	**$ 65,124**	**$ 65,124**	**$ 249,776**	**79.32%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4600 ECONOMIC DEVELOPMENT										
100-4610 **Economic Development**										
Personnel Services										
1100 **Salaries & Wages**	55,000	57,500	57,500	3,479	6,857	4,295	14,632	14,632	42,868	74.55%
Asst. to Economic Dev. Director										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	1,000	1,000	1,000	-	-	-	-	-	1,000	100.00%
1400 **Employee Benefits**	25,000	25,000	25,000	1,232	2,668	1,451	5,351	5,351	19,649	78.59%
Total Personnel	**81,000**	**83,500**	**83,500**	**4,711**	**9,526**	**5,746**	**$ 19,983**	**$ 19,983**	**$ 63,517**	**76.07%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	1,200	1,200	1,200	-	-	-	-	-	1,200	100.00%
2300 **Travel**	3,000	3,000	3,000	-	-	804	804	804	2,196	73.21%
2500 **Equipment/Supplies**	500	500	500	-	-	-	-	-	500	100.00%
Total Operating	**4,700**	**4,700**	**4,700**	**-**	**-**	**804**	**$ 804**	**$ 804**	**$ 3,896**	**82.90%**
Professional & Contracted Services										
3100 **Professional Services**	5,000	5,000	5,000	-	-	-	-	-	5,000	100.00%
3300 **Training**	5,000	5,000	5,000	-	15	1,765	1,780	1,780	3,220	64.40%
Total Professional & Contracted	**10,000**	**10,000**	**10,000**	**-**	**15**	**1,765**	**$ 1,780**	**$ 1,780**	**$ 8,220**	**82.20%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	7,500	7,500	7,500	-	73	299	371	371	7,129	95.05%
6400 **Retail Promotion**	-			-	-	-	-	-	-	0.00%
Total Misc.	**7,500**	**7,500**	**7,500**	**-**	**73**	**299**	**$ 371**	**$ 371**	**$ 7,129**	**95.05%**
Total Economic Development	**$ 103,200**	**$ 105,700**	**$ 105,700**	**$ 4,711**	**$ 9,613**	**$ 8,614**	**$ 22,938**	**$ 22,938**	**$ 82,762**	**78.30%**
Notes: *Budget is within expected parameters.*										

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4620 **Business License Administration**										
Personnel Services										
1100 **Salaries & Wages**	104,000	109,000	109,000	6,553	13,214	8,097	27,863	27,863	81,137	74.44%
Business License Administrator										
Business License Assistant										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	2,500	2,500	2,500	76	-	62	138	138	2,362	94.48%
1400 **Employee Benefits**	57,200	57,200	57,200	3,604	6,171	3,950	13,724	13,724	43,476	76.01%
Total Personnel	**163,700**	**168,700**	**168,700**	**10,232**	**19,384**	**12,109**	**$ 41,725**	**$ 41,725**	**$ 126,975**	**75.27%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	500	500	500	-	-	-	-	-	500	100.00%
2300 **Travel**	1,500	1,500	1,500	-	316	89	405	405	1,095	72.98%
2500 **Equipment/Supplies**	250	250	250	-	-	-	-	-	250	100.00%
Total Operating	**2,250**	**2,250**	**2,250**	**-**	**316**	**89**	**$ 405**	**$ 405**	**$ 1,845**	**81.98%**
Professional & Contracted Services										
3100 **Professional Services**	-	-	-	-	-	-	-	-	-	0.00%
Business License Fee Study										
3300 **Training**	1,500	1,500	1,500	-	-	-	-	-	1,500	100.00%
Total Professional & Contracted	**1,500**	**1,500**	**1,500**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 1,500**	**100.00%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	500	500	500	-	-	-	-	-	500	100.00%
Total Misc.	**500**	**500**	**500**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 500**	**100.00%**
Total Business License Administration	**$ 167,950**	**$ 172,950**	**$ 172,950**	**$ 10,232**	**$ 19,700**	**$ 12,198**	**$ 42,131**	**$ 42,131**	**$ 130,819**	**75.64%**
Notes: *Budget is within expected parameters.*										

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-5700 EVENTS/MILLCREEK COMMON										
100-5710 Events/Millcreek Common										
Personnel Services										
1100 Salaries & Wages	95,000	96,000	96,000	5,835	8,180	7,141	21,156	21,156	74,844	77.96%
Events/Millcreek Common Director										
1200 Part-Time Wages	75,000	75,000	40,000	-	-	-	-	-	40,000	100.00%
1300 Over-Time Wages	2,500	2,500	2,500	-	-	-	-	-	2,500	100.00%
1400 Employee Benefits	65,000	65,000	65,000	2,830	3,294	3,127	9,251	9,251	55,749	85.77%
Total Personnel	**237,500**	**238,500**	**203,500**	**8,665**	**11,473**	**10,268**	**$ 30,407**	**$ 30,407**	**$ 173,093**	**85.06%**
Operating Expenses										
2100 Books, Subscriptions, Memb.	500	500	500	-	-	-	-	-	500	100.00%
2300 Travel	1,500	1,500	1,500	-	-	-	-	-	1,500	100.00%
2500 Equipment/Supplies	3,500	3,500	3,500	-	-	-	-	-	3,500	100.00%
Total Operating	**5,500**	**5,500**	**5,500**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 5,500**	**100.00%**
Professional & Contracted Services										
3100 Professional Services	5,000	5,000	40,000	-	3,000	9,000	12,000	12,000	28,000	70.00%
3300 Training	1,500	1,500	1,500	-	-	-	-	-	1,500	100.00%
Total Professional & Contracted	**6,500**	**6,500**	**41,500**	**-**	**3,000**	**9,000**	**12,000**	12,000	29,500	71.08%
Miscellaneous Expenses										
6100 Misc. Expenses	5,000	5,000	5,000	-	-	-	-	-	5,000	100.00%
Total Misc.	**5,000**	**5,000**	**5,000**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 5,000**	**100.00%**
Community Programs										
8200 Events	150,000	150,000	153,000	150,000	-		150,000	150,000	3,000	1.96%
Utah Venture Out										
Thrive 125 Grant (Camp Tracy)										
8300 Programs	20,000	20,000	20,000	-	-	-	-	-	20,000	100.00%
Total Community Programs	**$ 170,000**	**$ 170,000**	**$ 173,000**	**150,000**	**-**	**-**	**$ 150,000**	**$ 150,000**	**$ 23,000**	**13.29%**
Total Events/Millcreek Common	**$ 424,500**	**$ 425,500**	**$ 428,500**	**$ 158,665**	**$ 14,473**	**$ 19,268**	**$ 192,407**	**$ 192,407**	**$ 236,093**	**55.10%**

Notes: *Budget is lower than expected due to the lump sum payment to Utah Venture Out.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4700 FINANCE										
100-4710 **Finance**										
Personnel Services										
1100 **Salaries & Wages**	285,000	293,500	293,500	17,922	30,874	19,996	68,792	68,792	224,708	76.56%
HR-Finance Director HR Manager HR-Finance Technician Grant/CDBG Administrator										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1400 **Employee Benefits**	170,000	170,000	170,000	9,556	14,993	8,441	32,990	32,990	137,010	80.59%
Total Personnel	**455,000**	**463,500**	**463,500**	**27,478**	**45,867**	**28,437**	**$ 101,782**	**$ 101,782**	**$ 361,718**	**78.04%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	250	250	250	-	-	-	-	-	250	100.00%
2300 **Travel**	500	500	500	-	9	14	24	24	476	95.29%
2400 **Office Supplies**	250	250	250	-	-	-	-	-	250	100.00%
2500 **Equipment/Supplies**	250	250	250	-	-	-	-	-	250	100.00%
Total Operating	**1,250**	**1,250**	**1,250**	**-**	**9**	**14**	**$ 24**	**$ 24**	**$ 1,226**	**98.12%**
Professional & Contracted Services										
3100 **Professional Services**	5,000	5,000	5,000	-	-	-	-	-	5,000	100.00%
3300 **Training**	7,500	7,500	7,500	-	100	-	100	100	7,400	98.67%
3400 **Printing**	-	-	-	-	-	-	-	-	-	0.00%
Total Professional & Contracted	**12,500**	**12,500**	**12,500**	**-**	**100**	**-**	**$ 100**	**$ 100**	**$ 12,400**	**99.20%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	1,000	1,000	1,000	-	22	-	22	22	978	97.79%
Total Misc.	**1,000**	**1,000**	**1,000**	**-**	**22**	**-**	**$ 22**	**$ 22**	**$ 978**	**97.79%**
Total Finance	**$ 469,750**	**$ 478,250**	**$ 478,250**	**$ 27,478**	**$ 45,998**	**$ 28,452**	**$ 101,928**	**$ 101,928**	**$ 376,322**	**78.69%**
Notes: *Budget is within expected parameters.*										

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4720 **Human Resources**										
Personnel Services										
1100 **Salaries & Wages**	-	-	-	-	-	-	-	-	-	0.00%
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1400 **Employee Benefits**	-	-	-	-	-	-	-	-	-	0.00%
Total Personnel	-	-	-	-	-	-	$ -	$ -	$ -	**0.00%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	250	250	250	-	-	-	-	-	250	100.00%
2300 **Travel**	-	-	-	-	-	-	-	-	-	0.00%
2400 **Office Supplies**	250	250	250	-	-	-	-	-	250	100.00%
2500 **Equipment/Supplies**	250	250	250	-	-	-	-	-	250	100.00%
2800 **Postage & Shipping**	250	250	250	-	-	-	-	-	250	100.00%
Total Operating	**1,000**	**1,000**	**1,000**	-	-	-	$ -	$ -	$ **1,000**	**100.00%**
Professional & Contracted Services										
3100 **Professional Services**	6,500	6,500	6,500	-	405	502	907	907	5,593	86.05%
Employee Assistance Program										
Drug Testing										
3300 **Training**	1,000	1,000	1,000	-	-	-	-	-	1,000	100.00%
3400 **Printing**	500	500	500	-	-	-	-	-	500	100.00%
Total Professional & Contracted	**8,000**	**8,000**	**8,000**	-	**405**	**502**	$ **907**	$ **907**	$ **7,093**	**88.67%**
Insurance										
4200 **Worker's Comp Insurance**	50,000	50,000	50,000	-	6,048	3,132	9,180	9,180	40,820	81.64%
Total Insurance	**50,000**	**50,000**	**50,000**	-	**6,048**	**3,132**	$ **9,180**	$ **9,180**	$ **40,820**	**81.64%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	500	500	500	-	-	-	-	-	500	100.00%
Total Misc.	**500**	**500**	**500**	-	-	-	$ -	$ -	$ **500**	**100.00%**
Total Human Resources	$ **59,500**	$ **59,500**	$ **59,500**	$ -	$ **6,452**	$ **3,634**	$ **10,087**	$ **10,087**	$ **49,413**	**83.05%**
Notes: *Budget is within expected parameters.*										

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4730 **Non-Departmental**										
Insurance										
4100 **Liability Insurance**	85,000	85,000	85,000	-	-	-	-	-	85,000	100.00%
Total Insurance	**85,000**	**85,000**	**85,000**	-	-		$ -	$ -	$ **85,000**	**100.00%**
Debt Service										
5100 **Bond Principal Payments**	-	-	840,000	-	-	-	-	-	840,000	100.00%
5200 **Debt Interest**	-	-	938,361	-	-	-	-	-	938,361	100.00%
5300 **Debt Related Fees**	-	-	-	-	243,823	-	243,823	243,823	(243,823)	0.00%
Series 2021 Sales Tax Bond										
Total Debt Service	-	-	**1,778,361**	-	**243,823**	-	$ **243,823**	$ **243,823**	$ **1,534,538**	**86.29%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	35,000	35,000	35,000	-	49	-	49	49	34,951	99.86%
6200 **Bank Charges**	55,000	55,000	55,000	5,037	4,170	4,963	14,171	14,171	40,829	74.24%
Total Misc.	**90,000**	**90,000**	**90,000**	**5,037**	**4,220**	**4,963**	$ **14,220**	$ **14,220**	$ **75,780**	**84.20%**
Other Financing Uses										
9100 **Contribution to Fund Balance**	1,206,923	1,206,923	1,206,923	-	-	-	-	-	1,206,923	100.00%
9200 **Due Other Govt. Entity**	61,000	61,000	61,000	-	-	-	-	-	61,000	100.00%
9300 **Transfer to CIP Fund**	81,860	1,281,860	1,281,860	-	-	-	-	-	1,281,860	100.00%
American Recovery Act Funds										
9400 **Transfer to Stormwater Fund**	5,000	13,750	13,750	-	8,750	-	8,750	8,750	5,000	36.36%
Total Other Financing Uses	**1,354,783**	**2,563,533**	**2,563,533**	-	**8,750**	-	$ **8,750**	$ **8,750**	$ **2,554,783**	**99.66%**
Total Non-Departmental	$ **1,529,783**	$ **2,738,533**	$ **4,516,894**	$ **5,037**	$ **256,793**	$ **4,963**	$ **266,793**	$ **266,793**	$ **4,250,101**	**94.09%**

Notes: *Negative balance line item will be addressed in the next budget amendment.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4800 Facilities Administration										
100-4810 **Facilities Administration**										
Personnel Services										
1100 **Salaries & Wages**	105,000	107,500	107,500	6,551	10,650	8,114	25,315	25,315	82,185	76.45%
City Facilities Director										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1400 **Employee Benefits**	50,000	50,000	50,000	3,098	3,936	3,475	10,509	10,509	39,491	78.98%
Total Personnel	**155,000**	**157,500**	**157,500**	**9,649**	**14,587**	**11,589**	**$ 35,825**	**$ 35,825**	**$ 121,675**	**77.25%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	4,000	4,000	4,000	648	-	59	707	707	3,293	82.33%
2300 **Travel**	3,500	3,500	3,500	-	-	-	-	-	3,500	100.00%
2500 **Equipment/Supplies**	2,000	2,000	2,000	-	-	-	-	-	2,000	100.00%
Total Operating	**9,500**	**9,500**	**9,500**	**648**	**-**	**59**	**$ 707**	**$ 707**	**$ 8,793**	**92.56%**
Professional & Contracted Services										
3100 **Professional Services**	7,500	7,500	7,500	135	540	270	945	945	6,555	87.40%
3300 **Training**	5,000	5,000	5,000	-	-	475	475	475	4,525	90.50%
3400 **Printing**	-	-	-	-	-	-	-	-	-	0.00%
Total Professional & Contracted	**12,500**	**12,500**	**12,500**	**135**	**540**	**745**	**$ 1,420**	**$ 1,420**	**$ 11,080**	**88.64%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	2,500	2,500	2,500	-	-	209	209	209	2,292	91.66%
Total Misc.	**2,500**	**2,500**	**2,500**	**-**	**-**	**209**	**$ 209**	**$ 209**	**$ 2,292**	**91.66%**
Total Facilities Administration	**$ 179,500**	**$ 182,000**	**$ 182,000**	**$ 10,432**	**$ 15,127**	**$ 12,601**	**$ 38,160**	**$ 38,160**	**$ 143,840**	**79.03%**
Notes: *Budget is within expected parameters.*										

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4820 **Facilities**										
Operating Expenses										
2500 **Equipment/Supplies**	50,000	50,000	50,000	411	721	1,525	2,657	2,657	47,343	94.69%
Building Improvements	-	-	-	-	-	-	-	-	-	0.00%
2600 **Building Maintenance**	25,000	25,000	25,000	-	-	-	-	-	25,000	100.00%
2700 **Utilities**	45,000	45,000	45,000	-	4,340	3,744	8,084	8,084	36,916	82.04%
Electricity										
Natural Gas										
Waste & Disposal										
Water & Sewer										
Total Operating	**120,000**	**120,000**	**120,000**	**411**	**5,061**	**5,269**	**$ 10,741**	**$ 10,741**	**$ 109,259**	**91.05%**
Professional & Contracted Services										
3100 **Professional Services**	35,000	35,000	35,000	4,901	3,118	1,845	9,863	9,863	25,137	71.82%
3300 **Training**	-	-	-	-	-	-	-	-	-	0.00%
Total Professional & Contracted	**35,000**	**35,000**	**35,000**	**4,901**	**3,118**	**1,845**	**$ 9,863**	**$ 9,863**	**$ 25,137**	**71.82%**
Debt Service										
5400 **Leases**	205,000	205,000	205,000	32,516	16,258	16,258	65,032	65,032	139,968	68.28%
Total Debt Service	**205,000**	**205,000**	**205,000**	**32,516**	**16,258**	**16,258**	**$ 65,032**	**$ 65,032**	**$ 139,968**	**68.28%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	7,500	7,500	7,500	55	-	55	110	110	7,390	98.53%
Total Misc.	**7,500**	**7,500**	**7,500**	**55**	-	**55**	**$ 110**	**$ 110**	**$ 7,390**	**98.53%**
Total Facilities	**$ 367,500**	**$ 367,500**	**$ 367,500**	**$ 37,883**	**$ 24,437**	**$ 23,427**	**$ 85,747**	**$ 85,747**	**$ 281,753**	**76.67%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4830 **Fleet**										
Operating Expenses										
2500 **Equipment/Supplies**	2,500	2,500	2,500	1,523	77	721	2,321	2,321	179	7.14%
2650 **Vehicle Maintenance**	10,000	10,000	10,000	-	77	96	173	173	9,827	98.27%
2900 **Fuel**	20,000	20,000	20,000	1,065	2,103	2,400	5,567	5,567	14,433	72.16%
Total Operating Expenses	**32,500**	**32,500**	**32,500**	**2,588**	**2,257**	**3,217**	**$ 8,062**	**$ 8,062**	**$ 24,438**	**75.20%**
Capital Expenses										
7500 **Vehicles**	35,000	35,000	35,000	27,686	-	-	27,686	27,686	7,314	20.90%
Total Capital Expenses	**35,000**	**35,000**	**35,000**	**27,686**	**-**	**-**	**$ 27,686**	**$ 27,686**	**$ 7,314**	**20.90%**
Total Fleet	**$ 67,500**	**$ 67,500**	**$ 67,500**	**$ 30,274**	**$ 2,257**	**$ 3,217**	**$ 35,748**	**$ 35,748**	**$ 31,752**	**47.04%**

Notes: *Budget is lower than expected due to purchase of vehicle in July.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4840 **IT Management**										
Operating Expenses										
2500 **Equipment/Supplies**	400,000	400,000	400,000	26,694	7,205	3,155	37,054	37,054	362,946	90.74%
27000 General Supplies & Microsoft Licensing										
30,000 Financial Management Software										
10,000 AutoCad										
26,000 CivicPlus										
5,000 Bluebeam										
2,000 MuniCode										
238,000 EnerGov										
32,000 iWorQ License Maintenance										
2700 **Utilities**										
Telephone	45,000	45,000	45,000		1,350	2,025	3,376	3,376	41,625	92.50%
Total Operating	**445,000**	**445,000**	**445,000**	**26,694**	**8,555**	**5,180**	**$ 40,430**	**$ 40,430**	**$ 404,570**	**90.91%**
Professional & Contracted Services										
3100 **Professional Services**	80,000	80,000	80,000		5,790	7,254	13,044	13,044	66,956	83.70%
Les Olson IT										
3300 **Training**	-	-	-		-	-	-	-	-	0.00%
Total Professional & Contracted	**80,000**	**80,000**	**80,000**	**-**	**5,790**	**7,254**	**$ 13,044**	**$ 13,044**	**$ 66,956**	**83.70%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	2,000	2,000	2,000		-	-	-	-	2,000	100.00%
Total Misc.	**2,000**	**2,000**	**2,000**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 2,000**	**100.00%**
Capital										
7400 **Equipment (Computers, etc.)**	35,000	35,000	35,000		247	1,808	2,055	2,055	32,945	94.13%
Total Capital	**35,000**	**35,000**	**35,000**	**-**	**247**	**1,808**	**$ 2,055**	**$ 2,055**	**$ 32,945**	**94.13%**
Total IT Management	**$ 562,000**	**$ 562,000**	**$ 562,000**	**$ 26,694**	**$ 14,592**	**$ 14,242**	**$ 55,528**	**$ 55,528**	**$ 506,472**	**90.12%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-4900 **PLANNING & ZONING**										
100-4910 **Planning & Zoning**										
Personnel Services										
1100 **Salaries & Wages**	545,000	557,500	638,660	35,256	58,241	37,927	131,423	131,423	507,237	79.42%
Planning & Zoning Director										
Planning Engineer										
Development Review Engineer II										
Development Review Engineer I										
Long Range Planning Manager										
Current Planning Manager										
Planner I										
Planning Technician										
1200 **Part-Time Wages**	-	-	-	-	-	-	-	-	-	0.00%
1300 **Over-Time Wages**	7,500	7,500	7,500	136	602	507	1,245	1,245	6,255	83.40%
1400 **Employee Benefits**	220,000	220,000	262,000	12,315	20,208	13,744	46,268	46,268	215,732	82.34%
Total Personnel	**772,500**	**785,000**	**908,160**	**47,707**	**79,051**	**52,177**	**$ 178,936**	**$ 178,936**	**$ 729,224**	**80.30%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	3,500	3,500	3,500	-	678	137	815	815	2,685	76.71%
2300 **Travel**	5,000	5,000	5,000	-	-	-	-	-	5,000	100.00%
2400 **Office Supplies**	500	500	500	-	-	-	-	-	500	100.00%
2500 **Equipment/Supplies**	1,000	1,000	1,000	-	-	-	-	-	1,000	100.00%
Total Operating	**10,000**	**10,000**	**10,000**	**-**	**678**	**137**	**$ 815**	**$ 815**	**$ 9,185**	**91.85%**
Professional & Contracted Services										
3100 **Professional Services**	250,000	250,000	250,000	-	6,300	-	6,300	6,300	243,700	97.48%
Misc. Studies										
Code Recodification										
3200 **Contracted Services**	30,000	30,000	30,000	-	180	-	180		30,000	100.00%
SL County Addressing										
SL County Surveying										
3300 **Training**	7,500	7,500	7,500	-	-	948	948	948	6,552	87.36%
3400 **Printing**	1,000	1,000	1,000	-	-	-	-	-	1,000	100.00%
Total Professional & Contracted	**288,500**	**288,500**	**288,500**	**-**	**6,480**	**948**	**$ 7,428**	**$ 7,248**	**$ 281,252**	**97.49%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	2,500	2,500	2,500	-	91	48	139	139	2,361	94.45%
Total Misc.	**2,500**	**2,500**	**2,500**	**-**	**91**	**48**	**$ 139**	**$ 139**	**$ 2,361**	**94.45%**
Total Planning & Zoning	**$ 1,073,500**	**$ 1,086,000**	**$ 1,209,160**	**$ 47,707**	**$ 86,300**	**$ 53,310**	**$ 187,317**	**$ 187,137**	**$ 1,022,023**	**84.52%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET

Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
100-5100 PUBLIC WORKS										
100-5110 **Public Works**										
Personnel Services										
1100 **Salaries & Wages**	426,400	438,650	438,650	24,962	42,093	30,860	97,915	97,915	340,735	77.68%
Public Works Director										
Staff Engineer I										
Public Works Operations Manager										
Public Works Inspector II										
GIS/Website Technician										
Permit Technician (50%)										
1200 **Part-Time Wages**	12,000	12,000	12,000	1,111	101	-	1,212	1,212	10,788	89.90%
1300 **Over-Time Wages**	7,500	7,500	7,500	-	158	132	290	290	7,210	96.14%
1400 **Employee Benefits**	208,000	208,000	208,000	10,281	17,075	11,743	39,099	39,099	168,901	81.20%
Total Personnel	**653,900**	**666,150**	**666,150**	**36,353**	**59,427**	**42,735**	**$ 138,516**	**$ 138,516**	**$ 527,634**	**79.21%**
Operating Expenses										
2100 **Books, Subscriptions, Memb.**	7,500	7,500	7,500	-	-	-	-	-	7,500	100.00%
2300 **Travel**	4,500	4,500	4,500	-	-	-	-	-	4,500	100.00%
2400 **Office Supplies**	-	-	-	-	-	-	-	-	-	0.00%
2500 **Equipment/Supplies**	3,500	3,500	3,500	-	-	-	-	-	3,500	100.00%
2700 **Utilities**	37,500	37,500	37,500	11	3,046	3,056	6,112	6,112	31,388	83.70%
2800 **Postage & Shipping**	-	-	-		-	-	-	-	-	0.00%
Total Operating	**53,000**	**53,000**	**53,000**	**11**	**3,046**	**3,056**	**$ 6,112**	**$ 6,112**	**$ 46,888**	**88.47%**
Professional & Contracted Services										
3100 **Professional Services**	200,000	200,000	200,000		6,610	-	6,610	6,610	193,391	96.70%
Development Review Services										
3200 **Contracted Services**										
SL County Parks	400,000	400,000	400,000			-	-	-	400,000	100.00%
SL County Public Works	3,375,000	3,375,000	3,375,000			629,698	629,698	629,698	2,745,302	81.34%
3300 **Training**	6,500	6,500	6,500			210	210	210	6,290	96.77%
3400 **Printing**	-	-	-		-	-	-	-	-	0.00%
Total Professional & Contracted	**3,981,500**	**3,981,500**	**3,981,500**	**-**	**6,610**	**629,908**	**$ 636,517**	**$ 636,517**	**$ 3,344,983**	**84.01%**
Miscellaneous Expenses										
6100 **Misc. Expenses**	2,500	2,500	2,500		-	-	-	-	2,500	100.00%
Total Misc.	**2,500**	**2,500**	**2,500**	**-**	**-**	**-**	**$ -**	**$ -**	**$ 2,500**	**100.00%**
Total Public Works	**$ 4,690,900**	**$ 4,703,150**	**$ 4,703,150**	**$ 36,364**	**$ 69,083**	**$ 675,699**	**$ 781,145**	**$ 781,145**	**$ 3,922,005**	**83.39%**

Notes: *Budget is within expected parameters.*

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET										
Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
Fund 111 Class B & C Road										
Class B & C Road Expenditures										
2650 Class C Road Maintenance	1,800,000	1,800,000	1,800,000	-	-	-	-	-	1,800,000	100.00%
Total Class B & C Road	$ 1,800,000	$ 1,800,000	$ 1,800,000	$ -	$ -	$ -	$ -	$ -	$ 1,800,000	100.00%
Notes: *No expenditures have been made.*										

MILLCREEK FY 2021-22 GENERAL FUND EXPENSE BUDGET										
Department Budget	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Budget Available	% Budget Available (75% of budget year remaining)
Total General Fund Expenses	$ 27,693,433	$ 29,387,522	$ 31,450,443	$ 1,650,394	$ 2,002,290	$ 2,076,869	$ 5,729,553	$ 5,729,373	$ 25,721,070	81.78%

MILLCREEK FY 2021-22 CAPITAL IMPROVEMENT FUND EXPENSE BUDGET										
	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Balance Available	% Budget Available
CAPITAL IMPROVEMENT PROJECT FUND										
Capital Projects Expenses										
450-5410 **Capital Improvement Projects**										
7310 General CIP	300,000	300,000	652,352	113,760	-	54,969	168,730	168,730	483,622	74.14%
Pavement Preservation										
Jupiter Brockbank SW										
3900 S: I-215 to 2300 E Reconstruction										
900 E: 3900 S to 4500 S Safety Improvements										
Wasatch Blvd 3441 dip										
3900 S: Jordan River to 700 E										
3800 S Skyline HS Intersection										
Highland Dr: 3300 S to 3900 S										
900 E: 3900 S to 4500 S Constructions Match										
7320 Sidewalk Projects	270,000	270,000	270,000	174,080	64,046	114,550	352,675	352,675	(82,675)	-30.62%
4705 S: 1380 E to 1450 E SW										
Misc. Repair - Overlays										
SW 50/50 Program										
SW Cutting (Trip Hazards)										
4500 S.: 1380 E to 1450 E SW										
Main Street - AT and SW										
700 E: Empire Ave to Redmaple Rd SW										
3300 S: 1885 E to 1940 E										
3300 S: 2404 E to Pioneer Street SW										
3300 S: 2600 E to 2700 E SW										
Neff's Lane										
3900 South: SW at power station (West Temple)										
TRAX										

MILLCREEK FY 2021-22 CAPITAL IMPROVEMENT FUND EXPENSE BUDGET

	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	FY 2021-22 Amendment #2	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	Total Expenditures	Balance Available	% Budget Available
7330 Traffic Calming	50,000	50,000	50,000	-	-	-	-	-	50,000	100.00%
Misc.										
Signs										
DFS (Speed Signs)										
Neffs Lane										
7340 Storm Drain	776,000	776,000	776,000	-	18,784	-	18,784	18,784	757,216	97.58%
Emergency CIP										
Hillside Lane Drainage										
300 East: 3900 S to 4000 S										
Central Avenue Drainage Project										
Scott's Avenue Drainage (South Side)										
Orchard Circle to Honeycut Ln										
SD System Investigation										
1940 E 3300 S										
3196 S 2045 E (pipe)										
2555 E Crestbrook (sump)										
1998 Siggard Dr (C&G)										
Missing C&G Various Locations										
7350 Active Transportation	-	-	-	-	-	-	-	-	-	0.00%
7360 Lighting	-	-	-	-	-	-	-	-	-	0.00%
7370 Non PW Projects	1,407,860	2,607,860	2,607,860	31,899	160,857	187,575	380,332	380,332	2,227,528	85.42%
CDBG Sunnyvale Park										
Mountair Streetscape										
Millcreek Common										
City Hall										
Pickleball Courts										
Other Misc. Projects										
9100 CIP Fund Balance	-	-	-	-	-	-	-	-	-	0.00%
Total CIP	**$ 2,803,860**	**$ 4,003,860**	**$ 4,356,212**	**$ 319,738**	**$ 243,687**	**$ 357,095**	**$ 920,521**	**$ 920,521**	**3,435,691**	**78.87%**

MILLCREEK FY 2021-22 STORM WATER REVENUE BUDGET

STORM WATER REVENUE BUDGET	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	Received Jul	Received Aug	Received Sep	Total Received 1st Quarter	Total Received	% Received
510 STORM WATER								
3400 CHARGES FOR SERVICES								
3460 Storm Water Fees	2,775,000	2,775,000	211,808	258,325	254,390	724,523	724,523	26.11%
Total Charges For Services	**2,775,000**	**2,775,000**	**$ 211,808**	**$ 258,325**	**$ 254,390**	**$ 724,523**	**$ 724,523**	**26.11%**
3600 MISCELLANEOUS								
3610 Interest Earnings	5,000	5,000	-	-	-	-	-	0.00%
3620 Misc. Income	-	-		-	-	-	-	0.00%
Total Miscellaneous	**5,000**	**5,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**0.00%**
3800 CONTRIBUTIONS								
3820 Use of Fund Balance	-	-	-	-	-	-	-	0.00%
Total Contributions	**-**	**-**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**0.00%**
3900 OTHER SOURCES								
3910 Transfer from General Fund	-	8,750	-	8,750	-	8,750	8,750	100.00%
American Recovery Act funds for premium pay								
Total Other Sources	**$ -**	**$ 8,750**	**$ -**	**$ 8,750**	**$ -**	**$ 8,750**	**$ 8,750**	**100.00%**
Total Storm Water Fund Revenue	**$ 2,780,000**	**$ 2,788,750**	**$ 211,808**	**$ 258,325**	**$ 254,390**	**$ 724,523**	**$ 724,523**	**25.98%**

MILLCREEK FY 202122 STORM WATER FUND EXPENSE BUDGET

	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	4th Quarter Expenditures	Total Expenditures	Budget Available	% Available
STORM WATER FUND										
Storm Water Fund Expenses										
Personnel Services										
1100 Salaries & Wages	285,000	293,750	18,384	32,911	22,731	74,026	-	74,026	210,974	74.03%
Stormwater Engineer										
SW Inspector										
SW Inspector										
Billing Specialist										
1200 Part-Time Wages	15,000	15,000	-	-	-	-	-	-	15,000	100.00%
1300 Over-Time Wages	15,000	15,000	307	31	94	433	-	433	14,567	97.12%
1400 Employee Benefits	160,000	160,000	6,526	9,269	7,480	23,275	-	23,275	136,725	85.45%
Total Personnel	**$ 475,000**	**$ 483,750**	**$ 25,217**	**$ 42,211**	**$ 30,305**	**$ 97,733**	**$ -**	**$ 97,733**	**$ 377,267**	**79.42%**
Operating Expenses										
2100 Books, Subscriptions, Memb.	2,500	2,500	-	-	-	-	-	-	2,500	100.00%
2300 Travel	5,000	5,000	-	-	-	-	-	-	5,000	100.00%
2400 Office Supplies	2,000	2,000	-	-	-	-	-	-	2,000	100.00%
2500 Equipment/Supplies	25,000	25,000	-	-	-	-	-	-	25,000	100.00%
2650 Vehicle Maintenance	10,000	10,000	-	-	-	-	-	-	10,000	100.00%
2800 Postage & Shipping	5,000	5,000	-	-	-	-	-	-	5,000	100.00%
2900 Fuel	20,000	20,000	127	445	327	899	-	899	19,101	95.51%
Total Operating	**$ 69,500**	**$ 69,500**	**$ 127**	**$ 445**	**$ 327**	**$ 899**	**$ -**	**$ 899**	**$ 68,601**	**98.71%**
Professional & Contracted Services										
3100 Professional Services	90,000	90,000	-	7,000	7,000	14,000	-	14,000	76,000	84.44%
Rocky Mtn. Power										
3200 Contracted Services	384,000	384,000	-	8,191	-	8,191	-	8,191	375,809	97.87%
SL County										
3300 Training	15,000	15,000	-	-	-	-	-	-	15,000	100.00%
3400 Printing	5,000	5,000	-	-	-	-	-	-	5,000	100.00%
Total Professional & Contracted	**$ 494,000**	**$ 494,000**	**$ -**	**$ 15,191**	**$ 7,000**	**$ 22,191**	**$ -**	**$ 22,191**	**$ 471,809**	**95.51%**

MILLCREEK FY 202122 STORM WATER FUND EXPENSE BUDGET										
	FY 2021-22 Adopted Budget	FY 2021-22 Amendment #1	Expenditures Jul	Expenditures Aug	Expenditures Sep	1st Quarter Expenditures	4th Quarter Expenditures	Total Expenditures	Budget Available	% Available
Miscellaneous Expenses										
6100 **Misc. Expenses**	20,000	20,000	-	-	-	-	-	-	20,000	100.00%
6400 **Administrative Expenses**	110,000	110,000	9,167	9,167	9,167	27,500	-	27,500	82,500	75.00%
Total Misc.	**$ 130,000**	**$ 130,000**	**$ 9,167**	**$ 9,167**	**$ 9,167**	**$ 27,500**	**$ -**	**$ 27,500**	**$ 102,500**	**78.85%**
Capital Expenditures										
7400 **Equipment (Computers, etc.)**	20,000	20,000	-	-	-	-	-	-	20,000	100.00%
7500 **Vehicles**	210,000	210,000	-	-	204,254	204,254	-	204,254	5,746	2.74%
Total Capital	**$ 230,000**	**$ 230,000**	**$ -**	**$ -**	**$ 204,254**	**$ 204,254**	**$ -**	**$ 204,254**	**$ 25,746**	**11.19%**
Other Financing Uses										
9100 **Contribution to Fund Balance**	$ 605,500	$ 605,500	-	-	-	-	-	-	605,500	100.00%
9300 **Transfer to CIP Fund**	$ 776,000	$ 776,000	-	-	-	-	-	-	776,000	100.00%
Total Other Financing Uses	**$ 1,381,500**	**$ 1,381,500**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	-	1,381,500	**100.00%**
Total Storm Water	**$ 2,780,000**	**$ 2,788,750**	**$ 34,511**	**$ 67,013**	**$ 251,053**	**$ 352,577**	**$ -**	**$ 352,577**	**$ 2,427,423**	**87.32%**

MILLCREEK, UTAH
ORDINANCE NO. 21-41

AN ORDINANCE APPOINTING A MUNICIPAL INSPECTOR

WHEREAS, the Millcreek Council (the "Council") met in regular meeting on October 11, 2021, to consider, among other things, appointing a municipal inspector; and

WHEREAS, Utah Code Ann. § 10-11-1, *et seq.*, provides in part that the city council may appoint a municipal inspector to examine and investigate real properties located within the City for the growth and spread of injurious and noxious weeds, garbage and refuse, public nuisance, and illegal objects and structures; and

NOW, THEREFORE, BE IT ORDAINED by the Council that Jim Hardy, be appointed municipal inspectors for purposes of Utah Code Ann. § 10-11-1, *et seq.*

This Ordinance assigned Ordinance No. 21-41, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 11th day of October, 2021.

MILLCREEK COUNCIL

_____
Jeff Silvestrini, Mayor

_____
Elyse Sullivan, 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 21-41: AN ORDINANCE APPOINTING A MUNICIPAL INSPECTOR
was passed and adopted the 11th day of October 2021 and certifies that copies of the foregoing Ordinance 21-41 were posted in the following locations within the municipality this ____ day of October, 2021.

1. Millcreek City Hall, 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 Sullivan, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 21-41

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MILLCREEK COUNCIL

_____
Jeff Silvestrini, Mayor

_____
Elyse Sullivan, City Recorder

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

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_____
Elyse Sullivan, City Recorder

LOBBY SERVICES AGREEMENT

THIS AGREEMENT (this "Agreement") is entered into effective October 1, 2021, by and between **MILLCREEK** a Utah municipality ("Millcreek"), and Barker Leavitt a Washington, DC based law ("Barker Leavitt").

RECITALS:

A. Barker Leavitt is a Washington, DC based law firm specializing lobby services.

B. Millcreek is in need of such lobbyist services.

C. Millcreek desires to enter into a service contract with the Barker Leavitt for lobby services.

AGREEMENT:

NOW, THEREFORE, in consideration of the premises, mutual covenants, and undertakings, the parties hereby agree as follows:

Scope of Services to Be Provided. Barker Leavitt agrees to furnish federal lobby services requested by Millcreek ("Lobby Services") during the term of this Agreement. Lobby Services shall include, but not be limited to advising and assisting Millcreek in identifying and developing federal requests for congressional appropriations and authorizations, assisting in identifying and advocating for federal grant opportunities, maintaining relations with the Congress of the United States and the applicable Executive Branch Agencies to advance and protect the interests of Millcreek (special emphasis shall be placed on liaison relationship with the Utah Congressional Delegation and the Congressional Committees and Executive Branch Agencies that oversee funding and programs relating to economic development, environment and public lands, transportation, and urban policy matters), facilitate and provide communications with the Utah Congressional Delegation, and in turn advising Millcreek of the interests and needs of the Delegation. Additional responsibilities may include but are not limited to: development of informational materials and briefing papers; Congressional meetings and briefings; review and analysis of federal budgets; participation and monitoring of congressional committees; and participation in the development of Millcreek's annual Federal agenda and strategic planning processes.

1. Lobby Services provided by Barker Leavitt shall at all times be subject to applicable laws, rules, and regulations.

2. ***Fees for Lobby Services***. Millcreek shall pay Barker Leavitt $5,000 per month or pro-rated fee for the number of days remaining for the partial month of October 2021for Lobby Services. Each month Barker Leavitt shall provide Millcreek with an invoice. Provided the Lobby

Services have been performed to the satisfaction of Millcreek then Millcreek shall pay such amount with in ten days of receipt of the invoice.

3. ***Term***. This Agreement shall be effective as of the date hereof and shall terminate on June 30, 2022; provided, however, upon consent of the parties hereto and subject to the right to terminated as provided herein, this Agreement may be renewed for successive year terms.

4. ***Termination***. Either party may terminate this Agreement at any time, without cause, conditioned only upon 45-day prior notice to the other party.

5. ***Assignment and Delegation***. Barker Leavitt will not assign or delegate the performance of his duties under this Agreement without the prior written approval of Millcreek.

6. ***Malpractice Insurance***. Barker Leavitt shall at his own cost maintain professional liability insurance covering the acts and omissions of Barker Leavitt in the performance of their professional duties.

7. ***Notice***. All notices, consents, approvals or other instruments required or permitted to be given by either party pursuant to this Agreement shall be in writing and given by (i) hand delivery, (ii) facsimile or email, (iii) express overnight delivery service or (iv) certified or registered mail, return receipt requested, and shall be deemed to have been delivered upon (a) receipt, if hand delivered, (b) transmission, if delivered by facsimile or email, (c) the next business day, if delivered by express overnight delivery service, or (d) the third business day following the day of deposit of such notice with the United States Postal Service, if sent by certified or registered mail, return receipt requested. Notices shall be provided to the Parties and addresses (or email addresses or facsimile numbers, as applicable) specified below.

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

Barker Leavitt: Ryan Leavitt
1050 Thomas Jefferson Street, NW
Fifth Floor
Washington, D.C. 20007

8. ***Applicable Law***. The provisions hereof shall be governed by and construed in accordance with the laws of the state of Utah.

9. ***Waiver***. No failure by any party to insist upon the strict performance of any covenant, duty, agreement or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach or of such or any other covenant, agreement, term or condition. Any party may, by notice delivered in the manner

provided in this Agreement, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation, or covenant of any other party. No waiver shall affect or alter the remainder of this Agreement but each and every other covenant, agreement, term, and condition hereof shall continue in full force and effect with respect to any other then existing or subsequently occurring breach.

10. ***Rights and Remedies***. The rights and remedies of the parties hereto shall not be mutually exclusive, and the exercise of one or more of the provisions of this Agreement shall not preclude the exercise of any other provisions hereof.

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

12. ***Conflicts of Interest***. Barker Leavitt agrees that it shall attempt to avoid all conflicts of interest with other clients he may have and shall comply with applicabe rules of conduct. Barker Leavitt represents and certifies that it has not offered or given any gift or compensation prohibited by law to any officer or employee of Millcreek to secure favorable treatment with respect to being awarded this Agreement.

IN WITNESS WHEREOF, Millcreek caused this Agreement to be signed by its mayor elect and attested by its recorder and delivered, and Baker Leavitt has caused the same to be signed and delivered.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, City Recorder

BARKER LEAVITT:

_____
Ryan Leavitt

Minutes of the
Millcreek City Council
September 13, 2021
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 September 13, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members
Jeff Silvestrini, Mayor
Silvia Catten, District 1 (arrived at 5:25 p.m.)
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff
John Brems, City Attorney
Elyse Sullivan, City Recorder
Kurt Hansen, Facilities Director
Mike Winder, Assistant City Manager
Francis Lilly, Planning & Zoning Director
Robert May, Planner
John Miller, City Engineer
Rita Lund, Communications Director
Jim Hardy, Building Official

Attendees: Norma Carr, Thom DeSirant, David Baird, Marv Poulson, Beverly Boyce, Angel Vice, Michael Akerlow, Rachel Clark, Jeremiah Clark, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 5:00 p.m.
TIME COMMENCED – 5:01 p.m.

Mayor Silvestrini called the work meeting to order.

1. Canyon Rim Park Pickleball Court Update and Discussion; John Miller, City Engineer
Council Member Jackson said there were meetings with Canyon Rim Academy and the Canyon Rim stake leadership of the Church of Jesus Christ of Latter-Day Saints and staff got good input to give to the engineers. Based on that feedback, the engineers proposed the two options to the school and church who were happy with the proposed changes that address traffic and safety concerns.

John Miller said a noise study was conducted and the results suggested that if pickleball was being played on the 9-10 court option simultaneously, the noise level would be higher than the County noise regulation of 55 dB(A). The traditional method of controlling noise is a fence. The fencing would be on the north and west sides. Mayor Silvestrini said there would be a security concern for opaque fencing. Miller showed the Council proposed site plans of 6-8 courts and 8-

10 courts that included additional parking and a one-way access street. Council Member Marchant said a seated waiting area between the courts would be appropriate. Miller said the 10-court option could happen, but accesses would be different. Council Member Jackson noted that it would require a retaining wall. Miller said it would be easier and more efficient to follow the site plan with fewer courts. The cost for 8 courts was $590k and 10 courts was $634k. Council Member Jackson asked about lighting. Council Member Marchant said there would be conduits for light poles, but that could be a future project if needed. Council Member Uipi asked if there was a barrier between courts. Miller said there would be. Mayor Silvestrini and Council Member Uipi said there was demand for more courts and wanted 10 courts. Council Member Jackson said the courts should be standard size and not championship size. Council Member Jackson preferred the 8-court option for parking, access, and noise. Council Member Marchant deferred to Council Member Jackson's decision. Miller recommended the Council act quickly for construction timeliness reasons. Mayor Silvestrini asked if stairs could be installed in the retaining wall on the east side in the proposal with 10 courts. Miller said the proposal was still a concept, but it could be possible. Council Member Catten felt people would use the extra courts. The Council was in favor of the 10-court option. Council Member Catten said if the cost went up when it came time for construction, the Council should revisit that decision.

2. Planning Matter First Reading:

a. ZT-21-004, Accessory Dwelling Unit (ADU) Ordinance Draft, Francis Lilly, Planning & Zoning Director

Mayor Silvestrini said the Council started a first reading at their last meeting but there was not enough time, so it was moved to another meeting. Francis Lilly said there were three types of ADUs that the ordinance regulated; internal, attached, and detached. An internal ADU, permitted by state law, would be a mother-in-law apartment which fits within the footprint of the home and has owner-occupancy in the primary dwelling. The minimum lot size for internal ADU would be 6,000 square feet and having an internal ADU would require 1 additional off-street parking stall. A new attached ADU must be on a lot at least 6,000 square feet and must meet all Residential Compatibility Overlay Zone (RCOZ) and setback requirements, just like any other home addition. There must be owner-occupancy in the primary dwelling and 1 parking stall per bedroom plus the required off-street parking for the primary residence. Mayor Silvestrini asked if the Planning Commission was okay with the minimum lot size because some of the community councils were not. Lilly said yes. He said detached ADUs must be eight feet from side and rear property lines and six feet from the primary residence, be no more than 10% taller than the primary residence up to 24 feet tall, and have 1 parking stall per bedroom plus required off-street parking for primary residence. There cannot be any trespassing light onto and no visible stairways or entries visible from adjoining properties. Windows within 15 feet of a neighbor's property line must be translucent or not visible from the neighbors' property. ADUs are prohibited on slopes of 30% or greater. These different types of ADU applications would be approved by staff.

Lilly said another type of ADU would be the conversion of an existing structure. If the existing ADU meets all the requirements in code, staff approves it, if it does not comply with code then it can be legalized through a special exception by the Planning Commission without special height or setback requirements. Lilly said it would be harder to convert a garage or accessory building into a dwelling than it would be to convert an old accessory dwelling that was never legal in the first place. If the building meets all requirements for height, setbacks, lot coverage, design standards, and lot size, then staff approves it as though it were a detached ADU. If the

building is noncompliant with height and setback regulations, then staff has to determine if the building complied with code at some point in the past, then the Land Use Hearing Officer must issue a permit. The minimum setback from side and rear property lines would be 4 feet. No additional height is allowed unless property abuts an RM or C Zone. In those cases, an ADU can be in a building that is up to 24 feet tall.

Lilly said it would be difficult to convert an existing garage into an ADU whether or not the setback is 30 inches or 4 feet. There were height, building and fire code, RCOZ, and parking considerations (by adding one new covered parking stall for the primary residence and additional parking for the ADU) if converting a garage. He went over a list of questions for the Council to consider, and those were:

- *Do we allow detached ADUs at all?*
- *If so, do we allow existing accessory structures to be converted? Or should someone just build a new ADU?*
- *Should we treat accessory structures differently than detached accessory dwellings?*
- *Could someone build a garage now, and ask to have it converted later?*

Lilly said how the questions were answered would determine how easy it would be to convert an existing accessory building into an ADU. Planning staff recommended that if the City wanted to permit detached ADUs, there needed to be an option in place to convert existing structures. State law does not require cities to create a process for detached ADUs, only for internal ADUs on lots greater than 6,000 square feet provided that off-street parking is available. Staff recommended an option to the Planning Commission where accessory dwelling units would have the same setbacks as accessory structures. Given the additional design standards for ADUs, the detrimental impacts of an accessory dwelling could be resolved to make it similar in impact to an accessory structure. In order to promote equity between the different types of applicants, staff expressed a desire to apply the same standards to a new detached ADU that the City would apply to a conversion of an existing structure.

Lilly explained that the Planning Commission's rationale regarding detached ADU setbacks were that accessory structures not intended for human occupancy are fundamentally different than accessory dwellings. The time spent in an art studio in an accessory structure is typically shorter than the time spent sleeping, bathing, and cooking in an accessory dwelling unit. Conversions of such structures should consider not just the design of the structure itself, but the fact that human occupancy is inherently more impactful than a hobbyist in a garage. The existing R-1 zone setbacks were designed to ensure an appropriate space between dwellings, and setbacks as narrow as 30 inches for an intervening dwelling can change the character of an established single-family neighborhood.

Lilly reported how other cities treat conversions of existing structures and detached ADUs. Salt Lake City allows existing structures to be converted provided setbacks are not further reduced. If an existing accessory building includes an addition, all of or portions of the existing structure may be used as an accessory dwelling unit provided the existing setbacks are not further reduced and the structure complies or can be altered to comply with the applicable sections of the adopted Fire Code of the City. Murray allows conversions as long as the accessory building has a 1-foot setback but detached ADUs, including conversions, are only allowed on lots 12,000 square feet in area or greater. Conversion of existing accessory buildings (such as

detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.

Draper does not discuss conversions but has an aggressive standard for any detached ADU, that they shall not be within the building front, rear, or side yard setbacks for the zoning district in which the dwelling lot is located. In Bountiful, all detached ADUs are conditional uses otherwise a detached ADU is subject to the standards of a detached accessory building for which the minimum lot size is 8,000 square feet, side and rear setbacks are 3 feet, and ADUs must be in a rear yard.

Council Member Marchant asked what the proposed square footage for ADUs was. Lilly said 8,000 for detached ADUs and conversions and 6,000 for internal or attached. Lilly then reviewed the community council recommendations on the ordinance. The Millcreek Community Council opposed the proposed ordinance as written and recommended that detached ADUs should not follow requirements of accessory buildings, especially with the 30-inch setback, and that they be allowed on lots with a 12,000 square foot minimum. Also, that detached ADUs conversions should have the same setback as new detached ADUs. The East Mill Creek Community Council recommended approval with conditions of an 8-foot setback for detached ADUs for new construction and 30 inches for existing structures, and no ADUs should be allowed on a property line. Mt. Olympus Community Council recommended approval of the ordinance with conditions. They had concern with short term rentals and requested more review of enforcement methods. They requested that on-street parking at night be prohibited and that the rear yard setback for detached ADUs be 30 feet. They also did not support the 30-inch setback for new detached ADUs. The Canyon Rim Citizens Association (CRCA) recommended the ordinance as presented. They suggested that new detached ADUs should be setback 30 inches and there should be a conversion mechanism similar to the one used by Salt Lake City.

Francis Lilly read the Planning Commission's recommendation provided on July 21, 2021: *Commissioner Stephens, as respects to ZT-21-004 a Recommendation to Amend the Millcreek Zoning Ordinance for Internal, Attached, and Detached Accessory Dwelling Units in Residential Zones, moved to make a positive recommendation for adoption of the draft ordinance as presented with one major exception, and that is the Planning Commission highly recommends that for new construction detached ADUs that the minimum side and rear yard setback be not less than 8 feet or existing accessory structures, whether it be a garage or some other accessory structure, that the minimum setback on the side and rear yard would have to be not less than 48 inches in order to qualify for conversion for a detached ADU. Commissioner Reid seconded. Commissioner Stephens added to the motion that it was very important that on street parking be prohibited by ADU residents. Commissioner Reid seconded the addition.*

Lilly said staff's observations were:

- Broad consensus that Millcreek should allow attached and detached ADUs under certain circumstances.
- Significant differences of opinion on the appropriate setbacks for detached ADUs.
- Since ADUs are subject to RCOZ and specific design standards, no conditional use process is necessary. ADUs should be approved by staff.

DRAFT

- The Land Use Hearing Officer is the best venue to hear ADU conversions in noncomplying structures.
- ADUs should be associated with owner-occupied single-family dwellings.
- ADUs should have off-street parking.
- Short-term rentals should be prohibited in ADUs.
- Enforcement is a concern.
- RCOZ and design standards will make it difficult for many lots to accommodate a detached ADU, no matter what the setback is. Attached or internal ADUs are more likely.

If the City Council adopts an ordinance based off the Planning Commission recommendation, staff recommended some changes. Those changes are that accessory building conversions should only be available to accessory buildings in existence prior to the date of the ordinance adoption, and special exceptions for an ADU legalization should only be available to second dwellings in existence on an R-1 property prior to the date of the ordinance adoption. He recommended the Council set an effective date for the ordinance for early October to ensure compliance with state statute and to provide staff time to write procedures, design handouts, and update permitting processes.

Mayor Silvestrini expressed concern with dealing with residents that think they can convert a garage. He suggested October 15th for internal ADUs and November 15th for attached and detached. Mayor Silvestrini asked about the enforcement provisions in state code. He said Millcreek residents did not want short term rentals, wanted adequate off-street parking, and wanted owner-occupancy. Lilly reviewed state code 10-9a-530. John Brems said the City may be limited to internal ADU enforcement when referencing state code. Mayor Silvestrini requested the ability to lien property for violation of the ordinance for detached ADUs. Council Member Marchant asked about a business license for ADUs. Lilly said if it is rented and the owner takes income, it needs a business license. Mayor Silvestrini asked for Lilly to send the public comments received on the matter to the Council and Recorder. He said he had concerns about the rational basis for setback measurements from the Planning Commission. He said in a conversation with a community council member, single family zones were discussed and that there must have been a reason for separation between principal dwellings in that zone so this ordinance should preserve the nature of a neighborhood.

Mayor Silvestrini said he offered to the public at the last Council meeting that they could provide comment at this meeting. He asked for public comment.

David Baird, 4538 Thousand Oaks Drive (Chair of the Mt. Olympus Community Council), said there had to be a compromise over the entire city and not everybody would get what they wanted. He said nobody in his neighborhood had requested ADUs though he had heard that staff gets a lot of phone calls about them. He felt staff did a wonderful job on the ordinance. He said a 30-inch setback on detached ADUs would disrupt the neighborhood. One of the key tenants of the RCOZ is the side and rear yard setbacks. He felt detached ADUs would violate the spirit of that zone. He was in favor of a date certain provision for conversions. He said the Mt. Olympus Community Council supported approval of the ordinance but not the 30-inch setback. He requested staff develop the protocols for enforcement. He said the ordinance went beyond what the state was requiring. He wants the ordinance to state that on-street parking is

prohibited. Council Member Marchant said daytime parking would be hard to control, the impact would be at night.

Council Member Jackson said the CRCA setbacks were unreasonable and requiring conversion setbacks of 4 feet was unreasonable in certain neighborhoods. She said it would be hard to convert a garage and still provide covered parking. Council Member Catten noted that garages in old neighborhoods were less than 4 feet from the side property line. Mayor Silvestrini asked if it was okay to permit existing structures to have a 30-inch setback and 4-foot setback for new detached. The Council said yes. He then asked if conversions could happen with existing structures, that met all the other requirements, that had a setback of less than 30 inches by going through the Land Use Hearing Officer process. Council Member Jackson asked what the criteria would be. Jim Hardy, Building Official, said structures close to the property line have fire considerations. Buildings up to 5 feet to the property line had no requirements but any closer to the property line and they require a 1-hour fire wall rating. There cannot be any openings, windows, less than 3 feet to the property line and there can be a 25% opening on walls from 3-5 feet. Mayor Silvestrini said the ordinance was drafted so that the structure had to follow building code. Lilly reviewed the staff report for the Land Use Hearing Officer criteria.

19.89.090 Enforcement

D. Detached Accessory Dwelling Unit Conversions

1. A detached building, that is noncomplying and was legally established as determined under 19.89.100 (B), may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find:

a. The detached building is at least 4 feet from the side and rear property lines;

b. The detached building does not have a light source projecting onto an adjacent property;

c. The detached building does not have any balconies, porches, or windows facing an adjacent property, unless facing a RM or C zoned property;

d. For properties located next to an RM or C Zone, the detached building does not exceed 24 feet in height;

e. For all other properties, the detached building does not protrude higher than the measured height of the existing noncomplying structure being expanded as measured from original ground surface.

f. does not create any new visual impacts that cannot be otherwise mitigated by a fence or wall.

g. The detached ADU can accommodate all required parking on the lot, and does not violate or diminish the required off-street parking standards, including parking requirements of this title;

h. No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed.

i. Does not violate applicable standards and regulations outlined in Chapter 19.71 Residential Compatibility Overlay Zone for accessory structures and principal structures; provided that such increase or

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expansion of structure does not further increase where the graduated height envelope intersects the existing structure.
j. Structure or proposed expansion of the structure is not within any recorded easement.
k. Does not result in runoff or drainage from the accessory building onto an adjacent property.

Council Member Jackson said there were some existing garages that exceeded 24 feet in height. Lilly said the applicant would have to show it was legally established at one point. Mayor Silvestrini requested to see subsection D(1)(E) (in 19.89.090*)* incorporate the Salt Lake City concept of converting an ADU which would make the setback worse. Mayor Silvestrini asked if it would be better to build the ADU 5 feet away from the property line with no fire rating or 4 feet with one. Hardy said code treated them equally, but he personally felt that 5 feet would be better due to heat from a fire. Council Member Jackson said allowing 5 feet instead of 8 feet allowed for more useable yard space. Mayor Silvestrini said most people would not want a detached ADU on their property. Council Member Uipi wondered how many lots in Mt. Olympus would qualify for a detached ADU because of the 30% slope requirement. Lilly said a lot of them would not. Council Member Catten asked Lilly if there was an overwhelming number of residents with properties that would have to go before the Hearing Officer. Lilly felt there was a lot of interest but said it would be difficult to convert an ADU. Council Member Jackson said the Council wanted to be fair on regulations by looking at all areas of the city. Council Member Uipi noted that the Council wanted to provide affordable housing.

Mayor Silvestrini said the direction from the Council to staff was to allow conversion of existing structures with a setback of 30 inches and reduce the setback for new detached ADUs to 5 feet. Council Member Jackson asked if the Land Use Hearing Officer could grant exceptions for existing structures less than 30 inches. Lilly said no, the 30 inches was for standard maintenance reasons. He recommended not allowing exceptions. Mayor Silvestrini did not see a rational basis to convert a structure that was 30 inches away but not for one that was less than that if it had been there for a long time though he noted that the structural integrity of older structures would not meet life safety requirements for occupancy. The Council was in favor of adding the Salt Lake City language.

Council Member Catten expressed that if someone wanted to build a new accessory structure with the intent of renting, they already knew that there would be a yard loss. Council Member Uipi said there would be enough restrictions to make it difficult for her to convert to an ADU. Council Member Jackson said providing covered parking would be hard to produce. Council Member Uipi would like on-street parking restricted. Mayor Silvestrini said the requirement in the ordinance sets an expectation and provides the option for enforcement.

The Council thanked planning staff for their work.

3. Staff Reports
There were none.

4. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items
There was none.

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Council Member Uipi moved to adjourn the work meeting at 6:59 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.
TIME COMMENCED: 7:06 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order then led the pledge of allegiance. He said the week was momentous commemorating the 20th anniversary of September 11th and the remarkable response from the Unified Police Department (UPD) in a domestic violence standoff situation. He was pleased the police department had the capability to deal with that situation to protect the community. He commended the officers from the Millcreek and Holladay departments who responded before SWAT got there.

1.2 Public Comment

Marv Poulson, 3631 S. 1021 E., said the primary responsibility of local and state government was to protect the health and safety of residents. He was surprised that the Millcreek Council did not support the Salt Lake City mask mandate. He said there is demonstrative data stating that masks protect the health of children.

Angel Vice, District 2 candidate, said she had been talking to neighbors about bus safety with pick up on Highland Drive. She wanted to bring the issue to the Council's attention.

Jeremiah Clark, District 2 candidate, introduced himself to the Council as a Council candidate for District 2. He expressed appreciation to the Council and staff.

Thom DeSirant, District 2 candidate, said he had attended every Council meeting for more than a year. He looked forward to working with the Council.

Beverly Boyce, District 4 candidate, stated this was her first Council meeting and was there to see how they went. She said a resident had requested that the playground equipment at Fortuna Park get updated. Mayor Silvestrini said it was on the Council's radar.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 21-35, Rezoning Certain Property Located at Approximately 4074 South West Temple Street from R-M (Residential Multi-family) to MD (Mixed Development)

Mayor Silvestrini said the Council had already had a first reading of the matter. Robert May highlighted the project in the Meadowbrook Center area for 64 affordable senior housing units. The applicant was applying for 9% low-income housing credits. May briefly reviewed the existing conditions of the unmaintained vacant property and the

proposed site plan. Twenty-four percent of the site would be for the building, the rest would be parking and landscaping. He showed the Council the updated landscaping plan, which would be included as an exhibit in the development agreement. He said a rezone to accommodate the proposed affordable housing project would help Millcreek meet its implementation strategies and goals for providing affordable housing for households within the 25%-50% AMI. A study was conducted for reduced parking, and it found that a minimum of 48 stalls would be required for the use. In addition, staff found that the total sum of required stalls shall not include the accessible parking spaces required to satisfy
the Americans with Disabilities Act and shall be provided in addition to the number of stalls required and the required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.

Although the proposed affordable housing project did not create a large public response, May reported that there were two nearby residents that voiced their concern about overflow parking that may occur on-street. The Millcreek Community Council recommended approval of the rezone with the understanding that there was some concern regarding the proposed parking. The Planning Commission recommended approval of the rezone. May said the development agreement considerations had been updated. The applicant had requested flexibility in the footprint up to 700 square feet since building plan was still conceptual. Mayor Silvestrini said after the last Council meeting, he spent 2 hours researching water usage between conifers and deciduous trees and conifers use less water. Council Member Marchant said trees with leaves provided shade in the summer and sun in the winter. May said planning staff recommended approval of the rezone.

Mike Akerlow, CEO of CDCU, agreed to the conditions of the development agreement as it had been revised. Mayor Silvestrini said the project contributed to senior affordable housing in the city. Council Member Catten asked about a timeline for completion. Akerlow said in 2023.

Mayor Silvestrini asked for public comment. There was no comment. Council Member Catten liked the project and said the project warranted a push for development of a grocery store in the area.

Council Member Catten moved to approve the rezone application ZM-21-001, from the R-M Zone to the MD Zone for a 64-unit affordable senior housing project subject to a development agreement and conditions recommended by staff. Council Member Marchant seconded.
Council Member Uipi appreciated the thoughtful approach to senior housing in the city. Mayor Silvestrini said the Economic Development team was looking to add a grocery store in the area. Elyse Sullivan clarified the motion for approval was for Ordinance 21-35. Council Member Catten confirmed.
The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 21-36, Approving a Master Development Agreement for a 64 Unit Affordable Senior Housing Project with

Respect to Approximately 1.15 acres of Real Property Located at Approximately 4074 South West Temple Street

Council Member Jackson moved to adopt Ordinance 21-36, Approving a Master Development Agreement for a 64 Unit Affordable Senior Housing Project with Respect to Approximately 1.15 acres of Real Property Located at Approximately 4074 South West Temple Street. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 21-37, Amending Title 19 and Title 14 of the Millcreek Code of Ordinances with Respect to Technical Corrections Regarding Definitions, Noticing, and Planning Commission Membership
Robert May said this was the second reading of the proposed ordinance. He said the amendments were housekeeping items to clean up and clarify code.

Council Member Jackson moved to adopt Ordinance 21-37, Amending Title 19 and Title 14 of the Millcreek Code of Ordinances with Respect to Technical Corrections Regarding Definitions, Noticing, and Planning Commission Membership. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Uipi moved to recess the City Council meeting and convene the Community Reinvestment Agency meeting. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

The City Council meeting recessed from 7:35 -7:47 p.m.

3. Business Matters

3.1 Discussion and Consideration of Resolution 21-35, Approving an Interlocal Sustainability Action Plan
Mayor Silvestrini said the city worked on the Plan with Samantha DeSeelhorst in partnership with Holladay and Cottonwood Heights. Council Member Marchant asked for a brief explanation of the plan. Mayor Silvestrini said several years ago the cities partnered to hire a sustainability coordinator to work on sustainability issues through an interlocal agreement. She has participated in the Community Renewable Energy Board program, worked on other initiatives including cleanups, and had come up with a sustainability plan. The plan sets goals for the cities and complements the Millcreek General Plan in addressing sustainability and environmental issues. Kurt Hansen noted that Cottonwood Heights had already approved the plan.

Council Member Marchant moved to approve Resolution 21-35, Approving an Interlocal Sustainability Action Plan. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Resolution 21-36, Appointing a Board of Appeals for the Abatement of Dangerous Buildings

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Mayor Silvestrini said in connection with code enforcement duties, at least one structure had been identified as a dangerous building. Notices of violation have been issued and the property owner filed an appeal. The City does not have an appeal process for those, so the purpose of the resolution is to appoint a board of appeals to hear those matters. John Brems said the Board would be just one person. Mayor Silvestrini said Millcreek has an administrative hearing officer that is used for code enforcement matters. He said residents could appeal and plead their cases to the officer.

Council Member Jackson moved to adopt Resolution 21-36, Appointing a Board of Appeals for the Abatement of Dangerous Buildings. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Ordinance 21-38, Adopting the Community Reinvestment Project Area Plan for the Woodland Avenue Community Reinvestment Project Area

Mayor Silvestrini said in order to proceed on the matter, the City needs to adopt the plan the Community Reinvestment Agency approved.

Council Member Catten moved to approve Ordinance 21-38, Adopting the Community Reinvestment Project Area Plan for the Woodland Avenue Community Reinvestment Project Area. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini reported about a shooting incident in Millcreek. He noted upcoming city meetings.

4.2 City Council Member Reports

Council Member Uipi said she heard a lot from community councils about billboards. She thanked Millcreek staff for presenting a challenging issue to them. Council Member Catten said she and Council Member Marchant attended the Granite School District budget preview and they have invested in air filtration systems for all the schools, so the air gets changed three times an hour. She said there are reports from West Nile found in the County. She directed residents to dump standing water and wear long sleeves. She said residents pay for mosquito abatement services, so if your property needs to be sprayed, ask for it. She volunteered with the Point-In-Time-Count to survey homeless people for the US Census. She said it was an eye-opening experience. Council Member Marchant said the area clean up service was currently taking place in Millcreek with Wasatch Front Waste and Recycling District. Council Member Jackson said the Community Renewable Energy Board had a program design meeting and they issued an RFP for a legal consultant. There is also a committee working on the communication aspect and another on the affordability component.

4.3 Staff Reports

Mike Winder said he gave remarks at the Wasatch Lawn Memorial Park 9/11 event. He said Josie Showalter completed Economic Development course certificates and she did all the work on the Woodland Avenue Community Reinvestment Project Area. He noted

that the combined Council and Planning Commission meeting that week would be an open house at Millcreek Common.

5. New Items for Subsequent Consideration
There were none.

6. Calendar of Upcoming Events

- Planning Commission Mtg., 9/15/21, 5:00 p.m. at City Hall
- City Council Mtg., 9/27/21, 5:00 p.m. at City Hall

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:16 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 Sullivan, City Recorder**

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Minutes of the
Millcreek City Council & Planning Commission
September 16, 2021
5:30 p.m.
Special Meeting

The City Council and Planning Commission of Millcreek, Utah, met in a special public meeting on September 16, 2021 at Millcreek Common, approximately 1324 East Chambers Avenue, Millcreek, UT 84106.

PRESENT:

Council Members
Jeff Silvestrini, Mayor (excused)
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

Commissioners
Shawn LaMar, Chair (excused)
Victoria Reid, Vice Chair
David Allen (excused)
Scott Claerhout (excused)
Skye Sieber
Tom Stephens
Ian Wright
Christian Larsen
Aryel Cianflone (excused)

City Staff
Mike Winder, Assistant City Manager
Alexander Wendt, Deputy City Recorder
Francis Lilly, Planning & Zoning Director
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Josie Showalter, Asst. to Econ. Dev. Director
Aimee McConkie, Director of Millcreek Common

Attendees: Reece Stein, Rachel Stein, Marianne Stein, Dan Strean, Wayne Johnson, Marv Poulsen, Lynda Bagley, Carol Elliot, Ginny Bostron, Jeremiah Clark, Andrea Clark, Robert May, Ryan Heath, and Ben Dean.

Minutes by Alexander Wendt.

WORK MEETING – 5:30 p.m.
TIME COMMENCED – 5:30 p.m.

1. Millcreek Common Site Tour and Discussion
The Council and Commission toured the open space and construction of Millcreek Common. Mike Winder, Assistant City Manager and Economic Development Director, explained how Millcreek Common will be a town-square, open-space, and city center for Utah's newest city. Mr. Winder explained that the ice rink and ice ribbon can be used when the weather is 60

degrees Fahrenheit and cooler. In the summer, people will be able to roller skate on the concrete. The ice rink and ribbon are 500 square feet larger than the Herriman rink. There will be lights coloring the ice and music playing. Construction has begun on the stage for Millcreek Common, as well as the adventure hub for skate rentals and restrooms.

The ground floor for the new Millcreek City Hall will house a public market like in Lenexa, Kansas. There will be a banquet hall and ballroom on the top floor. The middle floors will be occupied by city offices and the Unified Police Department Millcreek Precinct. City Hall will also have an outdoor climbing wall. Power lines between 3300 S. and 1300 E. will be buried.

Mr. Winder described how the water feature and splash pad will work. The water feature will be lit at night with colorful lights. Millcreek will own the south building at Millcreek Common and will lease space to Pizza Nono. There will also be a specialty ice cream shop next to Pizza Nono. Free Wi-Fi will be available at Millcreek Common. Mr. Winder exclaimed that Millcreek Common will be a great local meeting place.

Aimee McConkie, Millcreek Common Director, explained that she would like to host 280 events a year at Millcreek Common. Those events will help Millcreek Common become financially self-sustaining. Millcreek Common will become an economic engine for local businesses, the events will draw people and that will help the businesses. Parking spaces along Chambers Avenue will be angled and eventually a parking structure will be built with 480 parking spots. There will be patios, patio heaters, and gas firepits for people to sit and relax. Millcreek Common is designed to be pedestrian friendly.

Ms. McConkie stated the northwest side of Millcreek Common will have food truck parking spaces for eight food trucks with electric hook-ups. The food trucks will not have to run generators. The Fine Art Inn will be move across the street and Tres Hombres will stay in their current space. Commissioner Wright asked about building height and if people on the top floor of City Hall in the community room will be able to see the mountains. Mr. Winder said they will be able to see the mountains. Phase 1 parking included 80 outdoor stalls and 480 stalls in the parking structure. Phase 2 of Millcreek Common will include grassy natural areas and an outdoor amphitheater. Mr. Winder said Millcreek Common is being paid for by the tax increment from the development around the Common. Commissioner Sieber asked about shade at the splash pad. Ms. McConkie replied and said there will be umbrellas and USB ports at the seating areas around the splash pad. Ms. McConkie said that Millcreek Common will be a place of nostalgia for kids, teens, and adults to look back on. The plan is to have Millcreek Common open in January. People will come here with their friends and create memories. Ms. McConkie mentioned that Unified Police will have a vestibule next to Millcreek Common. If someone needs police assistance they can go there. Mr. Winder thanked everyone for attending the Millcreek Common open house.

The meeting adjourned at 7:10 p.m.

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

_____
Attest: Elyse Sullivan, City Recorder

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