



**Minutes of the
Millcreek City Council
October 11, 2021
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on October 11, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Kurt Hansen, Facilities Director
Mike Winder, Assistant City Manager
Francis Lilly, Planning & Zoning Director
Jim Hardy, Building Official
Laurie Johnson, HR-Finance Director (electronic)

Attendees: Bruce Baird (electronic), Daela Higgs, Josh Tyler, Marv Poulson, Rola Salem, Kumar Shah, Richard Hansen, Stan Callister, Angel Vice, Mitch Vice, Chelsea Gauthier, Nancy Carlson-Gotts, Nancy von Allmen, Vicki Reid, Bev Boyce, Brian Strong, Mary Ann Strong, Shawn LaMar, Thom DeSirant, Kara Cope, and Rob Keller.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:00 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.

1.2 Personal Privilege Statement; Council Member Uipi

Council Member Uipi read the following statement:

"On Monday, September 27, 2021, a District 2 resident, dear friend, and family member received an extremely disturbing, targeted, and threatening letter in her mailbox regarding her Black Lives Matter lawn sign. This incident was reported to our Millcreek UPD, the FBI, and the US Postal Services Law Enforcement. She posted it on Facebook and was greeted with an outpouring of community and solidarity from residents in Millcreek and surrounding cities. Councilwoman Silvia Catten also responding to this resident's during a time where she didn't feel safe in her own home. Det. Allred with our Millcreek UPD greeted her with the same empathy and resourcefulness. In a time where political views vastly differ from others, it does not remove the freedom and liberty we

are all afforded to share our views peacefully with lawn signs. How the individual reacted to a lawn sign says more about him/her than it does about the individual posting the lawn sign. As a unified Council, I want this resident to know that this action towards you and your family is deplorable, and we will not accept or tolerate this treatment to each other, to organizations in our community, and to diverse populations who live in Millcreek. 'It is not our differences that divide us. It is our inability to recognize, accept, and celebrate those differences.' ~ Audre Lorde"

Mayor Silvestrini said the Council shared the sentiment that the behavior was unacceptable. Council Member Uipi extended appreciation to the Council.

Mayor Silvestrini requested reordering the agenda for item 2.3 to be moved to the beginning of planning matters and for item 5.3, John Brems' report, to be moved in conjunction with item 2.4. He said he would recuse himself for item 2.4.

Council Member Uipi moved to amend the agenda as discussed moving item 2.3 in front of item 2.1 in Planning Matters as well as moving Mr. Brems report to coincide with the 2.4 item. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

1.3 Public Comment

Mayor Silvestrini said the Council did not normally have public comment on first reading items, but the Council was willing to hear them on item 2.4. He asked that billboard comments be reserved for that time and welcomed other comment.

Daela Higgs, 1415 E. 4165 S., thanked the Council for addressing the threatening letter she had received. She stated that she was a proud 30-year resident of the area and had been the recipient of help from uniformed police officers and the target of harmful racial profiling. She recognized that having a sign in her yard was societally dangerous but wanted to show solidarity for black people. In response to what occurred, she thanked Millcreek residents for the love shown to her over social media. She understood that Millcreek was made for her as a Pacific Islander. She recognized Detective Allred for renewing her faith in society. She thanked the Millcreek Precinct, FBI, and City Council for their responses to the letter.

Council Member Marchant noted that Pacific Islander people were always very helpful with volunteering in the community.

Marv Poulson, 3631 Carolyn St., supported the prior public comment. He said he reviewed the Council's last meeting video and their conduct towards the Planning Commission's requested resources to do their due diligence was disrespectful. He felt the Commission was the most diligent, competent, and honorable group the city has.

Kumar Shah, 4484 Parkview Dr., said it took courage to speak out against racial issues and requested forgiveness for the person who did the wrong.

Shawn LaMar, 3621 S. 1200 E., expressed concern about an email from Council Member Uipi. The email subject was, "RESPONSE: Current Billboard Issue Before City

Council.” He strongly opposed point 4 in the email and read it into the record, “At this time, I do not have a position. What I do have are the following... 4. Finally, the City Council approved the planning commission’s request for Conflict Council with a state ombudsman (at no cost to Millcreek taxpayers) to assist with questions they have about the planning vote before them.” He said it did not happen, the motion for conflict counsel was denied so he accepted the alternative of speaking with the Ombudsman. He said it was not true and he was disappointed that email went out.

2. Planning Matters

2.3 Discussion on Caretaker Dwellings; Bruce Baird

Francis Lilly said Bruce Baird represented a client who was seeking a potential zone text change to accommodate a caretaker dwelling, which is typically a residence associated with a commercial use. This type of use is allowed in the Light Industrial Zone but not in the Commercial Zone. Lilly felt that before an applicant should go through the application process, he get a sense from the Council whether it was a viable option to pursue.

Bruce Baird said he was counsel for a resident/business owner in Millcreek. The client thought this could help with the affordable housing issue and help his business, so he would like a version of a live/work unit in a commercial building. This could act as an accessory dwelling or caretaker dwelling in the commercial zone. He knew of other cities that allowed caretaker dwellings with storage facilities and other uses. He noted that Millcreek Code referenced a caretaker dwelling, but it was not defined. He offered to come up with a definition along the lines of, “somebody used as the management or owner to provide security and/or maintenance of the building and live in the building as an integrated dwelling.” The application would be to add a definition and amend code for the use to be permitted in the C-2 Zone. He thanked the Council for moving the item up on the agenda. Mayor Silvestrini said live/work uses were allowed in the Mixed-Use Zone. Lilly noted that zone had design standards. Mayor Silvestrini asked about potential impacts. Lilly said the definition could be narrowly construed. The dwelling needs to be secondary to the primary use of the building through parameters such as a maximum square footage. Mayor Silvestrini pointed out it could assist with crime. The Council expressed that they would consider the matter if it went through the process. Lilly said he would work with Mr. Baird on an application.

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

Mayor Silvestrini said the Council had a first read of the matter at their last meeting. Francis Lilly said this was a project that had a number of dilapidated residential units on an unimproved road. The applicant’s plan is to build 16 twin home units on an improved road subject to carefully crafted provisions in a development agreement from input received over the last year and a half. Staff was pleased with the project, and it would improve the area. The application received a positive recommendation from the community council and Planning Commission. The development agreement considers provisions for tree preservation, building materials, landscaping, and amenities. He noted the site plan had been reviewed and had preliminary fire marshal approval and met planned unit development standards. The next step is for the applicant to apply for a

conditional use permit and planned unit development preliminary plat approval provided the Council approves the rezone and development agreement.

Mayor Silvestrini asked for the applicant's input. No comment was provided. He then asked for public comment. None was given.

Council Member Marchant moved to approve Ordinance 21-42, rezoning this property on Magda Lane as recorded here from the R-1-8 Single Family Residential Zone to the R-2-6.5 Medium Density Residential Zone subject to the development agreement. Council Member Catten seconded. Mayor Silvestrini and Council Member Marchant thanked the applicants. **The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

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

Mayor Silvestrini noted that the development agreement ensures that the city is guaranteed what is proposed by the applicants as described during the public approval process.

Council Member Marchant moved to approve the development agreement that we said was needed to be approved along with item 2.1 for the Magda Lane PUD with respect to 1.25 acres of real property located on that street. The City Recorder confirmed that the motion was for approval of Ordinance 21-43. Council Member Marchant affirmed. **Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

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

Mayor Silvestrini recused himself from everything related to this matter due to his relationship with Reagan Outdoor Advertising ("Reagan") as the recipient of campaign donations. He said he worked for them about 11 years ago and his wife continued to work for them as an attorney who is employed by a law firm who bills hourly for the work she does. He yielded the floor to Mayor Pro Tempore Uipi at 7:30 p.m.

Mayor Pro Tempore Uipi said the Council engaged with residents and the Planning Commission in an effort to be transparent. She noted that this was the first official reading the Council had received on the application. She described the process for the evening; staff presentation, Council discussion, and public comment though the Council did not typically allow public comment on first readings but would since it had been a big issue.

Mike Winder said that night there would be a reading of the memorandum of understanding (MOU) between Millcreek and Reagan. On October 25, the Council would hear from Francis Lilly, and he would go through nuances of the General Plan and the

text amendments. The Council would then give a final vote on the matter at their meeting on November 8th.

Winder said three digital entry signs were an important part of the strategy for a successful Millcreek Common. He said the details had not been discussed but had been formed as conversations took place and problems came up. He showed the Council a site plan of where those signs would be. The Common needs effective digital signage to support small, local entrepreneurs on the Common that cannot afford tv/radio/print ads, pop up markets in the public market which will be changing weekly, dozens of weekly activities on the Common, and public service announcements. He said public organizations were increasingly using digital signage for their effectiveness and clean look. Winder showed pictures of digital signs in the community. Experts on event districts, retail centers, and more agree that Millcreek needs significant district signs for success. He illustrated that digital signs are used all over the valley with project redevelopments. Millcreek is faced with three challenges: 1) three district digital signs would cost \$600,000-750,000; 2) the billboard at 3300 S. is in the path of Millcreek Common construction and Reagan holds a right of first refusal on the adjacent property needed for the City Hall site and it would cost \$400,000-1,200,000 to remove; 3) the City Center area is cluttered with too many billboards and the General Plan directs that the city look for ways to reduce them. He said staff was not proposing video boards and noted that the tax increment bond did not include buying billboards.

Winder said the proposed solution is what Millcreek staff and Reagan proposed 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 Reagan. He then reviewed each item of the MOU. He said the three new double-face digital signs would be at 3205 S. 1300 E, 3205 S. Highland Drive, and 1350 E. 3300 S. which would replace ten signs located at: a) 1333 East 3300 South (2 faces, 10'5" x 22'8", total square feet 472, height 33.5'); b) 1235 East 3300 South (2 faces, 10'6" x 36', total square feet 721, height 35'); c) 3155 S. Highland Drive (4 faces, 10'5" x 22'8", total square feet 944, height 48'); and d) 3155 S. Highland Drive (2 faces, 5' x 11', total square feet 110, height 24'). He then showed the Council pictures of those signs and what the area would look like without them. He noted that the power lines would also be buried along 3300 S. Winder said the square footage from the signs described would not go into the billboard bank. Upon completion and becoming operational (going live) of all three digital signs, Reagan would also surrender its credits for the existing 924 square feet of billboard square footage currently in Millcreek's "billboard bank" with a total net reduction of 1,443 square feet of billboard space in the city.

Winder showed the Council how the proposed sign size would look compared to the mixed-use development building. It was a non-starter with Reagan on the size of the sign as they only sell the industry standard of 12' x 24'. The new sign at 1350 E. 3300 S. (as part of the grand entry into Millcreek Common) would not exceed 26'6". The new sign at 3205 S. 1300 E. would 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'. This needs to be taller because the sight was blocked by the T-Mobile store. The new sign at 3205 S. Highland Drive would 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'. These were the shortest sign options that accommodated sight line and would avoid vandalism. Reagan would be 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. Each digital screen costs \$65,000 and must be replaced every 5-7 years. The signs would be built on city owned property and would be leased to Reagan for advertising consideration at \$1 per year for 40 years from the date each sign begins operation. At the conclusion, Reagan would remove the screens; the sign poles and cabinets are the property of Millcreek. By 2062, there would be a total reduction of 3,171 square feet of billboard space if the Council at that time removed the poles, or they could remain and add new screens. If the Council does nothing, that square footage will still be there.

Winder stated that Millcreek would have four out of every ten digital turns (of eight seconds each) on each digital sign face, during each eighty second rotation. The parties would cooperate concerning allowing some of Millcreek's turns to run consecutively, when possible. Millcreek would be prohibited from selling their turns to others. Reagan would have six out of every ten, eight second turns, throughout each eighty second rotation, on each digital sign face. Reagan 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 would also be prohibited on these signs. Reagan was considering the recommendation that Millcreek businesses get a discounted rate on advertising. The wording says specific brands of alcohol so there could be a beer fest in the Common advertised. Reagan agreed to remove the existing board at 1333 East 3300 South by November 1, 2021, to enable Millcreek Common construction though they are now considering a new date of November 15. The signs located at 3155 S. Highland Drive would be removed by Reagan within 30 days of the digital sign at 3205 S. Highland Drive beginning operation. The sign located at 1235 E. 3300 S. would be removed by Reagan within 30 days of the digital sign at 3205 S. 1300 E. beginning operation. Upon receipt of all necessary permits to allow the construction and use of the three digital signs, Reagan would execute a waiver of their right of first refusal to purchase the property at 1333 East 3300 South. The title on this parcel needs to be clean in order to facilitate the trades required to obtain the proposed City Hall parcel.

The digital signs at 1350 E. 3300 S. and 3205 S. 1300 E. would 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. All signs must have brightness reduced to an illuminance level of not more than 0.3-foot candles (fc) 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. He noted that 0.3 fc is the light equivalent of a full moon, and the standard was already in city code. 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. Light would not shine beyond a 38-degree radius. It protects neighborhoods and directs the sign at traffic. He showed an image of how that light would project out. Winder quoted the International Dark Sky Association, "When installed and operated in accordance with IDA's Guidance for

Electronic Messaging Centers, EMCs replacing traditional bulb-lit billboards may actually create a net reduction in sky brightness.” So, Millcreek Common district signs would produce less light pollution than status quo signs.

Winder demonstrated the siteline board technology. Council Member Marchant asked how close the sign would be to 3300 S. Winder said the edge of the sign would barely hang over the sidewalk, it would not interfere with the road. Council Member Uipi asked about the height of signs on Chambers Avenue. Winder reiterated the heights as described during the presentation and noted that they would be significantly lower than the current static billboards coming down. Council Member Uipi asked about the night times. Winder said the sign on Highland had regulated shut off times but the other two did not. Council Member Catten clarified that static digital boards did not have video. Winder confirmed, no animation, just images that would rotate every eight seconds. Council Member Uipi asked about the siteline angles. Winder said the light cuts at 38 degrees and 175 feet is how far the lumens are counted.

Council Member Jackson asked about financials and condemnation. Winder said very few billboards had been condemned in Utah, none of which were done quickly. Council Member Jackson asked how much it would cost to get it done as quickly as possible. Winder for \$1 million, it could be done quickly. He noted that there was not a million extra dollars in the budget, so that is why staff came up with a solution that did not cost taxpayer money. The first two challenges were not something that could be ignored. The tax increment of the new projects coming in in the community reinvestment area was tied to making the payments on the \$20 million bond. Those projects are behind from the pandemic and the fire, so there was already a setback on tax increment. If the city cannot build the future City Hall on schedule, the city would have to move twice because the current building lease was up in July 2023. By not addressing those items, it becomes a multi-million-dollar problem.

Council Member Uipi asked about bond payments. Winder said with the potential projects coming into the City Center, the city will be in great shape, but there are no projects in the ground yet. Bond payments were already being made twice a year on the interest for the first couple of years. Staff was borrowing from the West Millcreek Urban Development Area (UDA), created by Salt Lake County, to the Millcreek Center Community Reinvestment Area (CRA) to make initial bond payments and those will be paid back. Council Member Marchant noted that the bond interest payments were hundreds of thousands of dollars. Laurie Johnson said each payment was \$365,000, twice a year, for interest. She noted there was two more years for interest payments before the city had to pay for interest and principal. Council Member Catten asked if there was a cap on how much could be borrowed from West Millcreek UDA. Winder said they could only borrow what was there, but it needed to be paid back before it expired in 12 years and to fulfill its other obligations. He said the bond was sales tax backed, lenders did not care about the tax increment. The city was financially obligated to pay the creditor first before any other projects. Council Member Marchant asked if the city charged itself interest on borrowing funds in the CRA. Johnson said no, the balance was carried year to year. Council Member Marchant noted that the \$20 million bond on Millcreek Common would be paid by tax increment from the Millcreek Center CRA and the \$39 million City Hall bond would be paid by the General Fund with growth from the sales tax.

5.3 Staff Reports

John Brems said the Utah Legislature enacted special rules and laws that protect billboards and there were three ways to acquire rights of a billboard: 1) gift, 2) agreement, and 3) eminent domain. As part of eminent domain, he invited an experienced attorney, Rob Keller, to the meeting to address the Council's concerns. He said he also obtained an appraisal of the billboard to be removed. Rob Keller said his career for the last 30 years had been spent representing cities and counties on land use matters, including condemnations. He was there to explain eminent domain to the Council.

Keller said the Legislature had passed special laws to protect the rights of billboard owners. In a normal condemnation action, the city can go through a negotiation process and an offer process and then obtain the right to occupy the property. They take the property pending the resolution of the litigation which only addresses the fair market compensation of what the property owner is owed. The city might take the property and litigation could go for years but in the meantime the city would have ownership rights but needed to determine fair market value. That would happen after the property was taken for normal matters, but with billboards, under state law, the billboard owner still owned the board and property until litigation was over including any appeals. The city might not have the rights to the billboard until the litigation process is over which could take a long time. The city's legal counsel obtained a preliminary appraisal of value of this particular billboard. The Council needed to decide whether they wanted to disclose the appraisal, particularly to the Planning Commission, which would then make the appraisal public. Before the appraisal was disclosed, he explained that there are certain legal privileges; work product doctrine privilege and an attorney-client privilege. The City Attorney obtained the appraisal in anticipation of the City condemning the billboard in formal legal proceedings. The appraisal was protected unless it was disclosed. He said Brems recommended the Council not disclose it since it was not final. If the city does go forward with condemnation, Reagan could use it even though it was not final. He noted that the Planning Commission was interested in that disclosure.

Council Member Uipi asked about risks to the city. Brems said if the Council wanted to condemn the billboard, he recommended they do not disclose the appraisal. If the Council determines to not go through eminent domain, they could waive the privilege and disclose the draft. He provided an example that the appraiser could testify as to the value of the billboard and would be subject to cross examination. The appraiser would get questioned on disclosing an appraisal that was not final and it could put his "expertness" in question. Council Member Catten said it was a bargaining chip. She then asked about the average timeline for condemnation proceedings. Keller said very few billboard condemnations happened and he did not know of any municipality in the state that had actually condemned one. He did not definitively know how long it would be but anticipated it to be a long process. Council Member Catten asked about a city trading or selling property except for where the billboard sits. Brems said in this case, the right of first refusal applied to all the property, not just the direct property where the billboard sat. He recommended the Council go into a closed meeting to discuss it. Council Member Catten asked if the Council could disclose the appraisal to the Commission without making the appraisal public. Brems said no because the Commission had to deliberate in

the public. Winder noted that a price range could be provided. Brems recommended the Council decide what to do that night.

Item 2.4 Continued

Council Member Uipi invited the public to make comments.

Kumar Shah, 4484 Parkview Drive, asked Rob Keller in general, if this deal was sound in nature or not. He said in his opinion, the staff did an excellent presentation, and this was a once in a lifetime opportunity for Millcreek. He noted that 40 years was not a very long time and other methods of removing billboards would cost too much money.

Brian Strong, 3734 Greenbriar Way, said there had been a significant change from what staff first presented. He asked who would own the land. Winder said the static billboards would revert to current property owners and the digital ones would be on Millcreek property. Strong asked how 40 years was negotiated. Council Member Jackson said originally Reagan wanted the lease in perpetuity so through back and forth conversations 40 years was settled on. She noted some of the static billboards did not have timelines.

Mitchell Vice, 3610 Carolyn Street, felt that not addressing the financials of the billboard when the bond was being reviewed was negligent. He wanted Millcreek Common to succeed. He is a marketing director and noted that there was less than 30% effectiveness for expensive billboard advertising. Passive static image advertising was declining, and billboards would not last the 40-year lifespan of the agreement.

Nancy Van Allmen, 2871 S. 2870 E., felt Millcreek should reject the proposal for digital billboards. She asked why the city would choose to spend \$30 million on a plaza then bombard it with billboards. She said staff said the new signs would be smaller and less intrusive than the static signs being taken down, but the rendering provided told another story. She said there was a disclaimer that the signs could be up to 35 feet and the sign faces would be larger than the ones to be replaced. She felt the city should look at other options to remove the billboard in the Common and disclose the appraisal. She noted that other states had banned billboards. The digital signs would not be conducive to the natural feel of the Common.

Mary Ann Strong, 3734 Greenbriar Way, said in her conversations with another city's former mayor and city manager, they were appalled that Millcreek was considering digital billboards. She said the residents would appreciate not having the digital billboards.

Angel Vice, 3610 Carolyn Street, said Millcreek staff stated that they were directed by the General Plan, but the Plan also contemplated not adding digital billboards. She urged the public to go to the city's website and read the traffic study on the Millcreek Common page. The traffic study had a lot of "Fs" in the area and the city would be adding more traffic. The study did not contemplate digital billboard effects on traffic. She noted that the community council members were provided different numbers than what was presented to the Council, and they should be able to reconsider the new information. She said the State Senate bill was not passed by 3 votes and it did not go to the House. She felt the bill was not of concern now that people were more informed.

Marv Poulson, 3631 S. Carolyn Street, said other processes for the City Center Master Plan, Mountair streetscape, and accessory dwelling unit ordinance were handled well. This process was held closely until recently. He felt the issue needed more exposure. He thought the billboards would make the city center ugly. The light on the billboards would not stop on lines as presented and they would be brighter in the dark than the numbers suggested. He requested more community input.

Aimee McConkie, 3373 Oakwood Street, was grateful for the conversation. She noted that money used on this issue could be used in other ways. Millcreek did not pay anything in this agreement and billboards would be coming down. She agreed that 40 years was not as long as forever. She wanted people to come to the Common. The events would be small so the signage would be an effective tool for bringing people.

Kara Cope said she did not want an influx of apartments in the area. She felt the city did not finish projects, the three signs were excessive, and the agreement was dumb. She expressed concern for the lack of green space and the amount of debt the city was incurring. She directed negative comments towards the Mayor and city staff. Council Member Jackson said it was unfair for people to make unfounded accusations against the Mayor or staff. She said nobody on the Council, the Mayor, or city staff was financially benefitting from this deal.

Thom DeSirant, 718 E. Nibley View Court, said there was concern about the legislative bill that had a 12-15 vote, with two abstentions. He expressed concern for redistricting and a shift in who was elected to the State Legislature. He felt the residents would see the conversion of static billboards to digital ones because the State has taken away local control before. He supported the General Plan which says to minimize billboard space. He felt that residents recognized the need for compromise.

Elyse Sullivan and John Brems read into the record emailed comments received from Melody Bellock, Kurt Bellock, Kate Scribner, Kevin Flynn, the Millcreek Arts Council, Pauline Knutson, Nancy Carlson-Gotts the Chair of the East Mill Creek Community Council, Matt Gardner, and Mitchell Vice. Sullivan then read comments received online via the City's website from Bruce Parker and Jake Hathaway (see attached).

Council Member Uipi asked the Council about the timing for a closed meeting. Council Member Jackson said releasing an appraisal would limit options. Council Member Uipi asked what John Brems expected from the Council. John Brems asked whether the Council wanted to waive the attorney-client and attorney work product privileges. The Council decided to have a closed meeting at the end of the regular meeting business.

Council Member Catten mentioned the public bringing up the city side stepping the public process. If the Council did that, they would have already decided instead of going to the community councils and Planning Commission for recommendations. She said they heard a lot of input from people that they hate billboards, but the issue was more complicated than that. She said there could be months of gathering input, but she did not know what input the public wanted to provide that they could not already. There would not be open houses about whether to have digital signs. The plans the city gathered input

on previously required the public's input. She knew that everyone, including herself, hated billboards. She personally spent hours lobbying against the billboard bill at the State Legislature the prior year. She noted the bill narrowly failed but would come back. The solution the Council has been presented was a compromise. The city was following the process. Council Member Marchant said the community councils had plenty of time to discuss this issue. He noted that residents hated billboards and paying taxes. Council Member Uipi said elected officials signed up for making hard decisions. She said other branches of government were not afforded the same rights as legislative branches. She thanked the public for their comments.

Mayor Silvestrini rejoined the meeting at 9:25 p.m.

3. Financial Matters

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

Laurie Johnson said the first quarter of the year was uneventful. Mayor Silvestrini noted that tax payments had not been received yet so the expenditure percentages would be higher than revenue percentages. Johnson reported that 25% of the budget year had passed and 12.8% of General Fund revenues had been received. This amount is what was anticipated of the first quarter due to receiving only one month of sales tax and a small portion of property tax. She said 18.22% of the General Fund budget had been expended which was considered normal for that time of year. She said bond proceeds had not officially been recognized but they would be by a budget amendment at the next Council meeting. The city received bond proceeds, \$39,263,803, from the city hall bond and they will be transferred to the Capital Improvement Project (CIP) fund for the expenses to be paid for city hall.

Johnson then reviewed the General Fund expenses. The Legislative overall budget available was lower than what would be expected due to the payment of membership fees due at the beginning of the fiscal year. Most department budgets were within expected parameters. The Justice Court had not sent any invoices yet, so no expenditures had been made. The Events/Millcreek Common budget was lower than expected due to the lump sum payment to Utah Venture Out. The Non-Department budget recognized debt related fees of \$243,823 and the negative balance would be addressed in the next budget amendment. The Fleet budget was lower than expected due to purchase of a vehicle in July. Council Member Marchant asked how many vehicles the city owned. Kurt Hansen said 16. Council Member Marchant noted that they had all been paid for with cash. Johnson continued that no expenditures had been made from the Class B & C Road fund. The budget was in good shape.

Johnson reported that in the CIP Fund, the sidewalk line item would be balanced out. Storm drain funds were transferred to the CIP fund to cover expenditures. She renamed the Miscellaneous line item to Non-Public Works Projects. The Storm Water Fund received regular revenues through storm water fees. The Council thanked Johnson.

4. Business Matters

4.1 Discussion and Consideration of Ordinance 21-41, Appointing a Municipal Inspector

Mayor Silvestrini said there were specific provisions in code requiring a municipal inspector. John Brems said the municipal inspector was Kurt Hansen, but it would be more appropriate to appoint Jim Hardy in the statutory position because he supervised code enforcement. He can then send notice to clean up properties. Mayor Silvestrini said a building was part demolished on 2300 E. without a permit and it was caught by the city. The site was a safety hazard. The owner was unresponsive to the city, so the city may clean up the property and put a lien on the property for that cost.

Council Member Catten moved to approve Ordinance 21-41, Appointing Jim Hardy as a Municipal Inspector. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4.2 Discussion and Consideration of Resolution 21-37, Approving an Agreement with Barker Leavitt for Federal Lobby Services

Mayor Silvestrini said the Council had previously discussed Millcreek's need for a federal lobbyist. The city was seeking congressional help to move the wilderness boundary adjacent to Neffs Canyon to accommodate the Bonneville Shoreline Trail and obtain an earmarked appropriation to enable the city to build a debris retention system in Neffs Canyon to alleviate floodplain issues. By installing a debris basin, it will save residents in that neighborhood millions of dollars in flood insurance. The firm had received high praise from the congressional delegation. Staff had negotiated the fee from \$20,000 a month to \$5,000 a month, but Barker Leavitt could charge more if the workload exceeded that amount. Council Member Marchant asked about the length of the contract. Mayor Silvestrini said it would be annual but could be terminated. He said the city would always have need for federal funds. Council Member Uipi noted that over 400 homes would be paying more for home insurance than the rest of the city for being in the floodplain. Council Member Catten asked who else the firm represented. Mayor Silvestrini said in Utah, the Wasatch Front Regional Council.

Council Member Uipi moved to approve item 4.2, approving Resolution 21-37. Council Member Marchant seconded. Council Member Catten asked if it was up to the city to find grant opportunities or if the firm would bring them to the city. Mayor Silvestrini said they would proactively advise the Council, but the Council could bring the city's needs to them, too. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini reported that he was advised that the Salt Lake County crews doing secondary road pavement preservation were exposed to COVID, so they were isolating and there would not be any more work done this year. He said that did not affect the 3900 S. project. That contractor had been afforded 4 weeks to close 3900 S., and it was weather dependent to finish the project. If they could not finish the project, they would put in a cold asphalt to carry through the winter until it was completed next year. The Mountain streetscape was still waiting on Rocky Mountain Power and Comcast. Council Member Uipi requested a project update. Mayor Silvestrini said there would be a newsletter addressing that. He said kids from Mill Creek Elementary raised \$23,000 for school improvements and supplies in a fundraiser, so he had ice cream with them at City

Hall that day. He reported on the Unified Police Department (UPD) Budget and Finance Committee meeting. Members were being asked to help pay for UPD to be in the top four pay scale list in the County.

5.2 City Council Member Reports

Council Member Marchant said October 11th was Columbus Day and provided a brief history of the day. He said indigenous people should also be celebrated. Council Member Uipi said she had an Association of Municipal Councils meeting the following day.

5.3 Staff Reports Continued

Mike Winder reported that MillFreaks was the coming weekend. The Recorders would be at the Millcreek Senior Community Center presenting ranked choice voting on October 12th. Winder said discussions on the digital district signs started back in June. All four community councils supported the MOU. The Planning Commission would discuss the matter again that month. The Council was hearing the item over the course of three meetings. He said staff was trying to give as much exposure and analysis to the issue as they could. Mayor Silvestrini said he met with staff and three members of the Planning Commission in an attempt to have a frank discussion about concerns and it was a good meeting. He noted that the Planning Commission was full of dedicated and smart people, and the Council appreciated their recommendations.

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

Council Member Uipi moved to approve items 6.1 and 6.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

7. New Items for Subsequent Consideration

There were none.

8. Closed Session

Mayor Silvestrini left the meeting.

Council Member Jackson moved to go into closed meeting at 10:03 p.m. per Utah Code Ann. §52-4-205(d) strategy sessions to discuss the purchase, exchange, or lease of real property. Council Member Marchant seconded. Mayor Pro Tempore Uipi called for the vote. Council Members Jackson, Marchant, Catten and Uipi voted yes. The motion passed unanimously.

Council Member Jackson moved to go back into public meeting at 10:40 p.m. Council Member Catten seconded. Mayor Pro Tempore Uipi called for the vote. Council Members Jackson, Catten, Marchant, and Uipi voted yes. The motion passed unanimously.

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

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 10:41 p.m. Council Member Marchant seconded. Mayor Pro Tempore Uipi called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED:



Jeff Silvestrini, Mayor

Date

10-25-2021

Attest:



Elyse Sullivan, City Recorder

Elyse Sullivan

From: Melody Bellock <[REDACTED]>
Sent: Sunday, October 10, 2021 9:03 PM
To: Elyse Sullivan
Subject: Electronic Billboards

Elyse,

Please make my comment part of the record. I agree with the Planning Commission recommendation and oppose the electronic billboard. I feel this process is being rushed without full vetting.

I also feel many of the citizens of Millcreek, (who pay your salary) are unaware of what is happening with the push of the Electronic Billboard. Millcreek knew this was an issue when purchasing the land, This is ONE billboard on 3300S

Electronic Billboards are not the image I have of Millcreek.

I also consider the Electronic Billboards a safety hazard. The 65 page report mentioned this and compared billboard distraction to cell phone use. I agree cellphone use is an enormous issue, I'm so ashamed Millcreek is adding to this distraction with Electronic Billboards.

There are alternatives....SLOW DOWN!

Melody Bellock
www.SpiritAndSoulOfTheTree.com
[1732 East 4620 South](#)
[Millcreek, UT 84117](#)
[REDACTED]

①

Elyse Sullivan

From: Kurt Bellock [REDACTED]
Sent: Sunday, October 10, 2021 10:22 PM
To: Elyse Sullivan
Subject: Electronic Billboards

Elyse,

I find the actions of the City Council to be very wrong by pushing a change of the rules that were adopted in 2020 specifically prohibiting digital billboards in the city center.

This process needs to be heard by the people of Millcreek! I have spoken to many citizens in Millcreek and none had been aware of electronic billboards being placed in Millcreek center.

The city council was aware of the billboard in the way of the construction for a long time and some very poor decisions are being made to cover their poor planning.

I am opposed to electronic billboards in Millcreek City Center. I support the Planning Commission in their request for more time to get this poor plan out to the citizens of Millcreek who pay them to make the best decisions for us.

--

Res

Kurt Bellock
www.SpiritAndSoulOfTheTree.com
1732 East 4620 South
Millcreek, UT 84117

Millcreek City Council Meeting
10.11.21

Letter from Kate Scribner, 2754 S 2300 E, Millcreek, Utah 84109 (Canyon Rim)

I am opposed to the idea of allowing three digital billboards into our city center.

The scale of the billboards is too big for the space. I worry that the scale along with the visually demanding aesthetic will make our beautifully designed city center come across as desperate and exploited.

While these digital billboards have been described as using the most 'cutting edge' technology, I wonder if they would look outdated in a few years (let alone 40 years) with how fast technology and digital marketing is changing. Will we have the resources to get out of this deal if we later regret the decision?

I'm concerned about the conflict of interest that Mayor Silverstrini, his wife Leslie Van Frank, and the Assistant City Manager Mike Winder have with Reagan Outdoor Advertising (ROA) and how it may impact our positioning on this negotiation process.

While I hope there is no digital signage at the city center at all, if the council decides to move forward on this, I would ask for you to consider and advocate for the following:

- Reduce the size of the proposed digital billboards
- Reduce the number of digital billboards at our city center
- Turn off all three signs off from 10pm-5am
- Reduce the term agreement with Reagan from 40-years to 20-years (or less)

Thank you in advance for your time and consideration.

Kate Scribner



Subject: Please read this in tonight's Millcreek City council meeting

To the Millcreek City Council,

I am unable to attend tonight's city council meeting, so I ask that you please consider and read the following:

I feel that a vote on the proposed amendment to the city master plan and zoning ordinance to allow 3 electronic billboards around the city center should be delayed until more community input is solicited and received. The existing master plan and billboard zoning ordinances that ban new billboards in our city were established fairly recently, and changing them now should not be done without more public input. No alternatives have been put before the public, such as the city building their own signs which could pay for themselves with advertising, or getting more more billboard structures taken down by Reagan, like say 20, instead of just four. The city should disclose the full details of the different options, along with the pros and cons to each, in the Millcreek Journal as well as emails, and hold a well publicized meeting to receive input. This is a very big issue and the citizens of Millcreek deserve to be informed and their opinions regarded.

thank you,

Kevin Flynn

09.07.21

Millcreek Arts Council



The Millcreek Arts Council voted unanimously on July 13th, 2021 to take a stance against the City's proposal to have three digital billboards installed (via an agreement with Reagan Outdoor Advertising, "ROA") at the Millcreek City Center..

Digital billboards are not in alignment with our current City plan nor are they part of our City's motto 'Connected by Nature'. As such, we do not believe that digital billboards will follow the desired culture and aesthetic our community agreed upon in 2019. In fact, we worry that digital billboards will be distracting, intrusive, and will take away from the culture and charm of our City. In addition to our concerns with the digital component of these signs- the size of these proposed billboards and the suggested number of signs placed, is excessive and out of scale for the design of our City Center.

The argument has been made that these large digital billboards are required for events held at the new Millcreek City Center to be successful. The Millcreek Arts Council would like to work with Millcreek City to support our community's events and arts and has multiple alternatives at the ready to advertise the community's events without the blight of massive digital billboards.

The Millcreek Arts Council agrees with the Millcreek Planning Commission that it would be in the City's best interest to slow down this process and find alternative solutions to decrease the City's billboard square footage without needing to use excess taxpayer dollars and without needing to make a 40-year agreement to have three unsightly digital billboards housed in our City. We do not agree with the city attempting to change ordinances in order to make this deal with Reagan Outdoor Advertising happen. The effort to change the ordinance should be redirected into finding alternative solutions that would fit the long term goals of the City and provide an enjoyable community center for all.

We ask that the City find an alternative solution to moving forward with the city center whilst navigating the billboard on 3300- hopefully find a solution that aligns with the City's values.

Elyse Sullivan

From: Pauline Knutson [REDACTED]
Sent: Monday, October 11, 2021 5:30 PM
To: Elyse Sullivan
Subject: Electronic Billboards

I am very much opposed to the electronic billboards in and around the city center. They are intrusive, distracting and dangerous when driving. It takes my attention off the road, even for a split second. And that scares me. It is being rushed through without proper procedure. Things like this is why I was opposed to Millcreek becoming a city.

Pauline Knutson
3641 Carolyn Street
Millcreek, Utah 84106



October 8, 2021

To: Mayor, City Council, and City Staff

SUBJECT: Billboard Application - Follow Up

I am following up with a letter to City after hearing comments about the Community Councils' meetings on the billboard applications relating to 1) 'pressure' to recommend approval, 2) not enough time for questions and 3) inaccurate information presented.

At our September meeting, the council was presented with the applications for Amendments to the City Center Master Plan Regarding and Billboard Amendments (city code 19.82.185).

Mr. Stephens from the MPC was invited and spoke regarding the 'letter' that was sent out to council members about the MPC's concern over billboards.

In September, The EMCCC forwarded a positive recommendation to the applications based on the information presented at the meeting, including the MOU.

Below are some of the issues/questions addressed:

1. We want 'no more billboards', but understand there is a cap on square footage and that existing billboard locations can be changed to other areas
2. Clarification on why 2 signs will be on 24x7 while a 3rd is turned off midnight to 5 am.
3. Clarification on the new designation; District sign (owned by city) to ordinance
4. Concern over signs on Chambers: location on island or not and the height/light as it relates to structures to be built between Chambers and 33rd. that may contain living areas.
5. Question asked about traffic accidents as a results of signs; we were told studies show no rise in accidents
6. Were assured that brightness, site line, and light-blocking louvers technology will be included in installation

At our October meeting, I followed up on the concerns I had heard and asked the council members; 1) did you feel pressured to make a positive recommendation, 2) did you feel there was not enough time to ask questions and 3) did you suspect we were given inaccurate information.

The answers were 1) NO we did not feel pressured. 2) YES we had ample time to ask questions, and 3) NO we did not feel that we were given inaccurate information.

/s/

Nancy Carlson-Gotts

Chair East Mill Creek Community Council

Elyse Sullivan

From: Matthew Gardner [REDACTED]
Sent: Monday, October 11, 2021 6:44 PM
To: Elyse Sullivan
Subject: Re: Comment on CRCA and signage

Hi Elise,

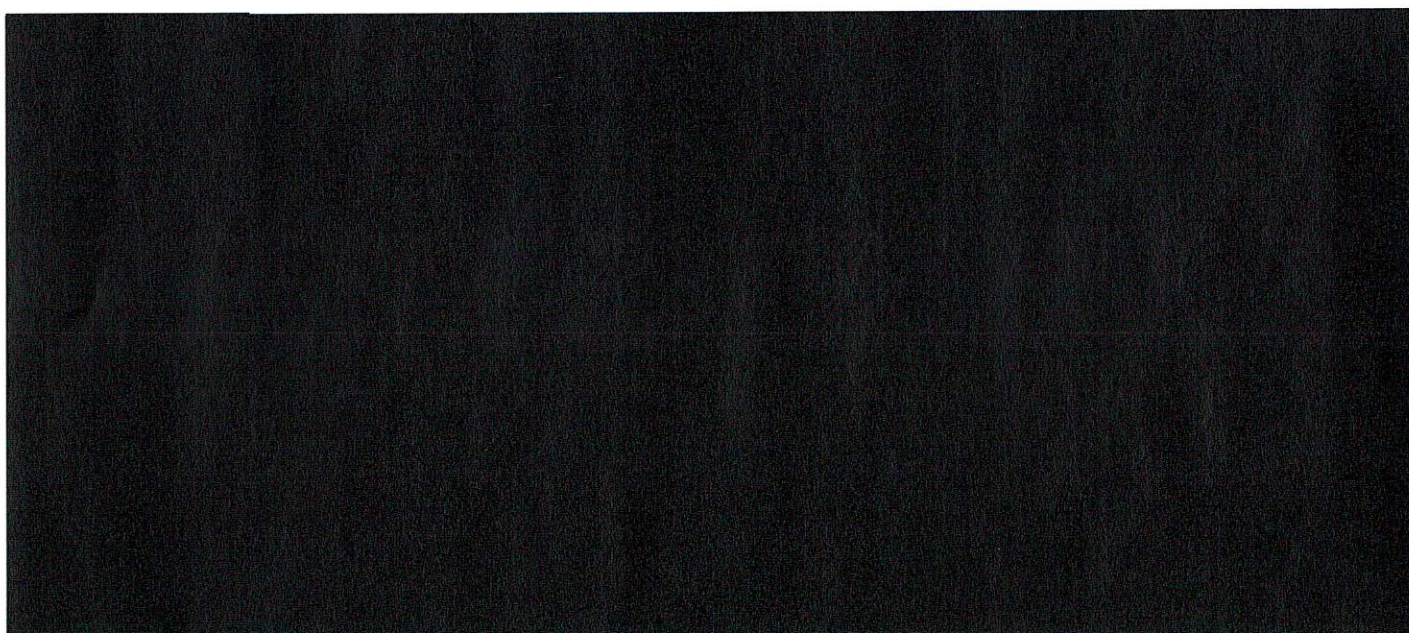
Can you please amend my comment to be the following?

I am a member of the Canyon Rim Citizen's Association board. I was in the meeting where we discussed the amendment that allows us to permanently remove signs and put digital signs into our common area.

I know there were some members of the CRCA board that felt the discussion was rushed. The discussion ended later than usual, and we were tired. However, I felt like we had ample time to discuss. There were a few who felt like they needed more time, but the rest of us (a good majority) voted in favor of recommending the amendment.

I want to make sure the City Council understands that the presentation was thorough and the presenters took the time needed to answer all of our questions. Because of this, the majority did not feel rushed and voted in favor of the amendment.

Thank you for your consideration,
Matt Gardner



Elyse Sullivan

From: Mitchell Vice [REDACTED]
Sent: Monday, October 11, 2021 9:07 PM
To: Elyse Sullivan
Subject: Digital Billboards & Conflicts of Interest

To be read and recorded in City Council Meeting - Oct 10, 2021

I commend Mayor Silvestrini's recusing himself from this discussion given his history with Reagan Outdoor Advertising.

I take GREAT EXCEPTION that Thom DeSirant, candidate for City Council - District 2, and who is officially endorsed by Mayor Silvestrini, AND who is also receiving in-kind digital billboard campaign advertising is being allowed to contribute to this conversation and possibly act as a mouth-piece for the mayor as an officially endorsed influencer.

Elyse Sullivan

From: noreply@civicclerk.com <donotreply@civicclerk.com>
Sent: Monday, October 11, 2021 7:45 PM
To: Elyse Sullivan
Cc: pds@utahplanning.com
Subject: Interesting Item for you...

Bruce Parker thinks you will find this interesting. <https://millcreekut.civicclerk.com/web/player.aspx?id=216> If you are having trouble viewing the URL above, cut and paste the string into your browser window. Planning Matter 2.4 This matter has community-wide interest. Without any notice being provided Mayor Silvestrini indicated earlier tonight that citizen comment would be received at tonight's meeting. To allow for public comment from all those interested, Item 2.4 should have been adequately noticed as Public Comment/Hearing. I ask that the City Council act on the side of full participation and provide the required public notice that a public hearing will be held. I beleive many residents would have commented tonight if they had received adequate notice. Please provide the necessary noticing to encourage and facilitate broader public participation.

Elyse Sullivan

From: noreply@civicplus.com
Sent: Monday, October 11, 2021 8:17 PM
To: Comment; Elyse Sullivan; Alex Wendt
Subject: Online Form Submittal: Public Comments

Public Comments

First Name	Jake
Last Name	Hathaway
Address	1601 E 3045 S
City	Millcreek
State	utah
Zip Code	84106
Phone Number	[REDACTED]
Email Address	[REDACTED]
Public Meeting	City Council
Meeting Date	10/11/2021
Comment Subject	GP-21-001 / ZT-21-007, Amendment to the City Center Master Plan Regarding District Signs
Public Comment	I am disappointed that we created a city and voted a mayor and city council into power. It seems that all they are doing is dismissing the recommendations of their own planning commission and ignoring the desires of the people who voted them in. I recognize that there are financial advantages to some situations for the city, but the desire for more information should not be a problem if it is such a good deal for us. Any additional information should just help us see what a good deal it is. I feel like a person being rushed by a shady car salesman to buy a car that I can't drive or check out before I buy. I feel like there was a lot of assumptions made in the project planning and we need more information, or we should just not do the deal. If you really want some signs, I really think that a better location for one of these signs is at the junction of Wasatch Blvd and Millstream Ln. This sign would also have

freeway traffic to see it... I bet Reagan would jump on that. But I am guessing people that live up on the hill don't want a giant electric sign outside their neighborhood.

I am also tired of the comparisons of our city to mall projects (valley fair mall, university mall.) We are a city. These are city streets not malls or shopping areas.

I believe it is a safety hazard having one of the signs right where there is now a merge on Highland Dr. I also feel this is a bad deal for our city. I feel like people who don't live near these billboards are making these choices.

We should do smaller boards, I can get behind smaller digital signs, or just take hit on the budget to pay for this out of pocket. I realize that this can be done without raising taxes for Millcreek residents. But we will pay for it in unsightly signs in the middle of our city for the next 40 years.

Supporting Documents

Field not completed.

Email not displaying correctly? [View it in your browser.](#)