



**Minutes of the
Millcreek City Council
November 8, 2021
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on November 8, 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 (recused at 8:08 p.m.)
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (arrived at 8:08 p.m.)

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder (electronic)
Kurt Hansen, Facilities Director
Mike Winder, Assistant City Manager
Francis Lilly, Planning & Zoning Director
Alexander Wendt, Deputy Recorder
Robert May, Long Range Planning Manager

Attendees: Tom Stephens, Laura Renshaw, Al Jager, Wendi Jager, Angel Vice, Mitchell Vice, Thom DeSirant, Brian Strong, Mary Ann Strong, Cathy Sneyd, Greg Sneyd, Kathy Blake, and Scott Claerhout.

Minutes by Alexander Wendt.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:15 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and led the pledge of allegiance.

1.2 Public Comment

Mayor Silvestrini asked that anyone who had comments regarding the billboard agenda items hold their comments until that time. Mayor Silvestrini said Council Member Uipi was on her way to City Hall from the airport and would chair that portion of the meeting, if she did not arrive in time for that Council Member Jackson would chair that portion of the meeting.

2. Planning Matters

2.1 First Reading of ZM-21-003, Rezone from R-1-8 to C-2 to Accommodate a Mixed-Use PUD Consisting of 7 Residential Townhomes and 4 Live/Work Units at 4088 S. Highland Drive by Applicant Nathan Anderson; Robert May, Long Range

Planning Manager

Mayor Silvestrini explained the purpose of a first read. The Council does not entertain public comment at that time but would entertain public comment at the next meeting the matter is considered. Robert May, Long Range Planning Manager, explained this application is a rezone request from R-1-8 to C-2. This accommodates the parking and assemblage required for a mixed-use planned unit development consisting of 10 townhome units. This had already been seen by the Planning Commission and received preliminary approval. Four 3-bedroom units are planned with the rest being two-bedroom units. Each unit has 375 feet of ground floor commercial space to meet the requirements in a C-2 Zone. Historically, the small subject property has been assembled with the two other properties at 4080/4090 South and has been used in conjunction as a mechanic shop and caretaker dwelling. Mr. May explained other projects that have been approved in the same area, this shows compatibility and the uses in the area.

May said staff found that a rezone to C-2 would be appropriate and would serve the intentions of the future land use map. Staff did not feel as though a rezone to C-2 should move the height transition boundary, resulting in greater height. Mr. May noted the community council voted to approve the project. The neighborhood conveyed their concerns about the western boundary and asked for an adequate barrier by way of a fence and trees, but adding a fence is required by code. Staff's plan is to craft a development agreement that protects the neighbors and makes sure that Millcreek receives what was promised. Based on development agreement conditions, a fence would be built but to different standards than in code because a variance was granted on November 1, 2021. The development site plan, elevations and locations of buildings, and building materials and façade articulation as presented in exhibit c of the agreement shall not change. The developer shall plant a minimum of six trees no less than two inches in caliper along the west property. Mayor Silvestrini said that using a development agreement is probably the best approach. Any business that moved into the property would be subject to current zoning and parking requirements that are currently in place. Placement of the guest parking is critical for this project. Mr. May did not believe there will need to be a text change in the code due to parking issues and height issues. There is a small road dedication on Highland Drive that will receive full curb, gutter, and sidewalk improvements. The city has worked with this developer before and staff feels this project will be a better addition to Highland Drive than what was there in the past. Mayor Silvestrini said he was glad these unit would be owner-occupied.

2.2 Discussion and Consideration of Ordinance 21-46, Approving a Redevelopment / Development Agreement with Cottonwood Residential with Respect to Approximately 1.76 Acres of Real Property Located at Approximately 1306 East 3300 South

Mayor Silvestrini said this application was subject to community council recommendation and Planning Commission approval for the project itself. The city would like to apply for money from the State, but a redevelopment agreement is needed. Mike Winder, Economic Development Director, said he would address item 2.2 and 2.3 at the same time. Utah is in a housing crisis. Utah is 45,000 doors short in the needs for households versus housing. Cities are always asking for more carrots for housing instead of sticks. There is a \$35 million pot of money for this grant. Cities can apply for up to \$2.5 million per qualifying project awarded on a first-come-first serve basis. The city will

make at least two applications and maybe even a third. There have been a dozen applications from around the state and two are approved. Millcreek will apply for two projects, one for the Boyer project on Woodland and the Hudson Building by Cottonwood Residential. To qualify the city must have a redevelopment agreement that guarantees 8 units per acre. In the City Center Overlay Zone, this is allowed. The agreement needs to also identify the connectivity between the housing projects and the public matching project, this is Millcreek Common because it is adjacent.

The City is sharing some of the anticipated funds as follows. The Cottonwood agreement reimburses the developers up to \$85,000 for improving safety and aesthetics of the 3300 S. 1300 E. crosswalks. Mayor Silvestrini added this is the kind of improvement that was recommended by the Millcreek Community Council. This is a good thing for pedestrian safety. The Cottonwood agreement also incentivizes them \$145,000 for increasing housing stock that's affordable for teachers, public safety workers, health care professionals. This is conditional upon receiving the grant. The Boyer agreement reimburses the developers up to \$85,000 for installing a water feature to enhance the connection between their project and Millcreek Common. Mayor Silvestrini said concept planning for Millcreek Common Phase II included a water feature. Mayor Silvestrini asked if the agreement can dictate this. Mr. Winder said the Planning Director would have to approve the plan but that is in-line with plans for Millcreek Common. Council Member Marchant asked if the city would apply for the entire \$2.5 million. Mr. Winder said the city is applying for the full \$2.5 million allowed per project.

These redevelopment agreements do not allow the projects to skip the normal community council/planning commission process. They do not guarantee anything specific related to height, setbacks, project layout, or building materials. This does not relieve the applicants of any CCOZ requirements. Mr. Winder said that Millcreek may apply for a third grant for the Millcreek Common West project and in the development agreement staff can put wording in to satisfy the requirements from this grant. Millcreek is looked at as a good actor regarding housing. Millcreek has a good shot to get one grant disbursement and a chance to get a second disbursement. Mr. Winder said the Utah League of Cities and Towns is pushing cities to apply. Mayor Silvestrini said that the State may do more of this type of grant funding if it works well. Mr. Winder said that Millcreek is approaching this well. Council Member Catten asked who stipulates what is affordable housing. Mr. Winder said the grant is very generous, and the language in the agreements do point out the average home price in the zip code is \$545,000 and the units are directed at \$55,000 a year income earner. Part of Utah's problem is a supply and demand issue. This will help to increase the housing stock.

The Mayor asked if members of the public would like to make comment.

Angel Vice, 3610 Carolyn Street, asked if this can be used to take down a static billboard or build monument signs. Mr. Winder said it cannot take billboards down, but it can help with parking space. Ms. Vice asked if this would free up money for other features. Mr. Winder said this extends an olive branch. Mr. Winder said that he applauds the creative thinking and these trains of thought have gone through the mind of staff while they approach the issues facing Millcreek Common.

Mary Ann Strong, 3737 Green Briar Way, said some people have concerns about density in the Hudson building. Ms. Strong asked about reducing the height of the building and the number of residents. The developer had requested a reduction in parking twice. One business in this area is a fitness center and they are busy. Ms. Strong said it is important to make sure the developer plans enough parking. There is nothing that tall in the area and she worries about the mass of a building. Mayor Silvestrini said the Hudson project complies with the requirements of the zone. The project will not come to the City Council but to the Planning Commission. Mr. Winder said the redevelopment agreement does not change the density and height. Mayor Silvestrini said the purpose of this is to get a grant for crosswalk improvements and provide additional money to make housing in these developments more affordable.

Council Member Jackson moved to Adopt Ordinance 21-46, a Redevelopment Agreement with Cottonwood Residential. Council Member Marchant seconded. Council Member Catten asked if the stipulation for affordable housing is included in the grant like inclusionary zoning. Mr. Francis Lilly said this provides affordable rents relative to the surrounding areas. It does not dovetail with the broader housing strategy. **The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

2.3 Discussion and Consideration of Ordinance 21-47, Approving a Redevelopment / Development Agreement with the Boyer Company with Respect to Approximately 1.83 Acres of Real Property Located at Approximately 1350 East Miller Avenue

Council Member Jackson moved to adopt Ordinance 21-47, Approving a Redevelopment Agreement with the Boyer Company. Council Member Catten seconded. The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.4 Discussion and Consideration of Ordinance 21-48, Amending the City Center Master Plan and Title 19 of the Millcreek Code of Ordinances with Respect to Digital District Signs

Mayor Silvestrini said that he is surrendering the Chair position to Council Member Jackson. Council Member Uipi joined the meeting by phone (then later in person) at 8:08 p.m. Council Member Jackson said the memorandum of understanding (MOU) that the city was looking at with Reagan Outdoor Advertising had undergone drastic revisions. The first MOU was designed to reduce as many billboards as possible. Council Member Jackson said that she did not like the Highland Drive sign. The city has talked about removing the development impediment and have found ways to make the signs less intrusive. Council Member Jackson turned time over to Francis Lilly, Planning Director, regarding changes to the MOU.

Mr. Lilly said the first MOU as presented to the Planning Commission had a plan for 3 district signs, and four billboards removed totaling 2,247 square feet as well as another 924 square feet of billboard bank balance. Three signs would be added at Millcreek Common, Chambers Avenue at Richmond, and Chambers Avenue at Highland Drive. The two sign faces in the way currently are 33.5 feet high and 472 square feet. A smaller deal results in a more favorable ratio for the city when less billboards go down and less billboards going up. Millcreek would own the sign structure and there is a 40-year lease.

Millcreek would keep 40% of the leased spaces on the sign. The MOU as presented to the Planning Commission is different than the proposed exchange agreement. Originally four billboards would come down, now only one would. The billboard bank would still be eliminated. The new agreement limits the sign height to 26.5 square feet. The city advertising share does not change, site line technology does not change, there is still ambient light dimming and ambiance control, and the City's advertising share does not change. There is now a discount for Millcreek businesses to advertise. The cost to the city is \$1 per year plus the power connection. Reagan Outdoor pays the power bill. This has not changed. The city retains ownership of the sign in both situations. Reagan, as a sign operator, would have no right to keep the sign up after the 40 years. Mr. Lilly said the challenges of billboard condemnation is so vexing. The current sign is a bi-pole sign at 33 feet tall, the new sign is a bit shorter at 26 feet tall, the new sign is 12x24 feet instead of 10.5x22 feet. The proposed location of the sign is on the south side of Millcreek Common.

Mr. Lilly noted that the code itself would need to change. Changing the code does not change the sign unless the agreement changes as well. The code allows for one sign and so does the exchange agreement. The exchange agreement does refer to the site-line technology and refers to the best technology available. Council Member Jackson said residents are concerned about more digital signs in Millcreek and asked how it would be prevented. Mr. Lilly said there can be only one district sign in Millcreek Common per the new ordinance. The ownership of the sign is retained by the city. The way the State currently defines a billboard is an off-premises sign. The sign contemplated is an on-premises sign. Mr. Lilly said if someone came to him asking for another digital sign that he would say no, the code is clear, only one district digital sign is allowed in the City Center. Council Member Catten asked if the city did not have 40% of the turns if it would change the definition of the sign. Mr. Lilly said yes. If the City did not own it and control this much, the definition would change and that would be a different type of sign.

Council Member Catten asked if this sign is static images that change or if it is a video board. Mr. Lilly said the sign is static images. Video boards are forbidden in the code already. Billboard companies are used to operating in these parameters per state law. Council Member Catten asked if the city can dictate design standards in the ads themselves, if the city can limit the design elements of certain ads, so they are less bright. Mr. Lilly said that he was not sure if the city could limit this in the code, but this was a conversation worth having with the sign company and it could be in an operating agreement. The company who created the Millcreek Common logo suggested that the city create a design standard and color palate for ads.

Council Member Jackson asked Mr. Lilly to explain the Millcreek Code and ambient light dimming. Mr. Lilly explained the sign will detect the ambient light and adjust the illumination depending on the outside light. On a very bright day the sign will have different luminance than on a darker day. All electronic message signs will automatically dim. At night-time the sign will automatically dim to a certain light standard. State statute is moving towards not allowing regulation of signs differently on different pieces of property just because one is a billboard. Council Member Catten clarified if Reagan takes down the existing billboard, they then must put up the new one. Mr. Lilly replied that Reagan would take down the existing sign and build the new one at no cost to the city.

Mr. Winder said that the Canyon Rim Citizens Association asked that Millcreek businesses receive a discount on ad space. City staff was able to add this to the operating agreement for the first three years of sign operation with the option to extend the discount. Mount Olympus Community Council asked that products that are detrimental to minors be prohibited from the sign, and this was added to the operating agreement. Staff has seen great progress in adding community council and planning commission suggestions to the operating agreement. Millcreek is also able to remove the right-of-first refusal for the billboard property and it allows the City to move forward with Millcreek Common.

Council Member Jackson said that some residents ask that the city do nothing and asked what options there were. Mr. Lilly explained that the city could simply ask Reagan to sell the sign or take it down please. Reagan has said that they will not just sell the sign because it is a good sign for them to advertise. This would force Millcreek into a condemnation proceeding. State law would require Millcreek and Reagan to get an appraisal and then eventually a judge and jury would come in and decide on the value of the sign. Utah State Code explains what a city may not do. A city cannot take possession of a billboard acquired under eminent domain until all court proceedings and appeals are done and the billboard owner receives payment of just compensation. Millcreek would have no way of knowing what the billboard cost will be and Millcreek cannot have access to the billboard until the very end of the court proceedings which could take years. Having negotiated things with Reagan before in the midst of an eminent domain action, Reagan may say just move the sign into Millcreek Common. It is a simple matter of changing the leasehold. State statute supports moving the sign rather than condemning it. It would be static sign, but it is a sign that Millcreek cannot control.

Mr. Lilly said he can see Reagan asking for \$150,000 to relocate the sign into Millcreek Common because it meets the City Code. The city would have no control of the sign, would not have 40% of the advertising time, no control of how the sign looks, and no control of the messaging of the sign. Mr. Lilly said that waiting would delay, in an unacceptable way, the parking structure, the new city hall, a 3500 square foot restaurant, additional ground floor retail to finish Millcreek Common, a climbing wall, and housing at Millcreek Common. Mr. Lilly explained he did not want this and wanted Millcreek Common more. He was concerned about the unknowns about the sign and billboard bank.

Council Member Marchant said that Reagan would keep their billboard bank and they could put up two more signs. Mr. Lilly affirmed and said Reagan could put up a bigger sign on State Street and wondered if the city would want to redevelop there in the future. He said in a few years this conversation could happen again. There are signs on Highland Drive that could become bigger with the bank square footage that current exists. Any of these options creates a potential development impediment somewhere else. He acknowledged that Millcreek hates signs and digital signs, but should Millcreek just keep moving signs around or have a time certain deal that will end. There are parts of the deal that Mr. Lilly likes. Mr. Lilly explained that he likes the certainty. The whole concept of a billboard condemnation is designed to keep them up, move the sign, or give the advertiser as much time as they need. Mr. Lilly is concerned about a sign company going back to the Legislature and getting the law changed if they cannot work with cities.

Council Member Uipi asked if Reagan could move square footage onto a billboard at Millcreek Common. Mr. Lilly said probably not on the billboard at Millcreek Common because the sign is nearly at the maximum size allowed, but it would move somewhere, and the city might need to condemn one of those.

Council Member Catten asked what the monetary ramifications of delaying moving the sign or the condemnation process and delaying the City Hall project would be. Council Member Jackson sits in the City Hall design meetings and the city is being frugal where they can, to make the project work. Construction costs keep going up. Laurie Johnson, Finance Director, spoke about how delaying this project will affect bonds in the area. Ms. Johnson said it is important to move forward to pay for the 2019 bond interest and principal. Currently the City only pays interest and borrows from the other CRA. The city needs the tax increment to come in because this cannot continue in the current way forever. The city can pay the principal and interest in the 2021 bond but if the city does not spend down the 2021 bond the city would be subject to arbitrage. Council Member Jackson asked about construction costs going up and Ms. Johnson said these are expected to go higher. Currently the City is in a building with a limited lease and there could be financial ramifications if the City cannot move out. Mr. Winder said there is significant costs if City offices must be moved twice. Council Member Jackson asked Ms. Johnson what arbitrage is. Ms. Johnson said that a city gets better interest rates on a bond. To prohibit a city from getting a lower interest rate on a bond and then earn higher interest than they are paying on a bond could be a moneymaker. Council Member Jackson asked if the city could use bond money to pay for the billboard. Ms. Johnson said that bond holders purchased the bonds based on the limitations of a certain project. The bond documents were written to pay for city hall, not a billboard. Council Member Jackson asked where the money would come from if the city entered the condemnation process. Ms. Johnson said that the city would have to take money from the Capital Improvement Project fund. The city would have to ask what could be cut in other parts of the budget. The numbers are high so deciding to delay other projects or pare them down is necessary. This would have major budget ramifications.

Council Member Jackson said that people have told her to assess every Millcreek residence \$20. Ms. Johnson said that is a tax. This would be a property tax increase and the earliest this could happen is a year from now per state law. Council Member Uipi said that is assuming the city knows the cost of Reagan's ransom for the sign. Mr. Lilly said that Reagan had no interest in selling the sign for any price. Mr. Lilly explained if the city could get immediate occupancy this would be preferable. Reagan and Holladay City fought about the price of a sign there because Holladay got immediate occupancy. Then Reagan had the state law changed. Mr. Lilly said he does not know of a successful condemnation since that law change. Ms. Johnson said that if the City had to have the money right away, the Council could only spend what is in the budget so other things would need to be cut. Council Member Jackson asked the City Attorney, John Brems, how long the condemnation process would take through eminent domain. Mr. Brems said that the sign cannot be taken down until all appeals are exhausted because billboards have special dispensation. Mr. Brems said this could take 4 years. Mr. Lilly described that it took Holladay six years, but they could take the sign down while they fought about it. Council Member Uipi said residents are concerned about the billboard bank. Mr. Lilly said staff reached out to all the community councils. The information that Mr. Lilly

received was that they were happy about reducing the scope of the deal, but one individual was disappointed that more signs were not coming down. Mr. Lilly said that in conversations with Planning Commissioners that they think this is a movement in the right direction.

Council Member Jackson opened time for public comment and noted that there would be a three-minute time limit per comment.

Angel Vice-3610 Carolyn Street

Ms. Vice asked why Reagan would not change the rules again. Ms. Vice congratulated Thom DeSirant and Council Member Uipi for their election wins. She said that Millcreek Common is the legacy of the City Council and Mayor Silvestrini. Ms. Vice said she appreciates changing from three billboards to one. Ms. Vice said she is getting calls from people who want to do a referendum. A referendum would also cause delays.

Kathy Blake-1481 Woodland Avenue

Ms. Blake thanked the Planning Commission for collecting information about the MOU. She also thanked city staff for their work. When it was clear after the Planning Commission was not in favor of the ordinance the Planning Commission was told to stay in their own lane. Ms. Blake is happy they pushed on. The new proposal from Reagan is a step in the right direction but Ms. Blake does not want any digital billboards and it allows Reagan to set the tone. Ms. Blake thinks the city is in dangerous territory. Reagan will reap financial benefit. Cities change ordinances all the time and it is only a matter of time before changes again. Residents have been promised that the code change will be written in a way that will not allow digital billboards in other areas. The city cannot give them this inch.

Mitchell Vice-3610 Carolyn Street

For a city administration so dedicated to minimizing the total square footage of billboards everywhere. It is perplexing that the city did not consider removing billboards five years ago. Even more perplexing is three out of four sitting council members have received campaign contributions from Reagan Outdoor Advertising. The mayor has recused himself because of campaign donations. The newly elected council member has received the largest amount of campaign donations from Reagan. He asked why Millcreek officials are so eager to receive donations from Reagan Advertising. At best there is a gross misalignment between the two. At worst there is a serious and insidious conflict of interest on this matter.

Council Member Catten said that five years ago there were 40 candidates running for five seats on the City Council. Unsolicited, Reagan sent money to Council Member Catten. She never received any phone calls or emails from them. Council Member Catten said she voted against giving them more power and fought against billboard bills at the Legislature. Council Member Catten explained that she took \$300 from them five years ago. Council Member Catten said she had no discussions with them ever. She would like it on the record that she took \$300 five years ago, the race was competitive. Council Member Marchant said he has not received any money from Reagan since he has been on the council, he received \$100, weeks before the election five years ago. Council Member Marchant objects to the accusation. Council Member Jackson asked for public comment

received online to be read in.

The Deputy Recorder read emails received.

Ann Brinkerhoff – 1430 E. 3114 S.

“I have lived in Millcreek for over 25 years. The character of this community is important to me. Electronic billboards do not reflect my desire for my neighborhood. We DO NOT want electronic billboards. They will change the character of our community. They are bad for the environment. They are bad for wildlife. They do not belong in a bedroom community. Reject them!!”

Isabella Sabala - District 2

“Please read this into the record tonight; I am opposed to any and all digital billboards. Please don’t allow Reagan Outdoor to win again. Please take a stand for the beauty of our city and vote no to any and all digital billboards.”

Kevin Flynn – 3474 S. 2300 E. #24

“To the Millcreek City Council, I appreciate your service to our community, and your work to make it a great place to live. I am very concerned about a proposed deal with Reagan Outdoor Advertising to allow them to construct 1 or more digital billboards near the new City Center. I feel that such a deal that affects so many people and is so controversial should be put on hold, and other options looked at, such as smaller, city owned and operated marquees, that would be more aesthetically appealing. Also, I feel that the developer should help with costs to remove the one billboard that is in its way, and the balance of the expense could be paid by the city, since it would be a small fraction of the overall cost of the city center. Please do not open the door to these digital billboards. Thank you.”

Francisco Sabala – District 2

“Please read this at tonight’s meeting before the vote on billboards. It is my understanding that there is the possibility of voting on removing the static billboard that is in the way and not replacing it. That option is the one I request you choose. If not, it is my intention to sign any petition from any referendum to keep digital billboards out of our city. As a college student I won’t have the time to initiate on and I am hoping someone does so I can sign it. Thank you.”

Christine B. Helfrich – 4537 S. Park Hill Drive

“I would respectfully ask that NO electronic billboards be authorized in our beautiful community of Millcreek. I am a fifth generation Utahn and have resided in Olympus Cove since 1999.”

Chris Kaiser – 595 Mill Farm Court

“No digital billboards please.”

Jerilee Katenay – 845 E. 4280 S.

“I have been a Millcreek resident for over 20 years. I chose to buy a home in Millcreek over downtown Salt Lake City where I had lived and grown up at. I am saddened that the current city council is trying to ruin the Millcreek I have loved these last two decades,

where I raised my children and where my grandkids are now being raised in another district of Millcreek. I am against the blight of multiple billboards in our community. The ridiculous claim that all the billboards are needed to make up for other billboards is ludicrous. Leave the contracted billboards up and build around them or take into consideration how many images/ads a digital billboard can show compared to one that Reagan says they are losing. What are the maximum images that can be displayed compared to a standard billboard? Shouldn't that logically replace how many digital billboards are needed to replace a standard billboard with one image? If you force this onto our community that says a lot about how familiar you are with the Mission and Vision statement. A "City that provides a "welcome home" feeling to everyone" does not generally include blaring billboards unless you live on Times Square. Decide on the interest of your voters or your donors, who do you really serve? Vote no and keep Millcreek a place people are proud to call home."

Janine Terrill – 3703 S. 740 E.

"Digital billboards in the new city center? It's a costly mistake we should not be making. The landscape is disrupted by these distracting digital media monsters. I want to go on the record against digital billboards. Please help us avoid the tragedy that will be "billboard jail".

Council Member Catten read an email thread between Marv Poulsen and Council Member Catten.

"Dear Council Member Catten:

I want you to know my actions last night during the open comment period were an honest attempt to add a different dynamic to what seems to have been a distorted process as you all must deal with a mess that has now been revealed as much deeper and convoluted than I think anyone knew prior to last night. It appears there have been some secrets that have prevented you, The Council, from learning many relevant details of what's been going on behind the scenes.

I felt it was important to confront the Mayor, but never imagined the encounter would become so visceral. That part change my presentation. My intent was and remains to stimulate a flow of thought different than what we have seen so far and open the opportunity to consider more creative approaches that will hopefully arrive at a decision more amenable to the Millcreek Community because I fear we've been on the course of splitting the community. Sometimes, emotion can trigger thinking outside the box.

I want to acknowledge the integrity of our Planning Director, Francis Lily. Having never heard him speak about his actions to remain removed from the Reagan 'negotiations' was personally heartening. On the other hand, had we had him or another representative, with such deep personal integrity, involved in those negotiations, I wager we would be looking at a whole different set of options for you all to be considering.

This makes me wonder if The Council might want to consider retaining some 'outside' negotiation expertise that would be acting under your direction, if for no other reason than to have an unbiased witness and hopefully more professional insight. (You have had a Millcreek resident with a background in negotiation speak before the Planning Commission and now you who has a long background in negotiation, and might be a resource for recommendations of possible professional negotiators you could consider.) As an aside, that's really what the Planning Commission was seeking in their request for outside council a few weeks ago.

I wish you all could/would stop allowing the false urgency that's clouded this issue over the last months. The urgency is clearly a product of decisions made or deferred on the executive side of Millcreek government. It's pretty obvious there's a dearth of accurate information about any costs that could or would be involved.

Thank you for your dedication to a difficult, time consuming job.

Regards,
Marv Poulson”

Council Member Catten read her reply.

“Hi Marv,

Thanks for the email. I would love for you to elaborate on the "secret mess" that has prevented us from understanding the full picture of this. I keep hearing clamorous things like this but it seems no one is willing to take the time to provide actual evidence, or at the very least, explain what any of the distortion is. I've heard many slanderous claims about the Council's and staff's integrity, which has been frustrating because I think everyone who represents Millcreek who has been involved wants the best outcome for the city. I have absolutely no reason to believe otherwise. I'm asking in earnest, that if what you are saying is accurate, would you provide me and the Council with such implications? It is my obligation to understand and take action for or against anything that would hinder fair judgment on such an important decision that affects our community.

We are listening and we welcome your opinions and suggestions, always. If your true intent is to provide thoughtful advice and action toward more creative solutions, then I suggest you do that without flagrant criticism and insult. We've seen you bring notable suggestions to impending conversations before, like the trees and landscape ones from past projects, which were helpful to us. But it's difficult to understand your points when they are clouded by indignation that your voice is the only one, we should consider or listen to, or that you perceive us to be working against the city's best interests. That is not only completely false in this (or any case), but unfair. Especially given that we finished hearing the entirety of the proposal in any official capacity for the first time on Monday night. Additionally, I don't appreciate questioning my ethical and moral standards when there is no indication that I (or any other member of the Council) have acted in bad faith or to our personal benefit. Again, that is a completely unsubstantiated claim that is egregiously false. I will continue to support yours and anyone's right to present respectful opinions, suggestions, and resolutions. They do in fact, have weight on my personal decision-making process, but when claims are based on harmful hearsay or assumptions, they serve no one.

I have full confidence in our staff to handle the work for the best interest and outcomes for the City in a respectable and productive manner. They will take the Council's direction, and there has never been any indication that anyone who works for the City has done their job with malicious or secretive intent to harm the city or its residents. To suggest otherwise is wrong and it's obstructive to paths of true collaboration that the Council seeks to have with other recommending bodies like the Community Councils and Planning Commission. The Mayor has willingly and appropriately recused himself from meetings and conversations regarding this matter, and I respect and encourage his right to do so. In regard to things that may seem suspect, that is solely your perception. It has been my experience that between conception of an application or proposal until the actual vote by the Council, changes and updates happen along the way. That is, in my opinion, an advantage to our process--that nothing is final until we vote on it. The urgency of this has been no different than any other process for any application or planning matter.

I respectfully disagree that the Planning Commission was asking for negotiation expertise. If that were the case, their position would have been less defensive and more cooperative to actually finding a solution. But I digress--I think there is still work to be done on this. This situation has been highly contentious and emotional, and that adds to the complexity of the issue, I recognize that whole-heartedly. I have personally always done my best to understand and listen before making any decision, and there has been great effort by the four council members and staff to take the time to truly understand this very nuanced issue. I'm not inclined to rush anything that isn't right, but as is my duty, and as I've said publicly, I am inclined to pay attention to any possible creative solution that is brought before me.

Warm regards,
Silvia Catten”

Council Member Catten then read Mr. Poulsen's response.

"Hi Millcreek Council Member Catten,

Note: Because I mention your fellow Council Members in my response to your email, I think it appropriate to copy them. I'm not copying the mayor because he claims recusal from billboard discussions.

I will be as brief and concise I possible, but there are so many elements and threads to this problem it will be a challenge.

First you must realize we, Millcreek citizens have virtually no access to what goes on in your deliberations or happens outside of public meetings.

From a citizens point of view, trying to see into what looks like a deliberately rushed process by the Council in what is obviously a City Proposal, in essence acting on behalf of Reagan Outdoor Advertising, raise great concern for a whole lot more citizens than you will ever hear from or hear speak in your restrictive public forums, that have been truncated to less open process than most of the City Center development projects.

I disengaged from personal involvement in Council meetings when the Pandemic made such meeting to dangerous to participate in, and Zoom or your website diminish the effectiveness of your meetings and public comment.

What got me to come back, on a limited basis, was hearing about the Council's plan to install 6 highway-size billboards in the City Center for Reagan Outdoor, after supposedly precluding such things in the City Center Master Plan. I thought that was settled business 2 years ago.

To have only heard on the grape vine that you were intent on undermining The City Center Plan, that everyone in the community thought we had help settle, is being threatened in favor of a rushed process to give Reagan Outdoor huge electronic billboards in The City Center shocked me. That's why in July I began trying to find out what's going on.

It quickly became clear that a hard-court-press was at play with Mr. Winder strenuously and relentlessly selling one choice and when questioned, applied strenuous put downs to the person asking the question, be they a Community Council member or a concerned citizen. It doesn't take a genius to recognize there was only one possible option: 6 huge electronic billboards that MUST be approved by November under a completely contrived rushed process.

You, The Council, here-to-for have always invited extensive public involvement when considering other projects of great public impact and interest. Examples have been the Mt. Aire Streetscape, The City Center Plan, and more recently the Accessory Dwelling Units process that saw 2 rounds through the Community Councils, the same for the Planning Commission and welcomed extensive citizen input before the Council during informal and formal settings.

But, when it came to your Billboard thing, scheme, mess, the process became more urgent than the public has experienced on any other thing you have done. This rush seemed geared to get through the legal process and jam the billboards down our throats before the community could get up to speed on what you all were jamming and why.

See, things look different on the receiving end than on your end.

So, finally, this week with the revelation that Mr. Winder was acting as the sole negotiator on what I can only assume is at the Mayor's direction with him acting in the City Executive role. Learning this information, at long last, raises new questions about conflicts of interest with both our mayor and his selected negotiator with Reagan and Mr. Winder's own conflicts of interests with the same company as our mayor. But what communications, ex parte or open, we don't know. But you've raised such ex parte communication questions about community citizens and even members of the Planning Commission. Why

not in your own government ranks? I can only assume such is okay for the goose, but no one else.

Through the process I heard you and Council Member Jackson vocalize, virtually the same wording Mr. Winder repeatedly used to justify the artificial urgency propelling the Billboard scheme, claiming that because the February vote in the legislature on a billboard bill Reagan wanted, that would allow them to convert any of their billboards to electronic, was only narrowly defeated.

I have researched the February debate and vote in the legislature, which was only in the Senate, and was actually more than a narrow defeat. In political terms it was voted down more definitively, losing 12 to 15 with 2 abstentions, in a body with a super republican majority. The bill died then and there even after lots of attempts to make it more palatable, being circled and uncircled 3 times and being doctored 3 time to tweak the verbiage with amendments, but none of those sweeteners worked and the vote killed it. Not even a receptive State Senate was having it with Reagan's onerous billboard scheme.

So, all the times when you, Council Member Jackson and Mr. Winder claimed the bill barely missed passage it was only a matter of time before Reagan would get what they want represents a misleading, at best, claim, and a part of an obvious pressure tactic successfully deployed on the 4 Community Councils by Mr. Winder.

Then there are the arguments that the city has to vacate the current office space sooner than you will be ready. But that's because our experienced, real estate attorney mayor apparently failed to negotiate a lease extension option as part of the original lease agreement. Why no provision for contingencies? This is another element that raises competence or trust questions. And if we are so stretched financially that delaying moving out of the current office space presents such a financial burden, well that makes me wonder too.

Similarly, when we, The City, bought the property where the derelict Reagan billboard at 1330 (or so) east 3300 S, stands, why wasn't the title encumbrance of the billboard lease addressed at that time? I raise the same question about our experienced real estate attorney mayor's failure to act fully in the interest of The City at the time, neglecting to make sure title to the land would be clean for immediate future development. But no. The City did nothing about that until now needing Reagan to release the right of first refusal on the property with what I can only describe as contrived urgency.

Had that title been cleaned up properly when The City made the land purchase, and had also negotiated an office lease option, the contrived rush we are enduring now wouldn't even exist. Okay, I can hear you arguing we are where we are, but that places the burden unfairly on the community. We shouldn't be put in such positions because of official neglect, deliberate oversight, incompetence, or contrivance. That's not honest!

Would any of us be so derelict in our own real estate dealings?

That is only one of the deceptive practices Mr. Winder has used. And the fact that we have a Mayor with obvious, career-long involvement with Reagan, even being instrumental in developing the billboard lease language that has also been incorporated into state law over the years. And now for the Mayor having Mr. Winder as our sole negotiator with plenty of his own conflicts of interest because of coziness with Reagan, really rubs me and clearly much of the community the wrong way.

One primary role the community should expect from elected leaders is careful contingency planning. That's not what we are seeing. This has raised concerns that with The City's apparent escalating financial vulnerability, it sure looks like we are leveraged way too heavily to be able to deal with another eventuality like the pandemic or climate change, or major flooding. What if the City Center gets delayed further? What if another catastrophic fire delays a major real estate project. There's lots of potential what ifs I fear could over stretch city resources. What then?

You see, our heavily bonded position and having to take funds from another city development tax fund to cover interest on the \$20 million City Center bond isn't well understood, nor are the requirements of the \$39 million bond for City Hall.

See, the public has to work really hard to even get a glimpse into what's going on behind the scenes with The Council. You expect us to take you at face value, only to hear from your own lips the same misleading script used by your selected shill, (I use shill quite deliberately for the implied deception in the definition of the word).

It's unconscionable to me for my City Council to be looking like the source of deception.

Now about your public rebuke of the Planning Commission. Every member of that group never used verbiage that even came close to deception in their deliberations and public comments on the billboard issue. When they were asking for outside council, it is clear they were trying to avoid even the appearance of conflicts of interests, just as Planning Director Lily strives to do.

Your rebuke of the Planning Commission, and Council Member Jackson's and Uipi's personal attacks on the 2 Planning Commission Members who appeared before you in support of their outside council request was shocking to me. I believe you all owe the Planning Commission an apology for such unprofessional treatment of those dedicated, honorable, and trusted community volunteers. Or maybe you would rather have people who cow-tow in fear and not perform critically important community service?

You see, such behavior on the Council's part speaks volumes and runs completely counter to your protestations to me and the wider Millcreek Community. More open, frequent, community engagement and direct communication on high profile issues would go along way in proving to the community nothing shady is going on.

I am afraid I'm not the only citizen who has lost trust in The Council over how you have, and continue, to jam the billboard scheme down our throats. You've lost credibility with what I'd wager is the majority of Millcreek Citizens for at least seeming to be colluding with Reagan.

If you hadn't picked up on it before, I hope you heard it loud and clear from those who spoke at your meeting last Monday night, 10-25-21. The community feels like we are being force fed with deception and no alternatives that deviate from the single Reagan-Winder billboard scheme. There are 3 fundamental problems we all wish were possible. 1) A more open, deliberative process that invited more open public involvement from the beginning, like you have done on so many other high profile impactful community projects. 2) More alternatives than the least palatable one you're pushing. 3) Don't keep trying to force feed the community with half-truths, deception, obfuscation, contrived urgency, and Winderesque lies. It would have gone a long way if your spokesman had an honorable reputation. (If you doubt that, just do a simple Google search about Mr. Winder's history.) Credibility and honesty matter, including the messenger and how those attributes are perceived.

Now you may still claim I have no justification for speaking sharply and critically of how you are dealing with us, the community, on the billboard matter, but the truth is you are wrong to be trying to force feed us, the concerned community, a singular choice when we are clamoring for alternatives.

My previous involvement with city planning, trying to get more attention on our urban forest, was made in good faith, even though it's not being taken into account very seriously. Fundamentally, the urban forest will one day be a crucially important, life saving element in reducing the impacts of the urban heat island The Council is developing. I wish you all would have even read the research I provided 2 years ago. We have just begun feeling the deadly effects of climate change, and I fear the community has no preparations for dealing with.

But I will never forget what has appeared to be a closely held, process to push through giving Reagan a multi-million dollar gift that will blight our City Center and the wider community and open the door for Reagan, doing what Reagan couldn't get the Legislature to do, but seems to have a lock on getting from the Millcreek Council: setting a president for the spread of electronic billboards across any other vulnerable Utah community, and in the process make us a pariah Reagan billboard city. Despite you professing to hate billboards.

I'm sorry if I hurt your feelings during this billboard mess, but every member of The Council has made me feel berated and betrayed. This mess shouldn't have been allowed to become so divisive, but for how The

Council has failed to guide it otherwise.

As to The Mayor's recusal. He keeps repeating the phrase, but I heard him use an explicit caveat when he addressed the Millcreek Community Council online at the beginning of their only opportunity to hear anything official about this matter. Answering a question from one of the members of that community council, the Mayor, would he recuse himself, got the answer: "I intend to recuse". Not very reassuring. Of course, you and I both know, as a practical matter, his professed recusal is really show for the uninformed, and really means little under Utah law.

I've been active in public affairs my entire life, albeit mostly in environmental matters. Most notably, I was deeply involved during the MX Missile debate of the late 70s and early 80s, when Governor Matheson was between a rock and a hard place weighing State policy on that issue. He maintained a remarkably open public process with many long, heavily attended, public hearings across the state, over a period of months. I know he anguished under what had to be immense pressure from the US Military and the Carter Administration. I know that's before your time, but it was a huge deal at the time and illustrative of managing a tough public process.

Never have I seen the convening authority on a public matter employ deception and even lies to drive those processes. When I say this, I am mainly speaking about how Mr. Winder has behaved.

I've always felt I could depend on honest dealing with government processes. I wish I felt that way about how The Council is handling this billboard mess, a mess that needn't be.

If citizens can't trust our governments and how officials behave, how can government function effectively. Trust is the glue of our democracy.

I can't, I won't apologize for believing that.

Sincerely,
Marv Poulson"

Council Member Catten said she would like to respond quickly. Council Member Catten said she will always give a resident the opportunity to share their thoughts with her. The City Council Members take their job very seriously. Council Member Catten said that she is always available for any resident who wants to make their voice heard they are always welcome.

Council Member Uipi asked Mr. Brems to explain what a referendum is and how long it takes. Mr. Brems said a referendum is the way to overturn a city legislative action. This zoning change would be a legislative action. Five voters in Millcreek would make an application for a referendum. They would need to get a petition to get signatures from Millcreek voters. Then there would need to be an election. Until that time the ordinance is effective. Council Member Uipi said that everything would be delayed. Mr. Brems said that the city would still pay bonds and debts. This would be a reportable debt and it would have to be reported to the bond holders, as a reportable event. It would cause major economic problems for the city. Council Member Uipi asked what a reportable event is. Mr. Brems explained that as part of the bond the city must report events, like losing sales tax or a lawsuit against the city. Council Member Uipi asked what the repercussions of a reportable event are. Mr. Brems said that he has never been part of a reportable event, but they are bad.

Council Member Jackson asked where the signatures need to come from. Mr. Brems said from the Council Districts in the City. Council Member Uipi asked if there is a process to

list the facts of what the City Council did. Mr. Brems said people would just sign the petition. Mr. Brems said the city can spend no funds on a petition. Council Member Catten asked if the developments could not happen in the spring. Mr. Brems said they could still happen. Mr. Lilly said this would force a different conversation with Reagan. It would move the city towards condemnation proceedings. Mr. Lilly explained that Reagan might simply say move the billboard 150 feet into Millcreek Common. The city would have to pay to demolish and move the billboard. This is the fastest way to resolve this and keep moving along but this does nothing with the right of first refusal. A lease with Reagan would have to be approved administratively. Millcreek would be forced under very unusual terms to negotiate a real-estate deal and real-estate deals are negotiated behind closed doors. Mr. Lilly said that Reagan has done things like this before. There is a not-zero chance that there will be a sign around or in Millcreek Common no matter what. Council Member Jackson asked if it would be in the interior of Millcreek Common. Mr. Lilly said no.

Council Member Jackson asked why the issue was not dealt with years ago. Mr. Lilly said the General Plan gave instructions to work aggressively on a city center redevelopment. Mr. Lilly related on his first day at work in 2017 developers were knocking on his door. Ever since then staff has been working on trying to create something of value to Millcreek residents. Staff did not know where City Hall was going at all at that point. The right of first refusal came to staff knowledge in late 2020 when the City bought the Crystal Tones property. Council Member Catten said even if the City owned the property two years ago the City would be in the same place. Mr. Winder said that there are multiple options before the City Council. One option cost Millcreek taxpayers nothing and gives the city advertising potential and the other options are prohibitively expensive in cost of time and money.

Council Member Catten said if there is a referendum it hurts everyone. Mr. Lilly and Winder agreed. Council Member Catten said a referendum was not on her radar when the conversations started with the community councils. Mr. Lilly said in his knowledge there has not been a successful condemnation of a billboard since 2019 and it is likely the sign will just move. Council Member Uipi said that a year ago the City Council was pushed to work on a billboard ordinance. Council Member Uipi asked for another council meeting to talk about that issue at that time but was denied. There were three billboards that had been discussed being brought down a year ago and this was one. At times the Council is asked to rush certain decisions that could have benefited the city if the Council had waited, and then other times the Council must wait instead of being rushed. Council Member Uipi asked could this have been done two years ago, maybe, but at the time billboard banking was not part of the discussion. Council Member Uipi said the Council is trying to do their best to try and work with the billboard issue. Two years ago, the three billboards that were discussed went off the table. Council Member Uipi said she appreciated the staff and Mr. Winder for their efforts to negotiate on the behalf of the Council. The City Council wants transparency. Council Member Uipi said this meeting was set that night to hear more from residents. She thanked the Mayor for his work. He has not been a one issue Mayor. Council Member Uipi explained she thought Mayor Silvestrini did the right thing with recusing himself and she apologized for being late to the meeting.

Mr. Lilly said that Ms. Vice asked a question, and he can answer it. "What is to stop Reagan from reneging on this deal?" Mr. Lilly said he has thought about it and has been concerned with it. Rules change and state statute will pre-empt local laws and it always happens when there has been a massive and ugly public dispute; it happened in Holladay and South Salt Lake. In this case the difference is the city is working with Reagan not against them and context matters. Mr. Lilly has seen times when a developer will go to Capitol Hill and change things. The State Legislature took to heart those developers that were having a hard time working with cities. Mr. Lilly was told by people at the League of Cities and Towns to come up with a win-win solution if one came up rather than fighting every step of the way, because fighting creates the situation where cities just keep losing. Mr. Lilly said it might be a fool's errand to play the condemnation game that Reagan set up at the state level rather than making a deal. The difference here is that staff has brought a deal to the table. Mr. Lilly said he must assume Reagan would operate under good faith if Millcreek does. Mr. Lilly explained he would love to go to the Legislature if this deal ends up working and say that cities can deal with this and be left alone. Council Member Marchant said he wants to do what is best for the city and playing the blame game does not help. It was brought up tonight that what happens here is the legacy of the City Council and Mayor. If the City Council does not know where they will end up due to the impact of doing nothing or going through the long legal battles, Council Member Marchant does not want this as his legacy. Council Member Marchant said he likes knowing what the city is going to get. If a referendum occurs it will be the legacy of the people who make it. Council Member Marchant said the new proposal is a compromise and that is what government is about. Council Member Marchant does not want billboards either. The fact is one option saves the city a lot of money and a ton of uncertainty.

Council Member Marchant moved to consider Ordinance 21-48, Amending the City Center Master Plan and Title 19 of the Millcreek Code of Ordinances with Respect to Digital District Signs. Council Member Jackson asked Council Member Marchant if when he said consider if he meant approve. **Council Member Marchant said he recommends approval of the motion.** Council Member Uipi said that four community councils all voted for the no cost option and less billboards. Now the City is bringing back something better than putting up three billboards. **Council Member Uipi seconded the motion.**

Council Member Marchant said that at any time people at the community councils they could have objected but did not. Council Member Marchant heard that some community council members felt they did not get a chance to hear the other side, but other community council members said that was not the case. Council Member Catten said that staff discusses what options would be. It is difficult because the perception is that staff has been making bad deals. Things change before applications get to the first read with the City Council. The Planning Commission is full of seasoned professionals who give good advice. There was a difference in this issue. Council Member Catten said the City Council did not communicate well with the Planning Commission because there had not been a first read yet. Council Member Catten said to Mr. Winder months ago this would be a very hard sell for her and for everyone else. Council Member Catten thanked residents for reaching out about this issue. The City Council has spent an immense amount of time considering the billboard issue. Council Member Catten thanked residents for their input. Council Member Catten said she does not believe the process could have been made smoother. The deal and ordinance at the first read were not going to come to a

vote because changes needed to be made. A billboard must come down, a lot of things need to happen for it to come down. Everyone has worked very hard and has come to this in good faith. Council Member Catten says she thinks this is a good deal, probably the best that the city is going to get. Council Member Catten does not want an old, dilapidated billboard next to Millcreek Common. Everyone has done their best to take everything into consideration and what is the best decision for the city. This is a compromise. Council Member Jackson said that she hates billboards and has fought against them. There are residents who say they will pay whatever it takes, but there are many people who cannot pay more. There will probably need to be a tax increase anyway to pay for the police. The police are more important than a billboard. This deal does not cost Millcreek any money, but it is a compromise. Compromises are not always comfortable because they require give and take. Council Member Jackson feels that the right of first refusal cannot be ignored. It must be addressed because financial obligations have already been made. Hours and hours have been spent in planning and with consultants to design and build Millcreek Common and a new City Hall.

The Deputy Recorder asked for clarification on the motion made by Council Member Marchant. Council Member Marchant said he recommended approval of the motion. The Deputy Recorder asked to confirm that the motion is for adoption of Ordinance 21-48. Council Member Marchant said yes. Council Member Jackson asked the Deputy Recorder to call for the vote. The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.5 Discussion and Consideration of Ordinance 21-49, Approving a Billboard Exchange, and Operating Agreement with Reagan Outdoor Advertising with Respect to One Billboard Located at 1333 East 3300 South

Council Member Marchant moved to approve Ordinance 21-49, Approving a Billboard Exchange, and Operating Agreement with Reagan Outdoor Advertising with Respect to One Billboard Located at 1333 East 3300 South. Council Member Uipi seconded the motion. Council Member Jackson said she wants to reiterate that the Council understands people will not be happy with this decision. There are many things the Council is not happy about but considering everything the Council feels this is best. **The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

Council Member Uipi thanked Council Members Jackson and Catten for their help on this issue. Council Member Jackson turned the Chair back to Mayor Silvestrini who rejoined the meeting.

3. Business Matters

3.1 Discussion and Consideration of Ordinance 21-45, Amending the Flood Damage Prevention Ordinance Chapter 17.24 of the Millcreek Code of Ordinances

Mayor Silvestrini said the City Council did a first read of this ordinance at the last meeting. This ordinance change is to ensure Millcreek remains eligible for the Federal Flood Insurance Program.

Council Member Uipi moved approve Ordinance 21-45. Council Member Jackson seconded. The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Resolution 21-38, Authorizing and Approving Proceedings in Eminent Domain as Necessary

Mayor Silvestrini said that the city has been working for a long time to install sidewalks on 3300 South. One property owner has not been willing to come to an agreement with the City regarding a sidewalk. John Miller, Public Works Director, said this is one of 3 projects that the city received a grant for. The 700 East project is complete. The owners of Jager Apartments are working with the city, but things have not gone very far. Mr. Miller hopes that a resolution can be reached with the owner. Three years of construction inflation have raised costs from \$60,000 to nearly double. There is an obvious safety situation here. Council Member Marchant asked for the address. Miller said 1750-1885 South on the south side of the street. Mayor Silvestrini said this Resolution starts eminent domain, but the city is confident that they can come to a resolution. This is hard for the property owner because it will restrict part of their parking lot to compact cars only. The overwhelming public welfare demands that sidewalk be put in and the city cannot wait much longer. This Resolution lets the owner know that the City intends to take the property and then if the City needs to apply for an order of immediate occupancy to start the project. Council Member Uipi said she was at the first meeting with the Jagers and wanted to know if this is still a discussion. Mr. Miller said yes, if the city does not move on this project, grant money will be taken from the city. Council Member Uipi asked if the Jagers wanted to speak.

Al and Wendi Jager, 3351 E. Elgin Drive, related they have been residents in Millcreek for all their lives. They own Jager Apartments LLC. The property was built by Al's father. The property has been there for 50 years and a home to many Millcreek residents. They have tried to keep rents affordable through the pandemic. They are not opposed to the sidewalk but are opposed to actions of staff regarding their concerns. They would like things promised in the meeting to come to fruition. They have three issues: runoff, shortening parking spaces, and storage of snow removal. Right now, they do not have a problem with runoff but if there is a curb and sidewalk, which will cause a water run-off issue. Water will not go out to 3300 South if a curb is built. The water on 1940 East pools up and flows into a field behind them and then runs out their parking lot. They lose two units every time a storm comes in. Limiting parking for their units is a major problem. People did not have two cars when these buildings were built. Losing a parking stall affects their income. There are no side streets for people to park on. The Jager's stack snow in the winter in the stalls that will be affected. They are for guest parking and residents, to eliminate that will cause restructuring of the parking lot. They realize that ten feet of their property must be taken. They worry about the issue of rainfall and where rain will go in a big storm. There are 33 residents at the apartments. They would like to work with the city to make this work.

Mayor Silvestrini said he will instruct staff to work with them. The concerns raised are legitimate. Mayor Silvestrini said his door is open to the Jagers. Maybe the City can augment by adding a drain. Council Member Uipi said she echoes what the Mayor said. Council Member Marchant thanked the Jagers for coming. Mayor Silvestrini thanked them for maintaining affordable housing in Millcreek. Mayor Silvestrini said the stormwater fee helps with these issues. Council Member Uipi asked if the resolution can be continued. Mr. Brems said it could. Council Member Uipi said again that she wants the city keep working on this. Mr. Miller said that they cannot fix something that is pre-

existing on the property. An appraisal was done for the land and staff will continue to try to address the issue.

Council Member Uipi moved to continue item 3.2, Resolution 21-38. Council Member Jackson seconded. The Mayor called for the vote. All Council Members voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Resolution 21-39, Adopting the Millcreek Records Management Plan

City Recorder Elyse Sullivan said there were multiple sections of state and city code that called for the management of the city's records. So, the Millcreek Records Committee, which consists of two representatives from each city department, crafted a plan to manage Millcreek's records. The committee, department directors, and the Council had opportunity to review the plan and provide feedback. The plan sections are: purpose, records committee, training, record storage, record retention and destruction, records requests, emergencies, and appendices. By default, the city adopts the State's General Retention Schedule and where that fell short, Millcreek created and added their own record retention schedule. She explained that the records were functionally organized and listed in the plan with their associated storage location and retention. There was also an electronic communications policy that guided the management of emails. Mayor Silvestrini thanked Ms. Sullivan for her work on this plan. Council Member Marchant asked if Ms. Sullivan likes the plan and if it would keep the city out of trouble. Ms. Sullivan said it is a good start and there will always be room for improvement.

Council Member Jackson moved to adopt Resolution 21-39, Adopting the Millcreek Records Management Plan. Council Member Marchant seconded. The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini reported that the Utah redistricting committee released their plan for Senate and House districts. Millcreek has been chosen as the four corners of Utah for congressional redistricting. Mayor Silvestrini has had a conversation with the city's federal lobbyist. Now the City can lobby with four members of congress rather than one. This probably creates more work for Millcreek, but four doors are open to the city. The citizen's initiative redistricting board drew different maps. The Utah Senate District map is probably better because that map lumped Millcreek in with Park City. That would probably not serve Millcreek interests very well.

The city advertised for a finance director and is interviewing candidates. The Economic Development team applied for and received a new \$117,000 grant for improvements to the Jordan River Trail.

4.2 City Council Member Reports

There were no Council Member Reports.

4.3 Staff Reports

There were no reports.

5. Consent Agenda

5.1 Approval of October 25, 2021, Regular Meeting Minutes

Council Member Jackson moved to approve the October 25, 2021 Regular Meeting Minutes. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Planning Commission Mtg., 11/17/21, 5:00 p.m. at City Hall
- City Council Mtg., 11/22/21, 5:00 p.m. at City Hall

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 10:56 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED:



Jeff Silvestrini, Mayor

Date

12-13-2021

Attest:



Elyse Sullivan, City Recorder

