



**PROCLAMATION
SMALL BUSINESS SATURDAY IN MILLCREEK**

WHEREAS, the government of Millcreek, Utah, celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 32.5 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 62% of net new jobs created since 1995, and small businesses employ 46.8% of the employees in the private sector in the United States, and

WHEREAS, 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday®, 70% report the day makes them want to encourage others to Shop Small®, independently-owned retailers, and 66% report that the day makes them want to Shop Small all year long; and

WHEREAS, 58% of shoppers reported they shopped online with a small business and 54% reported they dined or ordered takeout from a small restaurant, bar, or café on Small Business Saturday in 2021; and

WHEREAS, Millcreek, Utah supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Jeff Silvestrini, Mayor of Millcreek, Utah do hereby proclaim, November 26, 2022, as:

SMALL BUSINESS SATURDAY

AND urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Millcreek to be affixed this 14th day of November, 2022.

By: _____
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder

LET'S GO SHOP SMALL[®] ON SMALL BUSINESS SATURDAY[®]



WHAT IS SMALL BUSINESS SATURDAY[®]?

Since its inception in 2010, Small Business Saturday, proudly backed by American Express, has illuminated the significance of supporting small, independently owned businesses across the country. Falling between Black Friday and Cyber Monday, it's a day dedicated to supporting the diverse range of local businesses that help create jobs, boost the economy, and keep communities thriving across the country.

WHY SUPPORT SMALL BUSINESS SATURDAY?

- Demonstrates a conscious commitment to the communities in which we live.
- Creates goodwill within the communities.
- When we support small businesses, we help create jobs and local communities preserve their unique culture.

2021 SMALL BUSINESS SATURDAY FACTS:

- In 2021, U.S. consumers reported spending a record high total of an estimated \$23.3 billion at independent retailers and restaurants on Small Business Saturday.¹
- Elected officials in all 50 states, Washington, D.C., Puerto Rico, and other U.S. territories championed Small Business Saturday.
- Over 700 local governments issued proclamations in support of Small Business Saturday covering all 50 states and Washington, D.C.
- American Express enlisted the support of nearly 100 large companies, known as Corporate Supporters, to help drive excitement for and promote Small Business Saturday.
- The Small Business Saturday Coalition, comprised of national, state and local associations that help coordinate activities for Small Business Saturday with small business owners and consumers, had over 300 organizations help spread the Shop Small[®] message.

¹ The American Express 2021 Small Business Saturday Consumer Insights Survey was conducted by Teneo on behalf of American Express. The study is a nationally representative sample of 2,426 U.S. adults 18 years of age or older. The sample was collected using an email invitation and an online survey. The study gathered self-reported data and does not reflect actual receipts or sales. It was conducted anonymously on November 28, 2021. The survey has an overall margin of error of +/- 2.0%, at the 95% level of confidence. Projections are based on the current U.S. Census estimates of the U.S. adult population, age 18 years and over.

LET'S GO SHOP SMALL[®]

ON SMALL BUSINESS SATURDAY[®]



- According to the 2021 Small Business Saturday Consumer Insights Survey, a majority (79%) of consumers understood the importance of supporting the small businesses in their community on Small Business Saturday in 2021 and 66% reported that the day makes them want to Shop Small all year long.²

JOIN THE COALITION:

Building on the success of previous years, the Coalition of supporters are more committed than ever. This includes support from advocacy organizations that join the initiative to motivate constituents through incentives and offers to not only Shop Small on November 26, 2022 but Shop Small all year long.

The coalition will be led by Women Impacting Public Policy, a business advocacy organization representing small businesses. [Join Us!](#)

Contact Info:

Small Business Saturday Program

Women Impacting Public Policy

Phone: (415) 434-4314 | Email: sbscoalition@wipp.org

²The American Express 2021 Small Business Saturday Consumer Insights Survey was conducted by Teneo on behalf of American Express. The study is a nationally representative sample of 2,426 U.S. adults 18 years of age or older. The sample was collected using an email invitation and an online survey. The study gathered self-reported data and does not reflect actual receipts or sales. It was conducted anonymously on November 28, 2021. The survey has an overall margin of error of +/- 2.0%, at the 95% level of confidence. Projections are based on the current U.S. Census estimates of the U.S. adult population, age 18 years and over.

MILLCREEK, UTAH
RESOLUTION NO. 22-33

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN INTERLOCAL
COOPERATIVE AGREEMENT WITH SALT LAKE COUNTY ACCEPTING THE
TRANSFER OF SUNNYVALE PARK, FORTUNA PARK, AND CANYON RIM PARK
FROM SALT LAKE COUNTY**

WHEREAS, the Millcreek Council ("*Council*") met in regular session on November 14, 2022, to consider, among other things, approving an Interlocal Cooperative Agreement accepting transfer of Sunnyvale Park, Fortuna Park, and Canyon Rim Park from Salt Lake County; and

WHEREAS, Sunnyvale Park, Fortuna Park, and Canyon Rim Park (collectively "*Parks*") are all within Millcreek; and

WHEREAS, Salt Lake County ("*County*") desires to formally transfer and convey the Parks to Millcreek and Millcreek desires to take and receive the Parks from the County; and

WHEREAS, the Utah Local Cooperative Act (Utah Code Ann. § 11-13-101, et seq.) (the "*Act*") provides that two or more entities are authorized to enter into agreements with each other for joint or cooperative action; and

WHEREAS, the County and Millcreek are public agencies, as contemplated in the Act, and are authorized to convey property for consideration as may be agreed upon; and

WHEREAS, the County and Millcreek have agreed to enter into an interlocal cooperative agreement ("*Agreement*") for conveyance of the Parks without fee or cost; and

WHEREAS, the Council has determined that it is in the best interest of the inhabitants of Millcreek to enter into the Agreement for conveyance of the Park.

NOW, THEREFORE, BE IT RESOLVED that the Agreement is approved, and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution assigned No. 22-33, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 14th day of November 2022.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

Interlocal Cooperation Agreement

THIS INTERLOCAL COOPERATION AGREEMENT (“Agreement”) is made effective this ___ day of _____, 2022, by and between **SALT LAKE COUNTY**, a body corporate and politic of the state of Utah (“County”), and **MILLCREEK**, a Utah municipal corporation (“City”). County and City may each be referred to herein individually as a “Party” and jointly as the “Parties.”

RECITALS

WHEREAS, UTAH CODE ANN. § 11-13-202 provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative actions; and

WHEREAS, UTAH CODE ANN. § 11-13-214 provides that any public agency may convey property to or acquire property from any other public agencies for consideration as may be agreed upon; and

WHEREAS, the City and the County are public agencies as contemplated in the above referenced sections of the Utah Code (more specifically referred to as UTAH CODE ANN. § 11-13-101, *et seq.* - Interlocal Cooperation Act); and

WHEREAS, the conveyance of property provided herein is an interest in real property as contemplated in the Interlocal Cooperation Act; and

WHEREAS, the County owns a parcel of real property known as Sunnyvale (formerly Valley Central) Park located at approximately 4013 South 700 West, Millcreek City, Utah 84123 (Parcel No. 15-36-351-064, and as further described in the Quit Claim Deed attached hereto as Exhibit A, and incorporated herein by this reference), which is in the public use as a public park; and

WHEREAS, the County also owns a parcel of real property known as Fortuna Park located at approximately 4620 South Fortuna Way, Millcreek City, Utah 84123 (Parcel No. 22-02-479-056, and as further described in the Quit Claim Deed attached hereto as Exhibit B, and incorporated herein by this reference), which is in the public use as a public park; and

WHEREAS, the County also owns a parcel of real property known as Canyon Rim Park located at approximately 3096 South Grace Street, Millcreek City, Utah 84109 (Parcel No. 16-26-326-001, 16-26-326-022, 16-26-178-004, as further described in the Quit Claim Deed attached hereto as Exhibit C, and incorporated herein by this reference), which is in the public use as a public park; and

WHEREAS, Sunnyvale Park, Fortuna Park, and Canyon Rim Park, hereinafter are collectively referred to as the “Parks”; and

WHEREAS, the County desires to formally transfer and convey the Parks to the City, and the City desires to formally take and receive the Parks from the County, for the purposes and on the terms and conditions set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the premises set forth herein, and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

Section 1. **Conveyance.** The County shall convey the Parks to the City via quit claim deeds (hereinafter “Quit Claim Deeds”) for the purpose of operating and maintaining neighborhood parks. The City shall be solely responsible for maintaining the Parks and shall repair or replace improvements thereon as necessary to maintain their current function and use.

Section 2. **Consideration.** County and City agree that in consideration of the mutual benefit afforded the citizens of City and County, the restrictions on use identified in Section 3, and the exchange of agreed upon consideration in accordance with Section 11-13-214 of the Interlocal Cooperation Act, the County will convey the Parks to City as outlined herein.

Section 3. **Use Restriction.** The Parks shall be used by City solely as public parks:

- A. The Quit Claim Deeds conveying the Parks shall include a perpetual restriction requiring the Parks to be used by City or its successors in interest solely as a public park or open space, and in the event City ceases using any portion of the Parks as a public park or open space, the Parks will revert to County in its entirety.

Section 4. **Operation of the Parks.** Upon transfer of the Parks to City, City shall be solely responsible for the operation and maintenance of the Parks, and City shall indemnify County from and against all liabilities, claims, damages, losses, suits, judgments, causes of action, liens, fines, penalties, costs, and expenses (including, but not limited to, court costs, attorneys’ fees, and costs of investigation) directly or indirectly arising out of, caused by, or resulting from, in whole or in part, City’s operation and maintenance of the Parks or any act or omission of City, any independent contractor retained by City, or anyone directly or indirectly employed by them, while working on and/or maintaining the Parks.

Section 5. **Duration and Termination.** This Agreement shall take effect upon execution and terminate upon the performance by the Parties of all the obligations described herein. The Parties intend that the conveyance of the Parks shall be accomplished promptly. Any provision of this Agreement which contemplates performance subsequent to the exchange of title for the Parks shall survive such exchange of title and shall continue in full force and effect until fully satisfied, but in no event shall this Agreement have a term longer than 50 years.

Section 6. **Additional Interlocal Act Provisions.** In compliance with the requirements of the Act and other applicable law:

(a) No Interlocal Entity. The Parties agree that they do not by this Agreement create an interlocal entity.

(b) Joint Board. As required by UTAH CODE ANN. § 11-13-207, the Parties agree that the cooperative undertaking under this Agreement shall be administered by a joint board consisting of the County's Mayor or designee and the City's Manager or designee. Any real or personal property used in the Parties' cooperative undertaking herein shall be acquired, held, and disposed in accordance with this Agreement.

(c) Financing Joint Cooperative Undertaking and Establishing Budget. There is no financing of joint or cooperative undertaking and no budget shall be established or maintained.

(d) Attorney Review. This Agreement shall be reviewed as to proper form and compliance with applicable law by the authorized attorneys for the County and the City in accordance with UTAH CODE ANN. § 11-13-202.5.

(e) Copies. Duly executed original counterparts of this Agreement shall be filed with the keeper of records of each Party, pursuant to UTAH CODE ANN. § 11-13-209.

(f) Manner of Acquiring, Holding or Disposing of Property. The Parks shall be acquired, held or disposed of pursuant to the terms of this Agreement and unless agreed to herein shall not be used in a joint or cooperative undertaking.

Section 7. **General Provisions**. The following provisions are also integral parts of this Agreement:

(a) Binding Agreement. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective Parties hereto.

(b) Captions. The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent hereof.

(c) Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original.

(d) Severability. The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable, or invalid provision shall not affect the other provisions of this Agreement.

(e) Waiver of Breach. Any waiver by either Party of any breach of any kind or character whatsoever by the other, whether such be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement.

(f) Cumulative Remedies. The rights and remedies of the Parties hereto shall be construed cumulatively, and none of such rights and remedies shall be exclusive of, or in lieu or limitation of, any other right, remedy, or priority allowed by law.

(g) Amendment. This Agreement may not be modified except by an instrument in writing signed by the Parties hereto.

(h) Time of Essence. Time is of the essence in this Agreement.

(i) Interpretation. This Agreement shall be interpreted, construed, and enforced according to the substantive laws of the state of Utah.

(j) Notice. Any notice or other communication required or permitted to be given hereunder shall be deemed to have been received (a) upon personal delivery or actual receipt thereof or (b) within three (3) days after such notice is deposited in the United States mail, certified mail postage prepaid and addressed to the Parties at their respective addresses.

(k) Exhibits and Recitals. The Recitals set forth above and all exhibits to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of this Agreement.

(l) Governmental Immunity. Both Parties are governmental entities under the Governmental Immunity Act, UTAH CODE ANN. § 63G-7-101, *et seq.* (the “Immunity Act”). Consistent with the terms of the Immunity Act, the Parties agree that each Party is responsible and liable for any wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. Neither Party waives any defenses or limits of liability otherwise available under the Immunity Act and all other applicable law, and both Parties maintain all privileges, immunities, and other rights granted by the Immunity Act and all other applicable law.

(m) Ethical Standards. The Parties hereto represent that they have not: (a) provided an illegal gift or payoff to any officer or employee, or former officer or employee, or to any relative or business entity of an officer or employee, or relative or business entity of a former officer or employee of the other party hereto; (b) retained any person to solicit or secure this Agreement upon any contract, agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute or County’s Ethics, Gifts and Honoraria ordinance (Chapter 2.07, SALT LAKE COUNTY CODE OF ORDINANCES [2001]); or (d) knowingly influenced, and hereby promise that they will not knowingly influence, any officer or employee or former officer or employee to breach any of the ethical standards set forth in State statute or County ordinances.

IN WITNESS OF THIS INTERLOCAL COOPERATION AGREEMENT, the City, by resolution duly adopted by its City Council, caused this Agreement to be signed by its Mayor and attested by its City Recorder; and the County, by resolution of its County Council, caused this Agreement to be signed by the Salt Lake County Mayor, or her designee, his or her signature being duly notarized.

[Signature Page Follows Below]

SALT LAKE COUNTY

By: _____
Mayor or Designee

Recommended for Approval:

Director of Salt Lake County Parks and Recreation

Recommended for Approval:

Director of Salt Lake County Public Works

Reviewed and Advised as to Form and Legality:

John E. Diaz
Deputy District Attorney
Salt Lake County

MILLCREEK, Utah municipality

By _____
Mayor or Designee

Recommended for Approval:

Millcreek City Engineer

ATTEST:

Millcreek City Recorder

Reviewed and Advised As To Form and Legality:

_____, City Attorney

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

On this____day of_____, 2022, personally appeared before me
_____, who being duly sworn, did say that (s)he is the
_____of Salt Lake County, Office of Mayor, and that
the foregoing instrument was signed on behalf of Salt Lake County, by authority of law.

[SEAL]

NOTARY PUBLIC
Residing in Salt Lake County

Exhibit A
(Sunnyvale Park Quit Claim Deed)

Exhibit B
(Fortuna Park Quit Claim Deed)

Exhibit C
(Canyon Rim Park Quit Claim Deed)

MILLCREEK, UTAH
ORDINANCE NO. 22-47

AN ORDINANCE DECLARING APPROXIMATELY 1.00 ACRE OF REAL PROPERTY LOCATED AT 3179 SOUTH HIGHLAND DRIVE, MILLCREEK, UTAH, AS SURPLUS; ESTABLISH A MINIMUM BID; AND ESTABLISH A METHOD TO DETERMINE THE HIGHEST AND BEST ECONOMIC RETURNS TO THE CITY

WHEREAS, the Millcreek Council (“Council”) met in regular meeting on November 14, 2022, to consider, among other things, declaring 1.0 acre of real property located at 3179 South Highland Drive, Millcreek, Utah, as surplus; establish a minimum bid; and establish a method to determine the highest and best economic returns to the City; and

WHEREAS, the staff has recommended to the Council, and the Council has determined that approximately 1.0 acre of real property located at 3179 South Highland Drive, Millcreek, Utah (“Property”) is no longer needed for City purposes; and

WHEREAS, on May 4, 2021, the City obtained an appraisal of the Property, a copy of which is attached hereto; and

WHEREAS, the appraisal valued the Property at \$39.98 per square foot; and

WHEREAS, the staff has advised the Council that the Property is a significant parcel of real property, as that term is defined in Section 2.22.180 of the Millcreek Code of Ordinances; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the public to declare the Property as surplus, to establish a minimum bid, and to establish a method to determine the highest and best economic returns to the City.

NOW, THEREFORE, BE IT ORDAINED by the Council that it is in the best interest of the public to declare the Property as surplus and the Property is hereby declared surplus, that the minimum bid for the Property shall be \$1,750,000 and that the highest and best economic return to the City shall be based on the public policy factors described below.

BE IT FURTHER ORDAINED by the Council that the following public policy factors be utilized to determine the highest and best economic return to the City and used to evaluate responses to a Request for Proposals issued by the City, for proposals to develop the Property. Public policy factors include a development that will be complementary to the City Center, contribute in a significant way to the City’s economic viability, transition appropriately to the adjacent residential neighborhood, and complement the aesthetics and vitality of the Highland Drive corridor.

BE IT FURTHER ORDAINED by the Council that the Property is a significant parcel of real property, as that term is defined in Section 2.22.180 A of the Millcreek Code of Ordinances, and direct that notice be given as provided therein.

BE IT FURTHER ORDAINED that the Mayor and Recorder are hereby authorized and directed to surplus the Property as provided herein, provided no public comment on the proposed dispositions are received on or before November 30, 2022, and that such transaction take place at such time as the Mayor determines that is in the best interest of the City.

PASSED AND APPROVED this 14th day of November 2022.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No



APPRAISAL REPORT

**PROPERTY OWNED BY THE
CORPORATION OF THE PRESIDING BISHOP
OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY SAINTS**

**LOCATED AT
3179 SOUTH HIGHLAND DRIVE
MILLCREEK, UTAH**

**PREPARED FOR:
MILLCREEK CITY**

Mr. Mike Winder
Economic Development Director
3330 South 1300 East
Millcreek, UT 84106

Submitted by:

J. Philip Cook | MAI CRE
Corey A. Cook | MAI
J Philip Cook, LLC
3115 E Lion Lane, Suite 310
Salt Lake City, UT 84121

FILE NUMBER: 21-05-14CC
Case Code: mlcrk-21155

VALUATION DATE:

May 4, 2021



May 10, 2021

Mr. Mike Winder
Economic Development Director
Millcreek City
3330 South 1300 East
Millcreek, UT 84106

Re: Appraisal Report: Valuation of land only for property located at 3179 South Highland Drive, Millcreek, Utah.

Dear Mr. Winder:

At your request, we have completed an appraisal addressing market value of the fee simple interest in the land only of the above-referenced property. The attached narrative report contains the data, bases, and analyses upon which the opinion of value relies. The intended use of this appraisal is to assist with negotiations for the acquisition of the property.

This appraisal report presents a discussion of the data, reasoning, and analyses that are used in the appraisal process to develop the opinion of value. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated within the report.

This report conforms to the Uniform Standards of Professional Appraisal Practice ("USPAP") as developed by the Appraisal Foundation, and the Appraisal Institute's Code of Professional Ethics and Standards of Professional Appraisal Practice.

The effective valuation date is May 4, 2021, which is the date of last inspection. Available market data have been carefully considered and analyzed. As supported in the report, we are of the opinion market value of the subject land is as follows:

TWO MILLION SIX HUNDRED THIRTY THOUSAND DOLLARS
(\$2,630,000)

The above value reflects a reasonable market exposure period of six to 12 months based on market observations.

The value estimate is subject to assumptions and limiting conditions contained in the report. The following hypothetical condition is also made a part of this report.

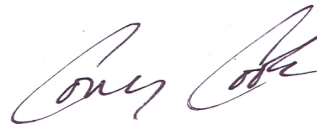
- The subject is improved with a church building and associated site improvements. For this assignment, we have been asked to disregard the improvements. As such, only the land is appraised as if vacant and available for development.

We trust this is sufficient to accomplish its intended purpose. Please call if we can be of further assistance.

Respectfully submitted,



J. Philip Cook | MAI CRE
J Philip Cook, LLC
Utah State - Certified General Appraiser
Certificate 5451057-CG00 Expires 06-30-23



Corey A. Cook | MAI
J Philip Cook, LLC
Utah State – Certified General Appraiser
Certificate 6404407-CG00 Expires 02-28-23

TABLE OF CONTENTS

TABLE OF CONTENTS	3
EXECUTIVE SUMMARY	4
CERTIFICATION	5
APPRAISAL REPORT	6
DEFINITIONS	6
SCOPE OF WORK	7
DESCRIPTION OF REAL ESTATE APPRAISED	8
LEGAL DESCRIPTION	8
REAL ESTATE TAX INFORMATION	9
OWNERSHIP, SALE, AND LISTING HISTORY	9
LOCATION AND NEIGHBORHOOD	9
PROPERTY DESCRIPTION	12
ZONING	13
HIGHEST AND BEST USE	14
ANALYSIS AND VALUATION	16
ADDENDA	23
SUBJECT PHOTOGRAPHS	24
PLAT MAP	29
AERIAL PHOTOGRAPH	30
ZONING MAP	31
FLOOD MAP	32
DEFINITIONS	33
LAND SALES	36
LAND SALES LOCATION MAP	49
ASSUMPTIONS AND LIMITING CONDITIONS	50
QUALIFICATIONS	53

EXECUTIVE SUMMARY

PROPERTY TYPE:	Commercial land
LOCATION:	3179 South Highland Drive, Millcreek, Utah
PURPOSE OF APPRAISAL:	Estimate market value of the land only
PROPERTY RIGHTS APPRAISED:	Fee simple
VALUATION DATE:	May 4, 2021
REPORT DATE:	May 10, 2021
PROPERTY TAXES:	
- Serial Numbers(s):	16-28-309-001, -002, -010 and -011
- 2020 Taxes:	Exempt
SITE:	
- Size:	1.51 acres; 65,776 square feet
- Topography:	Near level to gently sloping
- Shape:	Irregular
- Zoning:	C-3 (Commercial) and R-1-8 (Residential)
- Flood Zone:	Zone "X" (minimal flooding)
IMPROVEMENTS:	The subject is improved with a church building. For purposes of this report, the improvements are disregarded and only the land is valued.
HIGHEST AND BEST USE:	Commercial or mixed-use development as warranted by demand
FINAL VALUE ESTIMATE:	\$2,630,000

CERTIFICATION

We certify that we have made an investigation and analysis of the following property:

**LAND OWNED BY THE CORPORATION OF THE
PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS
LOCATED AT 3179 SOUTH HIGHLAND DRIVE
MILLCREEK, SALT LAKE COUNTY, UTAH**

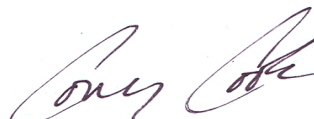
We certify that to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest with respect to the parties involved.
4. We have performed appraisal services on the property that is the subject of this appraisal within the past three years.
5. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. The reported analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the *Uniform Standards of Professional Appraisal Practice*.
9. J. Philip Cook and Corey A. Cook have inspected the property that is the subject of this report.
10. No one provided professional assistance to the persons signing this report.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
11. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
12. As of the date of this report, J. Philip Cook and Corey A. Cook have completed the continuing education program for Designated Members of the Appraisal Institute.
13. J. Philip Cook is currently a Certified General Appraiser in the State of Utah #5451057-CG00.
14. Corey A. Cook is currently a Certified General Appraiser in the State of Utah #6404407-CG00.

Dated: May 10, 2021



J. Philip Cook | MAI CRE
J Philip Cook, LLC
Utah State - Certified General Appraiser
Certificate 5451057-CG00 Expires 06-30-23



Corey A. Cook | MAI
J Philip Cook, LLC
Utah State – Certified General Appraiser
Certificate 6404407-CG00 Expires 02-28-23

APPRAISAL REPORT

CLIENT: Mr. Mike Winder
Economic Development Director
Millcreek City
3330 South 1300 East
Millcreek, UT 84106

APPRAISERS: J. Philip Cook | MAI CRE, and
Corey A. Cook | MAI
J Philip Cook, LLC
3115 E Lion Lane, Suite 310
Salt Lake City, UT 84121

SUBJECT: Land owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, located at 3179 South Highland Drive, Millcreek, Utah.

DEFINITIONS: Applicable definitions are presented in the addenda.

PURPOSE OF THE APPRAISAL: Estimate market value of the land.

INTENDED USE OF THE REPORT: The intended use of this appraisal is to assist the client with negotiations for the acquisition of the property.

INTENDED USE OF THE REPORT: The intended user of the appraisal report is the client.

INTEREST VALUED: Fee simple estate.

PERSONAL PROPERTY: No personal property, FF&E, or intangibles are included in the valuation.

VALUATION DATE: The effective date of value is May 4, 2021, the date of last inspection.

DATE OF THE REPORT: Shown on the letter of transmittal.

SCOPE OF WORK: This appraisal report is a brief recapitulation of the appraisers' data, analyses, and conclusions developed in conjunction with this assignment, and is intended to satisfy all requirements of an appraisal report. The primary objective of the appraisal is to arrive at a value conclusion that would be considered reasonable and well documented by a disinterested third party.

In valuing real property, three primary valuation approaches are employed within the appraisal profession – cost, income capitalization, and sales comparison. The use of each approach depends on the type of property and availability of market data upon which the approach is predicated. The use of more than one approach requires a correlation analysis that checks and refines toward a dependable estimate.

The subject is currently improved with a church building. For purposes of this assignment, however, we have been asked to disregard the improvements and only value the land. As such, this report addresses the value of the land under the hypothetical condition that it is vacant and available for development. The sales comparison approach is used to value the land. The cost and income approaches are omitted as they are not typically used to value vacant land.

In preparation of this appraisal report, a variety of market data were gathered. These include general data applicable to the subject area, specific data relating to the neighborhood and subject site, and market data, including land sales. General and specific data were obtained from appropriate government or private agencies, or personal inspection. To the extent possible, market comparables were verified with the buyer, seller, broker, owner, or through public records.

This report conforms with the Appraisal Foundation's Uniform Standards of Professional Appraisal Practice ("USPAP") and the Appraisal Institute's Code of Professional Ethics and Standards of Professional Appraisal Practice.

APPRAISAL DEVELOPMENT AND REPORTING PROCESS: In preparing this appraisal report, the appraiser(s):

- Reviewed records relating to ownership, parcel history, and real estate taxes;
- Inspected the subject tract and surrounding area;
- Reviewed other pertinent data relating to the subject, including zoning;
- Analyzed highest and best use of the property;
- Gathered, confirmed, and analyzed comparable land sales; and
- Applied the sales comparison approach to value the subject land.

DESCRIPTION OF REAL ESTATE APPRAISED

Legal Description

Legal descriptions for the subject property were obtained from Salt Lake County records and are reproduced below.

Parcel #16-28-309-001

BEG 1018.22 FT S & 733.44 FT E FR W 1/4 COR OF SEC 28, T 1S, R 1E, S L M; N 179 FT; W 239.35 FT; S 15° 15' 18" E 185.54 FT M OR L; E 190.5 FT M OR L TO BEG. 0.88 AC M OR L.

Parcel #16-28-309-002

BEG N 15° 15' 50" W 456 FT & 41.46 FT E FR SL COUNTY MON: SD MON BEING S 0° 02' 10" W 1526.8 FT & N 89° 48' E 634.71 FT FR W 1/4 COR OF SEC 28, T 1S, R 1E, S L M; N 15° 15' 18" W 66.46 FT; E 154.94 FT; S 0° 26' 58" E 64.12 FT; W 137.95 FT TO BEG. 0.22 AC.

Parcel #16-28-309-010

COM 1018.22 FT S & 774.69 FT E FR W 1/4 COR SEC 28 T 1S R 1E SL MER W 2.5 RDS N 179 FT E 2.5 RDS S 179 FT TO BEG 0.16 AC.

Parcel #16-28-309-011

COM 1018.22 FT S & 774.69 FT E FR W 1/4 COR SEC 28 T 1S R 1E SL MER E 66 FT N 158.4 FT N 72° 40' W 69.14 FT S 179 FT TO BEG 0.25 AC.

Real Estate Tax Information

The subject is owned by a religious entity and is exempt from property taxes. Property assessments for 2020 are shown below.

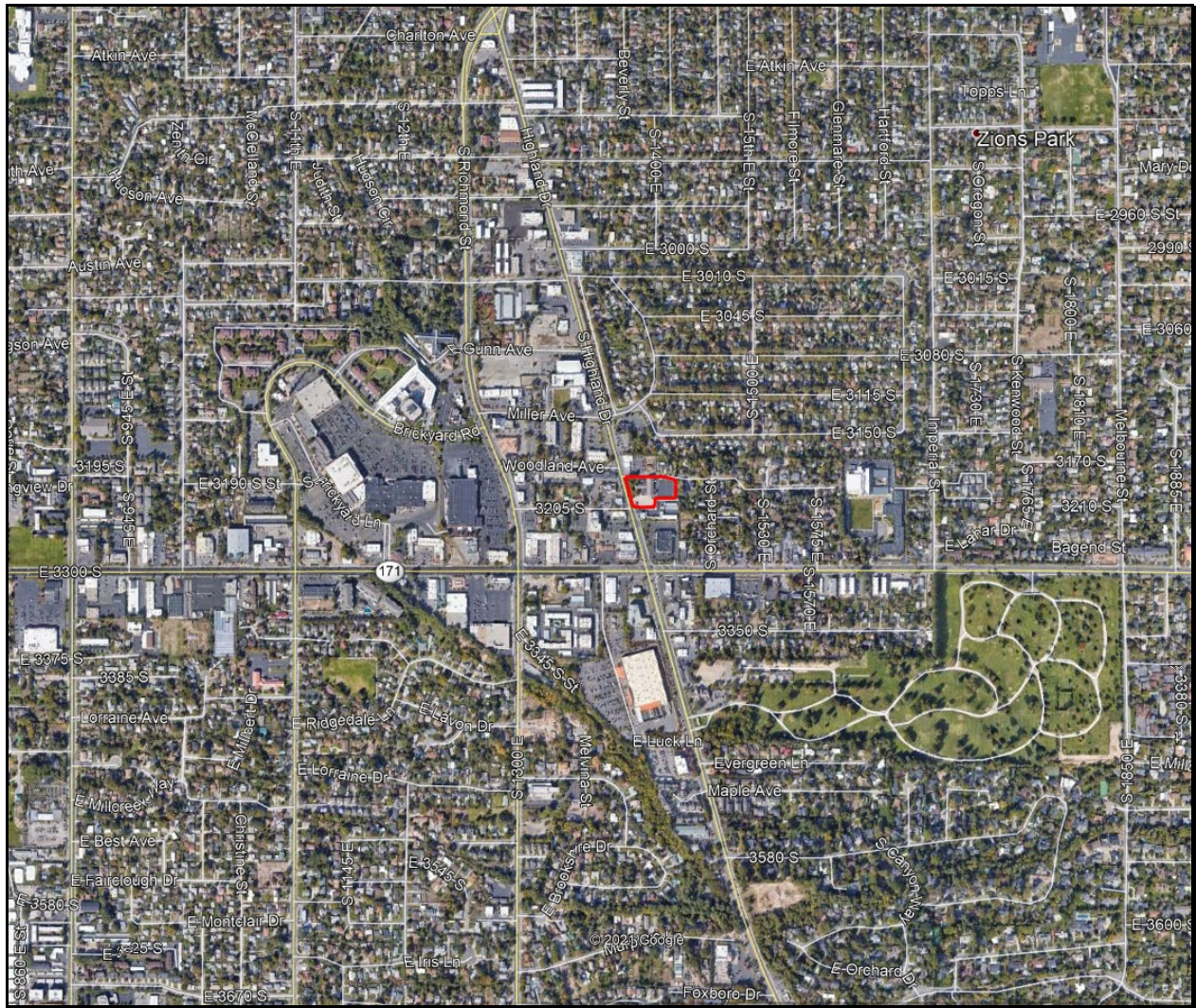
2020 REAL ESTATE TAX SUMMARY						
Parcel No.	Land Value	Improvement Value	Market Value	Taxable Value	Tax Rate	Total Taxes
16-28-309-001	\$ 668,600	\$ 2,753,900	\$ 3,422,500	\$ -	0.014301	\$ -
16-28-309-002	\$ 114,300	\$ 14,800	\$ 129,100	\$ -	0.014301	\$ -
16-28-309-010	\$ 44,800	\$ -	\$ 44,800	\$ -	0.014301	\$ -
16-28-309-011	\$ 70,000	\$ -	\$ 70,000	\$ -	0.014301	\$ -
Total						Exempt

Ownership, Sale, and Listing History

According to the Salt County Recorder's office, fee simple ownership of the subject is vested in the Corporation of the Presiding Bishop of the Church of Latter-day Saints. The property has been under the same ownership for well over three years. It is not currently listed for sale and we are unaware of any offers to purchase in the preceding three-year period.

Location and Neighborhood

Please see the neighborhood map below on which the subject property is identified.



The subject is located within the corporate jurisdiction of Millcreek City in Salt Lake County. Millcreek City is bounded by Salt Lake City to the north, South Salt Lake to the west, Murray and Midvale to the south, and Cottonwood Heights and Holladay to the east. The Salt Lake Central Business District is approximately 6.5 miles to the northwest and the Salt Lake International Airport is approximately 12 miles northwest.

Neighborhood boundaries include the following.

- North Boundary 2700 South
- South Boundary 3900 South
- East Boundary 2300 East
- West Boundary 700 East

Neighborhood Land Use:

The neighborhood primarily comprises residential development, with retail and support commercial uses located along the arterial roadways, including Highland Drive in the immediate area of the subject. Residential development consists of a mix of single and multifamily development and is largely found along interior streets. Brickyard Plaza, a mixed-use retail, office and multifamily development is a short distance west of the subject at the northwest corner of 1300 East and 3300 South. Properties immediately surrounding the subject include a commercial building to the north, self-storage facility to the south, Crown Burger restaurant and commercial building to the east, and single-family residences to the east.

Age/Life Trends:

Improvements range in age from new to over 70 years. The neighborhood is mostly built out and is in a continuous redevelopment lifecycle, with older improvements being substantially updated or razed to make way for new development. The long-term outlook is for continued redevelopment and property value increases given the area's high desirability and a general lack of vacant land available for development.

Access/Linkages:

The major north-south traffic arterials through the neighborhood include 700 East, 1300 East, and Highland Drive. I-15, the state's major north-south freeway, is located approximately 2.5 miles west of the subject, while the I-215 belt loop freeway is 3.0 miles east. Both can be accessed via 3300 South. Major east-west thoroughfares in the area include 3300 South and 3900 South. I-80, the state's major east-west freeway, is just over one mile north of the subject with access at 1300 East.

Demographic Data:

Demographic data was obtained through the *Site-To-Do Business* and is summarized in the following table.

2020 DEMOGRAPHIC SUMMARY			
Radius	1-Mile	3-Mile	5-Mile
Population	18,519	161,890	323,014
Households	7,659	66,094	130,808
Persons Per Household	2.40	2.42	2.41
Median Age	36.5	35.8	34.7
Median Household Income	\$72,332	\$68,005	\$63,218
Average Household Income	\$90,771	\$94,669	\$92,459
Per Capita Income	\$37,580	\$38,547	\$37,655
Source: US Census Bureau via the CCIM Site to do Business			

Employment: Historical employment data for Salt Lake County and the State is summarized in the following table.

LABOR FORCE - SALT LAKE COUNTY					
Year	2017	2018	2019	2020	Mar. 2021
Labor Force	614,498	619,396	634,741	642,357	638,837
Employed	595,348	601,161	618,767	609,766	618,045
Unemployed	19,150	18,235	15,974	32,591	20,792
Unemployment Rate	3.1%	2.9%	2.5%	5.1%	3.3%
State Unemployment Rate	3.3%	3.0%	2.6%	4.7%	2.9%
Source: Utah Department of Workforce Services					

Unemployment numbers trended downward between 2017 and 2019 at the state and county level, before experiencing a large uptick in the unemployment rate in 2020 due to the COVID-19 pandemic. The Utah Department of Workforce Services reports that jobless claims surged in March and April 2020 near the start of the pandemic, with the unemployment rate for Salt Lake County peaking at 11.2 percent. Since April, the unemployment rate has trended back down, and was at 3.3 percent as of March 2021.

Influences: The subject neighborhood is positively influenced by its location within a desirable area with little available land for development, as well as proximity to primary transportation routes. No negative influences are noted.

PROPERTY DESCRIPTION

Please see the subject photographs, plat map, aerial photograph, zoning map, and flood map presented in the addenda.

Location: 3179 South Highland Drive, Millcreek, Utah

Site Area: 1.51 acres; 65,776 square feet

Frontage: The subject has approximately 220 feet of frontage along Highland Drive, and 360 feet along Woodland Avenue

Access: Access is available from Highland Drive and Woodland Avenue

Shape: Irregular

Street Orientation:	Secondary corner
Street Improvements:	Highland Drive is asphalt paved with two travel lanes in each direction and concrete curb, gutter and sidewalk. Woodland Avenue is an interior subdivision road with concrete curb and gutter in front of the subject.
Topography/Drainage:	Near level to gently sloping
Surrounding Properties:	Properties immediately surrounding the subject include retail buildings to the north and west, self-storage units to the south, and single-family residential to the east.
Flood Plain:	Zone "X" (minimal flood hazard); map panel no. 49035C0303G; dated September 25, 2009
Soil Conditions:	A soils condition report was not provided to the appraisers. Based on development on the subject and in the surrounding area, soil conditions are assumed to be suitable for development.
Utilities:	All utilities are readily available.
Traffic Counts (2019):	20,000 vehicles per day along Highland Drive
Easements/Encroachments:	A title report was not provided to the appraisers. Standard utility easements are assumed to exist. Visual inspection did not reveal any other easements or encumbrances that would adversely impact the subject. Review of a title policy would reveal encumbrances of record, if any.
Environmental:	No environmental report was provided in conjunction with this assignment. It is assumed there is no contamination. In the event contamination is discovered on the property, the valuation is subject to change.
Site Utility:	Average

Zoning

The subject is zoned C-3 (Commercial) along its Highland Drive frontage, and R-1-8 (Residential) on its rear portion under the jurisdiction of Millcreek City. The purpose of the C-3 zone is, "to provide areas for other commercial uses with the potential for greater impacts, and to act as a transition to

other zoning districts such as manufacturing or areas with major traffic congestion such as State Street.” The zone allows for a wide variety of retail, office, healthcare, and other commercial uses. Multifamily residential is also conditionally allowed as part of a mixed-use commercial/residential building.

The purpose of the R-1-8 zone is, “to establish single-family neighborhoods which provide persons who reside therein a comfortable, health, safe and pleasant environment.” Single-family dwellings are allowed on a minimum lot size of 8,000 square feet, with a maximum density of 4.5 units per acre.

HIGHEST AND BEST USE

The term “highest and best use” is defined as, “the reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.”¹

Basic economic principles important to highest and best use include supply and demand, substitution, balance, and conformity. A property's highest and best use constitutes the premise upon which the property is to be valued, and determines what type of market data is needed to value the property. If there are several uses that meet the above criteria, then a determination must be made as to which constitutes the maximally productive use of the property.

Highest and best use for the subject is only analyzed as if vacant and available for development.

As if Vacant

- Physically Possible: The subject is an irregular, but well-shaped tract that totals 1.51 acres. Topography is near level to gently sloping. Access is available from both Highland Drive and Woodland Avenue and all utilities are readily available. Overall, there are no significant obstacles to development from a physical perspective.

¹ Appraisal Institute, *Dictionary of Real Estate Appraisal*, 6th Edition, p. 109.

- Legally Permissible: The subject is zoned C-3 and R-1-8 under the jurisdiction of Millcreek City. The residential zoning on the subject appears to be influenced by the existing use of the property as a church. Similarly, the city general plan designates the future use of the entire property to be for Public/Quasi Public development, but the surrounding area is designated for mixed-use development.

Absent the existing church building, it is highly likely the entire subject site could be rezoned commercial/mixed-use. For example, the commercial zoning on properties adjacent south extends from Highland Drive to beyond the east boundary of the subject parcel. The mixed-use designation of the general plan also extends beyond the depth of the subject for properties adjacent south. Commercial or mixed-use development of the subject would conform to the surrounding neighborhood.

- Financially Feasible: This pertains to that use or those uses that would generate an economic benefit. Recently, some properties in the neighborhood have been purchased for redevelopment consistent with the general plan and, based on the subject's physical and legal characteristics, commercial or mixed-use development is most likely.

While the Salt Lake retail market struggled in 2020 due to uncertainties arising from the COVID-19 pandemic, the market has quickly rebounded in 1st quarter 2021 with overall positive trends year-over-year. According to Colliers International, retail activity increased in Q1. Absorption was a positive 365,981 square feet, a significant improvement over a negative absorption of 224,079 square feet over this same time period last year. The average vacancy rate declined slightly year-over-year from 4.58 to 4.51 percent, while average asking lease rates were relatively stable. Currently, there is a total of 332,593 square feet under construction, an increase of 108,514 square feet over this same time last year, with newly completed developments anticipated to drive rents upward in the coming years.

Overall, expectations are for continued growth in the retail sector as Utah continues to be recognized as a growth market with excellent fundamentals and an economy ranked #1 in the nation.

Multifamily uses have also proven successful in the subject area and the residential market is currently very strong with high demand. New multifamily construction in Salt Lake County was at an all-time high through 2019 and 2020, and has continued to be strong through the valuation date, and condominium and townhome prices have trended upward at a strong pace.

Considering the foregoing, commercial or mixed-use development are feasible at present and maximize value.

- Maximally Productive: Highest and best use is concluded to be for commercial or mixed-use development as warranted by demand.

ANALYSIS AND VALUATION

Valuation of the subject land is made on the basis of its highest and best use as concluded above. The most reliable approach toward a separate valuation of the land is a comparison with similar parcels that have recently sold in the open market. A market data search and investigation was therefore made for land sales having use potential similar to the subject. The sales and relevant adjustments are summarized in the following grid followed by a narrative discussion of adjustments. Detailed data sheets are presented in the addenda.

LAND SALES SUMMARY/ADJUSTMENT GRID							
	SUBJECT	NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6
ADDRESS	3179 South Highland Dr Millcreek	1311-1321 East 3205 South Millcreek	3167 South 300 West South Salt Lake	2780 East 3300 South Millcreek	3064 South Highland Dr Millcreek	175 West Central Avenue Millcreek	25 East 1700 South Salt Lake City
CITY							
AREA (ACRES)	1.51	0.60	0.98	0.30	1.48	7.21	1.06
AREA (SQ. FT.)	65,776	26,136	42,689	13,068	64,469	314,068	46,174
SALE PRICE	-	\$855,000	\$1,500,000	\$390,000	\$4,620,000	\$5,990,000	\$1,850,480
SALE DATE	-	Jul-18	Mar-20	Jun-18	Nov-18	Mar-21	May-19
STREET ORIENTATION	Sec. Corner	Interior	Interior	Interior	Sec. Corner	Interior	Corner
ZONING	C-3 & R-1-8	R-4-8.5	TOD & TOD-C	C-2	C-3	R-M	CC
SALES PRICE/SQ.FT.		\$32.71	\$35.14	\$29.84	\$71.66	\$19.07	\$40.08
PROPERTY RIGHTS		0%	0%	0%	0%	0%	0%
ADJUSTED PRICE/SQ.FT.		\$32.71	\$35.14	\$29.84	\$71.66	\$19.07	\$40.08
FINANCING TERMS		0%	0%	0%	0%	0%	0%
ADJUSTED PRICE/SQ.FT.		\$32.71	\$35.14	\$29.84	\$71.66	\$19.07	\$40.08
CONDITIONS OF SALE		3%	0%	0%	0%	0%	0%
ADJUSTED PRICE/SQ.FT.		\$33.69	\$35.14	\$29.84	\$71.66	\$19.07	\$40.08
EXPENDITURES AFTER PURCHASE		0%	0%	0%	0%	0%	0%
ADJUSTED PRICE/SQ.FT.		\$33.69	\$35.14	\$29.84	\$71.66	\$19.07	\$40.08
MARKET CONDITIONS		16.8%	7.0%	17.2%	14.8%	0.6%	11.6%
ADJUSTED PRICE/SQ.FT.		\$39.34	\$37.59	\$34.99	\$82.28	\$19.18	\$44.72
OTHER ADJUSTMENTS							
LOCATION		5%	5%	5%	0%	25%	-5%
PHYSICAL CHARACTERISTICS							
SIZE		0%	0%	0%	0%	20%	0%
FUNCTIONAL UTILITY		0%	0%	0%	0%	10%	0%
UTILITIES/INFRASTRUCTURE		0%	0%	0%	0%	0%	0%
STREET ORIENTATION		5%	0%	5%	0%	5%	-5%
USE/ENTITLEMENTS		0%	-2%	-2%	-25%	-2%	-2%
NET ADJUSTMENTS		10%	3%	8%	-25%	58%	-12%
VALUE INDICATION/SQ.FT.		\$43.27	\$38.71	\$37.79	\$61.71	\$30.30	\$39.35
AVERAGE		\$41.86					
MEDIAN		\$39.03					
LOW		\$30.30					
HIGH		\$61.71					

The comparable sales range in price from \$19.07 to \$71.66 per square foot before adjustments. For land, price variances are normally attributed to eight factors: 1) real property rights conveyed, 2) financing terms, 3) conditions of sale, 4) expenditures made immediately after sale, 5) market conditions (date of sale), 6) location, 7) physical characteristics, and 8) use. Adjustments for these factors are presented below.

- Property Rights Conveyed. The value estimate sought is fee simple value. All of the transactions involved the conveyance of fee simple rights and no adjustments are required.

- Financing Terms. The market value definition used in this report stipulates cash purchases. All of the sales presented were reported as cash, or cash equivalent, and no adjustment for this factor is necessary.

- Conditions of Sale. Conditions of sale refers to factors surrounding the sale process that result in less than an arm's-length transaction. These circumstances could include distressed sellers, highly motivated buyers, or related entities. All of the transactions were reported as arm's length, although Sale #1 sold without buyer's commissions. This is atypical and upward adjustment is applied. No other adjustments are necessary for this factor.

- Expenditures Made Immediately After Purchase. Expenditures made immediately after purchase can include the cost to raze existing improvements, obtain a zoning change, or any extraordinary expenses not typically associated with the purchase of real estate. The subject is currently improved with a church building. Although improvements are ignored in this analysis, the land is being appraised as a redevelopment parcel. All of the sales have improvements and were purchased for redevelopment. No adjustment is made for this factor.

- Market Conditions (Date of Sale). Market conditions refer to price changes occurring over time due to various market forces. The sales are relatively recent having occurred between June 2018 and March 2021. As discussed in Highest and Best Use, the Salt Lake retail market was down through much of 2020, but has quickly rebounded with an overall improvement over pre-covid levels. The multifamily residential market continued strong through 2020 and the valuation date, despite concerns related to COVID-19, with high demand and increasing sale prices. The following paired land sales were researched to assist with determining an appropriate price trend, with the second pairing involving Sale #5.

PAIRED LAND SALES - MARKET CONDITIONS							
Address	City	Zoning	Sale Date	Sale Price	Size (Ac.)	Price/ Sq.Ft.	Annual Δ
67 East 8000 South*	Midvale	CI	11/20/2017	\$ 480,000	1.14	\$11.12	4.25%
67 East 8000 South	Midvale	CI	1/30/2019	\$ 580,000	1.14	\$11.68	
*Adjusted upward 15% for conditions of sale							
4186 South Main St	Millcreek	M-D	8/13/2019	\$ 5,200,000	7.05	\$16.93	7.80%
175 West Central Ave	Millcreek	R-M	3/26/2021	\$ 5,990,000	7.21	\$19.07	
441 West 10000 South	South Jordan	C-F	10/1/2018	\$ 260,000	0.52	\$11.48	6.35%
441 West 10000 South	South Jordan	C-F	5/10/2019	\$ 300,000	0.52	\$11.92	
Average Change							6.13%

The pairings indicate a price trend between 4.25 and 7.80 percent per year, with an average of 6.13 percent. In addition to the above, price trends for the local condominium and townhome market are presented in the following table.

Residential Annual Comparison - Condominiums and Townhomes							
	2017/18	2018/19	% Change	2019/20	% Change	2020/21	% Change
Median CDOM	10	12	20.0%	17	41.7%	13	-23.5%
# Sold	1,977	1,890	-4.4%	1,792	-5.2%	2,285	27.5%
Avg Sold Price	\$247,809	\$272,577	10.0%	\$294,765	8.1%	\$338,720	14.9%
Mdn Sold Price	\$217,000	\$237,650	9.5%	\$266,120	12.0%	\$302,000	13.5%
Source: Utah Real Estate MLS							

The above represents year-over-year price changes through the valuation date. Based on the data, average sale prices increased nearly 11 percent per year over this time period, while median sale prices show an annual increase slightly higher. The above is for improved units and vacant land would carry more risk. As such, a more tempered adjustment is applied to the sales.

Considering all information, an upward adjustment of 6.0 percent per year is applied through the valuation date.

■ Location. Location generally refers to access, exposure, and quality of surrounding development. Each of the sales is discussed below.

Sale #1 is approximately 0.1 mile west of the subject, but is situated on a minor road with inferior exposure. Upward adjustment is applied.

Sale #2 is west of the subject along 300 West. The 300 West corridor has been redeveloping over the last several years, but surrounding development remains more industrial in nature, which is inferior. This is partially offset by the property's proximity to the I-15 corridor. Small upward adjustment is warranted.

Sale #3 is east of the subject along 3300 South. Traffic exposure is similar, but this is somewhat of an in-between location between pockets of higher-intensity commercial development. Location is considered inferior and upward adjustment is made.

Sale #4 is a short distance north of the subject on Highland Drive. No adjustment is needed.

Sale #5 is southwest of the subject at the west end of Millcreek. This area is transitioning from industrial to multifamily and commercial. The property has inferior exposure characteristics, and also has considerable frontage on a rail line. Upward adjustment is required.

Sale #6 is about four miles northwest of the subject on 1700 South. State Street and the main campus for Salt Lake Community College are just to the east, although traffic exposure is inferior. Overall, location is superior and downward adjustment is applied.

■ Physical Characteristics. Physical characteristics refer to parcel size, utilities and infrastructure, functional utility/shape, and street orientation. Each of these factors is discussed below.

- Size: Typically, there is an inverse relationship between price per square foot and size. As parcel size increases, price per square foot tends to decrease, and vice versa. The subject is 1.51 acres. The sales bracket the subject size ranging from 0.30 to 7.21 acres. Sale #5 is measurably larger than the subject and required upward adjustment. The remaining sales are within a tight range of the subject size and on the whole do not indicate an adjustment is needed for the range. No other adjustments are applied for this factor.

- Utilities/Infrastructure: Parcels with infrastructure readily available for development command higher prices due to the costs necessarily incurred to provide these services. The subject and sales have all necessary utilities available. No adjustments are needed.

- Functional Utility: Functional utility relates to a variety of factors such as shape, topography, encumbrances, and other physical features that impact land use. Properties that have irregular shape or other difficulties will typically achieve lower sale prices per square foot or per acre in comparison to fully functional parcels. The subject is well-shaped with level to gently sloping topography. Sale #6 has a highly irregular shape and is bisected by Big Cottonwood Creek. Upward adjustment is made. The remaining sales have similar functionality to the subject and do not require adjustment.

- Street Orientation: The subject is located on a secondary corner. Sale #2 is an interior parcel, but has frontage on two streets, while Sale #4 is also a secondary corner. No adjustments are warranted for these two sales. The remaining sales are interior parcels and are adjusted upward.

■ Use/Entitlement. This refers to the highest and best use of the land and how far along a property is in the approval process for a development. Properties that have received entitlements for development are typically more valuable than properties that have yet to go through the approval process because construction can begin immediately. The subject does not have entitlements in place and will need to be partially rezoned to accommodate its highest and best use. Sale #1 is similar to the subject and no adjustment is made. Sales #2, #3, #5, and #6 have similar highest and best uses as the subject, but already have necessary zoning in place. Small downward adjustments are applied to account for the time and effort of rezoning the subject. Sale #4 was fully entitled at the time of sale with a development agreement in place for a 210-unit apartment project. This is superior and large downward adjustment is required.

■ Adjustment Summary. After adjustments, the sales range from \$30.30 to \$61.71 per square foot, with an average of \$41.86 per square foot and a median of \$39.03. Typically, those sales most similar to the subject are given greatest weight. In this case, Sale #4 is most similar in terms of location, but is a fully entitled property, requiring large adjustment. In fact, Sales #4 and #5 are the two sales that required the largest adjustment and also represent the high and low ends of the range.

The other sales required fewer adjustments and are generally indicative of a value around the average and median. Considering all information, value of the subject is concluded at \$40.00 per square foot.

Total value of the subject is calculated as follows:

65,776 square feet x \$40.00 =	\$2,631,040
Rounded to	\$2,630,000

ADDENDA

SUBJECT PHOTOGRAPHS



Northeasterly View



Northerly View of Highland Drive



Easterly View



Northwesterly View



Westerly View



Southwesterly View



Southerly View of East End



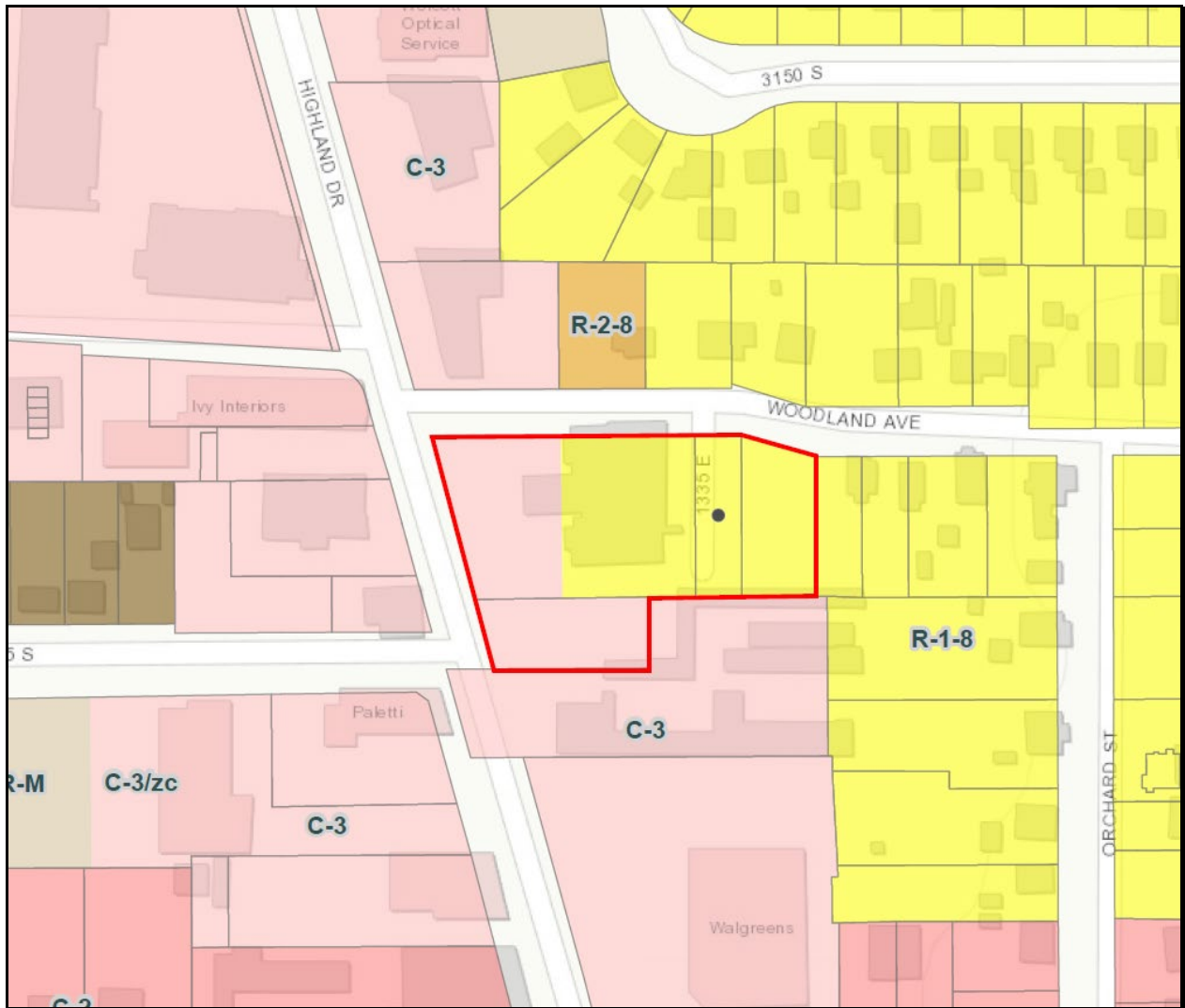
Westerly View of Woodland Avenue

[illegible]

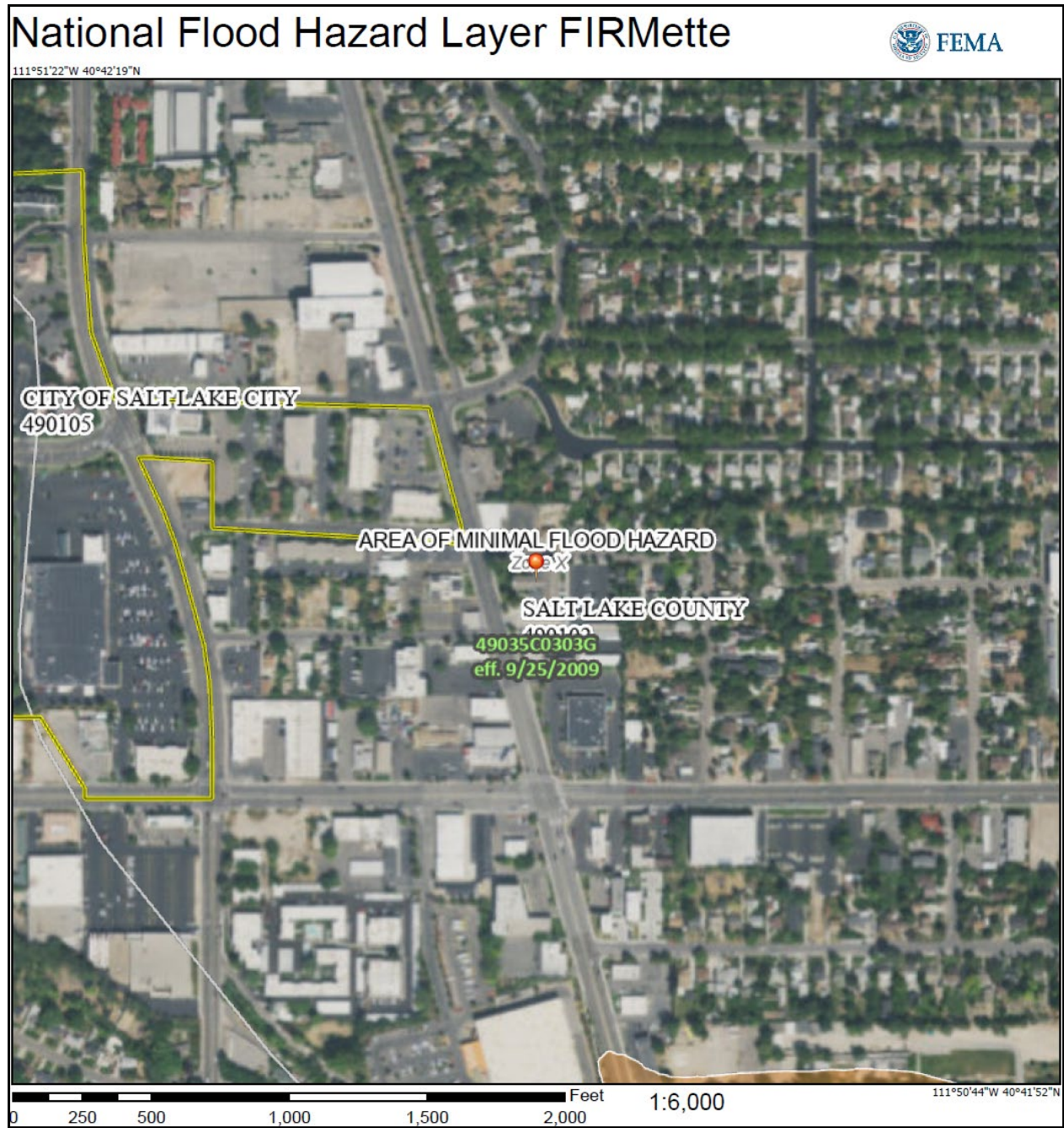
AERIAL PHOTOGRAPH



ZONING MAP



FLOOD MAP



DEFINITIONS

■ Fee Simple Estate. Fee simple ownership is defined as, "absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."²

■ Leased Fee Estate. Leased fee estate is defined as, "the ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus the reversionary right when the lease expires."³

■ Leasehold Interest. Leasehold interest is defined as, "the right held by the lessee to use and occupy real estate for a stated term and under the conditions specified in the lease."⁴

■ Market Value (FIRREA). "The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is consummation of a sale as of a specified date and passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well-informed or well-advised and each acting in what they consider their own best interest;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangement comparable thereto;
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."⁵

The foregoing definition stipulates that value reflect cash or cash equivalent terms. The following elaborates on the concept of cash equivalency.

"In applying this definition of market value, adjustments to the comparables must be made for special or creative

financing or sales concessions. No adjustments are necessary for those costs that are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparison to financing terms offered by a third-party financial institution that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment."⁶

■ Market Value (Federal Land Acquisition). "Market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of value, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither compelled to buy or sell, giving due consideration to all available economic uses of the property."⁷

■ Market Value (Code of Federal Regulations). "The most probable price in cash, or terms equivalent to cash, which lands or interest in lands should bring in a competitive and open market under all conditions requisite to a fair sale, where the buyer and seller each acts prudently and knowledgeably, and the price is not affected by undue influence."⁸

■ Market Value (Utah Code). "Market value is the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts."⁹

■ Use Value. "The value of a property assuming a specific use, which may or may not be the property's highest and best use on the effective date of the appraisal. Use value may or may not be equal to market value but is different conceptually."¹⁰

■ Appraisal. "(Noun) The act or process of developing an opinion of value; an opinion of value. (Adjective) of or pertaining to appraising and related functions such as appraisal practice or appraisal services."¹¹

² The Dictionary of Real Estate, 6th Edition, 2015, The Appraisal Institute, Chicago, Illinois, p. 90.

³ Ibid, p. 128.

⁴ Ibid, p. 128.

⁵ This definition of market value is taken from the final rule issued by the Department of Treasury, Office of the Comptroller of the Currency (12CFR Part 34, August 24, 1990), which are the implementing regulations for Title XI of FIRREA. The definition is also supported by most regulatory agencies as follows: Board of Governors of Federal Reserve System (CFR Parts 208 and 225, July 25, 1991); National Credit Union Administration (CFR Parts 701, 722, and 741, July 25, 1990); Federal Deposit Insurance Corporation (12 CFR Part 323, August 20, 1990); Resolution Trust Corporation (12CFR Part 1608, August 22, 1990); Office of Thrift Supervision, Treasury (12CFR Parts 506, 545, 563, 564, and 571, August 23, 1990). This definition has been adopted by the Appraisal Institute in their Standards of Professional Appraisal Practice, and the Appraisal Foundation in the Uniform Standard of Professional Appraisal Practice (June 30, 1989, amended April 20, 1990 and June 5, 1990).

⁶ Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC).

⁷ The Uniform Appraisal Standards for Federal Land Acquisitions, 2016, p. 93.

⁸ 36 Code of Federal Regulations (CFR) 254.2.

⁹ Utah Code Title 59-2-102 (12).

¹⁰ The Dictionary of Real Estate, 6th Edition, 2015, The Appraisal Institute, Chicago, Illinois, p. 241.

¹¹ The Appraisal Foundation, Uniform Standards of Professional Appraisal Practice, 2020-2021 ed, (Washington, D.C.: The Appraisal Foundation), p. 3.

■ Restricted Appraisal Report. "A written report prepared under Standards Rule 2-2(b) or 8-2(b) or 10-2(b) of the Uniform Standards of Professional Appraisal Practice, (2016-2017 Edition)."¹²

■ Extraordinary Assumption. "An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions."¹³

■ Hypothetical Condition. "A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis."¹⁴

■ Insurable Value. "The estimated cost, at current prices as of the effective date of valuation, of a substitute for the building being valued, using modern materials and current standards, design, and layout for insurance coverage purposes guaranteeing that damaged property is replaced with new property (i.e., depreciation is not deducted)."¹⁵

■ Easement. "The right to use another's land for a stated purpose."¹⁶

■ "As Is" Value Premise. "Market Value 'as is' on appraisal date means an estimate of the market value of a property in the condition observed upon inspection and as it physically and legally exists without hypothetical conditions, assumptions, or qualifications as of the date the appraisal is prepared."¹⁷

■ Prospective Market Value Upon Completion of Construction Premise. "Prospective value upon completion of construction means the prospective value of a property on the date that construction is completed, based upon market conditions forecast to exist as of that completion date."¹⁸

■ Prospective Market Value Upon Reaching Stabilized Occupancy Premise. "Prospective value upon reaching stabilized occupancy means the prospective value of a property at a point in time when all improvements have been physically constructed and the property has been leased to its optimum level of long-term occupancy."¹⁹

■ Surplus Land. "Land that is not currently needed to support the existing use but cannot be separated from the

property and sold off for another use. Surplus land does not have an independent highest and best use and may or may not contribute value to the improved parcel."²⁰

■ Excess Land. "Land that is not needed to serve or support the existing use. The highest and best use of the excess land may or may not be the same as the highest and best use of the improved parcel. Excess land has the potential to be sold separately and is valued separately."²¹

■ Larger Parcel. "A portion of land that is not a complete parcel, but is the greater part of a bigger tract, entitling the owner to damages both for the parcel and for its severance from the larger tract. To grant both kinds of damages, a court generally requires the owner to show unity of ownership, unity of use, and contiguity of the land. But some states and the federal courts do not require contiguity when there is strong evidence of unity of use."²²

■ Highest and Best Use (Code of Federal Regulations). "An appraiser's supported opinion of the most probable and legal use of a property, based on market evidence, as of the date of valuation."²³

■ Highest and Best Use. "The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value."²⁴

¹² Ibid, p.199- As if Vacant.

¹³ The Dictionary of Real Estate, 6th Edition, 2015, The Appraisal Institute, Chicago, Illinois, pp. 83, 84.

¹⁴ Ibid, p. 113.

¹⁵ Ibid, p. 197.

¹⁶ Ibid, p. 71.

¹⁷ Appraisal Policies and Practices of Insured Institutions and Service Corporations, Federal Home Loan Bank Board, "Final Rule", 12 CFR Parts 563 and 571, December 21, 1987.

¹⁸ Appraisal Policies and Practices of Insured Institutions and Service Corporations, Federal Home Loan Bank Board, "Final Rule", 12 CFR Parts 563 and 571, December 21, 1987.

¹⁹ Ibid.

²⁰ Appraisal Institute, The Dictionary of Real Estate Appraisal, 6th Edition, Chicago, Illinois. Appraisal Institute, 2015), p. 200.

²¹ Ibid, pp. 80, 81.

²² Black's Law Dictionary, 9th ed. (1891-2009), p. 959.

²³ 36 CFR 245.2.

²⁴ Appraisal Institute, The Appraisal of Real Estate, 15th ed. (Chicago, Illinois: Appraisal Institute, 2020), p. 306.

LAND SALES

LAND SALE #1***Property Identification***

Property Type:	Mixed-use Land
Address:	1311-1321 East 3205 South
City/County/State:	Millcreek/Salt Lake/Utah
Parcel Number:	16-28-303-003, 16-29-430-007, -008 and -009

Transaction Information

Rights Transferred:	Fee Simple
Seller:	Joann C. & Michael Katsanevas
Buyer:	3205 Millcreek, LLC
Sales Price:	\$855,000
Date of Sale:	July 20, 2018
Financing Terms:	Cash to seller
Cash Equivalent Price:	\$855,000

Land Description

Land Size:	0.60 acre; 26,136 square feet
Flood Zone:	Zone "X"
Zoning:	R-4-8.5
Frontage:	Along 3205 South (Chambers Avenue)
Topography:	Generally level
Configuration:	Rectangular
Street Type:	Asphalt paved
Street Improvements:	None

Utilities

All available

Units of Comparison

Price Per Acre:	\$1,425,000
Price Per SF:	\$32.71

Verification

Submitted By:	J Philip Cook, LLC
Verified With:	Real Estate Purchase Contract; County Records

Comments

The property sold without buyer's commissions. It was improved with two residences at the time of sale that the buyer intended to raze for redevelopment of the site with mixed-use development.

LAND SALE #1 AERIAL PHOTOGRAPH



LAND SALE #2***Property Identification***

Property Type:	Mixed-use Land
Address:	3167 South 300 West
City/County/State:	South Salt Lake/Salt Lake/Utah
Parcel Number:	15-25-403-007, -008 & -025

Transaction Information

Rights Transferred:	Fee Simple
Seller:	Reed F. Iverson
Buyer:	3175 Associates, LLC
Sales Price:	\$1,500,000
Date of Sale:	March 6, 2020
Financing Terms:	Cash
Cash Equivalent Price:	\$1,500,000

Land Description

Land Size:	0.98 acre; 42,689 square feet
Flood Zone:	Zone "X"
Zoning:	TOD and TOD-Core (Transit Oriented Development)
Frontage:	Along 300 West and Washington Street
Topography:	Generally level
Configuration:	Rectangular
Street Type:	Asphalt paved
Street Improvements:	Curb, gutter, sidewalk

Utilities

All available

Units of Comparison

Price Per Acre:	\$1,530,612
Price Per SF:	\$35.14

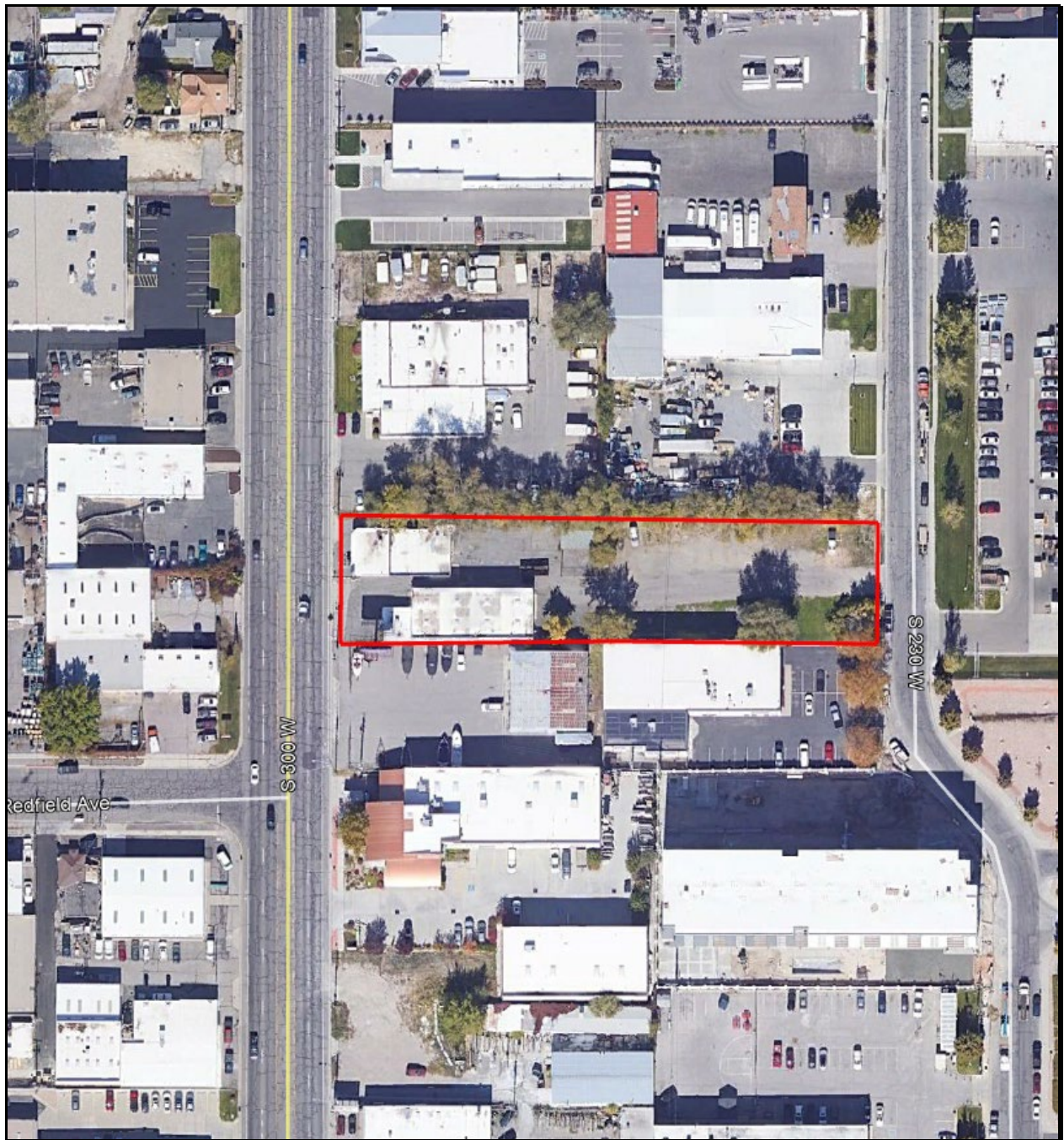
Verification

Submitted By:	J Philip Cook, LLC
Verified With:	Susie Martindale, agent; Utah Real Estate MLS; County Records

Comments

Zoning allows for a mix of commercial and multifamily uses.

LAND SALE #2 AERIAL PHOTOGRAPH



LAND SALE #3***Property Identification***

Property Type:	Mixed-use Land
Address:	2780 East 3300 South
City/County/State:	Millcreek/Salt Lake/Utah
Parcel Number:	16-26-351-046, -047, -049 & -005

Transaction Information

Rights Transferred:	Fee Simple
Seller:	P.C. Properties, LLC
Buyer:	Johnsen and Allphin Properties, LLC
Sales Price:	\$390,000
Date of Sale:	June 22, 2018
Financing Terms:	Cash
Cash Equivalent Price:	\$390,000

Land Description

Land Size:	0.30 acre; 13,068 square feet
Flood Zone:	Zone "X"
Zoning:	C-2
Frontage:	Along 3300 South
Topography:	Near level to gently sloping
Configuration:	Rectangular
Street Type:	Asphalt paved
Street Improvements:	Curb, gutter, sidewalk

Utilities

All available

Units of Comparison

Price Per Acre:	\$1,300,000
Price Per SF:	\$29.84

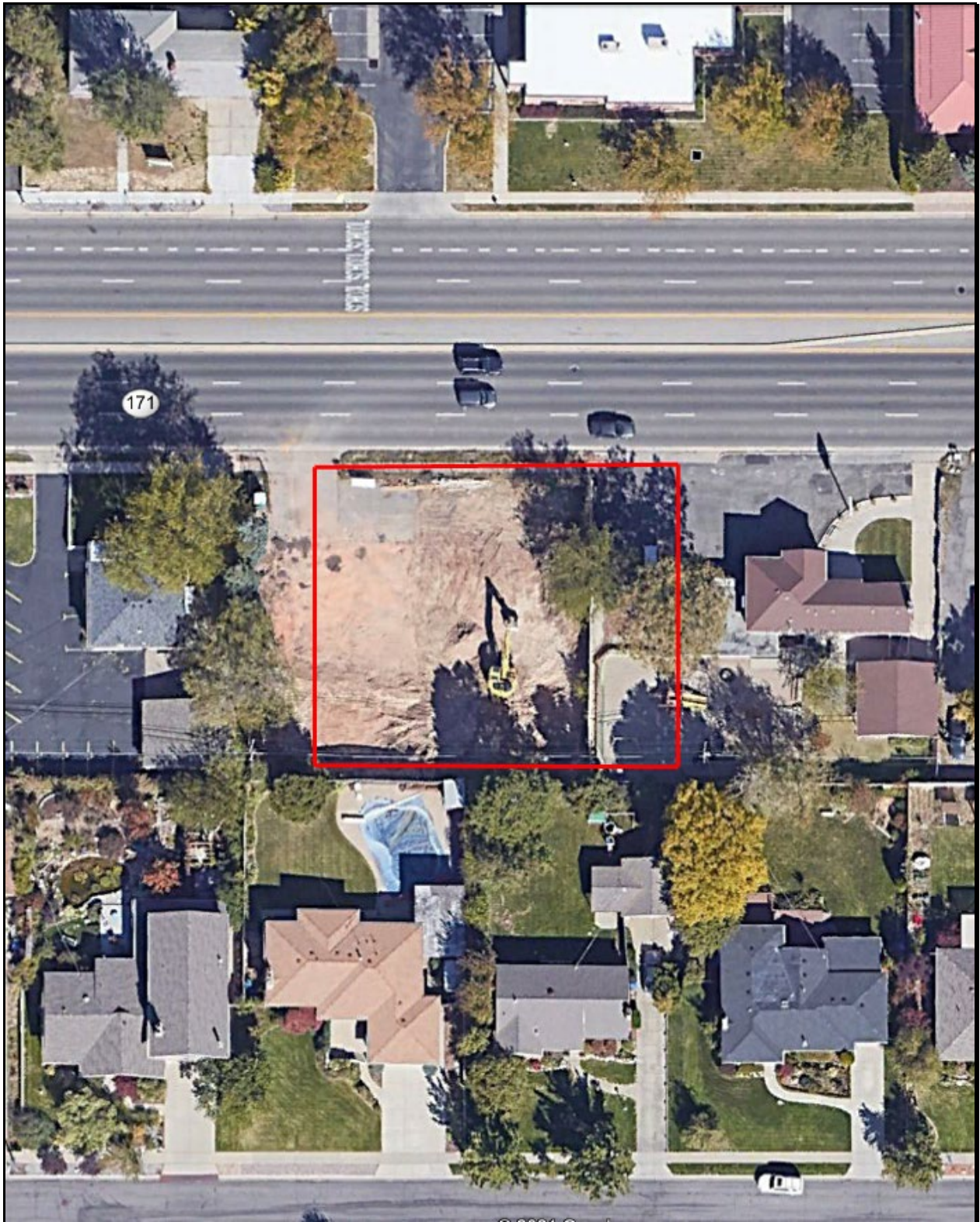
Verification

Submitted By:	J Philip Cook, LLC
Verified With:	Karla Taylor, agent; Utah Real Estate MLS; County Records

Comments

The property was previously used as a garden nursery and was purchased for redevelopment.

LAND SALE #3 AERIAL PHOTOGRAPH



LAND SALE #4***Property Identification***

Property Type:	Commercial/Multifamily Land
Address:	3064 South Highland Drive
City/County/State:	Millcreek/Salt Lake/Utah
Parcel Number(s):	16-28-160-003, 16-29-281-018 and 019

Transaction Information

Rights Transferred:	Fee simple
Seller:	Skyline Flower Properties, LLC
Buyer:	MJT Investment Property, LLC
Sales Price:	\$4,620,000
Date of Sale:	November 15, 2018
Financing Terms:	Cash or cash equivalent
Cash Equivalent Price:	\$4,620,000

Land Description

Land Size:	1.48 acres; 64,469 square feet
Flood Zone:	Zone "X/C" (outside Special Flood Hazard Area)
Zoning:	C-3 (Commercial)
Frontage:	Along 3205 South
Topography:	Level to gently sloping
Configuration:	Irregular
Street Orientation:	Corner
Street Type:	Asphalt paved
Street Improvements:	Concrete curb, gutter, sidewalk

Utilities

All available

Units of Comparison

Price Per SF:	\$71.66
Price Per Unit:	\$22,000

Verification

Submitted By:	J Philip Cook, LLC
Verified With:	Ryan Heath, buyer; County Records

Comments

Located on the corner of Highland Drive and Gunn Ave. Being developed with 210 units. Property was rezoned and entitled with a development agreement in place approving density before the sale occurred. Site of the old Skyline Flowers building.

LAND SALE #4 AERIAL PHOTOGRAPH



LAND SALE #5***Property Identification***

Property Type:	Multifamily Land
Address:	25 East 1700 South
City/County/State:	Salt Lake/Salt Lake/Utah
Parcel Number:	16-18-156-014, -015, -018, and -019 (old) 16-18-157-020

Transaction Information

Rights Transferred:	Fee simple
Seller:	Major W CS, LLC
Buyer:	The Penny JV Partners, LLC
Sale Price:	\$1,850,480
Date of Sale:	May 30, 2019
Financing Terms:	Cash, or cash equivalent
Cash Equivalent Price:	\$1,850,480

Land Description

Land Size:	1.06 acres; 46,174 square feet
Flood Zone:	Zone "X"
Zoning:	CC (Community Commercial)
Frontage:	Along 1700 South and State Street
Topography:	Near level
Configuration:	Square
Street Orientation:	Corner
Street Type:	Asphalt paved
Street Improvements:	Concrete curb, gutter, sidewalk
Density:	35.85 Units/Acre
Total Units:	38

Utilities

All available

Units of Comparison

Price Per Square Foot:	\$40.08
Price Per Unit:	\$48,697

Verification

Submitted By:	J Philip Cook, LLC
Verified With:	Tanner Olson, agent and County Records

Comments

The property was improved with an old building that needed to be razed. The site has since been improved with a 38-unit townhome project known as the Penny.

LAND SALE #5 AERIAL PHOTOGRAPH



LAND SALE #6***Property Identification***

Property Type:	Multifamily Land
Address:	175 West Central Avenue
City/County/State:	Millcreek/Salt Lake/Utah
Parcel Number:	21-01-206-005, 15-36-453-010, -042, 21-01-203-002 & -003

Transaction Information

Rights Transferred:	Fee simple
Seller:	DBN Holdings, LLC
Buyer:	PRI Millcreek, LLC
Sale Price:	\$5,990,000
Date of Sale:	March 31, 2021
Financing Terms:	Cash
Cash Equivalent Price:	\$5,990,000

Land Description

Land Size:	7.21 acres; 307,098 square feet
Flood Zone:	Zone "X"
Zoning:	R-M (Multifamily)
Frontage:	Along Central Avenue with Brick Oven Way stubbing to the southwest corner
Topography:	Near level
Configuration:	Irregular
Street Orientation:	Interior
Street Type:	Asphalt paved
Street Improvements:	None

Utilities

All available

Units of Comparison

Price Per Sq. Ft.:	\$19.07
Price Per Unit:	\$830,791

Verification

Submitted By:	J. Philip Cook, LLC
Verified With:	Utah Real Estate MLS and County Records

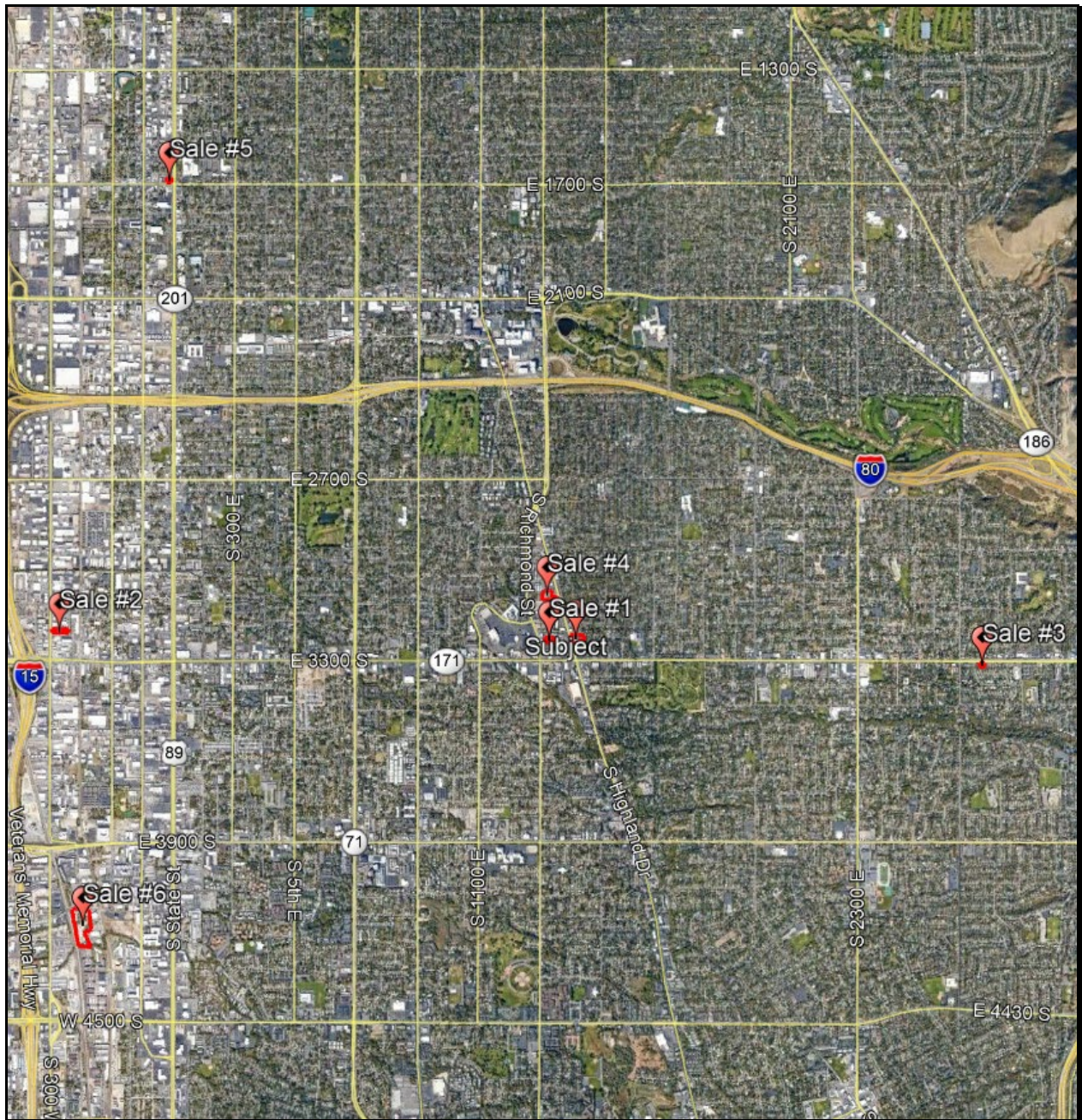
Comments

Multiple offers were received on this property and it sold for above asking price.

LAND SALE #6 AERIAL PHOTOGRAPH



LAND SALES LOCATION MAP



ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal has been based on the following limiting conditions:

1. For purposes of this appraisal, any marketing program for the sale of the property would assume cash or its equivalent.
2. No detailed soil studies covering the subject property were available for this appraisal. It is therefore assumed that soil conditions are adequate to support standard construction consistent with highest and best use.
3. The date of value to which the conclusions and opinions expressed in this report apply, is set forth in the letter of transmittal. Further, the dollar amount of any value opinion rendered in this report is based upon the purchasing power of the American dollar existing on that date.
4. The appraisers assume no responsibility for economic or physical factors which may affect the opinions in this report which occur after the valuation date.
5. The appraisers reserve the right to make such adjustments to the analyses, opinions and conclusions set forth in this report as may be required by consideration of additional data or more reliable data that may become available.
6. No opinion as to title is rendered. Data relating to ownership and legal description was obtained from the client or public records and is considered reliable. Title is assumed to be marketable and free and clear of all liens, encumbrances, easements and restrictions except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management, and available for its highest and best use.
7. If no title policy was made available to the appraisers, they assume no responsibility for such items of record not disclosed by their customary investigation.
8. The appraisers assume no responsibility for hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for arranging for engineering studies that may be required to discover them.
9. The property is appraised assuming it to be in full compliance with all applicable federal, state, and local environmental regulations and laws, unless otherwise stated.
10. The property is appraised assuming that all applicable zoning and use regulations and restrictions have been complied with, unless otherwise stated.
11. The property is appraised assuming that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based, unless otherwise stated.
12. No engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area was taken from sources considered reliable and no encroachment of real property improvements is considered to exist.

13. No opinion is expressed as to the value of subsurface oil, gas or mineral rights or whether the property is subject to surface entry for the exploration or removal of such materials except as is expressly stated.
14. Maps, plats and exhibits included in this report are for illustration only as an aid in visualizing matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose, nor should they be removed from, reproduced, or used apart from the report.
15. No opinion is intended to be expressed for matters which require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers.
16. Possession of this report, or copy of it, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualification and only in its entirety.
17. Testimony or attendance in court or at any other hearing is not required by reason of rendering this appraisal, unless such arrangements are made a reasonable time in advance.
18. The appraisers have personally inspected the subject property and find no obvious evidence of structural deficiencies, except as may be stated in this report; however, no responsibility for hidden defects or conformity to specific governmental requirements, such as fire, building and safety, earthquake or occupancy codes can be assumed without provision of specific professional or government inspections.
19. Unless otherwise noted, no consideration has been given in this appraisal to the value of the property located on the premises which is considered by the appraisers to be personal property, nor has consideration been given to the cost of moving or relocating such personal property; only the real property has been considered.
20. Information obtained for use in this appraisal is believed to be true and correct to the best of our ability; however, no responsibility is assumed for errors or omissions, or for information not disclosed which might otherwise affect the valuation estimate.
21. Unless otherwise stated in this report, the appraisers signing this report have no knowledge concerning the presence or absence of toxic materials in the improvements and/or hazardous waste on the land. No responsibility is assumed for any such conditions or for any expertise or engineering to discover them.
22. Disclosure of the contents of this appraisal report is governed by the Bylaws and Regulations of the Appraisal Institute.

Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or to the MAI designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communication without the prior written consent and approval of the appraiser.

23. This is an Appraisal Report that is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it might not include full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraisers' file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.

24. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of nor did the appraisers become aware of such during the appraiser's inspection. The appraisers have no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraisers, however, are not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.
25. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirements of ADA in estimating the value of the Property.
26. The following hypothetical condition is also made a part of this report.
- The subject is improved with a church building and associated site improvements. For this assignment, we have been asked to disregard the improvements. As such, only the land is appraised as if vacant and available for development.

QUALIFICATIONS

J. Philip Cook | MAI, CRE

3115 E Lion Lane, Suite 310
Salt Lake City, UT 84121
USA

Phone: 801 321-0057
E-mail: pcook@jpcllc.com
www.jphilipcook.com

SUMMARY

J. Philip Cook is a principal of J Philip Cook, LLC, a real estate appraisal and consulting firm doing business throughout the United States. His primary focus is complex assignments. These often involve legal matters that could lead to or are in litigation. Such matters include unitary (state) and local property tax disputes, eminent domain, inverse condemnation, real estate damages including wildfires, environmental contamination and construction defects, delay, breach of contract, and negligence claims, class action certification, bankruptcy, foreclosure, trespass, and appraiser liability claims. Mr. Cook also provides services in closely scrutinized matters such as property right donations (e.g., conservation easements and income/inheritance tax matters), as well as services for a variety of other purposes.

In the unitary and local property tax arena, Mr. Cook has provided appraisal expertise in coal-powered generation, oil and gas production and gathering, midstream oil and refined products pipelines, telecommunications, airlines, mines, and special purpose properties (e.g., titanium sponge and solid rocket motor manufacturing, ship repair, food processing, auto raceways, golf courses, and ski resorts).

In eminent domain, appraisal expertise has been provided in high profile matters such as the Flight 93 crash site in Somerset County, PA, and rails-to-trails related inverse condemnation cases in New York, Georgia, Oregon, Colorado, Arizona, and Utah. Mr. Cook has completed thousands of eminent domain assignments for such matters as road construction/widening, restrictive use easements, airport expansions, transmission lines (including lines crossing active gravel mines), and pipelines.

Other notable matters include wildfire damages cases involving Tribal and private lands, class certification involving alleged mortgage fraud associated with residential appraisals throughout the United States; concessionaire values for marinas at the Lake Mead Recreational Area; bankruptcies of master planned golf and ski resort communities in the Intermountain region, gas fueled power plants, and film studio; real estate damages resulting from a leaking crude oil pipeline contaminating Red Butte Creek in Utah, and numerous other environmental matters; construction defects matters involving high-value single-family homes, townhome/condominium projects, and commercial buildings; trespass claims resulting in damaged real estate, deficiency actions involving land, commercial, and residential developments; and breach of contract claims.

Mr. Cook has 40 years full-time appraising and consulting experience and holds a BS degree in finance with a real estate emphasis and an MBA from the University of Utah. He holds certified general appraiser status in multiple states on full-time and temporary bases. Mr. Cook has taught real estate principles and appraisal and investment courses as an assistant professor adjunct for the University of Utah, and the Uniform Standards of Professional Appraisal Practice update course and Appraisal Principles for the Appraisal Institute. He has served elected office and board appointments for national, regional, and state organizations, and has served as a member and chairman of the Utah State Appraiser Board, a governor-appointed position. His experience covers all real estate markets including single-family homes, land, multifamily residential and commercial properties, large golf- and ski-oriented master planned communities and other land development projects, special-purpose and recreational properties, and a variety of other income producing assets.

Mr. Cook has provided appraisal, consulting and expert witness services to individuals, city, county, state, and federal government, financial institutions and mortgage companies, insurance and pension funds, professional firms, public and private corporations, and individuals, and has given testimony in over 150 matters.

J. Philip Cook | MAI, CRE (Continued)

PROFESSIONAL MEMBERSHIPS & LICENSES

- Member Appraisal Institute (MAI), #7000
- Member Society of Real Estate Counselors (CRE)
- Certified General Appraiser, State of Utah, #5451057-CG00
- Certified General Appraiser, State of Idaho, #CG111
- Certified General Appraiser on full-time or temporary bases in other states
- Member International Right-of-Way Association

EMPLOYMENT HISTORY

- 2011 to Present - Principal of J Philip Cook, LLC.
- 2005 to 2011 – Director, LECG, LLC (acquired of J. Philip Cook & Associates in March 2005)
- 1993 to 2005 – Founder J Philip Cook & Associates, Inc.
- 1980 to 1993 – Appraiser and Partner (1984) with Appraisal Associates, Inc.

PROFESSIONAL COMMITTEES

2017-Current Board Member Utah Foundation
 2006-Current Board Member; Ivory Boyer Real Estate Center
 2005-2006 Chairman - Utah State Appraiser Board
 2002-2006 Board Member - Utah State Appraiser Board
 2004-2005 Chair - Utah Chapter Counselors of Real Estate
 2001 Board Member; Appraisal Institute Education Trust
 2001 National Education Committee - Counselors of Real Estate
 1999 National Nominating Committee
 1996-1998 National Board of Directors, Appraisal Institute
 1997-1998 National Finance Committee, Appraisal Institute
 1995 Regional Representative from Utah, Region II Appraisal Institute
 1993 President, Utah Chapter of the Appraisal Institute
 1992 Vice President and President-Elect, Utah Chapter of the Appraisal Institute
 1992 Board Member Utah Association of Appraisers
 1991-1992 Regional Representative from Utah, Region II Appraisal Institute
 1991 Second Vice President, Utah Chapter of the Appraisal Institute
 1990 Chapter Secretary/Treasurer, American Institute of Real Estate Appraisers
 1990 Unification Committee for the Merger of the Society of Real Estate Appraisers and the American Institute of Real Estate Appraisers (Chapter level)
 1987-1989 Chapter Director, American Institute of Real Estate Appraisers

DEPOSITIONS/COURT TESTIMONY (Since 1998)

1998 – 2009

- Utah Department of Transportation v. Green Street Associates
- Utah Department of Transportation v. Mark Steel/H & K Truck
- Utah Department of Transportation v. Evans
- State of Utah v. HAFB
- Davis County v. Zion's First National Bank, Trustee
- Intermountain Power Agency v. Millard County
- Foster v. Foster
- Town of Alta v. MSI, Inc.
- Utah Department of Transportation v. Envirotech-Baker Hughes)
- Utah Department of Transportation v. Wildwood Resort Company
- Draper City v. Draper Irrigation Company

J. Philip Cook | MAI, CRE (Continued)

- RAS v. Town of Alta
- Utah Department of Transportation v. Diamond Bar X Ranch
- DCED v. Clarence Birt, et al
- Charles Ross Heely, et al v. Lend Lease Agricultural Business, Inc.
- Summit County v. American Skiing Company
- USA v. Thomas Peterson, et al
- Utah Department of Transportation v. JP Realty Utah Department of Transportation v. Harrison Family Loving Trust
- Utah Department of Transportation v. Savage Industries
- Draper City v. Don McCormick
- USA Capital Diversified Trust Deed Fund, LLC v. Sheraton Hotel
- West Jordan City v. Abbott Utah Department of Transportation v. Lemar, Inc.
- Stonegate v. Psomas Associates Corporation
- Utah Department of Transportation v. Branch
- Utah Department of Transportation v. Anderson
- Gallegos v. Lloyd
- Salt Lake County v. Alliant Techsystems
- LoveSac v. G & G, Wilmington, DE
- Cedar City, UT v. Fiddler's Canyon Development, et al, Cedar City, UT
- Edgewater Medical Center v. Edgewater Property Company, Chicago, IL
- Butters v. Marriott, Ogden, UT
- Butters v. Harrisville City, Harrisville, UT
- U.S.A. v. Ronnie W.A. Case
- U.S.A. v. Guaranteed Roofing
- U.S.A. v. Wayne A. Pflueger
- UDOT v. Hunter
- North Salt Lake v. Salt Lake City Corporation
- Uintah County v. Westport Gas
- Utah Department of Transportation v. Berman
- LDS Church v. J. M. Mechanical
- Suncrest v. Micron
- UDOT v. David Williams
- Albright, et al. v. Attorneys' Title Insurance Fund, et al.
- Utah County v. Ivie, et al
- Amcal Multi-Housing, Inc. v. City of Los Angeles
- Mt. Olivet v. Salt Lake County
- Salt Lake County v. LC Canyon Estates
- Doctorman v. Golub
- T-Mobile v. Salt Lake County
- South Valley Sewer v. Michael Carlson
- The Canyons School District v. The Remaining Jordan District Transition Team
- Skywest Airlines, Inc. v. Property Tax Division of the Utah State Tax Commission, Iron County, Salt Lake County, Washington County, and Weber County
- Highlands @ SouthPointe, LLC v. DJ Investment Group, LLC, Dan Simons and Arden Bodell
- Wilburgene, LLC Bankruptcy
- USA v. 29,122.5 Square Feet of Land in Salt Lake City et al (Shubrick Building, LLC)
- Tooele City v. Tooele Associates
- EMJA v. Utah Transit Authority

J. Philip Cook | MAI, CRE (Continued)**2010**

- UNEV Pipeline v. Matthew Arbshay
- James T. Markus, Chapter 11 Trustee v. Albert Fried, Jr., Albert Fried & Co., LLC, and Steelman, Inc., et al
- Clearfield City v. Jenkins
- Rocky Mountain Power v. Donald Evans
- UDOT v. Wintergreen Group, LLC
- UDOT v. Ivers
- Tri-Valley Distributing, Inc. v. Western United Life Assurance Company

2011

- UTA v. Sandra Plaza
- T. L. Crowther v. Rocky Mountain Pipeline
- Credit Suisse, a Swiss Bank v. Tamarack Resort, LLC, et al
- Rocky Mountain Power v. Fred Barker
- Rocky Mountain Power v. Clark Hillam
- BB&T v. Vernal Towne Center
- Rocky Mountain Power v. Private Capital Group
- UDOT v. FC Holding 5050, LLC
- Kevin Jensen and Karla Taylor v. Celtic Bank Corporation
- Confidential v. State of Utah
- Robert G. Wing v. Apex Holding Company, LLC, et al
- Dixie Deer Water Conservancy District v. Madre Mesa, LLC
- David Day and Shanna Day v. Park City Title, et al
- Rocky Mountain Power v. L. Greg & Susan L. Woodard
- UDOT v. Curtis McDougal & GKM Family, LLC
- ARCUS Private Capital Solutions, LLC v. Grantsville Holdings, LLC & Ronald H. Thorne
- Utah State Tax Commission v. Sunnyside Cogeneration

2012

- Advanced Fluid Containment, LLC v. Little Mountain Rabbit Patch, LLC, and Sun River Developing, Inc. (Proffered)
- Bear River Flats, LLC v. Miller Funding Group, LLC
- Pacificorp, dba Rocky Mountain Power v. DeNece P. Barker, Fred Barker, and Melda B. Mund, Trustee
- SLC Pipeline, LLC v. Utah State Tax Commission
- Transwestern Petroleum, Inc. v. United States Gypsum Company

2013

- Stichting Mayflower Mountain Fonds and Stichting Mayflower Recreational Fonds v. UDOT
- Bank of the West v. David Sabey and South Harrison Plaza
- UDOT v. TBT Properties
- Pacificorp v. Vineyard Properties of Utah, LLC, Zions First National Bank, Pioneer Steel & Tube Corporation, LLC, and Western Pipe Coaters & Engineers, Inc. (Deposition)
- Salt Lake City v. Evans Development Group, LLC
- Wells Fargo Bank, N.A. v. Heber City Commercial II, LLC
- BMA v Windygates
- UDOT v. Admiral Beverage Corporation
- Willey v. Layton City
- Oakridge Country Club v. Davis County Assessor
- UDOT v. Fort Lane Village, LC; Zions Bancorporation

J. Philip Cook | MAI, CRE (Continued)**2014**

- UDOT v. Target, et al
- UDOT v. Miller Weingarten
- UDOT v. Coalt, Inc.
- UTA v. D&S North Temple
- McGillis Investment Company, LLC v. Callister, Nebeker & McCullough
- Dunham et al v. Green River Farms, LLC and Mitchell Excavation
- First Utah Bank v. Cottonwood Professional Plaza
- UTA v. Grow, et al
- Cedar Townhomes v. G&J Construction v. B&W Construction
- Park City Mountain Resort v. Talisker (Proffered)
- Seven Resorts, Inc. v. Department of Interior of the US National Park Service and Echo Bay Marina
- ASCU v. Wolf Mountain
- Stewart Title Guaranty Company v. Credit Suisse AG, Cayman Islands Branch

2015

- Williamson v. Farrell
- Utah Department of Transportation v. FPA (deposition)
- The Maughan Family Partnership v. VanCott, Bagley, Cornwall & McCarthy, Timothy W. Blackburn, Richard R. Reeve
- Highland Marketplace v. SA Group
- Handy v. Siegfried & Jensen
- PacifiCorp v. Vineyard Properties of Utah, LLC (Trial)
- Verizon Wireless v. Property Tax Division of the Utah State Tax Commission
- Utah Department of Transportation v. Target Corporation and Weingarten/Miller/American Fork
- Three Rivers Gathering, LLC v. Property Tax Division of the Utah State Tax Commission
- Utah Department of Transportation v. FPA West Point, LC, et al (Trial)
- Utah Department of Transportation v. Frontage 114th, LLC

2016

- Utah Property Management Associates, Inc. v. Property Tax Division of the Utah State Tax Commission
- The Estate of D.A. Osguthorpe v. CSU Foundation, et al.
- Jemez Pueblo, et al. v. Tri-State Generation and Transmission Association, Inc.
- Intermountain Power Agency v Property Tax Division of the Utah State Tax Commission
- Private Capital Group, Inc., et al. v AFCC Limited, et al.
- Triumph Mixed Use Investment III v. Internal Revenue Service

2017

- H. Candi Wadsworth v Guy L. Wadsworth
- William C. Hardy & Bertie Ann Hardy, et al. v The United States of America
- Utah State Tax Commission v SLC Pipeline LLC
- Sunnyside Properties, LLC v Carbon County BOE
- USA v Talmage (Deposition)
- UDOT v Loafer
- Waldrup et al. v Countrywide Financial Corporation
- Daybreak Eastlake Village Condominium Owners' Association v Kennecott Land Company, et al.

J. Philip Cook | MAI, CRE (Continued)**2018**

- UDOT v Boggess-Draper Company, LLC; Draper City; South Jordan City
- CTI-SSI v Canyon County Idaho Tax Commission
- Shree Ganesh, LLC v Weston Logan Inn, Matthew M. Weston
- Michael Cody Mueller and Martha Chilton Mueller v On Site Management, Inc., OSM Wyoming, Salt River Roofing (deposition)
- Mid America Pipeline Company, LLC v Property Tax Division of the Utah State Tax Commission (deposition)
- Partrero, LLC v Miller Herriman RG Associates, LLC
- Michael Cody Mueller and Martha Chilton Mueller v On Site Management, Inc., OSM Wyoming, Salt River Roofing (trial)
- Confidential Mining Company v. Utah State Tax Commission, et al.
- Mid America Pipeline Company, LLC v Property Tax Division of the Utah State Tax Commission (trial)
- Bank of the West v Sugarloaf Holdings, LLC

2019

- Jensen v Cannon
- Granite Construction v Greyhawk Development
- USA v Talmage (Trial)
- Wells Fargo Rail v Black Iron
- UDOT v Arthur Grant Investments
- Waldrup et al. v Countrywide Financial Corporation
- Landau v 160 White Pine LLC
- Graymont Western US, Inc. v Property Tax Division of The Utah State Commission
- Ansley Walk Condominium Association, Inc., et al v The United States

2020

- Walmart Real Estate Business Trust and Walmart Stores, Inc. v Salt Lake Board of Equalization
- Reagan Sign v Salt Lake City (deposition)
- Walmart Stores East LV v Tooele County Board of Equalization
- Carl Nolet v Vincent and Marie Mascatello, et al
- Intermountain Power Agency v Property Tax Division of the Utah State Tax Commission (deposition)
- Corporation of the Presiding Bishop (Joseph Smith Memorial Building) v Utah State Tax Commission

2021

- Chick-fil-A v Salt Lake County Hearing Commission
- Kohl's v Salt Lake County Board of Equalization
- Sunnyside Properties, LLC v Board of Equalization of Carbon County, State of Utah
- UDOT v Lowe Land TK, LLC et al

Corey A. Cook | MAI

3115 E Lion Lane, Suite 310
Salt Lake City, UT 84121
USA

Phone: 801 321-0059
Fax: 801 307-0370
E-mail: ccook@jpcllc.com
www.jphilipcook.com

SUMMARY

Corey A. Cook is a partner of J. Philip Cook, LLC, a real estate appraisal and consulting firm doing business throughout the United States. He has 16 years full-time appraising and consulting experience and holds a B.A. degree from Brigham Young University and an MBA degree from Purdue University. He is a certified appraiser in Utah and has been involved in assignments throughout the western United States. His experience covers all real estate markets including land, residential and commercial properties, large golf- and ski-oriented master planned communities and other land development projects, special-purpose and recreational properties, gravel properties, and a variety of other income producing assets including oil and gas leaseholds and gas gathering and processing facilities. His primary focus is complex assignments and impaired real estate. His work often supports expert testimony and decisions made in eminent domain and condemnation proceedings, property tax disputes, real estate damages including construction defects matters and fire-burned property, bankruptcy, estate planning matters, and cases involving breach of contract, among other things. His list of clients includes individuals, city, county, state, and federal government, financial institutions and mortgage companies, insurance and pension funds, professional firms, and public and private corporations.

APPRAISAL EXPERIENCE

- March 2011 – Present: Full-time real estate appraiser/consultant with J Philip Cook, LLC.
- September 2006 to February 2011: Full-time real estate appraiser/consultant with LECG, LLC.
- May 2001 – August 2003: Full-time real estate appraiser/consultant with J Philip Cook, LLC. Salt Lake City, Utah.

PROFESSIONAL MEMBERSHIPS & LICENSES

- Designated Member of The Appraisal Institute (MAI)
- Certified General Appraiser, State of Utah, #6404407-CG00

EDUCATION

- MBA, Purdue University, May 2005
- Bachelor of Arts, Brigham Young University, April 2001

CLIENTS SERVED (Partial list)

LEGAL FIRMS

Prince, Yeates & Geldzahler
Stoel Rives
Sherman & Howard
Parr Brown, Gee & Loveless
Parsons Behle & Latimer
Holland & Hart
Blackburn & Stoll, LC

FINANCIAL INSTITUTION/MORTGAGE

America First Credit Union
Barnes Bank
City National Bank
KeyBank National Association
Magnet Bank
Zions Securities Corporation

CORPORATE/OTHER COMPANIES

Property Reserve, Inc.
Rocky Mountain Power
First American Title
Holly Energy Partners
Nu Skin International
Kern River Gas Transmission Company

GOVERNMENT

Utah Department of Transportation
Salt Lake County
Salt Lake City School District
School and Institutional Trust Lands Administration
Holladay City
More available upon request

Corey A. Cook, (Continued)**SPECIALIZED COURSES COMPLETED**

- Appraisal Principles (Course 110) Appraisal Institute, August 2001
- Appraisal Procedures (Course 120) Appraisal Institute, August 2001
- USPAP (Course 410) Appraisal Institute, September 2001
- Highest & Best Use and Market Analysis (Course 520) Appraisal Institute, March 2002
- Advanced Applications (Course 550) Appraisal Institute, September 2007
- Sales Comparison Approach of Small, Mixed-Use Properties (Course 620) Appraisal Institute, October 2007
- Office Building Valuation: A Contemporary Perspective, June 2007
- Advanced Income Capitalization (Course 510) Appraisal Institute, August 2008
- Advanced Sales Comparison & Cost Approaches (Course 530) Appraisal Institute, November 2009
- General Appraiser Report Writing and Case Studies, Appraisal Institute, April 2011
- Eminent Domain 2012: How to Determine Just Compensation, February 2012
- Evaluating Commercial Construction, May 2013
- Reviewing Appraisals In Eminent Domain (Course 410) IRWA, March 2014
- Easement Valuation (Course 403) IRWA, September 2014
- Analyzing Tenant Credit Risk and Commercial Lease Analysis, Appraisal Institute, September 2015
- Contamination and the Valuation Process (Webinar), Appraisal Institute, September 2015
- Forecasting Revenue, Appraisal Institute, October 2015
- Eminent Domain and Condemnation, Appraisal Institute, August 2016
- Subdivision Valuation, Appraisal Institute, October 2017
- Business Practices and Ethics, Appraisal Institute, January 2018
- The Discounted Cash Flow Model: Concepts, Issues, and Applications, Appraisal Institute, September 2018
- Appraising Convenience Stores, Appraisal Institute, March 2020
- National USPAP Update Course, Appraisal Institute, September 2020
- Small Hotel/Motel Valuation, Appraisal Institute, December 2020

APPRAISAL/CONSULTING ASSIGNMENTS (sample)

Industrial: Distribution, manufacturing, flex space and office/warehouse buildings.

Office: Various properties including multi-story projects ranging in size from 15,000 to 230,000 square feet.

Retail: Various buildings including community and neighborhood shopping centers, hotels, restaurants, convenience stores, and stand-alone retail uses.

Residential: Various properties including subdivisions, single-family and multifamily residences and developments.

Specialty Properties: Specialty properties including golf courses, gravel properties, ranches and other recreational properties, landfills, contaminated properties, condemnations, and conservation easements.

DEPOSITIONS/TESTIMONY

- Rosalie Smith v. Travelers Home and Marine Insurance Co., 2015
- Black Diamond Financial, LLC v. Big Cottonwood Pine Tree Water Company, 2018
- The Estate of Anthony Thomas Bozich v. Greta Butler, 2018



**Minutes of the
Millcreek City Council
September 15, 2022
5:30 p.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a special public meeting on September 15, 2022, at the former Calvin Smith Library, located at 810 E. 3300 S., Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Mike Winder, City Manager
Alex Wendt, Deputy City Recorder
Francis Lilly, Assistant City Manager

Attendees: Wayne Niederhauser, Christine Johnson, Mayor Jenny Wilson, Chief DeBry, Ilama Raslanel, Kara Cope, Lee Aller, Leslie Motley, Kerri Nakamura, Samara Hayes, Shawn McMiller, Marcus Stevenson, Sherri Wittwer, Michelle Flynn, Laurie Hopkins, Dan Cable, Katie Zimmerman, Jennifer Omiste, Alvaro Omiste, Jim Oshust, Sarah Montes, Joseph Montes, John Robandt, Sophie Dasano, Erin Wistret, Patricia Barton, Pegasus Collonge, Craig Swett, Michele Rivera, James Stewart, Alecia Dittmore, Susan McKeever, Brad McKeever, Kay Winder, Anette Lyden, Christina Larsen, Mary Gallagher, Sharon Hayes, Bart Gallagher, Connie Connelley, Janet Simpson, Peggy Sprouse, Mia Barth, Lionel Trepanier, Lynette Saccomano, Heather Church, Hope Jenkinson, Duane Phillips, Dellene Vincent, Julie Shara, Brianne Johnson, Kat Kirk, John Waltman, Kelly Roemer, Jillana Webbs, Dennis Thomas, Saba Eslami, Nannette Larsen, John Boswell, Greg Kirby, Trae Eller, Shelley Brown,

REGULAR MEETING – 5:30 p.m.

TIME COMMENCED: 5:40 p.m.

Minutes by Alexander Wendt.

1. Welcome, Introduction and Discussion of Temporary Winter Homeless Shelter

Mayor Silvestrini opened the meeting and explained the facility be a temporary winter homeless shelter from October to April. Millcreek has done this before and held a temporary winter shelter two years ago. There was one police call the last time. Mayor Silvestrini introduced Salt Lake City Mayor Jenny Wilson, Switchpoint representative Christine Johnson, and Director of Utah Homeless Services, Wayne Niederhauser. Mayor Silvestrini continued and explained that the Millcreek Promise Program has been helping with a food bank on 3300 S. Every Saturday volunteers help give out food at a local church. Mayor Silvestrini explained he got to speak with

many people in the cars who came for food. One woman named Jill was living in her car and she was very appreciative she could get food from the foodbank. She has always been a Millcreek resident; a schoolteacher and she developed a medical problem that caused her to be disabled. She is getting by on disability payments and lives in her car. Mayor Silvestrini said this is the humanitarian reason why this temporary shelter is so important. This is a state-wide and a Millcreek problem. It is a humanitarian moral imperative. No neighborhood wants a shelter in their area. There are legitimate concerns about safety and crime. A shelter must go somewhere. This was a public building that was vacant. It was the only building the mayors of Salt Lake County could find that could serve this function on this kind of a short-term basis. This is a meeting to discuss the important concerns of residents.

Salt Lake County Mayor, Jenny Wilson said this is not easy. Mayor Wilson explained that Covid caused some challenges for city government, and it helped cities come together. There were a lot of temporary homeless shelters during the height of the pandemic. Temporary sites in the community to address homelessness operated in the last two years and have worked well. Sugarhouse held an overflow shelter a few years ago. There were very few problems. The population moved to this site will be bussed in and bussed out. They will leave every morning. This is not a walk-in center. Mayor Wilson hopes that will be a reassurance. Homelessness is a big ongoing challenge; it is not an isolated problem. Mayor Wilson commended Mayor Silvestrini for stepping up.

Francis Lilly, Assistant City Manager, said he is a city liaison on this shelter. Mr. Lilly said he has received a lot of emails. This is a challenging issue. Mr. Lilly said that his role is to help this neighborhood absorb this impact because the city is strong. This facility will be open from 7pm to 7am. Clients who come to the shelter will be checked in and undergo a security screening. If contraband is encountered, it is confiscated, and Unified Police will be notified. Screening is going to happen at the other homeless shelters before they arrive. The expectation is that people will stay here at the shelter. No food is served here, no showers are here. This is a place to stay dry and sleep. Every morning at 6 am everyone will get up and leave in the morning. Switchpoint will be operating with the Unified Police and conduct random searches. There will be a curfew. An area on the property will be screened with a fence for smoking. From 10:30pm on the lights go out. Outdoor lights will be turned on all night long. The city is adding more streetlights. The staffing ratio will be one staff member per 20 clients. The maximum amount allowed is 100 people. The city will meet with Switchpoint and UPD weekly so that if a problem emerges the problem can be addressed quickly. The city will be posting "no camping" signs within 1,000 feet of the facility. The no camping signs give the police the latitude to take care of it immediately. There will be additional officers and patrols. Staff will do an hourly walking patrol of the facility. If someone is on the registered sex offender list, they will not stay at this shelter. The State will screen for known sex offenders. They will be at another shelter.

Mayor Silvestrini introduced Wayne Niederhauser, Director of Utah Homeless Services. Homelessness is a state-wide issue. Overflow shelters are an important element of homeless response in Salt Lake County. The state is giving \$500,000 of mitigation funds to ramp up the public safety effort. Overflow will go to another city next year until a permanent solution is found. Christine Johnson from Switchpoint, the operator of the homeless shelter, spoke. Switchpoint has a shelter in Tooele and St. George and operated in Millcreek two years ago. Switchpoint works very closely with the cities and law enforcement. People will not be able to come and go as they please. Ms. Johnson explained how there are many people who are working

full time jobs but have no place to live because housing costs are so high. She asked for open-mindedness regarding the winter shelters. Chief DeBry thanked everyone for coming. Ever since Mayor Silvestrini told Chief DeBry this will be happening; he has been working without ceasing. Mitigation funds are not coming from city taxes. Chief DeBry said there will be two additional officers working. The officers will be in the community interacting. People who show up with a weapon or drugs will be charged and taken to jail. There is a full-time mental health officer in the city who will be working. The Crime Suppression unit will be doing sweeps. Chief DeBry asked everyone to call if there is something suspicious going on, to articulate to the dispatcher what was going on. The police response is only as good as the description from people who call. Council Member Silvia Catten said she is in full support of the shelter. Council Member Catten said she knows this will be run well like it was two years ago. She asked for people to call to discuss what they need. Council Member Thom DeSirant explained that he believes there is a moral obligation to not let people freeze in the winter. Council Member DeSirant said we should take care of our neighbors.

Trae Eller said that it is insulting to demonize people for not wanting homeless people around. He said that he only found out two weeks ago. This is not enough time to prepare. This will cause stress for everyone here. Mayor Jenny Wilson asked Mr. Eller what else he would like. He said he wants to be more prepared. Mayor Silvestrini said that he only found out about the shelter at the end of August. As soon as was possible, Mayor Silvestrini wanted to hold a community meeting. There has been meeting after meeting. This is quick and has been quick for all of us. Another gentleman said that by increasing the amount of police in the neighborhood you are saying that the police will only be here to clean up the mess. Chief DeBry said there is a difference between being proactive and reactive. Chief DeBry said that the police work described is proactive to prevent problems. Mayor Wilson introduced members of her staff and shared her email and phone number for people to contact her.

Kara Cope, 1511 E. 3115 S., said she is a long-term resident. Unsheltered people are a big problem for the state. These people are human and not all of them are drug addicts. A lot of people need help. She asked for more compassion. She said she rarely agrees with the mayor but agrees on this issue.

A resident named Paul said he lives next door and asked how much time is the \$500,000 supposed to cover. Mr. Niederhauser said this is from October to April. The state will be providing another half million to the provider for staffing and other costs. Mayor Silvestrini said 2/3 of the \$500,000 will be spent on first responders. There may be a contractor to come up and clean debris. There may be a 50-50 program to help people buy security cameras if that will make them feel safer. Mayor Silvestrini said he is going to be giving UPD officers gift cards to come eat at Charlotte Rose.

A resident named Sarah said she sees a lot of people going through her garbage. She is worried they will see many more people. She and her friend asked if there is compensation for help. Mayor Silvestrini said the money is appropriated by the legislature. Sarah said there are plenty of places to hide drug paraphernalia. She asked if men and women will be separated. Mayor Silvestrini said yes and explained how the bathrooms will be portable trailers. Sarah was concerned that people can leave if they want. Ms. Johnson explained that people who do not follow the rules cannot stay.

An unnamed gentleman asked how many other facilities there were like this in Holladay, Sandy, Herriman etc. He feels that this area is getting more than their share.

A resident name John said he lived up the street. He said no one knows what this will cost and wants a source and use statement to give to people and he wanted a date for it. Mr. Niederhauser said a budget has been submitted from Switchpoint. Previous experience has shown how much these shelters cost. Mayor Silvestrini said \$500,000 to Millcreek is just for mitigation. Mayor Silvestrini said that he is willing to look at other solutions for security.

Andrew Gruber said he wishes this was not needed but is happy to support it. No one gets here involuntarily; they are asking for shelter. Think about the experience of being bussed in at 7pm and then bussed out at 7am. He said he is proud to help. To the neighbors that live even closer, we stand with you as your Millcreek neighbors that the city and UPD will take this seriously.

Dan Miller said he works in the office two doors down. He understands this is temporary and wondered about the plans for the building in the future and would like assurances that they will not have this happen again in a few years. Mayor Wilson said that this building will be transferred to the county from the library fund and then at some point this parcel of land will probably be available for purchase. Mayor Silvestrini said he is interested in obtaining this property to house the Art Council.

Jan Larsen said during the last shelter she said her garage and car was broken into. Earlier this year she called dispatch and was on hold for ten minutes. She explained how she was harassed at 3900 S. There are big issues here. Members of her family have been homeless but with addiction and trauma comes crime. She would like an officer to call her back. There needs to be better streetlights. Chief DeBry asked Ms. Larsen to call him personally. There is a homeless problem right now. Chief DeBry said this helps make the situation that already exists better. UPD will be taking, and tracking statistics related to the winter shelter.

A person named Brienne said their handyman is escorting people out of the building who are doing drugs. The police are exasperated, and people just go in and out of jail. She said that people are not concerned about the homeless, but they are concerned about the drug addicted homeless. She is worried about the people here during the daytime. She would like crime statistics kept on people who commit crimes and then go to the homeless shelter. Mayor Silvestrini said that he hears that people are concerned about homeless and the drug addicted that already exist in the community. Mayor Silvestrini said that there is an intersection with drugs, homelessness, and crime. Mayor Silvestrini said finally there is a state leader that can see this problem from an overhead perspective. Treatment and housing do not work alone. There is an element of society that can be helped and those that will not be helped. They are trying to measure and get data to find what works and what does not work. Breanne said she appreciates Code Compliance doing what they can.

Cal, who lives on Elgin Avenue, asked if people bused here will be checked prior to coming into the community or upon entering Millcreek. Whether people like it or not there will be problems. Mayor Silvestrini said people will be checked at the other centers and in Millcreek. Ms. Johnson said their bags will be locked up, not at their cot where they sleep. If paraphernalia is found law enforcement is called. Cal said then you created a new form of transportation to the community. There should be higher enforcement prior to getting into Millcreek. Mayor Silvestrini explained

that if someone does leave the facility that UPD is called. The shelter where people come from outline the expectations of where they are going. Mayor Silvestrini said that the people coming here are coming here to sleep. It is not hard to get to Millcreek if they chose that under normal circumstances. Mr. Niederhauser said that he spent nights in shelters last year. People come in, they come in to sleep and, in the morning, they get up and are transported elsewhere. Individuals have a community, and they will go back to the community they were in. They just want a warm place.

A person named Pat said one problem is that the new Granite Library is close by. People will sneak out and go to the library. That is why people do not go to the library downtown. She said people will sneak out of the shelter and go hang out in the new library on 3300 S. She would have liked to vote on this.

Pegasus Collonge, 777 E Jepsen, thanked all his neighbors and for using the empty library to save lives.

A resident named Mark lives in Millcreek but not near the temporary shelter. He said, if you build it, they will come. These people have been called clients, and campers but these people commit crime, they have addiction. This does not have to be a Millcreek problem. It sounds like other mayors voted and people were cut out. He asked, “do we want Millcreek to be excellent or go along with everything else going on.” He said that Millcreek does not invite the problems that homeless bring. Make decisions that make Millcreek excellent. Mark said he would like to keep Millcreek homeless free.

Alicia Dittmor, 2267 Gregson Avenue, related that homeless people are vulnerable and she has deep empathy and compassion, but this is across the street from a school. She hopes that the city will find a different place for the shelter. Mayor Silvestrini said that the former Roosevelt Elementary is not an elementary school at this point. It is a special secondary school operated by Granite School District. The school is also closed when people arrive and does not open until after the people at the shelter leave.

Jennifer Jessop said she lived close to the last shelter, and explained she did not feel unsafe, saw lots of police cars, and felt good. She asked that the building can be something worthwhile afterwards.

Jackie Smith, 836 E. 3300 S., explained she worked in mental health and has compassion, but a woman came into their store, smashed a statue, and a customer was terrified. She called the police, and they never came. Chief DeBry said that is untrue and UPD arrested the perpetrator. She would like to have her customers reassured.

Paul spoke again asking if people are running for state office. Paul said that housing prices are up 60% and asked who benefits from this. Paul wanted to know if the state can charge banks money to help with budgets.

John Boswell, 1450 Highland Cove Lane, said his car has been broken into twice. Boswell asked how people will be vetted on the sex offender registry. Mayor Silvestrini said that people will be screened at other centers before they get on the bus. Boswell asked how the providers were selected to provide services at the shelter. Mayor Silvestrini said they are not selected at random,

but he is not sure how the state selects the provider. He is pleased with the job Switchpoint did last time. Mr. Niederhauser said that only Switchpoint applied.

A resident named Erin said she lives near Scott Avenue Park. She explained that she wanted to provide another perspective as a social worker at a homeless shelter downtown. There was not another overflow shelter until January last winter. Her patients had nowhere to go. She had to tell people that they had to sleep outside. This was devastating. She felt so much relief that the burden will be helped. Patients had frostbite and injuries from spending one night outside. This is unbearable. They had to memorialize 117 people in 2021 that died while homeless.

A resident name Robbins owns property across the street and is concerned that homeless people come on his property now and if surveillance increased, he would like more help on his property across the street. Homelessness is already here. Mayor Silvestrini said he would like to connect this resident with Chief DeBry to help.

Marcus Stevenson, Midvale Mayor, gave his perspective on their full-time shelter. Shelter systems are not perfect. Midvale has a 300-bed shelter in a community of 36,000. They need other communities to step up. Having a shelter comes with challenges but he trusts this will go well in Millcreek.

A resident named Rick exclaimed that he was won over tonight and the more he hears the more impressed he is. The key word, this is a temporary shelter during non-business hours. He said he is more supportive to make the best in a bad situation.

A resident named Kelly said she lives near Cactus and Tropical. She explained her car has been broken into. There is a problem in her neighborhood. She is here to speak in support of this temporary shelter. She works as a social worker who gets calls from newly homeless people who have nowhere to go because the shelters are full. Thank you for doing this. Call your legislators and tell them that they need to support low-income housing.

A resident named Susie, Highland and 3300 S., explained she has been following the conversation on homelessness since 2008 and is proud of Mayor Silvestrini for stepping up. She wonders about this location if there is a way for people to donate items like clothing and bedding to help. Mayor Silvestrini said that Switchpoint was not going to operate the shelter but when they found out it was in Millcreek, they said they would operate. Christine Johnson from Switchpoint said she will give her number and email out to help with clothing donations.

An unnamed gentleman asked how long the no camping policy would be in place. Mayor Silvestrini said Millcreek has a no camping ordinance in public spaces and of course on private property because that is trespassing. Please call UPD, always report camping. At one point this gentleman said he heard about putting small houses in for the homeless and wanted to know what happened to that idea in Salt Lake County. Mayor Silvestrini said that the Other Side Academy has a tiny home project in Salt Lake City, this is still ongoing. City, county, and state leaders are working on this. Mr. Niederhauser said the prior week the state homelessness council approved \$55 million in grants for affordable housing and \$4 million is going to funding tiny home projects. The answer to homelessness in Utah is housing and services. They are working hard to incentivize deeply affordable housing because this will not happen without help. Please reach out to your legislators and elected officials.

Mayor Silvestrini said he is putting the police force and staff on these issues and will make this temporary shelter as good as he can.

The meeting ended at 7:33 p.m.

ADJOURNED:

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

Attest: _____
Elyse Sullivan, City Recorder

DRAFT



**Minutes of the
Millcreek City Council
October 24, 2022
5:30 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on October 24, 2022, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (electronic)

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
Mike Winder, City Manager
John Miller, Public Works Director (electronic)
Kurt Hansen, Facilities Director
Rita Lund, Communications Director (electronic)
Kayla Mayers, Promise Program Manager
(electronic)

Attendees: Christopher Robinson (electronic), Laura Renshaw, Lawrence Horman, Vikram Ravi, Lindsey Nielsen, Blake Perez, Chief Steve DeBry

WORK MEETING – 5:30 p.m.

TIME COMMENCED – 5:30 p.m.

Mayor Silvestrini called the meeting to order and noted Council Member Uipi would participate electronically.

1. Central Wasatch Commission Presentation; Chris Robinson, Chair of CWC and Summit County Council, Lindsey Nielsen, Executive Director- Policy, and Blake Perez, Executive Director- Administration

Lindsey Nielsen said the Central Wasatch Commission (CWC) is a local governmental entity made up of other governments that works on the state and federal level on issues relating to transportation and transit in the tri-canyon (Little Cottonwood, Big Cottonwood, Millcreek) and Parley's area. The CWC works on small projects and runs a small grants annual program. The CWC has a 35 member stakeholder citizens advisory council which allows interest groups to have a say in what the CWC does as it relates to the central Wasatch Mountains. The member jurisdictions include Sandy, Summit County, Park City, Salt Lake City, Millcreek, Town of Alta, Brighton, and Cottonwood Heights, and the ex-officio members of Metropolitan Water District of Salt Lake and Sandy, Uinta-Wasatch-Cache National Forest, and UTA. The member

jurisdiction benefits include consensus approach to land and watershed protection and decision making, consensus-based transportation approach, short-term improvements in the mountains, the visitor-use study, the environmental dashboard, and regional stakeholder involvement. She highlighted the broad base of the stakeholders council, which included ski resorts, conservation interests, recreation interests, cultural and educational interests, community council and homeowner associations, private citizens, and transit and transportation interests. The CWC grew out of the Mountain Accord. The Mountain Accord has four main focus areas, economy, transportation, environment, and recreation.

Blake Perez said the board and stakeholders council had committees, and the stakeholder council had a Millcreek Canyon committee. One of the CWC's main focuses was the regional Mountain Transportation System which is high level planning in the tri-canyon areas with 7 core values or pillar statements. CWC is involved in the Millcreek Federal Lands Access Program (FLAP), Big Cottonwood Canyon Mobility Action Plan, Little Cottonwood Canyon Environmental Impact Statement (EIS), and short-term improvements. The Visitor Use Study's purpose is to explore how outdoor recreation use and its associated impacts can be quantified and monitored over time within the canyons. The goal is to establish a set of indicators that are collaboratively generated and grounded in the best-available science and reflect the unique needs and concerns of the diverse stakeholders and interest groups who use, manage, and depend on the canyons.

Nielson recommended the council review the Environmental Dashboard which is a tool for the public, land managers, policy makers, and technical users to learn about the historic and current environmental conditions of the Central Wasatch. The dashboard contains five environmental elements: air quality and climate, geology and soil, vegetation communities, water, and wildlife, and existing data for each element has been gathered and presented for public access. Mayor Silvestrini said the dashboard can serve for mountainous research and as a public service. Nielsen noted the target audience was wide. The 2022 short-term projects grant program included: support for a tri-canyon trail deferred maintenance and invasive weed control project, support of a cottonwood canyon backcountry ski shuttle program, the construction of beaver dam analogs at Willow Heights Pond, the Bonneville Shoreline Trail reroute from Big Cottonwood Canyon to Ferguson Canyon, support of the Bonanza Flat Trailhead transit program, support for the Friends of Alta Educational Junior Ranger Activity Program, support for the Save Our Canyons Wasatch Wilderness Stewardship and Education project, and support of Jacob's Ladder Trail reroute maintenance work. The Central Wasatch National Conservation and Recreation Area Act (CWNCRA) was the cornerstone project for the CWC. The CWNCRA was a federal lands bill that would create new wilderness, allow for the connection of the Bonneville Shoreline Trail, and place permanent protections on land and water in the tri-canyon area.

Christopher Robinson thanked Millcreek for letting the CWC use the council chambers for their meetings. He thanked the mayor for his work on the executive committee of the CWC and Millcreek's ongoing financial support. Council Member Catten asked if the CWC had an official stance on the gondola in Little Cottonwood Canyon. Nielsen said no, the most recent release of any transportation related statement was in the Mountain Transportation System document. Mayor Silvestrini said the CWC members did not have a consensus on a recommendation solution, though they had studied the options. The CWC did provide an opinion to UDOT during the EIS. He said the decision on a solution was not a popularity contest, so opinions did not matter.

2. Wasatch Boulevard Master Plan Phase II Corridor Study Update; Tim Baird, Fehr & Peers

John Miller said this was a partnership project. Tim Baird noted this project included Holladay, Millcreek, and the Wasatch Front Regional Council. The study of Wasatch Blvd. was on reinvestment opportunities from 6200 S. to 3300 S. Study goals included improving and expanding safe and sustainable access to recreation and job centers via transit, shuttles, and carpooling, preserving and improving walking and bicycling connections that are safe and comfortable for people of all ages and abilities, enhancing pedestrian access with an emphasis on current and planned development nodes, investing in opportunities to improve safety and traffic flow at key destinations along the corridor, supporting design measures that can encourage safer driving, and preserving access to nature and recreation, neighborhoods, and businesses while accommodating a range of users.

The study consultants looked at existing conditions, crash data, typical traffic conditions, levels of traffic stress, transit stops, routes, and STRAVA ridership activity. Mayor Silvestrini asked if the accident data was from Unified Police Department (UPD). Baird said the data set was from the state. They also looked at future conditions, such as regional transportation projects, roadway projects, and Mid-Valley Active Transportation Plan projects. They held neighborhood stakeholder meetings and had community outreach. Some comments received were on increased safety, decreased speeds, traffic congestion pain points, more comfortable spaces for walking and biking, and to not widen Wasatch Blvd. The consultants hosted a public open house in March 2022 at Holladay City Hall and received over 100 comments.

Baird showed the council a concept design map and described highlighted possible improvements such as planting more street trees, installing a rectangular rapid flashing beacon (RFB) to a shared use path and maintaining the existing bike lane, and realigning striping. He showed and described a proposed shared-use path cross section between 3680 S. to 4500 S. and a buffered bike lane cross section between 4500 S. and 6200 S. Mayor Silvestrini asked why the cross section was not consistent the whole length of the street. Baird noted there were grade constraints to the south of 4500 S. that did not ultimately serve immediate neighborhoods. He said when the study was complete, they would apply for funding, continue coordination with Cottonwood Heights on Gravel Heights development, and continue coordination with UDOT and UTA.

Mayor Silvestrini said the governor had a priority for trail and bike lane construction. He asked if the consultants had talked to the Federal Highway Administration (FHWA) being amenable to a trail on the interstate. Baird said they had not coordinated with FHWA but had talked with UDOT. Mayor Silvestrini asked about the Mid-Valley Active Transportation Plan. Miller said the plan went to the Millcreek community councils and would soon go to the Planning Commission and City Council as an amendment to the General Plan.

3. Digital Mobility Plan Discussion; Kayla Mayers, Promise Program Manager

Kayla Mayers said the Digital Mobility Report was a project through a grant with the Wasatch Front Regional Council written by Vikram Ravi and VODA Consultants. Part of the process was to gather stakeholders to discuss digital access and barriers to digital access in Millcreek and South Salt Lake. The vision statement they created was, "Millcreek and South Salt Lake community members, especially those a part of historically marginalized communities are equitably empowered by technology's opportunities to live, learn, work, and prosper." The key

barriers identified were affordability, availability, trust, and relevance. She presented data on internet access in the two communities and noted that most people accessed the internet through cellular data and not an internet subscription. The affected communities were aging adults, immigrants and refugees, K-12 youth and families, small businesses, unhoused individuals, and incarcerated individuals. The goals were to ensure connectivity, devices and technical support, digital skills training, and capacity. The key strategies from the study included innovative ideas or increasing internet options in apartments, public Wi-Fi in community-identified locations and areas, device donation and refurbishment programs, incorporation of technical support into existing programming, culturally relevant outreach and digital skills training for targeted communities, integration of digital equity work into existing programs, collective impact, and sustainable and ongoing funding for digital equity work. The study identified potential partners, including: Granite School District, United Way of Salt Lake, apartment management companies, Salt Lake County, internet service providers, Spy Hop, TechCharities, Utah Recycling Alliance, Clever Octopus, Salt Lake Community College, homeless shelters and providers, food/resource pantries, Circle Salt Lake, banks, Utah Broadband Center, and Utah Communities Connect. The next steps would be community outreach, the city considering an ordinance or resolution, considering funding options, creating partnerships to meet the needs of the community, creating programs within the Promise Program, and continued reports to the city council on metrics and progress. The plan was currently in draft form. They had already done outreach to residents through various events during the year. Mayers showed the council a digital asset map that showed places in Millcreek and South Salt Lake where different assets were available.

Mayor Silvestrini asked about the maps regarding availability for internet providers. He wondered if there was access for more than one provider in apartment complexes. Vikram said providers were signing exclusivity and bulk agreements with landlords which prohibit residents to move to another provider or utilize the affordability connectivity program which provides \$30 off of their bill per month. There will be residents that cannot access the benefits because residents are bulk billed for services. More creative options were needed, such as the city promoting and providing hot spot programs. Council Member Catten asked about other cities that have been creative in getting around the problem. Vikram said New York tried to institute a statewide low cost option that was being challenged in the courts. Until the federal government stepped in, the best routes involved local programs that incentivized landlords into not signing exclusivity or bulk agreements. Once agreements were in place, other options were hard to utilize. He said other cities had not provided other opportunities yet.

Council Member Jackson acknowledged the largest barrier was economics but asked what else there was. Vikram said affordability was the biggest barrier. Utah had one of the lowest internet enrollment rates in the country. Trust was a big issue with immigrants and refugees. Council Member Catten described the elderly having issues with technology and wondered if there were partnerships with tech specialists to assist them with services. Mayers said there had been success with going to the senior centers. Vikram said aging adults were often homebound and technical help often did not come unless they trusted the help.

Vikram noted there was value in passing a resolution or ordinance. The cities with the most successful digital inclusion programs utilized franchise and license fees as a source of ongoing revenue. Digital equity was an issue that did not have an ongoing source of revenue. He encouraged the council to consider investing in equity needs.

Mayor Silvestrini reported to Mayers that he attended the Millcreek Elementary breakfast event, and it went well for the supporters of the school.

4. Staff Reports

Mike Winder reported that Crown Burger declined the city's opportunity to move across Highland Drive to a new location. There would be a request for proposals for the remainder of the church property on Highland Drive not being used for the Dominion Energy facility. He reported that Millcreek had a rental agreement for rentals of the Adventure Hub that was stringent on insurance requirements. Other cities did not require insurance if the group was smaller than 500 participants and did not involve the public or alcohol. He wanted to amend the city's rental agreement. Council Member Jackson asked about Millcreek Common's capacity. Winder said the capacity was 500. Mayor Silvestrini said there were some events where some type of indemnification made sense. Winder said the triggering event for insurance could be if there would be more than 500 participants, if it was open to the public, or if alcohol was involved. The council seemed to agree.

Winder reported that there was a recent all staff meeting wherein there was Suicide QPR training and Winder had recognized the five year work anniversaries for Laurie Johnson, Francis Lilly, and Elyse Sullivan. The first two to celebrate the mark were Rita Lund in July and Kurt Hansen in September 2022.

5. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There were none.

Council Member Jackson moved to adjourn the work meeting at 6:45 p.m. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:01 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

Lawrence Horman presented a packet to the council titled, "Deseret Defiant Initiative." He had been providing the packet to all the cities in the county. The proposal was for a sanctioned homeless camp. As a member of the homeless community, he said the homeless were aware of their problems and had ideas for solutions. He thanked Millcreek for contributing the necessary facility for the temporary overflow shelter. Two cities were hosting most of the homeless population for the valley and state. He noted the homeless had skill sets and they all had something to contribute. He said a housing first approach

with continued resources was the best way to help the people. Homelessness was a multi-tiered problem. Homeless people were human beings. There was a serious problem with “hobo-phobia.” The homeless needed a place where they could be and put their things. A tent was a home if they felt secure there. He encouraged the city, county, and state to be the leader in homeless solutions. He asked for dignity and respect for himself and others.

Mayor Silvestrini said he had been working at the legislature on homeless issues and felt that a sanctioned campground was a good place to start, coupled with permanent housing and treatment. He committed to continue and try to work on the problem. Horman acknowledged that campgrounds and resource centers were not the only solution. Other options to be considered were hotel conversions, tiny home villages, alternative housing solutions such as campers in yards. This could be achieved by reinterpreting existing law. His situation had given him the opportunity to advocate for the homeless since most of them were struggling to survive.

1.3 Unified Police Department Millcreek Precinct Officer of the Month for September 2022

Chief Steve DeBry noted the Officer of the Month for September 2022, Officer Athena Walser, was currently on a call. Officer Athena Walser responded to a call for service regarding an overdose. Once the medical needs were addressed, Officer Walser stay on the scene and spoke with the family about drug addiction and provided them with resources. Officer Walser went above and beyond the call for service.

Mayor Silvestrini said he went to the Calvin Smith Library for a staff training with the temporary overflow shelter and he was impressed by how the police officers were making positive contributions to the discussion and training. They were supportive of the process, and he appreciated it.

2. Business Matters

2.1 Discussion and Consideration of Resolution 22-32, Adopting the Updated Millcreek Records Management Plan

Elyse Sullivan presented the Council with updates to the Millcreek Records Management Plan since it was adopted in November 2021, which included: the new city logo, updated records indexes, updated Millcreek retention schedule, two new definitions, updated electronic communications management policy, updated forms, and a new paragraph in the Emergencies section on data recall from the cloud. These updates were necessitated based on events that had occurred since the original plan was adopted.

Council Member Jackson moved to adopt Resolution 22-32, Adopting the Updated Millcreek Records Management Plan. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3. Reports

3.1 Mayor’s Report

Mayor Silvestrini reported that he met with members of the Granite School Board and Millcreek Elementary PTA to discuss the possible closure of the school. The board was

provided with a 300 signature petition to keep the school open. He had met with various people representing homeless service providers to discuss the mitigation fund for the overflow shelter. The funds would be provided through a reimbursement program. The city would pay for additional police officers, shelter operation expenses, and a 50/50 security camera program up to a certain amount for interested nearby residences. The city would contract with a clean-up agency for litter outside of the facility, as needed.

The mayor had been chairing a committee to discuss the relationship between UPD and Salt Lake County to educate non-UPD police chiefs and mayors on UPD. There was an agreement that most services should be provided on a county-wide basis. There was a movement for the southwest cities in the county to make reforms. He met with neighbors on the northern boundary of Skyline High School who had concerns with construction of the school. There was a communication problem with the contractor, so that person was replaced. He also met with neighbors concerned about parking near Skyline High School. The students were given education on parking and enforcement. The city was concerned about putting “no parking” signs in the neighborhood, but it would be considered if the problem persisted.

3.2 City Council Member Reports

Council Member Catten reported the Jordan River Friends were having a celebration and recognition event on November 10th. Council Member Jackson said there was also a Land Use Institute event that night. Council Member DeSirant said the Wasatch Front Waste and Recycling District (WFWRD) Board was considering a price increase. Winder said Pam Roberts, WFWRD, would give an update to the Council in November. Council Member Uipi said the Baldwin Radio Factory was recognized at the Conservation Utah Community Stewardship Awards Gala for its adaptive reuse.

3.3 City Treasurer’s Report

There was no report.

3.4 Staff Reports

Francis Lilly said there would be regular meetings with the temporary overflow shelter provider. There would be 100 clients staying at the shelter. The official start date would be November 1. The transportation would be provided by the Weigand Center. Fencing and new security cameras would be installed. The operation hours would be from 7pm to 7am. Council Member Catten asked if the facility would be at capacity on November 1st. Lilly said not initially, but it would get there. Rita Lund said there was a list of items for donations that would be accepted at Millcreek City Hall for the shelter. Lilly said there was funding for potential contingency. The police would do daily patrols during loading and unloading of clients every day. Mayor Silvestrini said the main purpose of that was to deter drug activity.

Lilly’s said the city was in the process of testing that the digital district sign complies with city code. The screen would display a white screen as part of the testing. The lighting engineer indicated that the nearby Home Depot sign was brighter than the digital sign.

Council Member DeSirant noted the community council elections ended on November 8th.

3.5 Unified Fire Authority Report

There was no report.

3.6 Unified Police Department Report

Chief DeBry said Millcreek Lions Club was donating turkeys for UPD to distribute to needy people. He reported the crime statistics for September 2022. There were 2,765 calls for service, 964 totals cases, 437 citations, and 55 booking arrests. There were 48 assaults, 14 burglaries, 25 drug offenses, 66 family offenses, 106 larcenies, 1 robbery, 6 sex offenses, and 17 stolen vehicles. Millcreek C.O.P. detectives joined Evergreen Jr. High School's Resource Officer, Detective Muniz, for Rosecrest Elementary's walk to school day. Officers and PTA greeted students as they arrived at school. Multiple cases of graffiti were found in various locations in Canyon Rim. C.O.P. detectives worked with Wasatch Jr. High School's Resource Officer, Detective Plouzek, to identify suspects. Charges were screened on multiple juvenile suspects. Millcreek C.O.P. detectives joined with Salt Lake County Public Works to clean up two ongoing illegal encampment issues. Public Works, utilizing inmates from the Salt Lake County Jail, cleaned up large quantities of trash from abandoned campsites at 4353 S. 900 E. and 4281 S. 300 E. In the month of September, officers responded to 23 calls related to transients in Millcreek. When officers contact homeless individuals, the services and programs available to help them were explained. In the month of September, Millcreek officers responded to 63 mental health calls and to 105 traffic accidents, 22 of which were hit and runs. The Chief asked the community to not leave their cars running because it was opportunity for theft and to not park on the roads while it was snowing.

4. Consent Agenda

4.1 Approval of October 10, 2022 Work Meeting and Regular Meeting Minutes

Council Member DeSirant moved to approve the minutes. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

5. New Items for Subsequent Consideration

There were none.

6. Calendar of Upcoming Events

- Planning Commission Mtg. 10/26/22, 5:00 p.m.
- Planning Commission & City Council Special Mtg. 10/26/22, 6:30 p.m.
- Millcreek Community Council Mtg., 11/1/22, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 11/2/22, 7:00 p.m.
- East Mill Creek Community Council Mtg., 11/3/22, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 11/7/22, 6:00 p.m.
- Millcreek Stakeholder Mtg., 11/9/22, 7:00 p.m.
- Historic Preservation Commission Mtg., 11/10/22, 6:00 p.m.

- City Council Mtg., 11/14/22, 7:00 p.m.

ADJOURNED: Council Member DeSirant moved to adjourn the meeting at 7:51 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

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

Attest: _____
Elyse Sullivan, City Recorder



**Minutes of the
Millcreek City Council & Planning Commission
October 26, 2022
6:30 p.m.
Special Meeting**

The City Council and Planning Commission of Millcreek, Utah, met in a special public meeting on October 26, 2022, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2 (excused)
Cheri Jackson, District 3
Bev Uipi, District 4 (excused)

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
John Brems, City Attorney (electronic)
Kurt Hansen, Facilities Director
Josie Showalter, Grants Administrator (electronic)
Robert May, Long Range Planner

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair
Aryel Cianflone (absent)
Scott Claerhout (electronic)
David Hulsberg (excused)
Christian Larsen
Nils Per Lofgren (excused)
Skye Sieber
Ian Wright

Attendees: Joe Moss, John Janson

WORK MEETING – 6:30 p.m.

TIME COMMENCED – 6:44 p.m.

Mayor Silvestrini called the meeting to order.

1. Zoning and Subdivision Code Update Project Overview; Logan Simpson

Joe Moss, Logan Simpson, updated the council and commission on the progress of the land use code update. The guiding principles for the code update were legibility, quality development, and administration. The process was to listen to the community, review and assess existing code, and draft code. The project was in Phase 2 of 3. On July 29, 2022, stakeholders went on a 3-hour tour of Millcreek and visited 16 sites including mixed-use, attached single family, multi-family,

Millcreek Common, and commercial properties. Four topics of interest included site layout standards (setbacks, parking loading, open space, landscaping and amenities), architectural standards (height limits, bulk and scale, articulation and visual interest, and materiality), and urban design standards (building entrance locations, relationship to the street, and location of active uses). The consultants have used a project page on the city website, articles in the city newsletter, a Phase 1 online questionnaire, two steering committee meetings, and one-on-one interviews with various people as far as public engagement. On the questionnaire, there were 339 total responses, 5 open questions on aspects of the code, options for contact preferences, and options for the respondent's demographics. Moss said people shared that they loved community spaces, improved streetscapes, Millcreek Common, and landscaping opportunities. There was concern with massing and high-density, parking, height of buildings, turf and water-wise landscaping, preserving single family neighborhoods, wanting more mixed-use development, and adding bike and pedestrian safety. Most respondents were ages 50-70 and homeowners. The preliminary findings were in zoning, development standards, and process.

Mayor Silvestrini said the council was inclined to change the concept of density or height bonuses for owner occupation in multi-family dwellings. They wanted to encourage it as much as possible. He said it would be good to anticipate state code changes, too. He thought the legislature would ban nonfunctional turf for commercial and institutional uses. He anticipated converting more processes to be administrative-heavy, such as standardizations for subdivision approvals. There had been state level discussion on the ability to meet the housing demand being served by land use applications coming before public bodies more than once. The more it happens, the more public clamor is generated, and it costs developers more money. He would like the code to accommodate that kind of change.

Chair LaMar asked about "water-wise" standards providing meaningful reduction. Moss said there were state rebate programs available, and the consultants wanted Millcreek residents to be able to automatically be eligible for them. They were trying to incorporate best practices as much as possible so people had the option, and that the requirement would be held in good regard. He said the term "water-wise" was generic and not currently defined in codes. Mayor Silvestrini would like to see more "meat on the bones" in the code and encourage incentives to encourage the practice. Moss was looking at providing options so property owners could pick what worked for them. They would strike a balance between being responsible and not wasting water but not overregulating landscaping.

John Janson said the first four code chapters for revision were on processes. He tried to highlight big issues with every draft of the code. Council Member Catten added that recent large developments were going in along creeks and the city was not requiring them to do anything with protecting the creek. The city should help preserve waterways. Janson noted Mill Creek ran through the whole city. Lilly said many concerns of the Seven Canyons Trust was incorporated into the latest development agreement for a project near a waterway. There was opportunity to incorporate best practices into the landscaping ordinance. Council Member Catten noted the Jordan River Commission was working to create best practice recommendations for cities to use. Janson acknowledged there was not an overall sensitive lands philosophy. Mayor Silvestrini said there was a general welfare consideration for vegetation to prevent flooding. Council Member Catten said there was a new development in Bluffdale along the river and the city required it to manage the phragmites around the river. Janson pointed out the council had a lot of power with development agreements.

Janson said the code assessment themes included health and environment, unique neighborhoods, vibrant gathering places, and thriving economy. This would include combining subdivisions and zoning into a single code, moving engineering standards to Title 14, updating language for consistency and compliance, including more graphics, tables, and pictures, moving definitions to a single section, and building a procedures section with a table to show processes and general/specific review procedures. Title 18 would include restructuring and simplifying, allowing minor subdivision to be administratively approved, and incorporating the flag lot policy. He suggested three or fewer lot subdivisions could be handled by staff. Chair LaMar noted subdivisions that were apartments being converted into condos could be done administratively. Title 19 would include: restructuring and simplifying; eliminating unused or unneeded districts and combining similar districts; reviewing permitted uses versus conditional use current classifications; establishing clear criteria for conditional uses, which could be administratively approved; reviewing prohibited uses where categories of use (like “retail”) are permitted; updating as needed and establishing citywide standards; considering combining similar overlays; updating to avoid advisory (“should”) language; considering making planned unit developments (PUDs) an overlay district; creating a new subheading for all citywide development standards such as parking, signage, and lighting; and updating parking and landscaping requirements to be in line with city goals and new state laws.

Mayor Silvestrini said the public frequently did not have an understanding on the conditional use process and the things they could rightfully shape. Janson noted that could be explained in the notices then went out to the public. Mayor Silvestrini would like the Foothills and Canyons Overlay Zone (FCOZ) map revisited. Janson said it may be addressed in a sensitive lands ordinance.

Janson said the steering committee would review code drafts on November 21st. He was considering having an open house before the community council meetings. Mayor Silvestrini suggested having an open house on Millcreek Common to review the code and ice skate. Moss said additional surveys would be targeted, but they were looking to get actual code drafts out and educate the public on them. He wanted the public comfortable with the code. He anticipated getting the module 1 drafts in front of the steering committee, elements of those would go forward as code text amendments on their own, then there would be one larger code update.

Mayor Silvestrini reminded the council and commission of a co-creator event on November 9th for various community players to have discussions on policy. Robert May said staff was putting together a request for qualifications and a steering committee for drafting the station area plan with Murray. He asked for a planning commission volunteer to join the committee. The first committee meeting would be November 17th. Mayor Silvestrini would like to see some outreach to people who live in west Millcreek as the ones who use transit.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 7:39 p.m. Commissioner Reid seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Sieber voted yes, and Commissioner Wright voted yes.

The motion passed unanimously.

APPROVED: _____ Date
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder

DRAFT



**Minutes of the
Millcreek City Council
November 9, 2022
11:00 a.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a special public meeting on November 9, 2022, at the Millcreek Common Adventure Hub, 1354 E. Chambers Avenue, Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1 (left at 11:37am)
Thom DeSirant, District 2 (excused)
Cheri Jackson, District 3
Bev Uipi, District 4 (excused)

City Staff

Mike Winder, City Manager
Elyse Sullivan, City Recorder
Francis Lilly, Assistant City Manager
Kayla Mayers, Promise Program Manager
Aimee McConkie, City Events Director
Rita Lund, Communications Director
Andrew Clark, Emergency Manager

Attendees: Jeremy Peterson, Michael Bourne, Craig Tingey, Brigitte Weier, Jeremiah Clark, John Kesler, Jeff Miner, Christine Balderas

SPECIAL MEETING – 11:00 a.m.

TIME COMMENCED – 11:19 a.m.

Mike Winder called the meeting to order. He said the city worked with the community through various capacities, including faith-based organizations. Winder introduced Mayor Jeff Silvestrini to the group.

Michael Bourne offered a prayer.

Mayor Silvestrini noted it had been almost six years since the city incorporated. He acknowledged the Millcreek Promise Program. The program made promises to the community on education, health, and safety. The city was playing a role in housing homeless individuals with the temporary overflow shelter on 3300 S. and looking for ways to help prevent homelessness. He mentioned that the Promise Program worked with Millcreek Elementary, and programming would continue should that school close. The city partnered with the county on a grant for an after school program there. The Holladay Hills Apartments had troubles with gangs and the city had worked with the area ward in the Church of Jesus Christ of Latter Day Saints to assist. The city helped start an after school program for the kids there. He acknowledged the food pantries at Millcreek Elementary and Moss Elementary. The city was trying to build community and bridge divides with social programs.

The mayor said the state had been the fastest growing state in the country for the last 10 years; eighty percent of the population of Utah lived along the Wasatch Front. He appreciated that because it enriched the community with new members, but with that growth, came challenges with housing. The city was trying to shape housing developments that best served the community. The extra housing was necessary to house the growing population. He hoped to maintain communities where residents' posterity could live. The city was trying to accommodate the growth where feasible, particularly near transit, and preserve the great neighborhoods. The state was looking to improve transit options. The mayor highlighted the new Millcreek Common, which was sitting on fault line. He gave a brief overview of the plaza and new city hall which was currently under construction. In closing, the mayor wished to work with the religious leaders in the future.

Council Member Catten left at 11:37 a.m.

The City Council meeting within the Interfaith Summit ended at 11:37 a.m. due to the loss of a quorum.

1. Introduction of Faith Leaders and Millcreek Staff

2. Presentations on Millcreek's Emergency Management, Community Life, and Promise Program Functions

3. Discussion with Faith Leaders on Connecting with Millcreek

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

Attest: _____
Elyse Sullivan, City Recorder