

1. City Council Meeting

Millcreek City Council & Community Reinvestment Agency Meeting Agenda

PUBLIC NOTICE is hereby given that the City Council of Millcreek will assemble in a regular public meeting on Monday, 26 October 2020 at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at 7:00 p.m. The Community Reinvestment Agency of Millcreek will also assemble in a regular public meeting and will commence when the City Council has recessed or concluded the Council meeting. Please see additional note below.*

7:00 p.m. - REGULAR MEETING:

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

1.2 Unified Police Department Millcreek Precinct Officer of the Month for September 2020

1.3 Public Comment

Audience members may bring any item to the Council's attention. Comments are subject to the Public Comment and Policy set forth below. Public comment can be submitted via the City's website at: <https://millcreek.us/FormCenter/Contact-Us-5/Public-Comments-61>. State Law prohibits the Council from acting on items that do not appear on the agenda.

2. Business Matters

2.1 Discussion and Consideration of Resolution 20-45, Approving Amendment 1 to an Agreement with Salt Lake County for CARES Act Funding

2.2 Discussion and Consideration of Ordinance 20-52, Adopting Millcreek's 2021 Regular Meetings Schedule

3. Reports

3.1 Mayor's Report

3.2 City Council Member Reports

3.3 Staff Reports

3.4 Unified Police Department Report

3.5 Unified Fire Authority Report

4. Consent Agenda

4.1 Approval of October 12, 2020 Work Meeting and Regular Meeting Minutes

4.2 Approval of October 13, 2020 Special Meeting Minutes

5. New Items for Subsequent Consideration

6. Calendar of Upcoming Events

- Mt. Olympus Community Council Mtg., 11/3/20, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 11/3/20, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 11/4/20, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 11/5/20, 6:30 p.m. TBD
- City Council Mtg., 11/9/20, 5:00 p.m. at City Hall

7. Closed Session (If Needed)

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

8. Adjournment

Community Reinvestment Agency Convening

1. Annual Presentation; Lewis Young Robertson & Burningham, Inc.
2. Approval of July 27, 2020 Regular Meeting Minutes

3. Adjourn

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

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

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

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

DATE: October 21, 2020

CITY RECORDER: Elyse Sullivan

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

*The meeting will be conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website at:
<https://millcreek.us/373/Meeting-Live-Stream>.

Documents:

[CC AND CRA 10-26-20 AGENDA.PDF](#)
[ITEM 2.1 _ RESOLUTION 20-45 CARES AGREEMENT 1.PDF](#)
[ITEM 2.2 _ ORDINANCE 20-52 MEETING SCHEDULE 2021.PDF](#)
[ITEM 4.1 _ CC 10-12-20 DRAFT MINUTES.PDF](#)
[ITEM 4.2 _ CC 10-13-20 DRAFT MINUTES.PDF](#)

2. CRA Meeting Packet

Documents:

[CRA ITEM 2 _ CRA 7-27-20 DRAFT MINUTES.PDF](#)



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- 2.1 Discussion and Consideration of **Resolution 20-45**, Approving Amendment 1 to an Agreement with Salt Lake County for CARES Act Funding
- 2.2 Discussion and Consideration of **Ordinance 20-52**, Adopting Millcreek's 2021 Regular Meetings Schedule

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- 3.2 City Council Member Reports
- 3.3 Staff Reports
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DATE: October 21, 2020

CITY RECORDER: Elyse Sullivan

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MILLCREEK, UTAH
RESOLUTION NO. 20-45

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AMENDMENT 1 TO
AN AGREEMENT WITH SALT LAKE COUNTY FOR CARES ACT FUNDING**

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on October 26, 2020, to consider, among other things, approving amendment 1 to an agreement with Salt Lake County for CARES Act funding; and

WHEREAS, Salt Lake County (“*County*”) received Coronavirus Relief Fund from the Federal government; and

WHEREAS, on July 27, 2020 the City entered into that certain agreement as an indirect recipient of the Coronavirus Relief Fund in the amount of \$1,810,016.83.

WHEREAS, the County proposes to allocate to Millcreek as an indirect recipient of the Coronavirus Relief Fund an additional amount of \$1,810,016.83 pursuant to the term and conditions of amendment 1 to an agreement between the County and Millcreek; and

WHEREAS, the Council has determined that it is in the best interest of the inhabitants of Millcreek to enter into amendment 1 to an agreement with the County as an indirect recipient of the Coronavirus Relief Fund in the additional amount of \$1,810,016.83 for a new total of \$3,620,033.66; and

WHEREAS, an amended agreement regarding the Coronavirus Relief Fund between the County and the City has been presented to the Council for review and approval, a copy of which is attached hereto (“*Agreement*”); and

WHEREAS, the Agreement sets forth the terms and conditions for City use of the Coronavirus Relief Funds.

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. 20-45, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 26th day of October 2020.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

AMENDMENT 1 TO CARES ACT FUNDING AGREEMENT FOR GOVERNMENTAL ENTITIES

This Amendment 1 to Salt Lake County Contract No. _____ (the “Agreement”) is between Salt Lake County, (the “County”) a body corporate and politic of the State of Utah, and _____, a governmental entity within the boundaries of Salt Lake County (the “Grantee”). The County and Grantee are collectively referred to as the Parties.

RECITALS

- A. The Parties entered into the Agreement to provide CARES Act funding to the Grantee.
- B. Since the Effective Date, the United States Department of the Treasury has provided additional guidance regarding usage and reporting of CARES Act funding.
- C. The Parties have agreed to modify some terms of the Agreement and increase the total amount of Grant Funds provided to the Grantee by \$ _____.

THEREFORE, the Parties agree as follows:

I. The Grant Fund amount provided in Section 1.a of the Agreement is hereby increased by \$ _____ for a new total of \$ _____.

II. Section 3.a of the Agreement is hereby modified to read as follows:

- a. Grant Funds provided pursuant to this Agreement cannot be used as a revenue replacement for lower than expected tax or other revenue collections. Other examples of ineligible expenditures are contained in the Coronavirus Relief Fund Guidance for State, Territorial, Local and Tribal Governments (“Treasury Guidelines”), and may be further addressed in the Coronavirus Relief Fund Frequently Asked Questions (the “Treasury FAQs”) and other guidance currently available or to be issued by the Treasury.

III. Section 4 of the Agreement is hereby modified to read as follows:

4. EFFECTIVE DATE: The date this Agreement is signed by the last party to sign it (as indicated by the date stated under that party’s signature) will be deemed the effective date of this Agreement. This Agreement shall terminate December 30, 2020. In the event the CARES Act is modified, effective before December 30, 2020, to extend the deadline for expenditures, the termination date found in this Section 4 of this Agreement will be automatically extended to terminate on the revised CARES Act deadline. The County will notify the Grantee if the CARES Act expenditure deadline, and consequently the termination date of this Agreement, is so modified.

IV. Section 5 of the Agreement is hereby modified to read as follows:

5. EXPENDITURE DEADLINE: Grant Funds provided by Salt Lake County pursuant to this Agreement that are not expended on necessary expenditures on or before November 30, 2020, by Grantee or its subgrantee(s) or subcontractors, must be returned to Salt Lake County on or before 5pm, December 4, 2020. The Effective Date through November 30, 2020 is the Grant Period. Grantee may petition the County to extend the Grant Period. Such petitions must be filed in writing with the County no later than November 15, 2020, and may be approved or denied by the County, in the County’s sole discretion. In the event the CARES Act is modified, effective before December 30, 2020, to extend the CARES

Act expenditures, the Grant Period of this Agreement will be automatically extended to 30 calendar days prior to the modified CARES Act expenditure deadline. The County will notify the Grantee if the CARES Act expenditure deadline, and consequently the deadline in Section 5, is so modified.

V. Section 9 of the Agreement is hereby modified to read as follows:

9. RECORDS, REPORTING, AND TRANSPARANCY:

- a. Grantee shall keep detailed records of all expenditures or uses Grantee of the Grant Funds, including but not limited to invoices, sales receipts, and payroll records. All payroll expenditures must illustrate compliance with the CARES Act by detailed, daily documentation. Other records must be sufficient to detail how the expenditure complies with this Agreement and the CARES Act. If the Grantee relies on the Public Safety and Public Health employees for any of its expenditures, the Grantee shall track and document its expenditures using the categories of expenditures as provided in the OIG memorandum identified as Department of the Treasury Office of the Inspector General (“OIG”) in OIG-CA-20-025 (as modified by the OIG), hereby incorporated by reference into this Agreement, and in a manner that allows the County to comply with the County’s reporting requirement in OIG-CA-20-025 and as further detailed in the OIG memorandum identified as OIG-CA-20-028 (as modified by the OIG), hereby incorporated by reference into this Agreement. If the Grantee relies on the presumption for public health and public safety employees as detailed in the Treasury Guidance and Treasury FAQs, the Grantee shall maintain and make available to the County and the Treasury the documentation outlined in OIG-CA-20-028 Section H. 69-71. Grantee understands that Grantee is solely responsible for determining if an employee’s time is an eligible expense under the CARES Act and for properly supporting that determination as required by the OIG.
- b. Grantee shall, as required by the County to comply with County’s federal requirements and deadlines, submit to the County a detailed report by the 15th of each month. The report shall contain the detail required in Section 9.a of this Agreement. County will provide Grantee a link to County’s on-line reporting portal for Grantee’s use and compliance with Section 9.b of this Agreement.
- c. For a period of six years following termination of this Agreement, Grantee shall retain all documentation required under this Agreement. Such documentation shall be produced to Salt Lake County or the Treasury upon request. Any grants made by Grantee shall similarly require as a term of the grant that the subgrantee shall retain documentation and shall produce such documentation to Salt Lake County or the Treasury upon request.
- d. Upon termination of this Agreement for any reason, the Grantee will submit a final report accounting for the final month of expenditures and providing a general summary of the total expenditures under this Agreement.
- e. Grantee shall, at least monthly, on its website, Facebook page, or other currently existing internet-accessible site used by Grantee, post only the following information: the amount expended and the purpose if for a government purpose, or, if funds are provided as a grant or other assistance, a general description of the industry or group receiving the funds, the zip code where funds were expended, and the amount of funds provided to that industry or group. Grantees that lack an existing internet-accessible means to post information and that are part of the Municipal Services District may

request that the District post the required information or may otherwise conspicuously post and make the required information publicly available.

- f. Grantee will fully cooperate with the County, the Treasury, and the State of Utah in any investigations or audits into the use of Grant Funds.
- g. Grantee shall comply with all applicable federal and state laws and regulations regarding financial reporting and auditing, including but not limited to 2 CFR 200, Subpart F.

VI. The date this Amendment 1 to the Agreement is signed by the last party to sign it (as indicated by the date stated under that party's signature) will be deemed the effective date of this Amendment 1.

VII. Unless specifically modified by this Amendment 1, all other terms and conditions of the Agreement remain the same.

[This space left intentionally blank. Signature page to follow.]

The Parties hereby execute this Amendment 1 to the Agreement.

SALT LAKE COUNTY

GRANTEE: _____

By: _____

By: _____

Mayor or Designee

Date: _____

Title: _____

Date: _____

Approved as to form for the County:

Approved as to form for the Grantee:

By: _____

By: _____

MILLCREEK, UTAH
ORDINANCE NO. 20-52

**AN ORDINANCE OF THE MILLCREEK COUNCIL ADOPTING
MILLCREEK'S 2021 REGULAR MEETINGS SCHEDULE**

WHEREAS, the Millcreek Council (the "*Council*") met in regular session on October 26, 2020 to consider, among other things, adopting Millcreek's 2021 regular meeting schedule; and

WHEREAS, Utah Code Ann. § 52-4-202(2) provides that any public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule; and

WHEREAS, Utah Code Ann. § 10-3-502 provides that the council of each municipality shall, by ordinance, prescribe the time and place for holding its regular meetings which shall be held at least once each month.

NOW, THEREFORE, BE IT ORDAINED by the Council that the attached 2021 meeting schedule be adopted as the Council regular meeting schedule and the City Recorder is directed to give notice hereof as required by Utah Code Ann. § 52-4-202(2).

PASSED AND APPROVED this 26th day of October, 2020.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

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

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 20-52: AN ORDINANCE OF THE MILLCREEK COUNCIL ADOPTING
MILLCREEK'S 2021 REGULAR MEETINGS SCHEDULE
was passed and adopted the 26th day of October, 2020 and certifies that a summary was
published in the Deseret News and Salt Lake Tribune the day of October, 2020.

Elyse Sullivan, City Recorder



MILLCREEK MEETING SCHEDULE 2021

All Millcreek meetings and hearings are open to the public and held every month at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106, unless otherwise posted.

City Council

2nd & 4th Monday

Regular Meeting – 7:00 p.m.

Work Meeting – 5:00 p.m. (as needed)

Meetings conflicting with holidays will be conducted the following Tuesday

3rd Monday

Work Meeting – 5:30 p.m. (as needed)

January 11

February 8

March 8

April 12

May 10

June 14

July 12

August 9

September 13

October 11

November 8

December 13

January 25

February 22

March 22

April 26

May 24

June 28

July 26

August 23

September 27

October 25

November 22

December 27

January 19 (Tuesday)

February 16 (Tuesday)

March 15

April 19

May 17

June 21

July 19

August 16

September 20

October 18

November 15

December 20

Community Reinvestment Agency

2nd & 4th Monday (same dates as City Council)

Regular Meeting – 7:00 p.m., or as soon thereafter as the City Council meeting recesses/concludes

Planning Commission

3rd Wednesday

Regular Meeting – 5:00 p.m.

January 20

May 19

September 15

February 17

June 16

October 20

March 17

July 21

November 17

April 21

August 18

December 15

Meeting dates and times are subject to change or cancellation.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during any meeting or hearing should notify City Hall, (801) 214-2700, at least two days prior to the meeting date.



**Minutes of the
Millcreek City Council
October 12, 2020
6:30 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 12, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (arrived at 6:36 pm)

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Francis Lilly, Planning and Zoning Director
John Miller, City Engineer
Rita Lund, Communications Director
Kurt Hansen, Legislative Policy Director
Laurie Johnson, HR-Finance Director

Attendees: Lizette Dutson, Thom DeSirant, Laura Ingersoll, Justin Peterson, and Chief Steve DeBry.

WORK MEETING – 6:30 p.m.

TIME COMMENCED: 6:33 p.m.

Mayor Silvestrini called the work meeting to order.

1. Policing in Millcreek Update; Council Member Bev Uipi

Council Member Uipi was not present for this item.

Council Member Jackson moved to reorder the agenda to talk about future code regulations. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members present voted yes. The motion passed unanimously.

2. Discussion on Future Code Regulations; Kurt Hansen, Legislative Policy Director

Kurt Hansen went over his proposed code regulations and amendments. The first was on the definition of "lot coverage" to include impervious surfaces. Mayor Silvestrini asked if decks were included in lot coverage. Lilly said they were counted for setbacks but not for lot coverage. Council Member Jackson asked about artificial turf. Hansen said that would be included as an impervious surface. The next code regulation was emergency caches. Hansen said the emergency

cache had been part of development agreements, but staff would like to add the requirement to code for developments greater than 50 units. Council Member Catten asked about developers' input. Lilly said the code needed to specify the purpose of the cache because developers wanted context for the requirement. He pointed out that other cities did not have that type of requirement in code. Mayor Silvestrini said there would need to be enforceable standards. Hansen said another regulation would be to create a Historic Preservation Committee and updating the current code. He said months ago he presented another regulation which would include an impound-type fee for the pick-up of shopping carts. He felt that hiring a service to take care of the problem at \$1,500 a month would be reasonable. The service would sweep the city and pick the carts up routinely. Council Member Catten pointed out that stray shopping carts were a problem in her district. The Council wanted to explore the issue further. Hansen brought up the proposal of an annual inspection with the business license renewal for multi-family rentals. The Council wondered about the inspection being complaint-driven. Hansen said he did not want enforcement to be selective. Mayor Silvestrini wanted the City to have the authority for an annual inspection on a random basis and on a complaint-basis. Hansen said code enforcement requested that recreational vehicles be limited to no more than one in the front yard. The Council felt that was reasonable. Hansen said code enforcement would like to limit portable storage units/temporary structures to 30 days at residences. Council Member Jackson asked for the option for residents to extend. Mayor Silvestrini said the resident could apply to extend the limit if there was a good reason to. He said there should be a list of standards that would be reasonable for extension. Hansen said the last regulation would be to restrict how bright lights could be at the property line. Mayor Silvestrini felt that was an issue between neighbors, not an issue for the City to enforce.

3. Staff Reports

Mayor Silvestrini said Congress appropriated money under the CARES Act to state governments and counties with a population greater than 500,000. Millcreek entered into a local agreement with Salt Lake County and received \$1.8 million in the first distribution of funding. He said Millcreek applied for a second distribution and it was possible that there may be a third wave of funding. Millcreek had used about \$50,000 in CARES funding to augment technology for city personnel to work remotely, had provided Unified Fire Authority (UFA) with \$90,000, and had provided Unified Police Department (UPD) with \$16,000. He said funding could be used for economic stimulus. Millcreek had reimbursed \$1.3 million to Millcreek businesses for advertising expenses through a small grant program. So far, Millcreek had expended about \$1.5 million of the first round of funding and the second round must be costs incurred by December 31, 2020. He said staff had received guidance from the State of Utah about possible expenses. Staff was exploring using funding for open space improvements or the ice ribbon at the City Center. The Mayor said police and fire wages and benefits were presumed to be Covid-19 related expenses and documentation was not needed for that. He said he had been contemplating paying Millcreek's share of wages and benefits for UPD with the funds to free up contract costs and indebtedness that Millcreek already had. Council Member Uipi would like mental health unit training and funding for UPD. Council Member Jackson pointed out that the public safety expenditures should be documented even if it was not required. Council Member Catten suggested that some funding be used for the Millcreek Promise Program.

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

There was none.

Council Member Jackson moved to adjourn the work meeting at 7:17 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:21 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

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

1.2 Public Comment

There was no comment.

2. Business Matters

2.1 Presentation of 3800 S. Skyline High School Project; John Miller, City Engineer

Mayor Silvestrini said there was traffic congestion by Skyline High School in the mornings and afternoons. John Miller said in the fall of 2019, a traffic impact study was conducted for Skyline High School. The study concluded that the resolution for the congestion would be a roundabout at Virginia Way and Upland Drive. He said UDOT also did a study on the 3900 S. and I-215 interchange around the same time. They came to the same conclusion that Upland Drive failed during certain peak times of the day as a direct result of school times at Skyline High School. One of the alternatives UDOT had proposed that would improve the traffic failure was the roundabout. Miller said Millcreek applied for a grant with the Wasatch Front Regional Council for the project and was awarded \$2 million under the condition that an environmental study be conducted at the City's expense. Miller said the draft environmental document was prepared by Avenue Consultants. He showed the Council depictions of the widest possible footprint of what property would be impacted in that area. He went through the right-of-way acquisition process which would identify impacts, communicate with property owners, determine property value, and purchase property. He gave a project overview and said the proposed improvements would include a roundabout at the Virginia Way and Upland Drive intersection, a raised median at Birch Drive and Upland Drive intersection, a mid-block signalized pedestrian crossing west of Birch Drive, new sidewalks and bike routes, new roadway signage and pavement markings, and modified utilities and drainage systems where necessary. Council Member Jackson asked about any received public comments about removing the left hand turn off of Birch Drive. Miller said Avenue Consultants would address comments received during the public hearing. He said there would be no adverse effect to three historical buildings in the area and the right-of-way acquisition would affect eight properties, including six residences. Miller reviewed the project schedule which started with finishing the environmental document in December 2020, right-of-way acquisition and the final design to be approved by UDOT would take place in winter 2020-spring 2021, and construction would begin in the summer of 2021. Council Member Uipi asked how late public input would be accepted. Miller said through the winter for the design.

Mayor Silvestrini told the public they could make written comment for the hearing via the City's website on the Meeting Live Stream page. Miller pointed out that the City may do things contrary to public comment if it was in the best interest of the City. He said Avenue Consultants had directly reached out to the impacted residents.

2.2 Public Hearing on 3800 S. Skyline High School Project

Council Member Uipi moved to open the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

Lizette Dutson, 3771 S. Ash Circle, said eight people lived in her household and she had lived there for over 30 years. She said she supported the roundabout due to the traffic but felt the current design would negatively impact the value of her property. She felt there were better ways to configure the project, such as a smaller roundabout and island, and making the bike lane and sidewalk extend into the current bike lane. She felt those changes would utilize the public land better. She said she would be willing to work with the engineers on the design. Mayor Silvestrini asked if there was parking in front of her house on Upland Drive. She said people parked in the bike lane there to pick children up. Council Member Uipi asked how much of her property would be taken. She said 5.89 feet and there would be a 10-foot construction easement.

Laura Ingersoll, Avenue Consultants, said they were doing the preliminary design for the environmental document. She said she was able to speak with five of the seven impacted residences. She had met with Skyline High School representatives and they were generally in favor of the roundabout though they had concerns about students crossing and the timing of construction conflicting with the school year. Ingersoll said she met with Cheryl Phadnis at 3767 S. Birch Drive and they looked at removing on-street parking. She met with the Dupaixs at 3766 Ash Circle and they were in favor of removing on-street parking to minimize impacts to their property and were in favor of installing the sidewalks. She said the design had not been fully surveyed, in reference to Lizette Dutson's comment about property impacts, so the measurements were not exact. She had also met with Sara Winn at 3753 S. Grandeur Park Lane who expressed concern about moving the existing fence. Ingersoll said Avenue Consultants was still trying to meet with the other two impact residences.

Ingersoll read to the Council the comments she had received from the public. *Nancy Carlson-Gotts agreed with the roundabout. Deveron Wilkinson gave kudos to the those that spearheaded the roundabout and requested another one at the 4-way stop at Birch Drive and Upland Drive (3800 S.). Regina Celic requested that construction be done during the summer. Cheryl Phadnis would like to be informed about access impact to her driveway and utilities during construction. Emily Pohlsander wondered about the roundabout accounting for children walking from the east onto campus.*

Council Member Uipi moved to close the public hearing. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Financial Matters

3.1 Fiscal Year 2020-21, 1st Quarterly Report; Laurie Johnson, HR-Finance Director

Laurie Johnson said 25% of the budget year had passed and 18.95% of the General Fund revenues had been received. This amount was higher than would be expected at that time in the budget cycle and it was due to the receipt of CARES Act funds. Those funds would be recognized in an upcoming budget amendment. She said 19.83% of the General Fund budget had been expended and that was also higher than expected due to the expenditure of CARES Act funds. Johnson highlighted the revenues which included a \$150,000 reimbursement for CDBG grants funds for Sunnyvale Park, \$1.8 million for CARES Act funds, and a \$25,000 donation from REAL soccer for the Promise Program. She then briefly went through the General Fund expenditures. The Mayor and Council budget was lower than expected due to payment of the Utah League of Cities and Towns (ULCT) yearly dues. The Public Safety budget would be increased to include funding for CARES Act expenditures with the next budget amendment. The Economic Development budget would be increased to include funding to cover CARES Act expenditures with the next budget amendment. All other budgets were within the expected parameters. She said expenses had been minimal in the Capital Improvement Project Fund and Storm Water Fund. She said she would bring a budget amendment to the Council at a future meeting.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini said he would advertise for an assistant city manager position soon. He said staff was considered hiring a fulltime grant writer. He said he would hold a press conference with Senator Romney and Lt. Governor Cox that week to discuss wildland fires and forestry management and they would look at existing resources. He reported that the Millcreek Building Services Department was processing permits in a timely manner. The Building Department and Planning Department would each be hiring new permit technicians. The Economic Development Department was tracking how long it took to issue business licenses. Staff was entering into negotiations with Salt Lake County to renew the public works contract. Council Member Jackson asked about the study that was conducted for public works service options. Mayor Silvestrini said the study concluded that the County's services were a good deal.

He said the "Jupiter Jump" project was complete save some landscaping and the Central Avenue storm water project was complete. He would like to have a ribbon cutting for those projects.

4.2 City Council Member Reports

Council Member Uipi said the policing committee was meeting at the Parleys Training Center that week as three separate groups. One group would discuss mental health and training, one group would discuss budgeting, and the third group would do a simulation. She asked about conducting another town hall with the Council in response to the one held in August. Council Member Uipi said the first one was to listen, the next one would be to respond to comments. Mayor Silvestrini said he had been attending the "Love, Listen, and Lead" meetings on policing with the ULCT. He could give a report on what the Legislature was considering at the next town hall. Council Member Jackson suggested November 10th or 17th as possible dates for the town hall. Mayor Silvestrini

suggested the policing committee provide a report on some of the things they had learned through their discussion and research with UPD.

Council Member Uipi thanked the City’s engineering team for removing the “Jupiter Jump.” Council Member Jackson said the Youth Council was active despite challenges of Covid-19. They had helped clean parks and would be helping with the MillFreaks event with Venture Out.

Mayor Silvestrini brought up Amendment D (Utah Constitutional Amendment D, Municipal Water Resources Amendment (2020)) and said it was not a perfect solution, but better than what Millcreek residents currently faced. He said he personally supported Amendment D though the City could not promote or advocate for a constitutional amendment. Council Member Jackson said it was a statewide ballot issue. Council Member Marchant thanked Josie Angerhofer, Millcreek staff, for organizing a storm water cleanup project.

4.3 Staff Reports

There were none.

5. Consent Agenda

5.1 Approval of September 28, 2020 Work Meeting and Regular Meeting Minutes

Council Member Catten moved to approve minutes from September 28th. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Planning Commission Mtg. 10/21/20 at 5:00 p.m., City Hall
- City Council Mtg. 10/26/20 at 5:00 p.m., City Hall

ADJOURNED: Council Member Uipi moved to adjourn the regular meeting at 8:30 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

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

Attest: _____
Elyse Sullivan, City Recorder



**Minutes of the
Millcreek City Council
October 13, 2020
7:00 p.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a special public meeting on October 13, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2 (electronically arrived at 7:30 pm)
Cheri Jackson, District 3
Bev Uipi, District 4 (arrived at 7:09 pm)

City Staff

Francis Lilly, Planning and Zoning Director
Elyse Sullivan, City Recorder
Erin O'Kelley, Planner
Rita Lund, Communications Director
Kurt Hansen, Legislative Policy Director
Jim Hardy, Building Official (electronic)
Blaine Gehring, Legislative Policy Analyst

Attendees: Commissioner Russ Booth, David Baird, Mike May, Jason Suker, Greg Whisenant, Thom DeSirant, and Jay Rogers.

WORK MEETING – 7:00 p.m.

TIME COMMENCED: 7:04 p.m.

Mayor Silvestrini called the work meeting to order and led the pledge of allegiance. He said the City has had a number of meetings on the topic of accessory dwelling units and the initiative for an ordinance was resident-driven. The comments received from the public have helped to shape the draft ordinance. The draft ordinance would be reviewed by the community councils, the Planning Commission, and the City Council when it was ready to go through the City process. He said staff would continue to take comments from the public on the ordinance after the town hall that night. He gave instructions to the public on how to provide comment online, over the phone, and in person.

1. Accessory Dwelling Unit (ADU) Virtual Town Hall

Erin O'Kelley said staff had actively reached out the community, especially to those who had voiced opinions on ADUs. There were two successful open houses, one in December 2019 and one in January 2020. Most residents requested another large town hall meeting. She said since January a draft ordinance had been prepared and was made available to the public in August 2020. The draft proposed that a lot would qualify for an ADU if: the owner lived on

the property, the lot was 8,000 square feet or greater, the lot did not currently have an ADU, the lot was used as a single-family lot, the lot was not a flag lot, and the lot was in a R-1 or A-1 Zone. She said a lot of people had expressed to her concern about detached structures. The requirements for an attached ADU included: owner occupancy requirement, setbacks based on Chapter 19.14 and 19.71, the lot must be 8,000 square feet or great, the lot coverage was based on Chapter 19.14 and 19.71, 2 bedrooms would be allowed, 1 ADU (attached or detached) would be allowed per lot, there be a separate entrance installed on the side or rear of the main building, 1 off-street parking stall per bedroom, occupancy limited to 2 adults and children, and the maximum size was 50% of the main dwelling not to exceed 850 square feet. O'Kelley pointed out that the red dots on her presentation meant that was something the public had made comment on. The requirements for a detached ADU included: owner occupancy required, 8.5 feet from the side and rear property line, 10 feet from the principal dwelling, lot must be 8,000 square feet or greater, lot coverage was based on the underlying zone and Residential Compatibility Overlay Zone (RCOZ), 2 bedrooms allowed, 1 ADU (attached or detached) allowed per lot, separate entrance may be installed on the side or rear, 1 off-street parking stall per bedroom, occupancy limited to 2 adults and children, maximum allowed lot coverage in rear yard would be 25%, maximum height allowed was 20 feet single story, and the maximum size was 50% of the main dwelling not to exceed 850 square feet.

Council Member Jackson asked about an ADU in conjunction with a garage. O'Kelley said the garage would have to meet the ADU standards. The draft ordinance did not have a route for converting existing garages into ADUs. The permitting process for an attached ADU was that an application would be submitted for review by the Planning Department, there would be internal staff review, and the applicant would then apply for a building permit and a business license. She said this process was easier than the detached ADUs to incentivize people to bring their ADU up to code. The permitting process for detached ADUs was to submit an application to the Planning Department for a conditional use permit, internal staff review, notice would be sent to surrounding property owners, community council review, Planning Commission review, technical review by staff, and the applicant would apply for a building permit then a business license. Staff was reviewing the requirement for a conditional use permit because of the cost to the applicant and the process burden for staff. She said it was hard to compare the requirement among surrounding cities. Some options could be an administrative conditional use permit or limiting notice requirements for a regular conditional use permit. Comments she had received from the public included: 8,000 square feet restricted ADUs to higher income lots, the conditional use permit process was difficult for property owners and overflowed the Planning Department pipeline, design guidelines for roofs limited the ability for property owners to use prefabricated models, an 8 foot setback limited feasibility, ADUs were restricted to streets with sidewalks or streets that could accommodate an increase in traffic, enforcing owner-occupancy requirements, ADUs on flag lots, reductions in setbacks, second stories not allowed, converting existing ADUs that did not meet standards, design standards to modify an existing ADU was a cost burden, and short term rentals not being allowed. She said some possible changes for the next draft ordinance could include: a permitting process for detached ADUs, more guidelines for detached ADUs, allowing reductions in setbacks, converting existing detached ADUs, requiring a garage for additional parking, licensing/internal processing, and design requirements for creating additional parking spaces.

Council Member Uipi asked about enforcement with other cities. O'Kelley said cities have trouble with the owner-occupancy requirement; most used a business license so they could check annually for the license renewal, also enforcement was complaint-based. Council Member Uipi asked when a draft ordinance would go to the community councils. O'Kelley said staff could go as fast or slow as necessary, and it depended on the comments received that evening. Mayor Silvestrini requested to listen to public comments that night then the Council review the next draft at a work meeting before it went to the community councils. Francis Lilly said staff was working on several research projects with surrounding cities on their ordinances; mapping where and how many ADUs there were in the Millcreek and meeting with utility providers and the Granite School District.

Jay Rogers, 2154 E. Lambourne Avenue, appreciated the progressive nature of Millcreek and thanked the Council. He felt the ordinance would benefit the community, especially with challenges with COVID-19. He said parking would be a problem but having an ADU on top of a garage would help to alleviate that. He expressed concern about privacy.

Caller – Todd Budy, 3579 Honeycut Road, applauded the Council's foresight on the issue. He said he had an existing garage that he would like to add an ADU to. He did not think that many people wanted an ADU, so the numbers would not overwhelm any neighborhood. He felt that ADUs were a good way to add density and affordable housing.

Greg Whisenant, 1277 Ridgedale Lane, appreciated the work that had been done. He suggested letting bigger lots have detached ADUs and smaller lots have attached ADUs.

Caller – Matthew Clewett, Public Policy Director for Salt Lake Board of Realtors, said ADUs were important to address affordable housing in the community. He suggested the 8,000 square foot, flag lot, and 850 square foot requirements would create problems. He said attached units were principally 50% or less of the main dwelling footprint and the size requirement would hinder that. He suggested using a percentage instead of a square footage. He said detached ADUs were usually on the second story, above garages, and asked for a reconsideration of that requirement.

Jason Suker, 3260 Orchard Street, said he was working on a garage project and had made best efforts to add a legal ADU to it. He asked the Council to accommodate best efforts with grandfathering ADUs.

Caller – Ben Towers, 2357 Lambourne Avenue, expressed concern about the 20-foot height requirement meeting RCOZ but not the draft ADU ordinance. He recently had garage permit approved by the City and this structure would be contrary to the draft ordinance.

Thom DeSirant, 718 E. Nibley View, expressed concern about preexisting structures, especially with setbacks. He asked if the Council would consider special exceptions. Mayor Silvestrini said it could be looked at. DeSirant appreciated the City addressing the issue. He said there were large flag lots in the city and some could reasonably fit an ADU.

Caller - Jamie Walker, 1725 E. 4620 S., highlighted a neighbor who rented their property that had two homes on the lot with a high number of vehicles regularly parked there and asked if they could continue renting. O'Kelley said if there was a business license, it would need to be

reviewed and regulated. She said if they applied for a new ADU, they would only be approved for the 2 parking stalls through the site plan. Walker asked the Council to consider a zone that allowed tiny houses. Lilly said it would be a new type of subdivision, not an ADU.

Elyse Sullivan read into the record four public comments received online that day through the public comment form on the Meeting Live Stream page on Millcreek's website.

"Jon Larsen, 2597 Kimbary Way, I support ADUs throughout Millcreek. We need more affordable housing options, and this is a smart, pragmatic way to do it. Some people will complain about parking, traffic, noise, and ambiguous things like "neighborhood character." None of those arguments hold water- they're just excuses from NIMBYs. Don't tell me that parking and traffic issues from a little old lady renting out an ADU is any worse than a family with teenagers. By the way, I want both in my neighborhood. Healthy neighborhoods have a variety of housing options at a variety of price points."

"Steve Ross, 3587 E. Millcreek Road, I'm concerned about monitoring the use of ADUs for short-term use vs long-term rentals. What recourse will I have if an ADU is installed next door to me and it's rented out on a short-term basis in violation of proposed rules? Short-term rentals usually result in a party house atmosphere with resulting noise, traffic congestion, and deterioration of the property itself. Similarly, what recourse will I have if more people live there than the rules stipulate? Will there be any monitoring of the use of any and all ADUs or enforcement of the rules? Thanks for considering my concerns."

"Shawn LaMar, 3621 S. 1200 E., I've been on since the start and haven't had issues."
(Referring to the Mayor inquiring about issues with the meeting live stream functionality).

"Jason Waxley, 1456 S. 2980 E., My comment is also on grandfathering. As you know there are many ADUs that do not conform to the proposal. If these units are not causing a burden to the neighborhood, would that ADU be grandfathered in until the residence changes ownership (when it would need an a new ADU license). I also feel that the 8000 SQFT requirement is exclusionary. Perhaps a mother in law (something already in the foot print) could be allowed on smaller lots. Doing so would allow access to the housing market for younger adults. Otherwise, owning a home will become increasingly impossible for younger people."

David Baird, 4538 Thousand Oaks Drive, said the ordinance was not ready to move through the city process yet. He said he provided O'Kelley with a list of considerations. He felt ADUs changed the character of the neighborhood and the City needed to mitigate the impact of them. He polled his neighborhood and there was no support for the ordinance. He asked the Council to move forward with an ordinance correctly.

Elyse Sullivan read into the record another comment received online through the website.

"Maddy McDonough, 1477 E. Gregson Avenue, I have two primary concerns about the ADU draft as it exists: 1) The 8,000 square foot lot size requirement seems arbitrary and, as a previous comment mentioned, limits permitted ADUs to property owners in a higher socioeconomic level. I think this will lead to continued, un-permitted uses. 2) I would suggest that ADUs be allowed to be built as a second floor to existing two-car garage structures, even if those garages are non-conforming structures under zoning or RCOZ, again, to increase equitable opportunity to have an ADU. There could be a requirement, for example, that limits

windows to be transom windows on the side and back of the unit that would "overlook" neighboring yards. My garage, for example, is built to the property line, but could easily accommodate an ADU on a second floor if that were permitted. It seems like a missed opportunity."

Caller - Todd Budy 3579 Honeycut Road, said there may not be interest for ADUs in affluent areas of the city, like Mt. Olympus (as Mr. Baird pointed out), because they did not need the extra income. He brought up the benefits of short-term rentals.

Caller – Barb Hansen, 3546 Gateway Road, asked about subdividing detached ADUs. Mayor Silvestrini said the City did not grant exceptions; to subdivide, the property would have to meet the requirements of the subdivision and zoning ordinances. Hansen asked about the required height with different roof types. Mayor Silvestrini said the limit was the maximum height of the structure regardless of roof type. Hansen asked about considerations for fire safety. Mayor Silvestrini said staff would review the site plan and if it did not meet fire safety standards it would not be permitted. Hansen asked about a restriction on the number of children because the draft code said occupants were limited to two adults and children. Mayor Silvestrini said the City did not control how many family members lived in a dwelling. Hansen asked about rent restrictions. Mayor Silvestrini said the market determined rental rates, not the City.

David Baird referenced the old television show "Happy Days" for levity.

Mayor Silvestrini thanked the public for the comments received. Erin O'Kelley said she appreciated the detailed comments and would look into them. She said in a previous meeting, staff had considered special exceptions, so it could be revisited. Mayor Silvestrini said he did not want to put more imposition on neighborhoods and brought up design standards for privacy reasons. Francis Lilly said there was a special exception process provision for noncomplying nonconforming uses currently in code. Council Member Catten brought up that existing buildings had shorter setbacks and there should be a work around for that. She asked about rules in cul-de-sacs or dead-end streets for on-street parking. She said prefabricated ADUs could be aesthetically pleasing though there could be future issues, like mobile/trailer homes, for infrastructure. She asked about limiting them as ADUs. Mayor Silvestrini said there were legal issues on putting limits on manufactured housing, though the building code would still be enforced. Lilly said prefabricated homes could be required to adapt to certain design standards. Council Member Jackson asked about the 850 square foot requirement with basement apartments. O'Kelley said the 850 square feet or less than 50% of the main building for attached ADUs was strict but staff was willing to modify the use. She said the public was concerned about creating a duplex which was why the draft ordinance was strict. Council Member Uipi said that residents were concerned about being able to accommodate their aging family members in existing structures. O'Kelley said staff was hoping to change the non-conforming use ordinance.

ADJOURNED: Council Member Uipi moved to adjourn the special meeting at 8:38 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

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

Attest: _____
Elyse Sullivan, City Recorder

DRAFT



**Minutes of the
Millcreek Community Reinvestment Agency
July 27, 2020
7:00 p.m.
Regular Meeting**

The Community Reinvestment Agency of Millcreek, Utah, met in a regular public meeting on July 27, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website with an option for online public comment.

PRESENT:

Board Members

Jeff Silvestrini, Chair
Silvia Catten
Dwight Marchant
Cheri Jackson
Bev Uipi

City Staff

John Brems, City Attorney
Elyse Sullivan, Agency Recorder
Mike Winder, Economic Development Director
Kurt Hansen, Legislative Policy Director
Rita Lund, Communications Director
Andrew Clark, Emergency Manager

Attendees: Chief Steve DeBry

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 10:07 p.m.

Chair Silvestrini called the meeting to order.

1. Discussion and Consideration of Resolution 20-05, Designating a Survey Area and Authorizing the Preparation of a Draft Community Reinvestment Project Area Plan and Budget for the Proposed Woodland Avenue Community Reinvestment Project Area

Chair Silvestrini said the Board needed to discuss forming a new community reinvestment project area for the area that Salt Lake City ceded to Millcreek in a boundary adjustment which was between Miller and Woodland Avenues, and Highland Drive and 1300 E. Mike Winder showed the Council a map of the proposed area. He said it was cleaner to do a new community reinvestment area instead of amending the old one, but it would have the same taxing parameters as the old one.

Board Member Jackson moved to adopt Resolution 20-05, Designating a Survey Area and Authorizing the Preparation of a Draft Community Reinvestment Project Area for Woodland Avenue. Board Member Uipi seconded. Chair Silvestrini called for the vote. All Board Members voted yes. The motion passed unanimously.

2. Approval of June 22, 2020 Meeting Minutes

Board Member Uipi moved to approve the minutes from June 22, 2020. Board Member Catten seconded. Chair Silvestrini called for the vote. All Board Members voted yes. The motion passed unanimously.

ADJOURNED: Board Member Uipi moved to adjourn the meeting at 10:09 p.m. Board Member Jackson seconded. Chair Silvestrini called for the vote. All Board Members voted yes. The motion passed unanimously.

APPROVED: _____ Date
Jeff Silvestrini, Chair

Attest: _____
Elyse Sullivan, Agency Recorder

DRAFT