

1. Community Reinvestment Agency Meeting (PDF)

PUBLIC NOTICE is hereby given that the City Council of Millcreek will assemble in a public work meeting and regular public meeting on Monday, 14 December 2020 at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at 5:30 p.m. for the work meeting and 7:00 p.m. for the regular meeting. **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.**

5:30 p.m. – WORK MEETING

1. Accessory Dwelling Unit Draft Ordinance Discussion; Erin O’Kelley,
2. Discussion of Historic Preservation Ordinance; Blaine Gehring, Legislative Analyst
3. Adjournment

7:00 p.m. - REGULAR MEETING:

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

1.2 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. Financial Matters

2.1 Public Hearing on opening and amending the Fiscal Year 2020-21 Budget; Laurie Johnson, HR-Finance Director.

2.2 Discussion and Consideration of Ordinance 20-54; Amending The 2020-2021 Fiscal Year Budget; Laurie Johnson, HR-Finance Director.

3. Business Matters

3.1 Discussion and Consideration of Ordinance 20-55; Amending Title 13 Of the Millcreek Code of Ordinances Establishing City Park Noise Restrictions Regarding Noise; Kurt Hansen, Legislative Policy Director.

3.2 Discussion and Consideration of Resolution 20-51; Approving An Agreement for Park Services Between Salt Lake County and Millcreek; Kurt Hansen, Legislative Policy Director.

4. Planning Matters

4.1 First reading ZM-20-010 Staff Report, Request to rezone from R-1-21, R-1-8, & R-1-5, to only R-1-5; Erin O’Kelley, Planner.

5. 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

6. Consent Agenda

6.1 Approval of October 26, 2020 Regular Meeting Minutes

6.2 Approval of November 9, 2020 Work Meeting and Regular Meeting Minutes

7. New Items for Subsequent Consideration

8. Calendar of Upcoming Events

- Planning Commission Mtg., 12/16/20, 5:00 p.m. at City Hall
- City Council Special Mtg., 12/21/20, 6:00 p.m. at City Hall

9. Closed Session (If Needed)

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

10. Adjournment

Community Reinvestment Agency Convening

1. Discussion and Consideration of Resolution 20-46, Authorizing the Extension of Collection of Tax Increment for Two Years in the West Millcreek CDA and the Millcreek Center CRA Project Areas Due to the COVID-19 Pandemic Emergency; Mike Winder, Economic Development Director
2. Approval of October 26, 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.

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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: December 10, 2020

DEPUTY CITY RECORDER: Alex Wendt

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 12-14-20 AGENDA.PDF
ITEM 1 CRA RESOLUTION 20-46.PDF
ITEM 2 CRA 10-26-20 DRAFT MINUTES.PDF



Millcreek City Council Meeting & Community Reinvestment Agency Meeting Agenda

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1. Discussion and Consideration of **Resolution 20-46**, Authorizing the Extension of Collection of Tax Increment for Two Years in the West Millcreek CDA and the Millcreek Center CRA Project Areas Due to the COVID-19 Pandemic Emergency; Mike Winder, Economic Development Director
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MILLCREEK COMMUNITY REINVESTMENT AGENCY
RESOLUTION NO. 20-06

**A RESOLUTION AUTHORIZING THE EXTENSION OF COLLECTION OF TAX
INCREMENT FOR TWO YEARS IN THE WEST MILLCREEK CDA AND THE
MILLCREEK CENTER CRA PROJECT AREAS DUE TO THE COVID-19 PANDEMIC
EMERGENCY**

WHEREAS, the Millcreek Community Reinvestment Agency ("**Agency**") met in their regular meeting on December 14, 2020, to consider, among other things a resolution authorizing the extension of collection of tax increment for two years in the West Millcreek CDA and the Millcreek Center CRA project areas due to the COVID-19 pandemic emergency; and

WHEREAS, on August 31, 2020, the Utah Legislature, in the Sixth 2020 Special Session, through Senate Bill 6001, amended the Utah Community Development and Renewal Agencies Act (the "**Act**"), specifically enacting Utah Code Annotated ("**UCA**") § 17C-1-416, ("**The Covid-19 Emergency Extension**") which authorized Community Development and Renewal Agencies such as the (the "**Agency**") to extend the collection of "**Tax Increment**" (as defined in UCA § 17C-1-403) under certain circumstances due to the COVID-19 Emergency; and

WHEREAS, the COVID-19 Emergency Extension was signed by the Governor of Utah and became law, effective August 31, 2020;

WHEREAS, the Agency's predecessor, the Salt Lake County Redevelopment Agency on June 30, 2009, created the West Millcreek CDA Project Area and the Agency on April 8, 2019 created the Millcreek Center CRA Project Area Project Area (collectively the "**Project Areas**"), and adopted a Project Area Plans ("**Plans**") and Project Area Budgets ("**Budgets**") for the Project Areas;

WHEREAS, the COVID-19 Emergency Extension specifically authorizes the Agency to extend the Tax Increment collection period in the Project Areas, by up to two years as an impacted project area if the agency determines the conditions resulting from the COVID-19 emergency will likely delay the Agency's implementation of the Project Area Plans; or cause the Agency to receive an amount of Tax Increment from the Project Areas that is less than the amount of Tax Increment the Agency expected the Agency would receive from the Project Areas;

WHEREAS, the Agency has carefully considered the facts and information available to the Agency on whether the COVID-19 emergency will likely delay the Agency's implementation of the Plans for the Project Areas; or cause the Agency to receive an amount of

Tax Increment from the Project Areas that is less than the amount of Tax Increment the agency expected the agency would receive from the Project Areas; and

WHEREAS, the Agency after carefully considering all of the facts and information is prepared to make its determinations, findings and conclusions as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE AGENCY AS FOLLOWS:

1. The Agency Board does hereby find and determine the Project Areas are an “impacted project area” as defined in UCA § 17C-1-416(1)(c) as the Agency expects to receive Tax Increment from the Project Areas; the Project Areas are subject to a project area funds collection period; the Plans for the Project Area were adopted on June 30, 2009, for the West Millcreek CDA Project Area and on April 8, 2019 for the Millcreek Center CRA Project Area; and the Agency has determined the conditions resulting from the COVID-19 Emergency will likely either delay the Agency’s implementation of the Project Area Plans or cause the Agency to receive an amount of Tax Increment from the Project Areas that is less than the amount of Tax Increment the Agency expected would receive from the Project Areas.

2. Certain findings and determinations in Paragraph 1 above are supported by the following specific facts:

- a. The adopted Project Area Budgets, attached hereto as Exhibits “A-1 and A-2”, supports the determination by the Agency under UCA § 17C-1-416(1)(c)(i) that the Agency expects to receive Tax Increment from the Project Areas and the determination by the Agency Board under UCA § 17C-1-416(1)(c)(ii) that the Project Areas are subject to a project area funds collection period.
- b. The adopted Project Area Plans, attached hereto as Exhibit “B-1 and B-2”, support the determination by the Agency under UCA § 17C-1-416(1)(c)(iii) that the Project Area Plans were adopted on June 30, 2009 and April 8, 2019 respectively which is prior to December 31, 2019.
- a. The Agency finding and determination that conditions resulting from the COVID-19 Emergency will likely delay the Agency’s implementation of the Project Area Plans is supported by the Project Area Plans, attached as Exhibits “B-1 and B-2”, and the significant 2020 delays in commercial project financing, construction, and development.

3. The Agency finding and determination that conditions resulting from the COVID-19 Emergency will likely cause the Agency to receive an amount of Tax Increment from the

Project Areas that is less than the amount of Tax Increment the Agency expected to receive from the Project Areas is supported by Project Area Budgets, attached as Exhibits “A-1 and A-2”, and the collapse in market demand for commercial, retail, hospitality, and office development.

4. In addition to the reasons set forth above, reasons an extension of the Project Area funds collection period is needed is the market insecurity which has resulted in significant delay in the finalizing of the development agreement and tax increment finance agreement for the Opus Green project in the West Millcreek CDA; as well as significant delays in the commencement of the Cottonwood on Richmond, Cottonwood on Highland, MC33, Jasper Building, Brickcreek Lofts Phase II, and other planned mixed-use projects in the Millcreek Center CRA.
5. The date on which the extension period will end is 2037 for the West Millcreek Community Development Project Area and 2042 for the Millcreek Center Community Reinvestment Project Area.
6. Agency staff is hereby authorized and directed to mail or electronically submit a copy of this Resolution after adoption to:
 - a. the Utah State Tax Commission;
 - b. the Utah State Board of Education;
 - c. the Utah State Auditor;
 - d. the Salt Lake County Auditor;
 - e. each taxing entity affected by the Agency’s collection of Tax Increment from the Project Areas.
7. Agency staff are hereby authorized to take all other actions necessary, including those actions required to carry out the purposes of this Resolution.
- 9 This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by the governing board of the Millcreek Reinvestment Agency this 14th day of December, 2020.

_____, Chair

Attest:

Alex Wendt, Deputy City Recorder

Roll Call Vote:

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

EXHIBIT A-1

Project Area Budget West Millcreek CDA

EXHIBIT A-2

*Project Area Budget
Millcreek Center CDA*

EXHIBIT B-1

Project Area Plan West Millcreek CDA



EXHIBIT B-2

Project Area Plan Millcreek Center CDA



**Minutes of the
Millcreek Community Reinvestment Agency
October 26, 2020
7:00 p.m.
Regular Meeting**

The Community Reinvestment Agency of Millcreek, Utah, met in a regular public meeting on October 26, 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
Francis Lilly, Planning and Zoning Director
Alexander Wendt, Deputy Recorder
Jared Bowling, IT/Facilities Manager

Minutes by Alexander Wendt.

Attendees:

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 8:17p.m.

Chair Silvestrini called the meeting to order.

1. Annual Presentation; Lewis Young Robertson & Burningham, Inc.

Mike Winder, Economic Development Director, gave a report on the annual presentation for the CRA. The West Millcreek Community Reinvestment Area (CRA) started when Millcreek was a township and has been very successful. Mr. Winder explained that the projected increment was \$244,000 but will be \$982,000. Council Member Jackson said that it might be good to write an article in the newsletter to explain how a CRA works and how it is good for taxing entities. Mr. Winder explained there are two upcoming projects in West Millcreek, the Opus Green project and Moda Glenwood is moving forward. Council Member Marchant asked for a reminder on how well Moda Meadowbrook is doing. Mr. Winder said that the Moda Meadowbrook project is doing well on the residential side but filling the ground floor retail has struggled.

Millcreek Center CRA will receive its first check in March 2021. The CRA will bring \$5 million in housing money during the life of the CRA. In 2022 the CRA should bring \$700,000. Cottonwood on Richmond is under construction. Cottonwood on Highland will begin construction in November. MC33 will be in the Linda’s furniture building. This is north of Home Depot, said Winder. Ground floor retail requirements will be met by Millcreek businesses like the Fine Art Inn. Mayor Silvestri said that the businesses will own their spaces. The Jaspar building has passed the Planning Commission. Millcreek Lofts, south of the Villa theater, has also passed Planning Commission. Millcreek Common West may contain the parking structure and is in concept development.

Mr. Winder said Millcreek Center is projected to receive increment this next year and will help with the Millcreek Common bond. Over time Millcreek Center will pay for itself and pay back into the West Millcreek CRA. The Olympus Hills CRA and Canyon Rim Commons CRA have been put on hold. Mr. Winder said the MedTech CRA is moving forward nicely. Woodland Avenue CRA is the portion of Salt Lake City that just became Millcreek on July 1st, 2020. This will be a new CRA because it is easier to create a new CRA than amend and old one explained Winder. COVID-19 has created delays, in a few months, Winder said he will ask the CRA board for a 2-year extension for West Millcreek and Millcreek Center. Council Member Marchant expressed his support for putting CRA information in the newsletter. Mayor Silvestrini said that the article needs to be clear that the City has not used Millcreek tax dollars to purchase property or buildings. Mr. Winder said that the City has been very responsible with the tax increment. The City has been judicious in the West Millcreek CRA as well. Artesian Springs has an agreement the City inherited from the Salt Lake County and Opus Green is being reimbursed for building a park. Mr. Winder explained that other developments are not receiving tax increment and that Millcreek is using these precious funds carefully.

2. Approval of July 27, 2020 Meeting Minutes

Board Member Uipi moved to approve the meeting minutes from July 27, 2020. Board Member Marchant 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 8:31 p.m. Board Member Marchant seconded. Chair Silvestrini called for the vote. All Board Members voted yes. The motion passed unanimously.

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

Attest: _____
Alexander Wendt, Deputy Recorder