



**Minutes of the  
Millcreek City Council  
July 12, 2021  
7:00 p.m.  
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on July 12, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website, with staff electronic participation, and an option for online public comment.

**PRESENT:**

**Council Members**

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

**City Staff**

John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Francis Lilly, Planning & Zoning Director  
Kurt Hansen, Facilities Director  
Mike Winder, Assistant City Manager  
Rita Lund, Communications Director (electronic)  
Aimee McConkie, City Events Director/Executive  
Director - Millcreek Common

**Attendees:** Paul Aldous, Paul Anderson, Angel Vice, Thom DeSirant, Chris Hart, Mike Sroczynski, Taylor Thomas, Carol Elliott, Valor McNeely, Kara Cope, Teresa Carlson, Maggie Laun, Laura Hansen, David Baird, Marv Poulson, Sheryl Martin, Alonso Valdespino, Cesar Alonso Valdespino, Betty Streed, Sharee Hughes, Molly King, John Crandall, Jason Burningham, Chief Duane Woolsey, and Chief Steve DeBry.

**REGULAR MEETING – 7:00 p.m.**

**TIME COMMENCED: 7:03 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. He said he had received emails about a possible transaction relating to the taking down of traditional billboards and putting up three digital billboards the City would share for public messaging in Millcreek Common. He said the item was not on the agenda, so the Council would not be taking any action, however, as part of staff reports the Council would get a presentation of it for the first time. He asked who in the audience who was in attendance for that; the majority of the audience rose their hands. Mayor Silvestrini asked for a motion to reorder the agenda to move staff reports, item 4.3, to the front of the agenda in front of item 1.2.

**Council Member Uipi moved to move the agenda item. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.**

#### **4.3 Staff Reports**

Mayor Silvestrini said there had been discussion on this subject on social media. He requested that residents not depend on him to respond to social media messages, especially over the weekend. He requested the public contact him directly through the regular modes of email or phone. He said there was a lot of misinformation on the issue on social media. This presentation would be the first briefing the Council will have received on the matter. The Planning Commission had a briefing on it at their last meeting because they met before the Council. He said if there was a transaction, there would be a full negotiation with setting terms. The transaction would also require an ordinance change to the sign code which would trigger a public process with the matter going before the community councils, the Planning Commission, then the Council twice, first for a first reading and then for a decision. He said conversations were happening because there is a billboard in the City Center that is in the way of construction. The billboard either needs to be relocated or condemned. Before condemnation can take place, a negotiation with the property owner would need to take place and Mike Winder was asked to start that conversation. The City had always planned to have three digital signs at the entrances of Millcreek Common. The discussion involved Reagan Outdoor being willing to give up 10 regular billboards faces that would come down in exchange for 6 digital billboard faces. He said the accusations of corruption on social media against him and Millcreek staff was unfounded and lacked evidence. He said Mike Winder was doing his job by having these negotiations. He said the public criticizing elected officials was more fair than criticizing staff. He encouraged residents to talk to Millcreek businesses about the good that Winder has brought to them by being the Economic Development Director, especially through the pandemic by providing them with over \$1 million in financial assistance.

Mike Winder said Aimee McConkie, City Events Director/Millcreek Common Executive Director, would also present. He said the publicly approved plans of the City Center included three digital entry signs and had always been part of the plan for a successful Millcreek Common; one at the main entrance on 3300 S., and one on the east and west ends of Chambers Avenue. He showed the Council a rendering of and potential redevelopment surrounding Millcreek Common. He said Millcreek Common needed effective digital signage to support: small, local entrepreneurs on the Common that could not afford other ads; pop-up markets in the public market which would be changing weekly; the dozens of weekly activities on Millcreek Common; and public service announcements. He showed the Council examples of possible advertisements as well as images of digital signs throughout the valley being used by other entities. To be effective, he said these signs should be large enough to be read on major corridors like 3300 South, Richmond Avenue, and Highland Drive. The optical analysis shows that to get the most effective messaging, a 12 by 24-foot sign face, the industry standard for electronic messaging, was needed. He noted that Millcreek already had digital signs at 3981 S. 700 E.

Winder said the challenges presented to staff was that three marquees roughly cost \$250,000 each, and to buy out a 40-foot-high billboard at 3300 S. for Millcreek Common construction to proceed would cost roughly \$1-1.3 million. He said it was staff's job to be creative. He approached Reagan Outdoor with possible solutions. Reagan Outdoor could sponsor all three Millcreek Common marquees at no cost to the City to build, operate or maintain. Millcreek could have more than one-third of the turns on the digital signs (3 of 8 turns for Millcreek, 5 for Reagan). In exchange, Reagan would permanently remove six billboards (10 sign faces) in the city center area. The six billboards to be removed would be at 1347 E. 3300 S. (this one must be removed for Millcreek Common construction to proceed and has the only legal right for the City to be able to condemn), 3155 S. Highland Drive, 3165 S. Highland Drive, and 1386 E. 3300 S. Winder showed the Council images of the signs and what the area would look like with them removed.

Winder said Millcreek Common marquees would produce less light pollution than status quo. The International Dark-Sky Association says, "When installed and operated in accordance with IDA's Guidance for Electronic Message Centers, EMCs replacing traditional bulb-lit billboards may actually create a net reduction in sky brightness." Winder said the City would follow the IDA's guidelines. Millcreek would get to decide on how high off the ground the signs can be, though the critical issues would be vandalism reduction and visibility. Millcreek Common's marquees could have design elements as seen in the video he showed. The billboard in the video illustrated targeted lighting so the sign face was dark when viewed from the sides. He said staff's job was to present options to the Council for their decision.

Aimee McConkie said the plan for Millcreek Common contemplated 280 events a year and a digital billboard was an effective way to get messaging out as a public service. She said she needed partners to assist with the events and those businesses could get value from having their name on the signs as event sponsors. She viewed the digital billboards as economic development and a way for the City to save money in not paying for installing digital signs or removing billboards. She expressed interest in the design of the sign as feeling part of the Common. She said as a resident, she previously served on a community council and helped Millcreek become a city. She pointed out that a key issue in Millcreek becoming a city was to have local control to remove and reduce billboards. She viewed this negotiation as a success since multiple billboards would come down.

Council Member Catten asked what the next step would be. Winder said he would look for direction from the Council to start a text change in the code to allow electronic signs in certain conditions in the City Center Overlay Zone (CCOZ). Council Member Catten asked about the new sign quantity. Winder clarified that there would be six digital faces on three signs. He encouraged the Council and public to reach out to staff with questions.

### **1.2 Public Comment**

Alonso Valdespino, 3379 S. 2410 E., requested ideas from the Council for an Eagle Scout project that could benefit the public. Mayor Silvestrini said the Millcreek Promise

Program worked to create and stock a food pantry at Mill Creek Elementary. He thought asking for donations to restock the pantry would be beneficial.

Maggie Laun, 3840 E. San Rafael, thanked the Council and staff for the presentation on billboards. She asked about advertisements on the digital signs. Mayor Silvestrini said the digital billboards shifted 8 times a minute, so Reagan would have 5 turns and the City would get 3. Laun asked if the City had control over the advertising. Mayor Silvestrini said no but would work on not having something that violated community standards. Council Member Marchant asked if the City advertising was free. Winder confirmed and said the City could buy more than the allotted three.

Angel Vice, 3610 Carolyn Street, said she emailed the Council after hearing the billboard conversation raised in the Planning Commission meeting. She felt that digital boards were not appealing and did not fit in the City Center. She said she was involved in event planning and could fill events without the use of digital billboards. She felt that the draw to the City Center could be the uncertainty of events taking place that day. She was grateful for an open conversation with the Council on the matter.

Marv Poulson, 3631 Carolyn Street, said he thought the billboard issue in the City had already been resolved, that digital billboards would only be allowed along the freeway. He felt the City was pandering to Reagan and that was not right. He said the master plan contemplated ground level digital signs in the City Center. He felt if the digital billboards were constructed, Millcreek would be a laughingstock.

Council Member Marchant asked about Reagan Outdoor accommodating sign size. Winder said Reagan would accommodate the height based on the City's input, not size.

Betty Streed, 1631 E. 3115 S., thanked the Council and Winder for his presentation. She said Reagan was in the business of selling advertising space and wondered about the contract renewal. She asked how the 3 out of 8 turns would be preserved. Mayor Silvestrini said the City could draft a contract that gave the City those turns permanently at the jeopardy of having the signs removed. Streed felt that street level signs would be better.

Sharee Hughes, 1422 E. 3010 S., said she was anti-billboard. She felt they were a blight on the landscape and a distraction to drivers. She said billboards destroyed the environment and were not essential.

Kara Cope, 1511 E. 3115 S., noted that Reagan gave donations to political campaigns across the State, and in Millcreek. She asked what billboards contributed to the local economy. She explained the energy costs associated with billboards; a static billboard cost \$960 and LED boards cost \$22,318 annually. She pointed out that electronic billboards provided the operators significantly more money than static billboards. She asked for less than three electronic signs, so the space did not feel like Las Vegas.

Paul Aldous, 2358 Lambourne Avenue, felt the recently adopted property maintenance code was an overreach by the City on private property ownership. He said good

alternatives were community clean up days or citizen-initiated efforts. He felt if it was a matter of money, that more funding could go towards police for patrols.

Molly King, 1223 E. Sierra Way, said she drives a lot and digital billboards were a distraction. She said signs could consume 30 times the energy of the average home. She said the energy should be offset. She noted that LED lighting was harmful to one's eyes and she felt adding more screens to residents' lives was unnecessary. She encouraged creativity for advertising through other ways.

Council Member Uipi asked about purchasing billboards. Winder said the City only had a legal right to condemn one billboard in the way of Millcreek Common construction. The billboards have property right protections and there would be no other way for the City to remove the billboards. Winder said if the billboards come down, the square footage would be gone and would not get banked for future use. Council Member Jackson said the options before the Council were to let the billboards remain, purchase the billboards Reagan would sell to the City, or do a trade for electronic billboards. She asked if there was a trade that did not cost money. Winder said private property laws in Utah were very strong and he had not seen any other trade scenario. Cities could only remove a billboard when it is in the path of a city project through eminent domain, and they would have to pay for the removal as deemed by a judge. Council Member Jackson said there was legislation at the last state legislative session that would have allowed any static billboard to be converted to a digital billboard without any control by the city or public input and it was close to passing. She expected the law to come back at the next session. If digital signage was allowed in any city, then digital billboards could also be allowed. With the current trade negotiation, Millcreek would have leverage to remove static billboards which would otherwise be lost if the legislation passes. She said she did not like billboards but knew that there was currently leverage to support a trade that might be gone in the future. Francis Lilly said there were about 45 billboards in the city. Lilly said in his experience as a planner, he had seen a billboard removed due to private development. Per State code, the billboard company and city had to agree on a location for its relocation within a set amount of time within the city irrespective of zoning. He said the city may have to condemn the billboard if another location could not be found. He personally felt surprised that a sign company would make this trade. He asked the Council if fewer signs were better than more signs, even if they were digital.

David Baird, 4538 Thousand Oaks Drive, asked the Council to consider why the billboard company would be interested in the trade. He said the earning potential was greater with digital boards and the long-term negative consequence of a buyout cost of a digital billboard in the future would be higher than a static board.

Laura Hansen, 2446 E. Evergreen Avenue, asked the Council to consider Millcreek becoming a Tree City USA with the Arbor Day Foundation. She said there were four core standards to become one: have a tree board or department, have a tree care ordinance, [have a community forestry program with an annual budget of at least \$2 per capita, and have an Arbor Day observance and proclamation]. She said there were no large trees included in the Urban Forestry Standard that Millcreek adopted. She said without big trees, there would be no canopy. She encouraged shade coverage in the City Center. Mayor Silvestrini welcomed her assistance on the matter.

Mike Sroczyński, 1466 E. Foxboro, said there had been an increase in crime on a particular section of Highland Drive. He asked about crime prevention. Mayor Silvestrini said law enforcement's focus lately had been on the crime around the Holladay Hills Apartments and working with partners at determining the cause for the crimes. He recommended that Sroczyński speak to Chief DeBry who was in the audience.

Chris Hart, 2508 Lambourne Avenue, thanked the Council for their service. He felt that the City's property maintenance code felt like an HOA, and it was an overreach. Mayor Silvestrini said the code was to provide better standards for code enforcement officers. He requested that the public email him about concerns with the code. He said some residents are mad that codes are not enforced well enough. He reviewed the enforcement process; first, a courtesy notice, second, a notice of violation, and then third, the City imposes fines. He said most of the code enforcement is complaint driven. The City is looking for a humane way to give people an opportunity to fix the problem and provide residents with resources when needs are discovered.

Paul Anderson, 2377 Lambourne Avenue, asked about the code changes allowing billboards with other entities. Mike Winder said the code could be tailored to be very specific with certain allowances in certain circumstances. He said the City Center was different than other parts of the city.

Elyse Sullivan read a comment received via the City's website from Owen Pugsley, 3631 Folker Circle. *"I want the Millcreek city center to be big and accessible for everyone to enjoy, so I think if the Millcreek city center was zoned as CCOZ-DA, it could really help it to become very unique and not be held back by current zoning. It will, in my opinion, really help the city center reach it's full potential and as long as developers plans fall in line with the principles, vision, and goals of the city center's master plan, it will turn out great."*

## 2. Planning Matters

### **2.1 First Reading on ZT-21-003, Recommendation to Amend the Millcreek Zoning Ordinance to Enact a City Center Overlay – Development Agreement Zone (CCOZ-DA)**

Francis Lilly said recent changes to the City Center were driving an avenue for the City and developers to work collaboratively on flexible solutions not contemplated or anticipated by the City Center Overlay Zone (CCOZ). The City Center Master Plan contemplated an open space that was 194 feet wide, inclusive of 15-foot setbacks on either side of the promenade. Staff decided not to give as much acquired land back to developers because the community wanted a bigger, more functional, more pedestrian friendly place than the original master plan contemplated. The new proposal included a wider Common, approximately 230 feet from building edge to building edge, and bigger, about 5.3 acres instead of 4.2. Lilly compared the Millcreek Common size to the Champs-Elysees in Paris. The proposed building materials would include brick, concrete, glass, steel, Millcreek stone, stucco, and carbonized wood. He said when taking the ordinance through the land use process with the community councils and Planning Commission, certain guardrails were put in place. To qualify for the zone, a site must have 100 feet of frontage on Millcreek Common, or provide a grade separated pedestrian

connection to Millcreek Common. Height could be modified but only for significant public uses. Setbacks could be modified. Stepbacks could be modified along Millcreek Common. Materials could be modified but no stucco or EIFS could be visible from a street or Millcreek Common. Any numerical standard could receive a ten percent modification.

Lilly reviewed the application process which starts with a neighborhood meeting, a joint Planning Commission/City Council work session, community council review, a Planning Commission recommendation, and then the City Council would make a decision on the application. He felt involving the Council and Commission early on would help ensure the proposal was adequate. He said there were two bottom line questions: But for the proposed development agreement and rezone, would Millcreek get a quality project with all the things the City wants? Is what the developer is proposing “something of value” for Millcreek? He said development proposals are discretionary. If the project does not further the goals of the City Center, then the City can say no. Staff did not want to revise CCOZ, but a targeted development agreement concept would:

- Give a developer and a designer the freedom to propose an alternative to the strict standards, that we can accept or reject, on the basis of the City Center Master Plan and the evolving Millcreek Center Concept.
- Enable the City to tailor building designs to the aesthetics and functionality of the Millcreek Common.
- Provide for the more efficient distribution of available public parking by utilizing a parking standard that is aligned with the type of development Millcreek City Center is becoming.
- Allow the city to focus limited tax increment funds toward public improvements, rather than developer incentives.
- Create a more robust public process, allowing for greater community engagement and buy-in than would otherwise be possible through a conditional use review.

Lilly said the Millcreek Community Council, East Mill Creek Community Council, and Mt. Olympus Community Council unanimously recommended approval of the ordinance. The Canyon Rim Citizens Association did not provide a recommendation. The Planning Commission also unanimously recommended approval of the ordinance subject to good guardrails and a robust public process.

Mayor Silvestrini said there was another guardrail, a 3-year sunset on the ordinance. Lilly confirmed. Council Member Jackson asked who the neighborhood meeting would capture since the area was not residential. Lilly said property owners within 600 feet, but he would review that standard.

**Council Member Uipi moved to recess the meeting at 8:48 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.**

The Council reconvened at 8:55 p.m.

**2.2 Discussion and Consideration of Ordinance 21-29, Vacating a Portion of 1800 East Street from Gregson Avenue to Approximately 3206 South**

Mayor Silvestrini said the Council had been briefed on the matter at their last meeting. Francis Lilly said when the Kenwood Subdivision was platted, a formerly private right-of-way was dedicated for public use. After the plat was recorded, residents on the west side of the right-of-way discovered through a title search that there was a boundary dispute on the property line. The cleanest way to realign the right-of-way would be to vacate the five westerly feet. Staff recommended the City not be compensated for the vacation. There would be no parkstrip on the west side. Mayor Silvestrini asked for public comment. There were no comments.

**Council Member Marchant moved to approve Ordinance 21-29, Vacating a Portion of 1800 East from Gregson Avenue to 3206 South as presented. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

**2.3 Discussion and Consideration of Ordinance 21-30, Vacating a Portion of Chambers Avenue Between 1340 East and Approximately 1364 East**

Mayor Silvestrini said the Council also had a first reading on this matter. Francis Lilly said in the process of platting the future Millcreek Common area, it was determined the ideal location of the adventure hub, the building on the north side of the ice rink, would encroach on the south side of Chambers Avenue. The vacation would be for the portion within the footprint of the adventure hub. The road would be vacated back to the City as the adjoining property owner. Mayor Silvestrini asked for public comment. There were no comments.

**Council Member Jackson moved to adopt Ordinance 21-30, vacating a portion of Chambers Avenue. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

**3. Business Matters**

**3.1 Discussion and Consideration of Resolution 21-30, Approving an Interlocal Cooperative Agreement with Salt Lake County for Amendment No. 4 to Agreement for Addressing Services**

Mayor Silvestrini said the resolution was for a contract renewal for addressing services with the County and there would be no change in the charge.

**Council Member Uipi moved to approve item 3.1. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

**3.2 Discussion and Consideration of Resolution 21-31, Approving the Appointment of Stifel, Nicolaus & Co. as Underwriter for the Series 2021 Sales Tax Revenue Bonds**

Mayor Silvestrini said the City went through a process to solicit an underwriter for the bonds and received six responses, and with the assistance of Jason Burningham, Lewis Young Robertson and Burningham, a recommendation to select Stifel, Nicolaus & Co was presented to the Council. Jason Burningham introduced John Crandall with Stifel, Nicolaus & Co. Mayor Silvestrini said he was thrilled to have a Millcreek resident provide these services. Crandall congratulated the Council on the AA+ bond rating and

thanked them for their consideration. Mayor Silvestrini pointed out that the City's Finance Director, Laurie Johnson, had a positive experience working with Crandall's team. Crandall said Stifel, Nicolaus & Co was based in St. Louis (has a Salt Lake office) and underwrites more bonds than any other firm in the country. Burningham said there were two components to underwrite bonds; the wherewithal to do it and the willingness to use capital to remove risk from the issuer. They have national recognition and have done a great job with regional marketplaces. Burningham provided the Council with a calendar of events on the Sales Tax Revenue Bonds, Series 2021. He said the official statement would go into the market within the next week. The pricing on bonds would happen about July 28<sup>th</sup>. The rates were currently below 2.5%. The signing would take place August 4<sup>th</sup>, and the transaction would conclude August 5<sup>th</sup>.

**Council Member Catten moved to approve Resolution 21-31, Approving the Appointment of Stifel, Nicolaus & Co. as Underwriter for the Series 2021 Sales Tax Revenue Bonds. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

#### **4. Reports**

##### **4.1 Mayor's Report**

Mayor Silvestrini said he had been engaged with the Utah League of Cities and Towns and the Governor about fireworks. He reported there were not any firework related fires in Millcreek over the 4<sup>th</sup> of July. Chief Steve DeBry said there were 76 calls on about fireworks over the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> of July. The majority of the calls came from Tanner Park area though the fireworks came from Sugarhouse. Council Member Marchant said there were bonfires along 900 E. and 4200 S.

##### **4.2 City Council Member Reports**

Council Member Uipi said the community councils were reviewing the accessory dwelling unit ordinance. She said she had an Association of Municipal Councils meeting. Mayor Silvestrini said there was a Community Renewable Energy Board meeting the following day. Council Member Uipi asked about the square footage of billboards. Lilly said he would provide the billboard square footage list to the Council.

#### **5. Consent Agenda**

5.1 Approval of June 14, 2021 Regular Meeting Minutes

5.2 Approval of June 28, 2021 Work Meeting and Regular Meeting Minutes

**Council Member Uipi moved to approve items 5.1 and 5.2. Council Member Marchant 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., 7/21/21, 5:00 p.m. at City Hall
- City Council Mtg., 7/26/21, 5:00 p.m. at City Hall

**ADJOURNED:** Council Member Marchant moved to adjourn the meeting at 9:28 p.m. Council Member Uipi 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