

MILLCREEK, UTAH
ORDINANCE NO. 23-04

**AN ORDINANCE APPROVING A MONETARY CONTRIBUTION OF UP TO \$45,000
TO THE COMMUNITY COUNCILS, UP TO \$150,000 TO UTAH VENTURE
OUTDOORS, UP TO \$15,000 TO THE UTAH RIVERS COUNCIL, AND UP TO \$12,000
TO THE MILLCREEK ARTS COUNCIL**

WHEREAS, the Millcreek Council (“Council”) met in a regular session on February 27, 2023, to consider, among other things approving a monetary contribution of up to \$45,000 to the community councils, up to \$150,000 to Utah Venture Outdoors, up to \$15,000 to the Utah Rivers Council, and up to \$12,000 for the Millcreek Arts Council (collectively the “Appropriation”); and

WHEREAS, Utah Code Ann. § 10-8-2 requires, among other things, a study to support a monetary donation; and

WHEREAS, on or about February 6, 2023, a study ("Study") was completed by Bonneville Research, setting forth an analysis and demonstrating the purpose for the appropriation up to \$45,000 to community councils, up to \$150,000 to Utah Venture Outdoors, up to \$15,000 to the Utah Rivers Council and up to \$12,000 to the Millcreek Arts Council. A copy of the Study is attached to this Ordinance; and

WHEREAS, on February 10, 2023, the Study was made available in Millcreek for review by interested parties; and

WHEREAS, on February 10, 2023, notice of a public hearing was posted in at least three conspicuous places within Millcreek and on the Utah Public Notice Website created in Section 63A-12; and

WHEREAS, on February 27, 2023, the Council held the requisite public hearing to receive public comments concerning the Appropriation; and

WHEREAS, all interested persons in attendance at the public hearing were given the opportunity to be heard, and written comments were solicited; and

WHEREAS, the Council finds that based on the Study and comments at the public hearing, the Appropriation will be used to enhance the safety, health, prosperity, moral wellbeing, peace, order, comfort, and convenience of the inhabitants of Millcreek; and

WHEREAS, the Council finds that the Appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of Millcreek. Such goals and objectives include, but are not limited to, economic development, job creation, and job preservation; and

WHEREAS, the Council finds that the net value received for the monetary contribution is equivalent and includes certain intangible benefits to Millcreek, including, but not limited to, prosperity, moral well-being, comfort, and convenience to the inhabitants of Millcreek and economic development, job creation, and job preservation in Millcreek; and

WHEREAS, the Council finds that it has satisfied all the requirements of Utah Code Ann. § 10-8-2 to make the Appropriation.

NOW, THEREFORE, BE IT ORDAINED that the Council hereby approves a monetary contribution of up to \$45,000 to the community councils, up to \$150,000 to Utah Venture Outdoors, up to \$15,000 to the Utah Rivers Council, and up to \$12,000 to the Millcreek Arts Council.

This Ordinance assigned Ordinance No. 23-04, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 27th day of February, 2023.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

| | | |
|-------------|-----|----|
| Silvestrini | Yes | No |
| Desirant | Yes | No |
| Jackson | Yes | No |
| Catten | Yes | No |
| Upi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 23-04: AN ORDINANCE APPROVING A MONETARY CONTRIBUTION OF UP TO \$45,000 TO THE COMMUNITY COUNCILS, UP TO \$150,000 TO UTAH VENTURE OUTDOORS, UP TO \$15,000 TO THE UTAH RIVERS COUNCIL, AND UP TO \$12,000 TO THE MILLCREEK ARTS COUNCIL.
was passed and adopted the 27th day of February, 2023 and certifies that copies of the foregoing Ordinance 23-04 were posted in the following locations within the municipality this ____ day of February, 2023.

1. Millcreek City Hall, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Holladay Lions Recreation Center, 1661 E. Murray Holladay Rd., Millcreek, UT 84117

Elyse Sullivan, City Recorder



Bonneville Research

February 6, 2023

Introduction:

This analysis is intended to provide Millcreek, a Utah Municipality, and the Millcreek Council with the information required by the Utah Code Section 10-8-2. Appropriations -- Acquisition and disposal of property -- Corporate purpose -- Procedure.

Reason for the Study:

Utah Code § 10-8-2 and case law require a more rigorous review and approval process before the City can provide grants to nonprofit organizations. The process requires the City to complete a study before the grants are awarded.

Key Elements of the Study:

In making the study, the following factors shall be considered:

1

1. Completion of a study that addresses the following:
 - a. The benefit the City will receive—tangible or intangible—in return for appropriated funds.
 - b. An analysis of how the appropriation will be used to enhance Millcreek residents' safety, health, prosperity, moral well-being, peace, order, comfort, or convenience.
 - c. Whether the appropriation is necessary and appropriate to accomplish any of the goals and objectives of the City, such as:
 - i. Removing blight or underdeveloped properties;
 - ii. Increasing the City's tax base;
 - iii. Creating jobs;
 - iv. Retaining jobs, and
 - v. Any other identified public purpose that the appropriation might serve.
 - d. Completion of a financial analysis showing projected financial returns to the City, if any, and the period over which the City will recoup the appropriation amount.
2. A finding by the Council that the development will promote the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the Millcreek residents shall be adopted by Resolution, citing the study as evidence to support that finding.
3. The final appropriation shall be completed in accordance with the processes outlined in Utah Code Ann. § 10-8-2:

- a. Suppose the appropriation will be made as an amendment to the current year's fiscal budget. In that case, the appropriation shall be approved according to the process outlined in Utah Code Ann. § 10-8-2(3)(d).
- b. If the appropriation is made as part of a future fiscal year budget, the appropriation shall be approved during the regular annual budget process.

Millcreek Agreement – Millcreek proposes to make the following monetary appropriations for the Fiscal Year 2023/2024:

- Community Councils - Up to \$45,000
- Events (Utah Venture Outdoors, Inc, the special events group for the summer Venture Out! series; Millfreaks; and the annual Halloween party.) – Up to \$150,000
- Rain Barrel Program (partnering with Utah Rivers Council to provide subsidized water barrels for Millcreek residents) - Up to \$10,000
- Millcreek Arts Council - Up to \$12,000

ANALYSIS

Chapter 2.56 of the Millcreek City Ordinance states the purpose of establishing community districts and recognizing community councils in the City is to provide a mechanism by which a geographical area may be identified as a community for purposes of formulating and presenting recommendations on actions within the authority of the City which affect that geographical area by force of law or practice, and:

2

Chapter 3.71.050 of the "Millcreek Code of Ordinances, 2017" states that the City may appropriate funds or resources to aid a private enterprise project as state law provides.

The stated purposes of the proposed Millcreek, a Utah Municipal Corporation, appropriations are as follows:

- Community Councils shall be encouraged to develop priorities regarding municipal services and facilities for their community district. These recommendations should be communicated in writing to the city council annually for use in policy development and the budget process. Community councils are encouraged to arrive at such requests according to duly held and well-publicized public hearings in each community district.
 - Community Councils are encouraged to make recommendations concerning such applications to the city planning commission.
 - The Millcreek City Council may budget monies annually for the community councils, which will be spent for administrative costs, including, but not limited to, legal notices, elections, newsletters, computers and software, other office equipment, dues to the association

of community councils, city-sponsored community events and community council outreach activities or events, postage, stationery, and duplication costs. Funding will be provided pursuant to budgeted amounts and upon the city council's direction.

- Utah Venture Outdoors, Inc. plan and execute Millcreek City-sponsored community-building special events that include a Friday night festival series and a Halloween event known as Millfreaks. Millcreek is working to integrate the arts into its economic development arsenal to achieve a wide range of direct and indirect financial goals. These events are intended to assist Millcreek in the following ways:
 - Supporting Millcreek economic and cultural resource development by generating economic vitality through crafts and cultural attractions;
 - Encouraging Millcreek residents to participate in healthy outdoor recreation that is available close to the community;
 - Helping to improve Millcreek's quality of life, expand Millcreek businesses and tax revenue base, and create a positive community image; and
 - They are making Millcreek more attractive to highly desirable, knowledge-based employees, thus stimulating new forms of knowledge-intensive production to flourish.

- Rain Barrel Program – Will partner with Utah Rivers Council to reduce water consumption by providing subsidized water barrels for Millcreek residents. The Rain Barrels are expected to assist Millcreek in the following ways:
 - A rain barrel is a container that captures and stores rainwater draining from your roof. Barrels usually range from 50 to 80 gallons and have a spigot for filling watering cans and a connection for a soaker hose;
 - Rain barrels save homeowners money on their water bills. According to the U.S. Environmental Protection Agency, garden and lawn irrigation accounts for 40 percent of residential water use during the summer. By using rain barrels, homeowners can save 1,300 gallons of water during the growing season. Rain barrels provide a free water source for irrigation and ease reliance on the City's water supply; and
 - Rain barrels help reduce the flow of storm runoff. Runoff picks up soil, fertilizer, oil, pesticides, and other contaminants from hard surfaces and landscapes when it rains. Rain barrels capture water that would have swept over a paved surface or lawn, minimizing runoff pollutants.

- Millcreek Arts Council – To plan and develop Arts programs for Millcreek, which are intended to assist Millcreek in the following ways:
 - Creating venues that draw people together who would otherwise not be

engaged in Millcreek community-building social activities;

- Fostering trust between participants and thereby increasing their generalized confidence in others and Millcreek community cohesion;
- Providing a positive community experience of collective efficacy and civic engagement, which spurs participants to further community action;
- Provide a source of pride for residents (participants and non-participants alike) in Millcreek, thus increasing their sense of connection to Millcreek;
- Providing an experience for participants to learn the technical and interpersonal skills necessary for collective community organizing; and
- They are increasing the scope of Millcreek residents' social and community networks.

The municipality of Millcreek's purpose for the above-listed appropriations will be to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality. The appropriations are necessary and appropriate to accomplish the reasonable goals and objectives of Millcreek, a Utah Municipal Corporation, in the areas of economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structures and property, and any other public purpose.

4

Conclusion and Required Finding:

The appropriations are necessary and appropriate to accomplish the public purposes of Millcreek, a Utah Municipal Corporation, including: in the areas of economic development, job creation, and job preservation to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of Millcreek, and therefore Millcreek, a Utah Municipal Corporation, will receive an adequate benefit in return for any money or resources appropriated.

GENERAL LIMITING CONDITIONS

Every reasonable effort has been made to ensure that the data in this study reflect accurate and timely information which is believed to be reliable.

- *The study is based on estimates, assumptions, and other information developed by Bonneville Research from its independent research effort, general knowledge of the region, primary data sources including Millcreek, the Utah State Tax Commission, and the Utah State Auditor's Office, and consultations with the Client's representatives.*
- *No responsibility is assumed for inaccuracies in reporting by the Client, its agents, or any other data sources used in preparing or presenting this study. This report was based on information collected in February of 2023, and Bonneville Research has yet to update its research since this date. Bonneville Research makes no warranty that any of the projected values or results contained in this*

study will actually be achieved. This report is not to be used for any public or private offering of securities or other similar purposes. This study is qualified and should be considered in light of these limitations, conditions, and considerations.

Robert Springmeyer

Robert Springmeyer, the Principal of Bonneville Research, performed this 10-8-2 Appropriations study.

Mr. Springmeyer is actively involved in redevelopment and other economic impact projects. He has provided independent financial and redevelopment analysis for numerous urban renewal agencies within the State and completed "Fair Value Analyses" for Holladay and South Salt Lake Cities. Mr. Springmeyer is the Chairman of Bonneville Research. He has directed the Economic Analysis/Tax Studies completed for the Downtown Alliance, the Utah State Tax Review Commission, Salt Lake County, Brigham City, Salt Lake, Sandy, Bountiful, and South Jordan Cities, including the Urban Renewal Agencies of Salt Lake, Taylorsville, Holladay, South Salt Lake, Draper, West Jordan, Ogden, South Jordan, Sandy, and Murray. He is educated in Political Science, Economics, and Business Management, has consulted with local governments for over 40 years and has been listed in Who's Who in Finance and Who's Who in the West.