



**Minutes of the
Millcreek City Council
January 12, 2026
5:30 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on January 12, 2026, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

PRESENT:

Council Members

Cheri Jackson, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Nicole Handy, District 3
Bev Uipi, District 4

City Staff

Mike Winder, City Manager
Elyse Sullivan, City Recorder
Francis Lilly, Assistant City Manager
Kurt Hansen, Facilities Director
John Miller, Public Works Director
Rita Lund, Communications Director
Sean Murray, Planner
Alex Wendt, Business License Admin.
Brad Sanderson, Current Planning Manager
Jim Hardy, Building Services Director
Lisa Dudley, HR-Finance Director

Attendees: Kathy Wickersham, Madeleine Tate, Nancy VonAllmen, Thomas McMurtry, Stacey Adams, Rick Hansen, Marv Poulson, Chief Jon Wilde, Mike Rush, Madison Hoover, John Tuutau, Leslie M., Andrei Tarom, Zack Webster, Nan Bassett, Ben Homel, County Council Member Suzanne Harrison, Rob Peterson, Nate Gibby, Gary Hanneman, Peter Liacopoulos, Lynda & Jeff Gibson, Kristian Bechman, Allen Sowards, Chip Spencer, CJ Johnson, Kara Cope, Filia Uipi, Xane Uipi

WORK MEETING – 5:30 p.m.

TIME COMMENCED: 5:32 p.m.

Mayor Jackson called the work meeting to order.

1. Transportation Utility Fee Update; John Miller, Public Works Director

John Miller said Avenue Consultants was hired from a group of four different proposals for their communication.

Thomas McMurtry, Avenue Consultants, presented a video explaining the transportation utility fee (TUF) for Millcreek. He outlined the purpose, findings, and next steps of Millcreek's TUF

study. McMurtry explains that the goal is to review road conditions, assess current and future maintenance needs, and evaluate the feasibility of implementing a legally compliant TUF based on roadway usage and trip generation. The study, initiated last summer at the city's direction, involved assessing pavement conditions, calculating trip generation across all land uses, and developing potential fee structures. While the analysis has not yet been broadly shared, the city is beginning public outreach through a video and presentations, with a final report anticipated in March or April.

A significant portion of the presentation focused on the condition of Millcreek's 171 miles of roads. Pavement condition is measured using the Pavement Condition Index (PCI), and the city's current average PCI of 64 is described as fair but below desired standards. Only 32% of city streets have received maintenance over the past nine years, far short of the ideal cycle of addressing all streets every seven to ten years. Limited funding, rising material and labor costs, and reliance on state B and C road funds and general fund dollars have contributed to deferred maintenance, resulting in deteriorating road conditions and higher long-term costs.

McMurtry explained that while Millcreek currently receives approximately \$3 million annually in B and C road funds, this source is increasingly insufficient, particularly as the city's share of statewide funding declines due to slower road expansion compared to fast-growing cities. As a result, the city must rely heavily on general fund dollars to supplement road maintenance, diverting resources from other priorities. Without a TUF, this trend is expected to continue, leading to further pavement deterioration and increasing costs over time. A TUF would provide a dedicated, stable funding source for road maintenance, allowing the city to preserve general fund resources while targeting a 10-year maintenance plan aimed at improving the average PCI to between 70 and 75. The fee would be based on trip generation, which is presented as a fair and legally supported approach that captures contributions from all roadway users, including tax-exempt properties such as schools, churches, and government facilities that do not currently contribute to the general fund but generate significant traffic.

Several potential fee structures are presented, ranging from a flat fee for all addresses to a more detailed, multi-category model similar to Provo's long-standing and court-defended TUF. Under the multi-category approach, a typical single-family home would pay approximately \$7.40 to \$8.40 per month, depending on the target PCI level. He showed comparable fees from other Utah cities, with many communities charging between \$7 and \$10 per household per month. The presentation concludes by noting that multiple Utah cities are currently exploring similar fees.

Council Member Uipi noted no other cities in Salt Lake County had a TUF. Council Member Catten expressed concern for people on fixed incomes. McMurtry said Provo has an application that residents can file to have the fee waived, about 100 people have applied. Mike Winder explained that staff is recommending serious consideration of a TUF for the following reasons. First, the traditional gas tax is becoming an increasingly unreliable funding source as fuel efficiency improves and electric and hybrid vehicles become more common, and the state has no clear long-term solution to replace this revenue. As a result, responsibility for addressing road funding shortfalls is likely to shift to local governments, making it necessary for cities to proactively identify sustainable, locally controlled funding mechanisms that fairly distribute costs among all road users, including residents, businesses, and nonprofits. Second, Millcreek faces a unique challenge due to decades of underinvestment in road infrastructure. Once pavement conditions decline below a certain threshold, maintenance costs rise rapidly, requiring

significantly more spending just to prevent further deterioration. Establishing a dedicated funding tool would help the city stay ahead of these costs, stabilize road conditions, and ultimately save residents money over the long term by avoiding more expensive repairs.

Winder emphasized that a TUF aligns with sound tax policy principles by broadening the funding base and lowering the burden on any single group. By spreading costs across all users rather than relying heavily on property taxes, the city can maintain lower and more stable property tax rates and avoid the large, sudden tax increases seen in neighboring communities that lack sustainable road funding options.

Mayor Jackson asked if implementation was delayed, if the amount collected would be higher than the numbers presented. McMurtry confirmed. McMurtry noted Provo has increased their fee since 2013. Council Member Catten asked if the rates should be higher now to anticipate an increase in the future. Miller said the next step would be public information dissemination to discuss that amount and other options. Council Member Uipi asked what the lifespan of a “fair” condition road is. Miller said it depended on the level of traffic on the road; it could be 3-20 years. The current strategy is to address collectors. With current funding under that strategy, the local roads will never be addressed.

Council Member DeSirant asked how much money a TUF would bring to the city. McMurtry said \$4.1-4.7 million a year based on the numbers presented. Council Member Catten asked about billing costs. Miller said Rocky Mountain Power would double the existing fee used for the stormwater utility fee billing.

Stacey Adams, Avenue Consultants, outlined a comprehensive public engagement and risk identification strategy to support informed decision-making. The approach begins with a risk identification workshop designed to explore potential impacts of adopting or not adopting the transportation utility fee, including risks to residents, businesses, nonprofits, and the city as a whole. Participants would represent a broad cross-section of the community, including industry, schools, churches, fixed-income residents, and others associated with currently tax-exempt properties, with strong encouragement for at least one councilmember to participate consistently throughout the process to ensure continuity and trust.

In addition, the team plans to conduct stakeholder focus groups to review and refine public-facing materials, ensuring the information addresses community questions, identifies gaps, and clearly communicates key issues. A multi-channel outreach strategy will support this effort, including a publicly available video, social media, the city newsletter, signage, flyers, and posters placed in familiar and trusted community locations. The engagement process will also include two public meetings, with the first anticipated in mid to late February and a second likely structured as a formal public hearing in March or later if timelines shift.

To support transparency and accessibility, a dedicated project website will be developed in coordination with city staff, and special attention will be given to language and accessibility needs. The team emphasized the importance of reaching residents who may have limited access to digital platforms, particularly elderly community members, to ensure all stakeholders have meaningful access to information and opportunities to provide input.

Council Member Uipi asked about the timeline for March adoption. McMurtry emphasized an effort to implement the TUF before the state legislative session ended in case there was a bill that would affect it. Winder noted it would be helpful in putting together the next fiscal year budget, too. Council Member Catten would like the TUF discussed a lot before implementation. Miller emphasized the community engagement that would take place. Council Member DeSirant volunteered to participate in special meetings. Miller cautioned that the figures presented were illustrative examples rather than predetermined outcomes, noting that numerical estimates can easily be misconstrued as final decisions. He emphasized that the numbers shown reflect approaches used by other communities and represent only a couple of possible options among many. The key message, he explained, is not the specific dollar amounts but the underlying choice facing the city: either continue on the current path of declining infrastructure conditions and incur significantly higher costs in the future, or take proactive action now by implementing a solution at some level to reverse the downward trend and begin improving overall conditions.

2. Discussion with Woodhaven Event Center Regarding a Proposed Zoning Text Amendment to Add an Outdoor Reception Center as a Land Use in the Commercial Zone

Brad Sanderson described a uniquely shaped parcel that contains an existing structure originally built as a residence and later converted to a business use. The property is subject to multiple zoning designations, including commercial, low-density residential, single-family residential, and RM zoning, which creates complexity for its current and proposed use. Under the city code, the applicant's proposed use is classified as a reception or event-centered use, which is permitted in commercial zones but not allowed in single-family or RM zones. As a result, the property would need consistent commercial zoning to accommodate the request.

Sanderson further explained that outdoor event-centered uses are prohibited within 300 feet of a residential zone boundary, a standard intended to mitigate potential impacts such as noise, lighting, and evening activity on nearby neighborhoods. While this regulation applies uniformly across the city and does not reflect the management quality of any individual operator, it is designed to address common concerns associated with outdoor event venues. He concluded by inviting the applicant to provide additional details about their business, the nature of the request, and how the property would be used.

Madeleine Tate, Woodhaven Event Center, explained that Woodhaven currently operates as a secondary business during the weekday and is seeking to add a small-scale event center component. She noted that the property's location at the intersection of multiple zoning districts presents unique challenges but also highlighted physical characteristics that help mitigate potential impacts, including significant changes in elevation between the event space and nearby homes, as well as existing foliage and natural sound barriers. Tate emphasized the intent to host limited, low-impact events and to proactively address neighborhood concerns through sound mitigation measures, an early shutdown of music and bar service by 10:00 p.m., and direct engagement with nearby residents. She concluded by expressing a desire to work collaboratively with the city to navigate the complex zoning situation while aligning with the city's planning objectives.

Mayor Jackson asked about parking. Tate said they have a verbal agreement with the neighboring bank to use their parking lot on weekends, as long as nobody parks there

overnight. Council Member Catten asked about the elevation change. Tate said it was a 150-200 foot change.

Mayor Jackson clarified that a code change would apply city-wide and not just to this site. Sanderson said that the proposed event center use is currently permitted only within the commercial zone, and that the applicant is therefore requesting a text amendment that would apply broadly to all properties zoned commercial. He emphasized that such a change is a legislative decision within the council's discretion, which is the primary purpose of the discussion, and noted that it would be inappropriate to require the applicant to pursue a formal application if the council had significant concerns with the concept. Sanderson advised that any consideration of this amendment should be undertaken holistically, evaluating not only all properties within the commercial zone but also adjacent properties and those that could be rezoned in the future under the city's land use map. He stressed that zoning regulations are intended to provide predictability and reliability for both current and surrounding property owners, who rely on these standards when making significant investments. While acknowledging that the current applicant may have good intentions, he cautioned that zoning changes must be evaluated in light of how they could apply to other businesses with differing practices.

Mayor Jackson noted other areas in the city with commercial zones neighboring residential, such as along 3300 South. Sanderson suggested limiting discretion in application based on how the change gets written. He noted it would be hard to enforce since these businesses operate after city business hours. The council wondered if there were parameters that could be put in place to restrict where outdoor reception centers could be allowed since there are many commercial properties directly neighboring residential properties throughout the city. The council directed staff to explore the idea further.

3. Staff Reports

There were no reports.

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

There was none.

Council Member Uipi moved to adjourn the work meeting at 6:33 p.m. Council Member Catten seconded. Mayor Jackson called for the vote. Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:01 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Jackson called the meeting to order. The Unified Police Department Honor Guard presented the colors. The National Anthem was sung by Michelle Willis in lieu of the pledge of allegiance.

1.2 Oaths of Office; Council Member Thom DeSirant and Council Member Bev Uipi

The City Recorder administered the oath to Council Member DeSirant. Council Member Uipi's father Filia Uipi, a notary public, administered the oath to her, and her son, Xane Uipi, accompanied. The council members then thanked friends, families, and constituents for their support.

1.3 Proclamation of the Millcreek Council Recognizing Millcreek's First Decade as a City

Mayor Jackson proclaimed the following:

A PROCLAMATION OF THE MILLCREEK COUNCIL RECOGNIZING MILLCREEK'S FIRST DECADE AS A CITY

WHEREAS, Millcreek was inhabited for centuries by Ute, Goshute, and Northern Shoshone indigenous peoples, became home to Mormon pioneers beginning in 1848 who constructed lumber and grist mills to harness the energy of Mill Creek, and grew to include diverse peoples from all around the world, including the largest early settlement of African-American pioneers in Utah; and

WHEREAS, this area was governed as unincorporated Salt Lake County from 1850-2016, and supported by the Millcreek Community Council, East Mill Creek Community Council, Canyon Rim Citizens Association, and Mt. Olympus Community Council; and

WHEREAS, on November 3, 2015, 66% of area residents voted to incorporate as a city; and

WHEREAS, on December 28, 2016, at 9:30 AM, first Mayor Jeff Silvestrini had the Articles of Incorporation certified by Utah Lt. Governor Spencer Cox's office to officially create Millcreek, a Utah Municipal Corporation; and

WHEREAS, the newly incorporated city has grown and prospered in its first decade, master-planned and built a city center; improved roads; launched a Promise Program; and added parks, trails, and open space, including Millcreek Common; and

WHEREAS, the City Council desires to celebrate the achievements of the City's first decade.

NOW, THEREFORE, BE IT PROCLAIMED that the Council, on behalf of the people of Millcreek, officially recognizes the City's first ten years and proclaims the year 2026 to be a celebratory year marking the Millcreek Decennial. May this milestone year be a special time to strengthen the City we love, improve what we can, and imagine what comes next.

ADOPTED on this the 12th day of January, 2026.

1.4 Public Comment

Dr. Michael Rush, President of Canyon Rim Citizens Association (CRCA), emphasized the association's historic and ongoing role in shaping Millcreek's civic identity. He recounted the association's origins prior to the city's incorporation, highlighting its successful grassroots effort in the 1970s to preserve what is now Tanners Park, an initiative that demonstrated the community's capacity for organized advocacy, leadership, and long-term stewardship. Dr. Rush asserted that the work of CRCA and similar community councils laid essential groundwork for Millcreek's incorporation and

continues to provide meaningful civic value. He argued that CRCA has long served as a constructive partner to the city by facilitating structured community engagement, reviewing zoning changes, and ensuring planning decisions reflect both neighborhood and citywide perspectives. Dr. Rush contended that the proposal to remove CRCA's recognized status is not a minor administrative action, but rather the removal of a proven mechanism for civic participation that risks undermining public trust, transparency, and confidence in inclusive governance. He respectfully disagreed with the legal justification for the proposed action, stating that it fails to account for the association's historical significance and continued relevance. Concluding, he urged the council to preserve the recognized status of CRCA and other community councils as a way to honor Millcreek's civic traditions and reaffirm its commitment to meaningful public involvement.

Nancy VonAllmen shared a personal account of the origins and lasting impact of the CRCA, describing how a neglected gully near her home in 1976 inspired a community-led vision for preservation and public use. That vision led to the formation of CRCA as a nonprofit community council and ultimately to the creation of Parleys Historic Nature Park and Tanner Park, demonstrating the power of organized volunteer efforts to transform neglected land into valued community assets. She emphasized that CRCA was among the earliest community councils in the valley and has consistently delivered tangible benefits through sustained civic engagement. She argued that community councils like CRCA have played a vital role in addressing local needs and strengthening Millcreek, citing initiatives such as supporting the creation of Canyon Rim Academy, developing emergency preparedness plans, bridging religious divides, establishing parks and recreational amenities, providing services for underserved residents, and contributing to safe community events. VonAllmen stressed that CRCA has worked collaboratively with city planners and leaders, providing informed resident input and supporting the city's incorporation. She expressed strong concern over proposals to remove community councils from the city code, characterizing such action as a serious mistake that disregards decades of volunteer service and undermines grassroots democracy. She urged the council to retain community councils in the city code, asserting that they remain essential to residents and to the continued success of Millcreek.

Robert Peterson, a former chair of the CRCA, reflected on the past decade of Millcreek's development as a remarkable example of successful community-driven planning. He noted that what began as a general plan for Millcreek Township evolved into a unique and locally tailored city plan through extensive collaboration between community members, city leadership, and planning staff. Peterson emphasized that Millcreek's incorporation—and even the existence of the city and its civic facilities—was the result of years of sustained effort by community councils and residents, including seven years of work to place incorporation on the ballot. He cautioned that disregarding or diminishing the role of community councils would overlook their foundational contributions and represent a significant misstep. Peterson urged city leaders to recognize the essential role these councils have played in shaping Millcreek and to avoid moving in a direction that would undermine the community engagement that made the city possible.

CJ Johnson, CRCA, addressed the council in support of retaining the community council ordinance, Chapter 2.56 of the Millcreek Code. While acknowledging that an informal opinion from the State Property Rights Ombudsman suggests community councils could

be considered “public bodies” under the Utah Open and Public Meetings Act, Johnson argued that this interpretation is legally flawed. She emphasized that a key component of the statutory definition—a public body must be vested with authority to make decisions regarding the public interest—does not apply to community councils, as they have no decision-making power or ability to set policy. Rather, they function solely as conduits for resident input, sharing ideas, concerns, and perspectives with city officials who hold actual governmental authority. Johnson urged the council to reject the proposal to repeal the ordinance, cautioning against discarding a long-standing mechanism for civic engagement that facilitates communication between residents and government.

Kara Cope, CRCA, said there is a toxic political environment nationwide and the cancellation of the community councils is not only dismissive, but it is another way to silence the citizens.

Allen Sowards, Millcreek Community Council Chair, addressed the mayor and council using the metaphor of Ebenezer Scrooge to illustrate the importance of learning from past experiences. He explained that community councils were established over 40 years ago in response to rapid, often unregulated development that left residents feeling excluded and overlooked. These councils were intended to give communities a voice in planning and development decisions, ensuring transparency, participation, and accountability. Sowards warned that dismantling or weakening the community council structure risks returning the city to a past where development occurred without meaningful community input. He highlighted ongoing pressures from both external sources, such as state legislation, and internal policy changes affecting zoning, code enforcement, and development, noting that many of these changes disproportionately impact the west side of Millcreek, a community already identified as one of the least healthy in the state. Sowards argued that eliminating or reducing the role of community councils would compound these inequities, destabilize neighborhoods, and ignore the critical role in fostering community engagement. He urged the council to preserve the community councils’ role, emphasizing that they are part of the solution for equitable, informed governance, not a problem to be removed.

Marvin Poulson, Millcreek resident, asked how removing a layer of informal input that the community council provides would make the city better. More people participate in the community council meetings than do in the city council meetings.

Nate Gibby requested an email he submitted to the council be included in the record, see below. He echoed sentiments supporting the continuance of the community councils. He urged the city council to consider furthering the conversation about how to make the community councils more effective and how to comply with the law at the same time rather than doing away with the councils.

“I plan on attending tonight’s city council meeting to listen and contribute to the conversation regarding the modification of the city’s code to effectually eliminate the current status of community councils. Recognizing some of the issues the city has taken with the current paradigm with the community councils (including treatment of city planners, overtime for city staffers, too much time spent on planning issues, open records requirements, etc.), removing community councils entirely from the city’s code is not the answer. Doing so effectively eliminates the most basic form of municipal involvement and renders the community council nothing more than a local affinity group. The community council gives another dozen people in our district the ability

to get involved and have a small sense of influence in municipal affairs. I believe that the council has tremendous potential to be a force for good in our community. Rather than being no more than a once-a-month gripe sessions, I think that these councils can be fundamental in empowering our citizens to be a force for good. I'll save my thoughts on all of the good they can do for another conversation. Instead of removing them from the code, can we make more an attempt to reconcile the city's legal, financial and operational concerns with the important role community councils play in municipal government and the potential they have to serve the community? I'll be the first to recognize that the community councils should not be the junior planning commission and that there is much to be improved in how they operate. However, working through the process should be precursor to changing code. If said councils are subject to open records laws, let's bring them in compliance. If city staffers feel mistreated or the extra time becomes taxing, let's set expectations for how the councils provide feedback and find a way to maintain communication channels that may not require a staffer's in-person attendance at an evening meeting. The point is that we need to give more due process and attempt to fix issues prior to simply eliminating what the city views as problematic. I recognize that the meeting held on December 17 was an attempt to do exactly what I'm describing. However, holding it on a weekday during business hours right before the holidays made it difficult for many of us to attend. While a step in the right direction, it is not enough to merit changing code to eliminate their status. These councils have existed for decades and played a fundamental role in becoming a city. It would not be prudent to overlook their historical and present contributions by effectively neutering them. I'm happy to continue to push CRCA to improve. To that end I've had conversations with Mike Rush privately and then publicly at the last council meeting. I welcome your involvement in that process. In the meantime, I implore you not to remove community councils from city code, but first to continue to engage with the councils to improve their operation in ways that benefit both residents and the municipality. Thanks for your consideration."

Chip Spencer, Millcreek Community Council, expressed concern that the city's proposal to eliminate community councils represents a separation of city leadership from the people it serves. He referenced the U.S. Constitution, noting that government exists to serve "We the People," and argued that community councils are a vital conduit for citizen input, shaping discussions and decisions that ultimately reach the planning commission and city council. Spencer emphasized that while residents can still attend formal meetings, these venues do not provide the same depth of engagement, dialogue, and influence that community councils offer. He expressed disappointment that the city appears to be disregarding this established mechanism for public participation, citing instances where legislators suggested councils might be unnecessary, and urged the council to maintain community councils to preserve meaningful connection between residents and city leadership.

Pete Liacopoulos expressed support and appreciation for the city council, acknowledging their efforts and praising their responsiveness to community concerns. Drawing from personal experience, he described organizing a large neighborhood meeting with Mayor Silvestrini and Councilman DeSirant, highlighting the value of residents actively engaging with neighbors to address local issues and bring ideas to city leadership. He encouraged others to connect with their communities, noting that collaboration is key to solving problems. Additionally, he raised local concerns, such as deteriorating roads on 1500 East and future planning for the 2034 Olympics, suggesting community-driven initiatives like commemorative flags. Overall, he emphasized the importance of

neighborly engagement, praised the council's work, and encouraged continued involvement and dialogue between residents and city officials.

Council Member DeSirant moved to amend the agenda to move item 3.3 up next. Council Member Uipi seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

3. Business Matters

3.3 Discussion and Consideration of Ordinance 26-05, Amending Chapter 5.19 of the Millcreek Code of Ordinances with Respect to Short-Term Rentals

Alex Wendt explained recent updates to Millcreek's short-term rental (STR) regulations under Chapter 5.19, developed collaboratively with the city attorney, planning staff, and code compliance. While many changes were stylistic—such as replacing “short-term rental” with “STR”—several substantive updates address enforcement and compliance issues. The primary revision focuses on verifying that a rental property is the applicant's primary residence. Previously, a list of ten acceptable documents sometimes allowed individuals to misrepresent ownership; the revised process now requires a government-issued ID plus two additional proofs, such as car registration, voter registration, W-2 or 1099 forms (redacted), or property ownership documentation. This change ensures compliance without burdening legitimate applicants. Additional updates clarify that applications or licenses unpaid or inactive for more than 30 days are considered abandoned and will be closed, and that each person may hold only one STR license. These revisions are intended to streamline administration, prevent abuse, and maintain compliance with city code.

Council Member DeSirant noted the city is not allowed to look at short-term rental websites for listings for enforcement. Rentals are required to have a business license.

Council Member DeSirant moved to approve Ordinance 26-05, Amending Chapter 5.19 of the Millcreek Code of Ordinances with Respect to Short-Term Rentals. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

2. Planning Matters

2.1 Public Hearing to Consider Vacating and Removing the “Planned Unit Development (P.U.D.)” and “Open Space” Designations and Lots 1, 2, and 10 from “The Woods at Rosecrest P.U.D. Subdivision”

Brad Sanderson provided an overview of a proposed ordinance concerning a subdivision originally approved in 2014 as a Planned Unit Development (PUD). He explained that PUDs were historically used to grant exceptions or alternative development standards, such as reduced setbacks, private roads, or small open spaces, though in this case the open space was minimal and not highly usable. Since the city has largely phased out PUDs in favor of updated development codes, the current proposal seeks to rezone most of the subdivision to R-1-6, aligning lot sizes with standard requirements. Additionally, lots 1, 2, and 10 are being removed from the subdivision because they lack access to the private street and open space and do not integrate with the existing PUD infrastructure.

While administrative amendments could now suffice under recent changes to Utah state code, the county requested an ordinance be passed to formally vacate these lots and remove the PUD designation. Sanderson clarified that no new development is proposed; the ordinance purely addresses administrative adjustments to the subdivision's plat and zoning.

Council Member Uipi moved to open the public hearing. Council Member DeSirant seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

Nan Bassett, Walnut Park Cove, thanked Sanderson for speaking on behalf of the HOA.

Council Member DeSirant moved to close the public hearing. Council Member Uipi seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 26-01, Vacating and Removing the "Planned Unit Development (P.U.D.)" and "Open Space" Designations; and Further Vacating and Removing Lots 1, 2, and 10 from "The Woods at Rosecrest P.U.D. Subdivision"

Council Member Catten moved to approve Ordinance 26-01, Vacating and Removing the "Planned Unit Development (P.U.D.)" and "Open Space" Designations; and Further Vacating and Removing Lots 1, 2, and 10 from "The Woods at Rosecrest P.U.D. Subdivision." Council Member Handy seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 26-02, Adding a Water Preservation Element to the General Plan Pursuant to Utah Code Ann. § 10-20-401 and § 10-20-404

Sean Murray provided an overview of the second reading of a water conservation plan, which has been reviewed by the city council, planning commission, and community councils. The plan assesses current water consumption in Millcreek and outlines strategies to meet future conservation targets established by local water providers such as Salt Lake Public Utilities and the Jordan Valley Water Conservancy District. Updates since the previous review primarily clarify the goals and strategies section, set clearer benchmarks, and improve readability, while also including minor grammatical edits and reorganizations. The plan emphasizes public education and outreach, with staff already coordinating with local groups like "Slow the Flow" to promote water conservation programs and rebate initiatives. Murray noted that these updates aim to make the plan actionable and understandable for residents and city officials.

Council Member DeSirant moved to approve Ordinance 26-02, Adding a Water Preservation Element to the General Plan Pursuant to Utah Code Ann. § 10-20-401 and §

10-20-404. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

3. Business Matters Continued

3.1 Discussion and Consideration of Ordinance 26-03, Repealing Chapter 2.56 of the Millcreek Code of Ordinances Regarding Community Districts and Community Councils

Mayor Jackson said the city started talking about this code over a year ago after the City Attorney, John Brems, had some concerns regarding the community councils and adherence to the Open and Public Meetings Act. Francis Lilly said Brems consulted the Utah Property Rights Ombudsman regarding community councils, which raised concerns about their formal role in making recommendations to the planning commission. While acknowledging the long-standing history and value of community councils in Millcreek, Lilly noted that codifying their recommendation authority through ordinance effectively creates a formal decision-making role, similar to that of the planning commission. To address this, staff researched other jurisdictions, such as Salt Lake City, which has decoupled its community councils from formal land use recommendations while maintaining informal advisory roles. Likewise, the Municipal Services District no longer formally recognizes community councils in planning processes. Lilly emphasized that this shift does not prevent community councils from continuing to provide informal recommendations or engage with the city, preserving their ability to contribute to community input and engagement.

Mayor Jackson explained that following the informal opinion from the Utah Property Rights Ombudsman, the city explored potential hybrid solutions to allow community councils to remain codified while complying with state law. After extensive discussion and clarification in October, it was determined that no workable solution exists that accommodates both formal recognition and legal compliance. The mayor emphasized that the city is not seeking to eliminate community councils, acknowledging their significant contributions and achievements, which have been driven by resident initiative across the city. However, formal recognition of council recommendations conflicts with the Open and Public Meetings Act, making exemptions legally infeasible. The mayor reassured that the city would continue supporting community councils by providing funding for events, covering insurance, and offering meeting space at no cost, encouraging councils to continue their community engagement while adapting to these legal requirements.

Council Member Uipi explained that while some community councils in her district, Mt. Olympus and East Mill Creek, were not represented at the meeting, she has engaged with their leaders and emphasized the historical value and long-standing contributions of all community councils. She clarified that these councils are private citizen-created organizations with their own bylaws and articles of incorporation, and the proposed repeal of code Chapter 2.56 does not require them to dissolve or stop meeting. Rather, the repeal reflects compliance with state law and changes how the city formally recognizes councils, without eliminating their ability to participate in public processes or provide recommendations at planning commission meetings. Council Member Uipi also noted the

importance of councils in supporting community priorities, events, and traditions—such as collaborations with the Lions Club or the Arts Council—and highlighted ongoing considerations regarding indemnification for such activities. Overall, she stressed that the repeal preserves the councils' autonomy, recognizes their generational value, and ensures they can continue operating according to their own governance while aligning the city with legal requirements.

Lilly explained that when private organizations partner with the city on projects, there are generally two approaches to ensure liability coverage. First, if the organization is a nonprofit with its own insurance—like the Rotary Club—proof of that coverage is sufficient. Second, for projects involving volunteers, such as community clean-up days, the city can require participants to sign volunteer waivers, thereby providing temporary indemnification through the city. Additionally, funding requests from organizations can include administrative expenses, such as insurance, as part of a formal 10-8-2 study (Utah State Code 10-8-2) request. Essentially, indemnification can either be managed through contractual agreements or structured volunteer programs, ensuring both safety and compliance while enabling community engagement.

Mayor Jackson noted the East Mill Creek Community Council gets insurance through the Association of Community Councils Together. She suggested the other councils look into it. The councils could also request a 10-8-2 study with the city to help pay for administrative funds. Council Member Uipi noted that the Mount Olympus Community Council currently does not have a chair, which makes it challenging to track membership and recruitment within that area. While acknowledging that each community council may face different challenges, she emphasized that existing councils should continue to operate according to their bylaws and articles of incorporation and remain engaged with the city. She also suggested that the city could explore ways to make planning applications a more robust and inclusive public process, ensuring that community input is heard even as formal recognition of the councils' changes.

Lilly acknowledged that the concerns raised by community council representatives regarding public participation and communication are reasonable. He proposed that the city could continue providing councils with an opportunity to offer input by holding open houses at least two to three weeks prior to planning commission meetings. These sessions would allow council representatives, residents, and other community groups to meet with planners and applicants, discuss proposals, and formulate recommendations to submit via email or present at the planning commission. Lilly noted that this approach, modeled after Salt Lake City's system, preserves the value of early community input while remaining inclusive to all interested organizations, ensuring meaningful dialogue without giving special status exclusively to community councils.

Council Member Catten expressed a deep personal connection to community councils, noting that both she and former Mayor Silvestrini began their public service through these councils and recognize their exceptional value. However, she suggested that creating some distance between the councils and the city could help them operate more independently and return to the level of initiative they once had. Drawing on her own experience managing communications, events, and recommendations on a council, she noted that much of that work is now supported by city departments, which could allow

councils to focus on leadership and engagement rather than administrative tasks. Council Member Catten emphasized that the proposed changes do not dissolve the councils—they will continue to receive support and funding—and she encouraged them to leverage their independence and unique community identities. She referenced Salt Lake City’s Sugar House Community Council as an example of a highly autonomous and effective model and expressed hope that Millcreek’s councils could similarly thrive, collaborate, and enhance their impact while maintaining their local character. She concluded by stressing her commitment to ensuring avenues for community input and support through this transition, encouraging councils to seek assistance and engage actively with the city.

Council Member Uipi asked if the community councils had engaged with staff on ways to address the Ombudsman’s opinion. Lilly felt he had not received adequate feedback. Council Member Uipi asked if other cities recognized community councils. Lilly explained that Salt Lake City is currently reevaluating its relationship with community councils due to ongoing concerns about liability risks, despite the councils’ informal status. She noted that the Municipal Services District (MSD) still has ordinances recognizing community councils but does not actively engage with them, highlighting that ordinances often lag behind practice. Lilly acknowledged that over the past year he made multiple efforts to solicit input from the councils and other organizations to address liability and procedural concerns but received limited feedback. He emphasized that the core issue is why four independent community councils are given formal recognition in the city code, while other community organizations—such as the Rotary Club, Lions Club, or Utah Physicians for a Healthy Environment—do not receive the same status. Lilly stressed that his goal was to find a solution that mirrored Salt Lake City’s approach while addressing the fundamental legal concerns raised by the Utah Property Rights Ombudsman.

Mayor Jackson acknowledged the extensive research and effort Lilly has invested in reviewing state code and consulting with other cities to address the community council issue. She emphasized that the city highly values the input received from community councils and that their contributions are an important source of community feedback. However, she clarified that formal recognition in city code is not required for councils or residents to hold meetings, gather input, and provide opinions—citing an example of a resident hosting 75 people to discuss road conditions with city officials. Mayor Jackson recognized that the changes represent a significant shift and may feel disrespectful to some but stressed that the decision was carefully considered to balance legal requirements with continued community engagement.

Mike Winder explained that, after consulting with the city attorney, there are significant liability concerns tied to the community councils’ formal recognition, particularly regarding compliance with the Open and Public Meetings Act, election integrity, and ensuring equitable representation across councils of different sizes. He emphasized that decoupling the councils from the city satisfies these legal and liability concerns while allowing them to continue as independent organizations without the burdens of formal election processes or costly meeting requirements. Winder highlighted that community councils can still contribute meaningfully, collaborate with city departments and events, and receive support from the city, such as being included on community calendars.

Annual reviews and funding allocations through the city's 10-8-2 studies will continue, maintaining opportunities for councils to thrive while addressing legal compliance.

Mayor Jackson acknowledged that election procedures have been a significant concern, noting that many community council members were appointed outside of formal election cycles to fill needed roles. While this helped increase participation, it did not follow the legal bylaws required for a formally recognized city body. She emphasized that the recent changes provide councils with greater flexibility to grow, expand membership, and pursue activities beyond formal planning input, such as events and community engagement. Mayor Jackson expressed hope that community councils will continue to gather public input, serve as a vibrant part of the community, and maintain strong connections with the city, while adapting to a reimagined role moving forward.

Council Member DeSirant acknowledged the complexity of the situation and the sense among community council members that they may not feel fully respected. He emphasized that the decoupling does not mean the end of community councils, many of which predate the city's incorporation and operate under their own bylaws. He highlighted concerns about the significant staff time required to support multiple councils, sometimes meeting simultaneously, and noted that the trial of a once-a-month consolidated meeting is a practical step forward. He emphasized that the city would continue to support community councils and other nonprofit partners, recognizing the need to review and refine these relationships over time, similar to ongoing efforts in Salt Lake City. Council Member Handy recognized the value of the community councils.

Council Member Catten emphasized the importance of flexibility and ongoing evaluation regarding the community councils. She expressed a desire for reassurance that if the current approach does not work, for example, if all four community councils were to disband or other unforeseen issues arise, the city could revisit the process and explore ways to improve it. She clarified that this does not mean reinstating code 2.56, but rather maintaining a commitment to an informal relationship that continues to value and incorporate the councils' voices and opinions as the city moves forward.

Public audience members who spoke in favor of not repealing code Chapter 2.56 during public comment began to persistently disrupt the meeting. In response, Council Member Catten expressed deep frustration with challenges faced by some community councils, noting that certain members have consistently attempted to push personal agendas or hijack meetings, creating difficulties for staff in managing proceedings. While emphasizing that this behavior does not reflect all councils or all meetings, she acknowledged that these issues make it hard to operate effectively. She conveyed a strong desire for community councils to continue existing and contributing, but stressed that creating some "space" between the city and councils may be necessary to allow them to function more productively, maintain better engagement, and ensure greater alignment with city processes, while still valuing the important work they do.

Council Member Uipi added that certain meetings have seen comments become extremely confrontational toward staff and developers, sometimes preventing applicants from speaking, which creates significant liability concerns for the city. While acknowledging these challenges, she emphasized that the value of grassroots community

organizations remains clear. She also noted that the issue has been under review for over a year, with the mayor's letter based on the ombudsman's guidance shared with community councils more than a month ago and expressed disappointment that some feedback was only now being raised.

Council Member DeSirant moved to approve Ordinance 26-03, Repealing Chapter 2.56 of the Millcreek Code of Ordinances Regarding Community Districts and Community Councils. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Ordinance 26-04, Prohibiting the Removal of Snow and Ice from Municipal Pickleball Courts

Mayor Jackson said the ordinance was proposed in response to damage sustained by the city's new pickleball courts last year, when enthusiastic community members shoveled snow off the courts before the season. Although the intent was well-meaning, the activity damaged the court surface, requiring over \$8,000 in repairs and forcing a closure during the summer months. To prevent this from happening again, the city is proposing an ordinance that prohibits snow removal from the courts, with a \$1,000 fine for violations. Signs will be posted at the courts explaining the rule, the associated fine, and the reason—highlighting how snow removal can damage the surfaces—to serve as a deterrent and protect the city's investment in the courts for long-term use.

Council Member Handy moved to approve Ordinance 26-04, Prohibiting the Removal of Snow and Ice from Municipal Pickleball Courts. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Jackson reported on recent city events and other entities' events held at city hall. She mentioned the state Division of Air Quality would be having a public hearing on January 28th at Millcreek City Hall regarding potential gravel pits in Parleys Canyon.

4.2 City Council Member Reports

Council Member Uipi reported on attending an event where Millcreek was recognized as one of 100 companies championing women. She also attended a Central Wasatch Commission meeting where Millcreek Canyon parking was discussed. Residents want to see more shuttles in the canyon. Council Member DeSirant attended a League of Cities and Towns Legislative Policy Committee meeting.

4.3 Staff Reports

There were no reports.

5. Consent Agenda

5.1 Approval of December 8, 2025 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve item 5.1. Council Member DeSirant seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There was none.

7. Calendar of Upcoming Meetings

- Planning Commission Mtg., 1/21/26, 5:00 p.m.
- City Council Mtg. 1/26/26 7:00 p.m.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:55 p.m. Council Member Catten seconded. Mayor Jackson called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Handy voted yes, Council Member Uipi voted yes, and Mayor Jackson voted yes. The motion passed unanimously.

APPROVED: Cheri Jackson Date 1/26/26
Cheri Jackson, Mayor

Attest: Elyse Sullivan
Elyse Sullivan, City Recorder