

MILLCREEK TOWNSHIP CITIZEN EXPLORATORY TEMPLATE

September 2008

MILLCREEK EXPLORATORY COMMITTEE TEMPLATE

This template is a list of assumptions for each proposed option. It is designed as a "straw-dog" where every box in the chart will remain unless it is modified by a better idea from the exploratory committees. All boxes were filled out by the exploratory committees of annexation, incorporation and remaining a township. The end result is that each of the propositions is concretely written such that it can be adequately debated and researched, and provides a guide to allow voters to compare governance options. Best ideas listed in this template are based on value, not strictly lowest cost.

DEFINITIONS

Municipal Services: Municipal Services are the duties performed or needs supplied by the government of a city or town having corporate status; also, in this instance, the duties performed or needs supplied by the County to its unincorporated areas and to others who contract with it for those services.

105% Rule: acshep, 8/5/08 -- "If the feasibility study shows that new city revenues exceed 105% of the proposed city's cost of services, the incorporation cannot continue without a boundary change or other modifications to reduce revenue." from Julie Peck-Dabling citing UT Code 10-2-106(5), 109(3)

Sunset of House Bill 40 (2005) - See appendix - This occurs July 1, 2010. HB40 protects the borders of the Millcreek Township.

	<u>Remain a Township</u>	<u>Incorporation as Millcreek City</u>	<u>Annexation by South Salt Lake</u>	<u>Annexation by Salt Lake City</u>	<u>Annexation by the City of Holladay</u>	<u>Annexation by Murray City</u>
Definition of Proposal	The Millcreek Township was formed in 2002 under the new township regulations passed in 1997. Nothing is required in order to remain a township. HB40 protects the boundaries of the township though July 1, 2010.	The proposed Millcreek City would be created from the current Millcreek Township which is composed of four smaller community areas: Millcreek, East Millcreek, Mount Olympus, and Canyon Rim. All areas would be brought in as a single unit as an incorporated Millcreek City. The 105% rule applies.	It is proposed that the entire current Millcreek Township comprised of the 4 smaller community councils: Millcreek, East Millcreek, Mount Olympus, Canyon Rim be annexed as a single unit as part of South Salt Lake City. This will require no legislation. The 105% rule applies if annexations are protested. This essentially becomes a "reincorporation". Given the larger population of Millcreek Township, city council seats would be redistricted reflecting Millcreek Community Council Areas and South Salt Lake.	It is proposed that the entire or portions of the Millcreek Township comprised of the four smaller community councils: Millcreek, East Millcreek, Mount Olympus, and Canyon Rim be annexed as a single unit as part of Salt Lake City. Annexation of the entire township will require no legislation to occur. Annexations of portions of Millcreek Township will require the township law to Sunset. The 105% rule applies if annexations are protested.	It is proposed that the portions of the current Millcreek Township be annexed as a single unit as part of the City of Holladay. Holladay expressed interest to Wixtrom from the community council areas of Millcreek, Mt. Olympus, Canyon Rim, and East Mill Creek. Currently Holladay City has specific interest in the areas between 2700 E. and Wasatch Blvd. and from 3900 S. to 4500 S. as well as the area south of 4500 S. and Highland Drive to 4500 S. and 1300 E.	It is proposed that a portion of the current Millcreek Township consisting of the Millcreek Community Council area be annexed into Murray City. The proposed annexed portion is all the area south and west of 3900 S. and 1300 E.
Action Items Required	In order to protect the township boundaries, the State Legislature must extend or eliminate the sunset provision of 2010.	Request an Incorporation Feasibility Study by signing a petition signed by owners of private property that: 1) covers at least 10% of land area; and 2) is at least 7% of land value. The land must be contiguous.	The 105% rule applies. Under current Township law, the process to annex requires a petition to be filed for (1) the entire township OR (2) an area approved by (a) a majority of the voters residing in the township in a special election called for that purpose; OR (b) the owners of private real property, as evidenced by their written consent that (i) covers a majority of the private land area within the township; AND (ii) is equal in value to at least 50% of the value of all private real property within the township. In the event the township law sunsets, current annexation laws would apply.	The 105% rule applies. Under current Township law, the process to annex requires a petition to be filed for (1) the entire township OR (2) an area approved by (a) a majority of the voters residing in the township in a special election called for that purpose; OR (b) the owners of private real property, as evidenced by their written consent that (i) covers a majority of the private land area within the township; AND (ii) is equal in value to at least 50% of the value of all private real property within the township. In the event the township law sunsets, current annexation laws would apply which allows for easier piecemeal annexation of the current Millcreek Township.	The 105% rule applies. Under current Township law, the process to annex requires a petition to be filed for (1) the entire township OR (2) an area approved by (a) a majority of the voters residing in the township in a special election called for that purpose; OR (b) the owners of private real property, as evidenced by their written consent that (i) covers a majority of the private land area within the township; AND (ii) is equal in value to at least 50% of the value of all private real property within the township. Or to facilitate piecemeal annexation, the township law must sunset.	The 105% rule applies. Under current Township law, the process to annex requires a petition to be filed for (1) the entire township OR (2) an area approved by (a) a majority of the voters residing in the township in a special election called for that purpose; OR (b) the owners of private real property, as evidenced by their written consent that (i) covers a majority of the private land area within the township; AND (ii) is equal in value to at least 50% of the value of all private real property within the township. Or to facilitate piecemeal annexation, the township law must sunset.

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State Legislation	(See appendix section for a copy of House Bill 40) Legislation must be passed in State Legislature to extend or eliminate the "Sunset Clause" of House Bill 40.	(See Flowchart and Info in Appendix and in sections 10-2-123, 10-2-116, and 10-2-114) Request for Feasibility study petition signed by private property owners. County Legislative Body Commission performs feasibility study. If projected revenues would NOT exceed projected costs by more than 5%, it continues to Public Hearings, Incorporation petition, if it meets requirements it proceeds to an election to Incorporate. If successful, city officials are elected and mayor files articles of incorporation with the Lt. Governor. The costs of the feasibility study are paid for by the County but if the incorporation is successful it must be paid back by the newly created city.	To ensure annexation of the entire township, the township law must remain in effect. If the township law sunsets, current annexation laws apply. The 105% rule applies.	To ensure annexation of the entire township, the township law must remain in effect. If the township law sunsets, current annexation laws allowing easier piecemeal annexation apply. The 105% rule applies.	To allow piecemeal annexation of the current township without a special election, the township clause must sunset.	To allow piecemeal annexation of the current township without a special election, the township clause must sunset.
Governing Ordinance	The County Mayor and County Council are the executive and legislative branches. The Community Council can make recommendations to the County Council.	Millcreek City would have authority to make and change Millcreek City ordinances, and make recommendations to the County Council as needed.	Annexed portions adopts the new city's policy for city ordinances. The annex resulting in a new "Millcreek City" would use South Salt codes and ordinances. South Salt Lake is willing to work with codes and ordinances to facilitate annexation.	Annexed portions would adopt Salt Lake City's codes and ordinances.	Annexed portions adopts Holladay's codes.	Annexed portions adopts Murray's codes and ordinances.
PROGRAMS AND SERVICES						
Police	The County Sherriff's Office provides community policing, major crimes investigation and enforcement. The County Sheriff also provides a variety of neighborhood programs.	Continue to contract with the County Sheriff's Office for services, create own police dept., or contract privately or with another adjacent city for police services.	Following annexation by South Salt Lake (SSL) contracting with the county for services may be required. Currently SSL due to daytime population is staffed three or four times the County average for law enforcement coverage and provides police services at a lower cost per officer. After annexing, the city may be able to self sustain law enforcement by utilizing the current officer to resident ratio and adding a small group of officers to service the annexed area. This represents a significant savings of police force compared to incorporation.	Police service would transfer from Salt Lake County to Salt Lake City.	Annexed portions will receive police services as provided by Holladay City. Holladay City currently contracts its police protection with the County.	Police coverage transfers to Murray.

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Fire	The Salt Lake Valley Fire Service Area is a Special Service District for the entire unincorporated area of Salt Lake County. The service contracts are with the United Fire Authority for actual fire services.	Currently Millcreek Township is part of unincorporated Salt Lake County and as a result, part of the fire district. The fire district is the taxing body. Fire services are currently provided by Unified Fire. Millcreek City could remain a member of the fire district and retain Unified Fire, contract with another provider, or choose to self-provide. To self provide or contract with another provider, Millcreek City would have to annex out of the fire district and settle any obligations.	SSL is part of Metro Fire, an interlocal agreement which also includes other municipalities. Metro Fire's fire protection costs for SSL are lower compared to Unified Fire which serves SL County.	Fire service would transfer to Salt Lake City. Salt Lake City would be required to meet the Township's financial obligation to Unified Fire.	Annexed portions will receive fire protection through Unified Fire Authority, as contracted through Holladay City.	Annexed portions transfer to Murray Fire or Murray may contract with Unified Fire. If Murray self provides, they would negotiate with Unified Fire to settle obligations.
Education	Schools remain with Granite School District. The County is in the process of creating a board, which will create better understanding and communication between citizens and the Granite School Board.	All schools in the current Millcreek Township either remain under the jurisdiction of The Granite School District or the city has two other choices: to form its own school district (since it exceeds the minimum population required) or join with other adjacent cities to form a school district, as long as they leave no 'islands' in the proposed district.	Currently all schools in the Millcreek Township and South Salt Lake are governed by the Granite School District. Under annexation or incorporation scenarios the new city can form its own school district and join with other cities to create a new school district. The benefit to annexation is a larger tax base and control of that tax base to support a new school district. Annexation also secures the minimum population to create a school district requirement.	All schools in the current Millcreek Township area remain under the jurisdiction of The Granite School District, depending on agreement.	All schools in the current Millcreek Township area remain under the jurisdiction of The Granite School District. Historically, Holladay City has been in favor of moving towards creating a smaller school district.	Murray currently has its own school district. It is likely that the Millcreek Township area schools would combine with Murray School District.
Roads	Road maintenance and new roads will remain under Salt Lake County Operations and Engineering/Flood Control Divisions. Road funding comes from a variety of sources including property taxes, sales tax, and Class B road funds.	All roads but State roads are the city's jurisdiction and responsibility. This includes snow plowing, curb/gutter/sidewalks, pothole patching, overlays, reconstructions. Also all bridges. Some money is received from the State's B & C Road Fund from the State gasoline tax (number of pumps in the city and number of road miles in the city) but this doesn't cover all.	Roads transfer to SSL public works, which represents a significant savings compared to SL County. With the increased population and increased mileage of the new city, class B and class C road funds would be increased.	Non Federal or Non State roads would transfer to Salt Lake City's responsibility.	Responsibility transfers to City of Holladay, which currently contracts with County public works.	Responsibility transfers to Murray public works.
Sanitation: Garbage Pickup	This service will remain the same and is paid for through fees assessed by the Sanitation Special Services District #1. Currently garbage, curbside recycling, and periodic Christmas tree and leaf programs are a part of the service.	Salt Lake Sanitation District One is the special service district that provides garbage pickup. Special service districts remain the same.	Special service districts remain the same. Landfill, and garbage collection belong to Salt Lake Sanitation District #1. Garbage collection remains the same.	Sanitation services would remain in County Sanitation District, unless an agreement is reached with Salt Lake City.	Annexed portions receive sanitation services through the same sanitation districts. No change.	Annexed portions receive sanitation services through the same sanitation districts. No change.

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Sanitation: Sewer Department	Salt Lake Sanitation District #1.	This is the city's responsibility. It can be managed through a private company, such as Cottonwood Water Improvement District or continue as Salt Lake Sanitation District #1.	Special service districts remain the same. Sewer services belong to Salt Lake Sanitation District #1. Sewer services remains the same.	Sanitation services would remain in County Sanitation District, unless an agreement is reached with Salt Lake City.	Annexed portions receive sanitation services through the same sanitation districts. No change.	Annexed portions receive sanitation services through the same sanitation districts. No change.
Sanitation: Storm Water	Strom water structures and functions will be maintained as currently provided by the County. Because Millcreek Township is more prone to flooding than other townships, 77% of the County appropriation for flooding has gone to Millcreek in 2007 and 2008.	Most of this falls under the jurisdiction of the city. The Discharge Policy is a federal plan, however, that the County Engineer will meet with the city to help address.	Same as above, SL County sanitation.	Sanitation services would remain in County Sanitation District, unless an agreement is reached with Salt Lake City.	Annexed portions receive sanitation services through the same sanitation districts. No change.	Annexed portions receive sanitation services through the same sanitation districts. No change.
Water: Drinking	Millcreek Township is served by three water districts: Salt Lake City, Holladay, and Jordan. These special service districts remain the same.		Millcreek Township is currently served by three water districts: Salt Lake City, Holladay, and Jordan. These special service districts would remain the same.	Millcreek Township is currently served by three water districts: Salt Lake City, Holladay, and Jordan. These special service districts would remain the same.	Annexed portions retain their current water district services.	Millcreek Township is currently served by three water districts: Salt Lake City, Holladay, and Jordan. These special service districts would remain the same.
Water: Irrigation	Irrigation water services remain the same.		Remain same.	Irrigation would remain the same.	Irrigation shares remain the same.	Irrigation shares remain the same.
Parks & Recreation	This is a County wide service which would not change.	County parks and recreation remain under the County. City parks and recreation can be created for the city's residents, too, if desired.	Salt Lake County Parks and Recreation remain the same unless there is an agreement between a city and the County to purchase a park.	Salt Lake County Parks and Recreation remain the same unless there is an agreement between a city and the County to purchase a park.	Salt Lake County Parks and Recreation remain the same unless there is an agreement between a city and the County to purchase a park.	Salt Lake County Parks and Recreation remain the same unless there is an agreement between a city and the County to purchase a park. Murray City parks would remain the same.
Street Lights & Sidewalks	The Salt Lake County Public Works Operations Division manages these functions. Requests are considered on a "first come" and "needs" basis.	Transfers to Millcreek City control. Millcreek City can choose to self provide public works or contract with the county.	Planning and Zoning would be provided by SSL. With the more representative form of government greater local control.	Transfer to Salt Lake City.	Transfers to the City of Holladay.	Transfers to Murray.
Traffic Control	Salt Lake County Public Works is responsible for managing requests, maintenance, and repairs to the traffic system.	Authority transfers to Millcreek City.	The new city takes over all County roads, but State roads remain the same.	Transfer to Salt Lake City.	Transfers to the City of Holladay.	Transfers to Murray.
Library Services	Libraries remain the same. Library services are a county-wide program and have a separate funding-line in the County budget.	Libraries are funded separately by the County and would remain the same.	Libraries remain the same.	County Library services remain the same, unless negotiated otherwise.	Remains with the County. Libraries are funded through County taxes.	Remains with the County. Libraries are funded through County taxes.
Animal Services	Animal services would remain the same. The service includes field officers to handle complaints and manage animals. Also, animal services provides full service kennel shelter 24/7.	Responsibility transfers to Millcreek City for animal services including animal bites, waste problems, and enforcement. The city may choose to self provide animal control services or contract services with the County or other party.	SSL provides animal control.	Transfer to Salt Lake City.	Transfers to Holladay City. Holladay City currently contracts these services with South Salt Lake.	Transfers to Murray.

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Planning & Zoning	Planning and zoning would remain the current three step process: Community Councils first hear request for planning and zoning, then planning and zoning requests are heard by the Millcreek Planning Commission. The Millcreek Planning Commission makes a recommendation to the County Council who makes the final decision.	Transfers to Millcreek City. Control of Planning and Zoning becomes local for general zoning, land use, transportation, low income housing, open space and trails, wild fire hazard, hydrology, flood plains, land slides, etc.	Planning and Zoning would be provided by SSL. With the more representative form of government greater local control.	Transfer to Salt Lake City.	Transfers to Holladay City, which self-provides these services. Annexed portions accept Holladay City codes and regulations.	.
Health Services	Provided through County, State, and Federal Programs	Provided through County, State, and Federal Programs.	Provided through County, State, and Federal Programs.	Provided through County, State, and Federal Programs.	Provided through County, State, and Federal Programs.	Provided through County, State, and Federal Programs.
Court & Legal System		All minor offenses: misdemeanors are handled by the city. Larger offenses are taken care of through the County. City needs a judge, prosecuting attorney, municipal attorney, bailiff, etc. The City can contract with the County for this service.	Courts would transfer to South Salt Lake's Court.	Transfer to Salt Lake City.	Transfers to Holladay City. Holladay City currently shares a Justice Court with Cottonwood Heights.	Transfers to Murray.
Business Licensing		Responsibility for issuing licenses and any funds generated there from transfers to Millcreek City.	SSL has own division.	Transfer to Salt Lake City.	Transfers to Holladay City. Holladay City currently self provides.	Transfers to Murray. Murray City currently self provides.
Building Permits and Inspections		Building permits and their impact fees transfer to Millcreek City	SSL has own departments.	Transfer to Salt Lake City.	Transfers to Holladay City. Holladay City currently self provides.	Transfers to Murray.
<u>GOVERNANCE/REPRESENTATION</u>						
Planning & Zoning Decisions	Salt Lake County Planning and Zoning Commission (SLCPZC) - Currently managed as a subcommittee composed of Millcreek Township Residents (called the Millcreek Planning Commission) which makes recommendations to the County Council for final approval. The Salt Lake County Planning and Zoning Commission does not make decisions for applications with Millcreek Township. The Salt Lake County Council makes final determinations.	Millcreek City would make its own planning and zoning decisions which must be approved by the Millcreek City Council.	Annexed portions adopts the new city's policy for city planning and zoning decisions.	Annexed portions adopts the new city's policy for city planning and zoning decisions.	Annexed portions adopts the new city's policy for city planning and zoning decisions.	Annexed portions adopts the new city's policy for city planning and zoning decisions.
Legislative Decisions	County Council		Through city council which will be reapportioned with the enlarged city.	Salt Lake City Council	Transfers to Holladay City Council.	Transfers to Murray Council.
Executive Decisions	County Mayor		SSL City Mayor	Salt Lake City Mayor	Transfers to Holladay City Mayor/Manager.	Transfers to Murray Mayor.
Judicial Decisions	County Attorney		SSL City Attorney and Court	Salt Lake City Attorney, and Courts	Transfers to Holladay City Attorney and courts.	Transfers to Murray Attorney and Court

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Government Styles	County Mayor and Strong County Council	If the incorporation proposition passes, there are 3 forms of government from which the city must choose: (1) Council Manager (This form is clearly defined in terms of job descriptions in the UT Code. It has no residency requirement for County Manager.), (2) City Commission (This form is apparently obsolete.), (3) Council Mayor (This form is defined by the city itself. It includes a City Administrator with his/her duties assigned by the Council Mayor.) If the vote is to incorporate and the form of government is chosen, the method by which to elect a City Council must be chosen from one of these: (1) Elected at large from the entire population of the city, (2) Elected by Council Districts -- from the areas into which the city is divided and delineated for this purpose. (3) A combination of the two: is not on the ballot for incorporation. To select this, a city would need to adopt it at a later date.	Mayor and Council	Council, representation based on population. Mayor acts as chief executive.	Adopts Holladay City governance, which consists of a City Mayor, City Manager and City Council.	