

1. City Council Meeting (PDF)

Millcreek City Council Meeting Agenda

Public Notice is hereby given that the City Council of Millcreek will assemble in a special public work meeting and special meeting on Tuesday, 10 January 2023 at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at 6:30 p.m. for the work meeting and 7:00 p.m. for the regular meeting in lieu of the regularly scheduled meeting on Monday, 9 January 2023.

6:30 p.m. - WORK MEETING:

1. Staff Reports
2. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items
3. **Closed Session per Utah Code §52-4-205(e)** Strategy Sessions to Discuss the Sale of Real Property

7:00 p.m. - REGULAR MEETING:

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

1.2 Public Comment

Audience members may bring any item to the Council's attention. Comments are subject to the Public Comment and Policy set forth below. State Law prohibits the Council from acting on items that do not appear on the agenda.

2. Business Matters

2.1 Discussion and Consideration of Resolution 23-04, Approving an Appointment to the Millcreek Planning Commission

2.2 Discussion and Consideration of Resolution 23-01, Approving the First Amendment to the Interlocal Cooperation Agreement Between Millcreek and Salt Lake County for Traffic Signal Installation 4115 S (Central Ave) Main Street

2.3 Discussion and Consideration of Resolution 23-02, Approving an Interlocal Cooperative Agreement for Traffic Signal Installation (Upgrade Multiple Locations)

2.4 Discussion and Consideration of Resolution 23-03, Approving a Cooperative

Agreement Between UDOT and Millcreek to Maintain a Pedestrian Safety Project
Located at SR-171 from 1885 East to 1940 East

2.5 Discussion and Consideration of Ordinance 23-01, Amending Section 2.82.100 of the Millcreek Code of Ordinances Regarding Appeals of the City's Classification of a Record, the Fees Charged for a Record, or by a Response to a Record Request

3. Reports

3.1 Mayor's Report

3.2 City Council Member Reports

3.3 Staff Reports

4. Consent Agenda

4.1 Approval of November 28, 2022 Work Meeting and Regular Meeting Minutes

4.2 Approval of December 12, 2022 Work Meeting and Regular Meeting Minutes

5. New Items for Subsequent Consideration

6. Calendar of Upcoming Events

- City Council Special Work Mtg., 1/12/23, 8:00 a.m.
- Historic Preservation Commission Mtg., 1/12/23, 6:00 p.m.
- Planning Commission Mtg. 1/18/23 5:00 p.m.
- City Council Mtg. 1/23/23 7:00 p.m.

7. Adjournment

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or khansen@millcreek.us, at least 48 hours in advance of the meeting.

Public Comment Policy and Procedure: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Council

may be asked to complete a written comment form and present it to the City Recorder. In general, the Chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the Chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The Chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action. Public comment can be submitted via the City's website at: <https://millcreek.us/FormCenter/Contact-Us-5/Public-Comments-61>.

The meetings will be live streamed via the City's website at: <https://millcreek.us/373/Meeting-Live-Stream>. The Council may convene in an electronic meeting. Council members may participate from remote locations and may be connected to the electronic meeting by GoToMeeting, Zoom, or telephonic communications. The anchor location will be City Hall.

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF MILLCREEK HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

City Offices City Website Utah Public Notice Website

Those Listed on the Agenda <http://millcreek.us>

<http://pmn.utah.gov>

DATE: January 4, 2023

CITY RECORDER: Elyse Sullivan

Agenda items may be moved in order, sequence, and time to meet the needs of the Council.

Documents:

[CC 1-10-23 AGENDA.PDF](#)
[ITEM 2.1 _ RESOLUTION 23-04 APPOINTING PLANNING COMMISSIONER.PDF](#)
[ITEM 2.2 _ RESOLUTION 23-01 _ 4115 MAIN STREET ILA.PDF](#)
[ITEM 2.3 _ RESOLUTION 23-02 TRAFFIC SIGNAL UPGRADES ILA.PDF](#)
[ITEM 2.4 _ RESOLUTION 23-03 UDOT PEDESTRAIN SAFETY AGREEMENT.PDF](#)
[ITEM 2.5 _ ORDINANCE 23-01 AMENDING GRAMA APPEALS.PDF](#)
[ITEM 4.1 _ CC 11-28-22 DRAFT MINUTES.PDF](#)
[ITEM 4.2 _ CC 12-12-22 DRAFT MINUTES.PDF](#)



Millcreek City Council Meeting Agenda

Public Notice is hereby given that the City Council of Millcreek will assemble in a special public work meeting and special meeting on Tuesday, **10 January 2023** at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at **6:30 p.m.** for the work meeting and **7:00 p.m.** for the regular meeting in lieu of the regularly scheduled meeting on Monday, 9 January 2023.

6:30 p.m. – WORK MEETING:

1. Staff Reports
2. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items
3. Closed Session per Utah Code §52-4-205(e) Strategy Sessions to Discuss the Sale of Real Property

7:00 p.m. - REGULAR MEETING:

1. Welcome, Introduction and Preliminary Matters

- 1.1 Pledge of Allegiance
- 1.2 Public Comment

Audience members may bring any item to the Council's attention. Comments are subject to the Public Comment and Policy set forth below. State Law prohibits the Council from acting on items that do not appear on the agenda.

2. Business Matters

- 2.1 Discussion and Consideration of **Resolution 23-04**, Approving an Appointment to the Millcreek Planning Commission
- 2.2 Discussion and Consideration of **Resolution 23-01**, Approving the First Amendment to the Interlocal Cooperation Agreement Between Millcreek and Salt Lake County for Traffic Signal Installation 4115 S (Central Ave) Main Street
- 2.3 Discussion and Consideration of **Resolution 23-02**, Approving an Interlocal Cooperative Agreement for Traffic Signal Installation (Upgrade Multiple Locations)
- 2.4 Discussion and Consideration of **Resolution 23-03**, Approving a Cooperative Agreement Between UDOT and Millcreek to Maintain a Pedestrian Safety Project Located at SR-171 from 1885 East to 1940 East
- 2.5 Discussion and Consideration of **Ordinance 23-01**, Amending Section 2.82.100 of the Millcreek Code of Ordinances Regarding Appeals of the City's Classification of a Record, the Fees Charged for a Record, or by a Response to a Record Request

3. Reports

- 3.1 Mayor's Report
- 3.2 City Council Member Reports
- 3.3 Staff Reports

4. Consent Agenda

- 4.1 Approval of November 28, 2022 Work Meeting and Regular Meeting Minutes
- 4.2 Approval of December 12, 2022 Work Meeting and Regular Meeting Minutes

5. New Items for Subsequent Consideration

6. Calendar of Upcoming Events

- City Council Special Work Mtg., 1/12/23, 8:00 a.m.
- Historic Preservation Commission Mtg., 1/12/23, 6:00 p.m.
- Planning Commission Mtg. 1/18/23 5:00 p.m.
- City Council Mtg. 1/23/23 7:00 p.m.

7. Adjournment

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or khansen@millcreek.us, at least 48 hours in advance of the meeting.

Public Comment Policy and Procedure: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Council may be asked to complete a written comment form and present it to the City Recorder. In general, the Chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the Chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The Chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action. *Public comment can be submitted via the City's website at: <https://millcreek.us/FormCenter/Contact-Us-5/Public-Comments-61>.*

The meetings will be live streamed via the City's website at: <https://millcreek.us/373/Meeting-Live-Stream>. The Council may convene in an electronic meeting. Council members may participate from remote locations and may be connected to the electronic meeting by GoToMeeting, Zoom, or telephonic communications. The anchor location will be City Hall.

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF MILLCREEK HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

City Offices
Those Listed on the Agenda
DATE: January 4, 2023

City Website
<http://millcreek.us>
CITY RECORDER: Elyse Sullivan

Utah Public Notice Website
<http://pmn.utah.gov>

Agenda items may be moved in order, sequence, and time to meet the needs of the Council.

MILLCREEK, UTAH
RESOLUTION NO. 23-04

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN APPOINTMENT
TO THE MILLCREEK PLANNING COMMISSION**

WHEREAS, the Millcreek Council (“*Council*”) met in a special meeting on January 10, 2023, to consider, among other things, approving an appointment to the Planning Commission; and

WHEREAS, due to the resignation of member of the Planning Commission, Section 19.05.050 of the Millcreek Code of Ordinances provides that any vacancy occurring on the Planning Commission shall be promptly filled by the Mayor with the advice and consent of the Council for the unexpired term of such member; and

WHEREAS, the Mayor hereby nominates Dwayne Vance as a member of the Planning Commission; and

WHEREAS, the Council has given advice regarding the appointment of the member and hereby consents to the appointment; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Millcreek to consent to the appointment.

NOW, THEREFORE, BE IT RESOLVED that the Council consents to the appointment of Dwayne Vance as a member of the Planning Commission, serving a term that will end on June 30, 2023.

This Resolution, assigned No. 23-04, shall take effect immediately upon passage.

PASSED AND APPROVED by the Council this 10th day of January, 2023.

MILLCREEK

ATTEST:

Jeff Silvestrini, Mayor

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

MILLCREEK, UTAH
RESOLUTION NO. 23-01

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING THE FIRST
AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN
MILLCREEK AND SALT LAKE COUNTY FOR TRAFFIC SIGNAL INSTALLATION
4115 S (CENTRAL AVENUE) MAIN STREET**

WHEREAS, the Millcreek Council (“*Council*”) met on January 10, 2023, to consider, among other things, the First Amendment to the Interlocal Cooperation Agreement Between Millcreek and Salt Lake County (“*County*”) for Traffic Signal Installation 4115 S (Central Ave) Main Street; and

WHEREAS, the Utah Local Cooperative Act (Utah Code Ann. § 11-13-101, et seq.) (the “*Act*”) provides that two or more entities are authorized to enter into agreements with each other for joint or cooperative action; and

WHEREAS, the County and Millcreek are public agencies, as contemplated in the Act; and

WHEREAS, the County and Millcreek have entered into an interlocal cooperative agreement on April 28, 2022, and desire to amend the original agreement (“*Amended Agreement*”) to allow additional time to install the equipment without additional fee or cost; and

WHEREAS, the Council has determined that it is in the best interest of the inhabitants of Millcreek to enter into the Amended Agreement for the installation of the traffic signal.

NOW, THEREFORE, BE IT RESOLVED that the Amended Agreement is approved, and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution assigned No. 23-01, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 10th day of January, 2022.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

**FIRST AMENDMENT TO THE
INTERLOCAL COOPERATION AGREEMENT
BETWEEN
MILLCREEK CITY AND
SALT LAKE COUNTY
FOR
TRAFFIC SIGNAL INSTALLATION
*4115 S (Central Ave) Main Street***

THIS FIRST AMENDMENT (“Amendment”) to the above referenced Interlocal Agreement (“Agreement”) between SALT LAKE COUNTY (“County”), and MILLCREEK CITY (“City”) shall be effective upon execution by the Parties.

WITNESSETH:

WHEREAS, the Parties entered into the Agreement on April 28, 2022; and

WHEREAS, due to unforeseen circumstances additional time is necessary to complete the installation of the traffic signal equipment at the intersection of 4115 S (Central Ave) Main Street, located within City’s boundaries; and

WHEREAS, the Parties desire to amend the Agreement to allow additional time to install the equipment as requested by City.

AMENDMENT:

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the Parties amend the Agreement as follows:

1. DURATION. The term of this Agreement shall expire on June 30, 2023.
2. All other terms and conditions of the Agreement remain unchanged and in full effect.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Parties have subscribed their names hereon and caused this Amendment to be duly executed on the _____ day of _____, 2022.

SALT LAKE COUNTY

MILLCREEK CITY

By: _____
Mayor or Designee

By: _____

Name: _____

Title: _____

Departmental Approval:

By: _____
Scott Baird,
Public Works Director

ATTEST:

Date: _____

Millcreek City Recorder

Division Approval:

By: _____
Crystal Hulbert,
Division Director

Date: _____

Reviewed as to Form:

Reviewed as to Form:

By: _____
Deputy District Attorney

By: _____
Millcreek City Attorney

Date: _____

MILLCREEK, UTAH
RESOLUTION NO. 23-02

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN INTERLOCAL
COOPERATIVE AGREEMENT WITH SALT LAKE COUNTY FOR TRAFFIC
SIGNAL INSTALLATION (UPGRADE MULTIPLE LOCATIONS)**

WHEREAS, the Millcreek Council (“*Council*”) met on January 10, 2023, to consider, among other things, approving an Interlocal Cooperative Agreement for traffic signal installation (upgrade multiple locations); and

WHEREAS, the Utah Local Cooperative Act (Utah Code Ann. § 11-13-101, et seq.) (the “Act”) provides that two or more public entities are authorized to enter into agreements with each other for joint or cooperative action; and

WHEREAS, Salt Lake County (“*County*”) and Millcreek are public agencies, as contemplated in the Act, and the services contemplated are joint and cooperative actions, as contemplated in the Act; and

WHEREAS, the County and Millcreek desire to enter into an interlocal cooperative agreement (“*Agreement*”) for traffic signal installation (upgrade multiple locations); and

WHEREAS, the Council has determined that it is in the best interest of the inhabitants of Millcreek to enter into the Agreement for traffic signal installation (upgrade multiple locations).

NOW, THEREFORE, BE IT RESOLVED that the Agreement is approved, and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution assigned No. 23-02, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 10th day of January, 2023.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

County Contract No. _____
District Attorney No. _____

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
MILLCREEK CITY AND
SALT LAKE COUNTY
FOR
TRAFFIC SIGNAL INSTALLATION
*Traffic Signal Upgrades, Multiple Locations***

THIS AGREEMENT (“Agreement”) made pursuant to the Utah Interlocal Cooperation Act, by and between SALT LAKE COUNTY (“County”), a body corporate and politic of the state of Utah, and MILLCREEK CITY (“City”), a municipal corporation created under the laws of the State of Utah. The County and the City may be jointly referred to as the “Parties.”

WITNESSETH:

WHEREAS, the Parties are local governmental units and are therefore authorized under the Utah Interlocal Cooperation Act, Section 11-13-101, et seq., U.C.A. 1953, as amended, to enter into agreements with each other which enable them to make the most efficient use of their powers; and

WHEREAS, the City desires to contract with the County for the upgrade of traffic signals at multiple locations, listed in Exhibit A, located within City’s boundaries; and

WHEREAS, the County is willing to enter into such an agreement to upgrade the traffic signals as requested by City.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the Parties agree as follows:

1. PURPOSE. The County, through its Public Works Department, Operations Division, shall be responsible for all matters pertaining to the requested upgrades to the traffic signals and will provide the necessary labor, equipment, and materials for said upgrades, as set out in the Scope of Work, attached hereto as EXHIBIT A and incorporated by reference. Work shall be performed by County to existing County standards for traffic signals on County's public roads.

2. DURATION. The term of this Agreement shall begin upon execution and shall expire on December 31, 2023.

3. OWNERSHIP. Upon completion, the equipment shall be owned by the City.

4. FINANCING AND PAYMENT. The City shall pay for the services and materials necessary to complete the work set forth in EXHIBIT A. The estimated total cost of completion is \$29,900.00. Upon completion of the services each month, the County shall send to City an invoice for the services which the City agrees to pay within thirty (30) days.

5. LIABILITY. The City and the County are governmental entities under the Utah Governmental Immunity Act, Utah Code Ann. § 63G-7-101. Consistent with the terms of the Act, and as provided herein, it is mutually agreed that each party is responsible and liable for its own wrongful or negligent acts which are committed by it or by its agents, officers or employees. Neither party waives any defenses otherwise available under the Act nor does any party waive any limits of liability currently provided by the Act.

6. INDEMNIFICATION. The City agrees to indemnify and hold the County, its agents, officers, and employees from and against any and all actions, claims, lawsuits, proceedings, liability, damages, losses and expenses (including attorney's fees and costs), that

directly result from the performance of this Agreement, but only to the extent the same are caused by any negligent or wrongful act or omission of City, its officers, agents, and employees.

7. REQUIRED INSURANCE POLICIES. Both Parties to this Agreement shall maintain insurance or self-insurance coverage sufficient to meet their obligations hereunder and consistent with applicable law.

8. TERMINATION. This agreement may be terminated (with or without cause) by either party upon at least ninety (90) days prior written notice to the other party. Payment shall be made for all work performed prior to termination.

9. NOTICES. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing, and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three days after such notice is deposited in the United States mail, postage pre-paid, and certified and addressed as follows:

If to Salt Lake County: Salt Lake County Public Works Operation
Division Director
604 West 6960 South
Midvale, Utah 84047

If to the City: Millcreek City Public Works Department
Attn: John Miller
3330 South 1300 East
Millcreek, UT 84106

9. AGENCY. No agent, employee or servant of the City or County is or shall be deemed to be an employee, agent, or servant of the other Party. None of the benefits provided by each party to its employees including, but not limited to, worker's compensation insurance, health insurance, and unemployment insurance, are available to the employees, agents, or servants of the other party. City and County shall each be solely and entirely responsible for its

own acts and for the acts of its own agents, employees, and servants during the performance of this Agreement. The County acts as an independent contractor and is not an employee or agent of the City.

10. FORCE MAJEURE. Neither party shall be liable for any excess costs if the failure to perform arises from causes beyond the control and without the fault or negligence of that part, including but not limited to acts of God, fires, floods, strikes, or unusually severe weather. If such condition continues for a period in excess of 60 days, City or County shall have the right to terminate this Agreement without liability or penalty effective upon written notice to the other party.

11. NO OBLIGATIONS TO THIRD PARTIES. The parties agree that the County's obligations under this Agreement are solely to the City. This Agreement shall not confer any rights to third parties.

12. GOVERNING LAW. The laws of the State of Utah govern all matters arising out of this Agreement.

13. COUNTERPARTS. This Agreement may be executed in counterparts, and all so executed will constitute one agreement binding on all the Parties, it being understood that all Parties need not sign the same counterpart. Further, executed copies of this Agreement delivered by facsimile or email will be deemed an original signed copy of this Agreement.

14. COUNTY ETHICAL STANDARDS. The City represents that it has not: (a) provided an illegal gift or payoff to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage,

brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statutes or Salt Lake County's Ethics Code, Chapter 2.07, Salt Lake County Code of Ordinances, 2001; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statutes or Salt Lake County ordinances.

15. NO OFFICER OR EMPLOYEE INTEREST. It is understood and agreed that no officer or employee of County has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof. No officer or employee of City or any member of their families shall serve on a County Board or Committee or hold any such position which either by rule, practice, or action nominates, recommends, or supervises City's operations, or authorizes funding or payment to City.

16. INTERLOCAL COOPERATION ACT. In satisfaction of the requirements of the Interlocal Act, and in connection with this Agreement, the Parties agree as follows:

- (a) This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Act;
- (b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;
- (c) A duly executed original counterpart of this Agreement shall be filed with keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;

(d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs; and

(e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by a joint board of the public works directors of the City and the County, or their designees. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

17. ENTIRE AGREEMENT AND AMENDMENT. This agreement constitutes the entire agreement between the Parties, and no other promises or understandings, express or implied, shall be binding upon the Parties. No amendment to this agreement shall be effective unless made in writing and signed by the parties.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Parties have subscribed their names hereon and caused this agreement to be duly executed on the _____ day of _____, 2022.

SALT LAKE COUNTY

MILLCREEK CITY

By: _____
Mayor or Designee

By: _____

Name: _____

Title: _____

Departmental Approval:

ATTEST:

By: _____
Scott Baird,
Public Works Director

Date: _____

Millcreek City Recorder

Division Approval:

By: _____
Crystal Hulbert,
Division Director

Date: _____

Reviewed as to Form:

Reviewed as to Form:

By: _____
Deputy District Attorney

By: _____
Millcreek City Attorney

Date: _____

EXHIBIT “A”

SCOPE OF WORK

Multiple Signal Upgrades

1. Luck Lane Highland Dr. – Signal upgrade - \$12,000.00
2. 3800 South Wasatch – LED/Reflective Tape upgrade – \$2,500.00
3. 3900 South Wasatch – LED/Reflective Tape upgrade - \$2,500.00
4. 3900 South 2000 East – LED/Reflective Tape upgrade - \$2,700.00
5. Oakview Wasatch Blvd – LED upgrade/ install new Push buttons and LED inserts peds - \$2,700.00
6. 4705 South 900 East – Signal Upgrade- Split with Murray City – Total Cost \$15,000.00
Millcreek cost \$7,500.00

Total cost estimate \$29,900.

MILLCREEK, UTAH
RESOLUTION NO. 23-03

A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING A COOPERATIVE AGREEMENT BETWEEN UDOT AND MILLCREEK TO MAINTAIN A PEDESTRIAN SAFETY PROJECT LOCATED AT SR-171 FROM 1885 EAST TO 1940 EAST

WHEREAS, the Millcreek Council (“*Council*”) met in on January 10, 2023, to consider, among other things, approving a cooperative agreement between UDOT and Millcreek to maintain a pedestrian safety project located at SR-171 from 1885 East to 1940 East; and

WHEREAS, the Utah Local Cooperative Act (Utah Code Ann. § 11-13-101, *et seq.*) (the “*Act*”) provides that two or more entities are authorized to enter into agreements with each other for joint or cooperative action; and

WHEREAS, UDOT and Millcreek are public agencies, as contemplated in the Act, and the services contemplated are joint and cooperative actions, as contemplated in the Act; and

WHEREAS, the Council has determined that it is in the best interest of the inhabitants of Millcreek to enter into a cooperative agreement with UDOT to maintain a pedestrian safety project located at SR-171 from 1885 East to 1940 East; and

WHEREAS, a cooperative agreement has been presented to the Council for review and approval, a copy of which is attached hereto (“*Agreement*”); and

WHEREAS, the Agreement sets forth the purpose thereof, the extent of participation of the parties, and the rights, duties, and responsibilities of the parties.

NOW, THEREFORE, BE IT RESOLVED that the Agreement is approved, and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution assigned No. 23-03, shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 10th day of January 2023.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

**COOPERATIVE AGREEMENT
BETWEEN
THE UTAH DEPARTMENT OF TRANSPORTATION AND
MILLCREEK
FOR NEW SIDEWALK CONSTRUCTION**

THIS COOPERATIVE AGREEMENT made and entered into this ____ day of _____, 2022, by and between the **UTAH DEPARTMENT OF TRANSPORTATION, (“UDOT”)**, and Millcreek, a political subdivision of the State of Utah, (“**Millcreek**”)

RECITALS

WHEREAS, in the interest of public safety, it is the desire of the parties to construct and thereafter maintain a pedestrian safety project at the location(s) described as follows: SR-171; 1885 East to 1940 East and,

WHEREAS, funds for the construction of pedestrian safety projects have been made available by the Statewide Safe Sidewalk and ADA Installation Program ; and

WHEREAS, it is the intent of UDOT that participation in the pedestrian safety project be on a 75%State, 25% local match basis; and

THIS COOPERATIVE AGREEMENT is made to set out the terms and conditions where the work shall be performed.

NOW THEREFORE, the parties agree as follows:

1. The Millcreek with its regular engineering and construction forces at the standard schedule of wages and working hours and in accordance with the terms of its agreement with such employees, or through qualified contractors with whom it has obtained contracts upon appropriate solicitation in accordance with the laws of the State of Utah, shall perform the necessary field and office engineering, furnish all materials and perform the construction work covered by this agreement.
2. In accordance with Utah Code §72-6-116, Millcreek is required to pay, as part of the total project cost, 50% of the costs that comply with Utah Administrative Code R930-8 of any utility facility relocations required within the State highway right-of-way, and the utility company is required to pay the remainder of the cost of relocation. The Millcreek will determine, as part of the design of

Sidewalk Construction
Pin# 20669
**Cooperative Agreement with
Millcreek**
Charge ID No.74460

the project, those utility companies with facilities that will require relocation and the cost thereof, and will execute a Utility Relocation – 50% Reimbursement Agreement with those companies prior to advertising the project for bids. Contact John Bangle, Region Two Utility and Railroad Leader at jbangle@utah.gov for assistance in preparing the Utility Reimbursement Agreement.

3. All construction work performed by the Millcreek or its contractor shall conform to UDOT's standards. Millcreek's construction may conform to local standards if they are equal to or greater than UDOT standards.
4. All construction performed under this agreement shall conform to Federal ADA standards.
5. The Millcreek shall submit plans for the work covered by this agreement to UDOT's Region Two Sidewalk Coordinator for review and approval. Upon approval of the plans, and before commencing any construction within the highway right-of-way, Millcreek or its contractor shall obtain a Highway Right-of-Way Encroachment Permit from the Region Two Encroachment and Permits Officer.
6. Millcreek participation can be through financial contribution, preliminary or construction engineering costs, donated labor or equipment, etc. Supporting documentation will be required to verify all costs.
7. The total estimated cost of the pedestrian safety project including **District's** participation is as follows:

UDOT Funds (Allocated Amount)	\$194,100.00
Millcreek's Match	\$ 64,700.00
TOTAL PROJECT	\$258,800.00

8. Upon approval of the pedestrian safety project plans and satisfactory evidence that the project is ready to proceed, and upon request of Millcreek, UDOT will deliver to Millcreek a lump sum amount of, \$145,575.00, 75% of UDOT's funds for the construction of the facilities covered by this Cooperative Agreement. Upon completion of construction and final inspection and approval by UDOT, the remaining 25% of UDOT's funds, \$48,525.00, will be delivered to Millcreek bringing the total UDOT funds to \$194,100.00. This amount is the maximum sum of UDOT's contribution. If the project should overrun the estimated project amount contained herein, Millcreek's match shall be revised to cover the additional amount. If the project is completed for an amount less

than the estimated cost, the amounts in this paragraph will be adjusted proportionally and Millcreek will refund any overpaid amounts to UDOT.

9. Millcreek will furnish to UDOT a statement upon completion of the project for which the grant was made certifying the amount of State funds expended, verification of Millcreek's participation amounts and certification that the project was completed in accordance with the standards and specifications adopted for the project by this Cooperative Agreement.
10. UDOT shall have the right to audit all cost records and accounts of Millcreek pertaining to this project. Should the audit disclose that Millcreek expenditures for the project are less than the grant; all unexpended funds shall be refunded promptly to UDOT. For purpose of audit, Millcreek is required to keep and maintain its records of work covered herein for a minimum of 3 years after completion of the project.
11. If for any reason, Millcreek has not commenced construction of the project within a 2 year time period from UDOT approval of the safety project, Millcreek will relinquish the grant allocation or refund the funds already paid to Millcreek for the project upon request from UDOT, and this Cooperative Agreement shall be terminated. Upon commencement of the construction, Millcreek agrees to complete the construction in an expeditious manner and in a reasonable timeframe. Should UDOT determine that the work is not proceeding in an expeditious manner and upon 30 days written notice, it may withdraw the grant and require Millcreek to refund any portion of the grant funds not expended for approved items at the time of withdrawal, and terminate this Cooperative Agreement.
12. Upon completion of the work covered by this Cooperative Agreement, Millcreek shall, either directly or by ordinance, cause any sidewalks covered by this Cooperative Agreement to be maintained, renewed and/or repaired to perpetuate a secure and non-hazardous pedestrian facility. The maintenance is to include snow removal.
13. UDOT and Millcreek are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other party from any and all damages, claims, suits, costs, attorney's fees and actions arising from or related to its actions or omissions or the acts or omissions of its officers, agents, or employees in connection with the performance and/or subject matter of this Cooperative Agreement. It is expressly agreed between the parties that the obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided the Act applies to the action or omission giving rise to the protections of this paragraph. This paragraph shall not be construed as a waiver of the protections

Sidewalk Construction
Pin# 20669
**Cooperative Agreement with
Millcreek**
Charge ID No.74460

of the Governmental Immunity Act by the parties. The indemnification in this paragraph shall survive the expiration or termination of this Cooperative Agreement.

14. If Millcreek modifies its project and the modification affects the work, Millcreek will notify UDOT. In the event there are changes in the scope of the work, extra work, or changes in the planned work that require a modification of this Cooperative Agreement, such modification must be approved in writing by the parties prior to the start of work on the changes or additions.
15. Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of this Cooperative Agreement at the request of the other party.
16. The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Cooperative Agreement, or by law, will not release either party from any obligations arising under this Cooperative Agreement.
17. This Cooperative Agreement does not create any type of agency relationship, joint venture or partnership between the parties.
18. Each party represents that it has the authority to enter into this Cooperative Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by its duly authorized officers as of the day and year first above written.

MILLCREEK

ATTEST:

By _____
Mayor, Jeff Silvestrini

By _____
City Recorder, Elyse Sullivan

Date _____

Date _____

By _____
Approved to form, John Brems

(IMPRESS SEAL)

Date _____

UTAH DEPARTMENT OF TRANSPORTATION

RECOMMENDED FOR APPROVAL:

APPROVED:

Project Manager, Kevon Ogden

Region Director, Robert Stewart

Date _____

Date _____

Comptroller's Office

Date _____

MILLCREEK, UTAH
ORDINANCE NO. 23-01

**AN ORDINANCE AMENDING SECTION 2.82.100 OF THE MILLCREEK CODE OF
ORDINANCES REGARDING APPEALS OF THE CITY'S CLASSIFICATION OF A
RECORD, THE FEES CHARGED FOR A RECORD, OR BY A RESPONSE TO A
RECORD REQUEST**

WHEREAS, on January 10, 2022, the Millcreek Council (the "*Council*") met in a special meeting to consider, among other things, an ordinance amending Section 2.82.100 regarding the City's classification of a record, the fees charged for a record, or by a response to a record request; and

WHEREAS, staff has identified a technical error in the appeal process and has made recommendation to correct the error; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the City to amend Section 2.82.100 regarding the City's classification of a record, the fees charged for a record, or by a response to a record request.

NOW, THEREFORE, BE IT ORDAINED by the Council that Section 2.82.100 be amended as follows (interlineating the words to be deleted and underlining the words to be added):

2.82.100 Appeals

Persons aggrieved by the city's classification or designation of a record, an access decision, the fees charged for a record, or a response to a record request may appeal the determination to the mayor as provided in Utah Code §63G-2-401. The city manager shall be the city's chief administrative officer for purposes of such an appeal. Appeals of the chief administrative officer's decision shall be as provided in Utah Code §63G-2-402.

- ~~1. Persons aggrieved by the city's classification of a record, the fees charged for a record, or by a response to a record request may request and be granted an initial administrative appeal of that grievance, in accordance with policies and procedures adopted by the council. The initial administrative appeal is made to the mayor.~~
- ~~2. A written notice of appeal shall be filed with the mayor-designee within thirty calendar days after notice of the decision being appealed has been sent. The notice of appeal shall state the basis of the appeal and the relief requested.~~
- ~~3. Unless otherwise stipulated by the city and the persons aggrieved, the mayor-designee shall have seven calendar days after the designee's receipt of the notice of appeal (or fourteen calendar days after the city sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.~~

4. ~~The mayor designee shall hear the appeal using a reasonable process chosen within designee's discretion and issue decision in writing to appellant.~~
5. ~~In the event the mayor or designee affirms the access denial or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the decision to affirm the access denial.~~
6. ~~The administrative appeal is made to the mayor.~~
7. ~~A written notice of appeal shall be filed with the mayor within thirty calendar days after notice of the decision being appealed has been sent. The notice of appeal shall state the basis of the appeal and the relief requested.~~
8. ~~Unless otherwise stipulated by the city and the persons aggrieved, the mayor shall have seven calendar days after the mayor's receipt of the notice of appeal (or fourteen calendar days after the city sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.~~
9. ~~In the event the mayor affirms the access denial or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the mayor's decision to affirm the access denial.~~
10. ~~The city hereby establishes an appeals board to decide an appeal of a decision of the mayor affirming an access denial. An appeals board shall be composed of three members:
 1. ~~one of whom shall be an employee of the city; and~~
 2. ~~two of whom shall be members of the public, at least one of whom shall have professional experience with requesting or managing records.~~~~
11. ~~The city shall send written notice by certified mail of the date and location of the appeal hearing to be heard by the appeals board to the requester within seven calendar days of receiving notice of the appeal. The city shall also send written notice to the mayor.~~
12. ~~The appeal hearing shall be conducted in accordance with policies adopted by the council and with the Utah Open Meetings Act.~~
13. ~~No later than seven calendar days after an appeal hearing, the appeals board shall issue a signed order upholding, amending, or reversing the appealed action.~~
14. ~~Either the city or the appellant may appeal the appeals board decision to the state records committee or by filing a petition for judicial review with the district court.~~

PASSED AND APPROVED this 10th day of January, 2022.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
**ORDINANCE 23-01: AN ORDINANCE AMENDING SECTION 2.82.100 OF THE
MILLCREEK CODE OF ORDINANCES REGARDING APPEALS OF THE CITY’S
CLASSIFICATION OF A RECORD, THE FEES CHARGED FOR A RECORD, OR BY A
RESPONSE TO A RECORD REQUEST**
was passed and adopted the 10th day of January 2023 and certifies that copies of the foregoing
Ordinance 23-01 were posted in the following locations within the municipality this ____ day of
January, 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



**Minutes of the
Millcreek City Council
November 28, 2022
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 November 28, 2022, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
Mike Winder, City Manager
John Miller, Public Works Director
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
John Brems, City Attorney

Attendees: Courtney Flint (electronic), Pam Roberts, Paul Korth, Laura Renshaw, Chief Steve DeBry, Officer David Jaroscak

WORK MEETING – 5:30 p.m.

TIME COMMENCED – 5:30 p.m.

Mayor Silvestrini called the meeting to order.

Council Member DeSirant moved to reorder the agenda to move item 2 up. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2. Wasatch Front Waste and Recycling District Report; Pam Roberts, CEO and Paul Korth, Finance Director

Pam Roberts said the Wasatch Front Waste and Recycling District (WFWRD) had experienced increased costs since the last fee increase in 2018 in the amount of \$2.25 per home per month. These increased costs were mainly associated with salary adjustments to recruit and retain employees, maintenance shop rates, purchase prices for truck replacements, fuel, and processing fees for waste and recycling. The same level of service would be provided in 2023. Those services were: weekly curbside garbage and recycling collections, seasonal leaf bag and

Christmas tree collections, central glass collections, discounted trailer rentals for bulk and green waste, seasonal container reservation program, can repair and replacement, landfill vouchers for residential loads, and community education and outreach. A fee increase of \$2.50 per home would start January 2023, but there was indigent relief for qualified residences. The WFWRD Board had a public hearing on November 14, 2022 for the fee increase. There was not a lot of push back. The monthly fee would go from \$17 a month to \$19.50 a month. The WFWRD would strive to do continuous improvements on efficiencies, continued use of alternate fuels, and find ways to expand the season container reservation program at the lowest cost possible.

Rita Lund asked if the curbside Christmas tree collection would take place that year. Roberts confirmed they would. Paul Korth explained the major cost categories for wages and overtime, fuel, maintenance, disposal fees, recycling, and sideload trucks since 2018. He noted salary adjustments, the disposal fees had stayed consistent because the tonnage had not increased by much, and there was a challenge with sideload trucks cost and supply. He then explained the projected operational expenses for 2023-2026.

Mayor Silvestrini said nobody liked to see costs go up, but garbage and recycling got picked up every week for \$5, which was less than it would take a resident to take refuse to the dump.

1. Wellbeing Survey Report; Courtney Flint, Professor of Natural Resource Sociology at the Quinney College of Natural Resources

Courtney Flint, professor at Utah State University, said she had led the Wellbeing Survey for a number of years and had collaborated with the Utah League of Cities and Towns. She showed the council a map of Utah with the Wellbeing Project participating cities. The project goals are to provide Utah city leaders with information on the wellbeing and perspectives of residents to inform planning processes and decision making, to support comparative research on wellbeing, and to bridge efforts by the Utah Department of Health, Get Healthy Utah, Utah Department of Transportation, and the Huntsman Cancer Institute. She noted the 2022 reports were online. The survey was conducted by Qualtrics at no cost to Millcreek. Millcreek was responsible for advertising and recruitment. There were 274 survey responses, which was a similar turn out to other cities of the same size. The respondent demographics were: 97.1% full time residents, average length of residence 23.6 years, and 18.3% lived in Millcreek for 5 years or less. The survey underrepresented males, those without a college degree, those unmarried, those who rent, those employed, those with incomes between \$25,000 and \$49,999, and those age 18-29.

Flint presented the survey results on graphs and highlighted the personal wellbeing scores with an average of 4.25 (on a 5 point scale) and the community wellbeing was an average of 3.79. The wellbeing matrix showed the domains of living standards, mental health, education, connection with nature, leisure time, physical health, safety and security, social connections, cultural opportunities, and local environmental quality with their respective ratings. The survey asked about community action and community connection and Millcreek rated above average compared to other cities. Flint said high levels of community connection were associated with higher levels of personal wellbeing. The survey also illustrated the participation of residents in recreation and nature based activities in Millcreek, and the role of landscape features in Millcreek residents' wellbeing. Flint showed the results of questions regarding population growth and pace of economic development in Millcreek and those results in comparison to other cities. The top issues of concern were air quality, water supply, and climate change. Residents valued social climate, access to nature, location, and friendliness. She noted that comments were

more positive from Millcreek respondents than she generally saw. The next survey effort would be in early 2024.

The council thanked Professor Flint for the survey. Council Member Jackson asked how the survey was distributed. Lund said it went through the city's electronic newsletter and social media outlets multiples times. Council Member Jackson would like to brainstorm how to reach demographics not reached to get their responses. Council Member DeSirant asked why the largest cities in the state were not included. Professor Flint said a lot of large cities were included a couple of years prior, but they did not continue with it. She believed Provo would be interested in the future. She noted any municipality in Utah could participate.

3. Millcreek Community Library Brief; Laura Renshaw, Manager

Laura Renshaw said she cared about the wellbeing of Millcreek residents and the library supported that. She felt the library could help get more respondents on the next survey. The library's mission statement for all branches, was to make a positive difference in the lives of our community by inspiring imagination, satisfying curiosity, and providing a great place for everyone to visit. The Millcreek branch had circulated over 564,000 items in 2022 through September and over 7 million items in the county. The e-material circulation was over 9 million. The library cared about the digital divide. Databases and resources were also available through their website and that had over 9 million circulations as well. Renshaw said 15,000 people came through the doors a month. She wanted the library to be able to assist the city. She described the upcoming and ongoing events at the library and noted that her staff had helped donate items for the temporary overflow shelter.

4. Planning Matters First Reading:

a. GP-22-003, Adoption of the Local Link Transportation Study as an Element of the Millcreek General Plan; Francis Lilly, Planning and Zoning Director

b. GP-22-004, Adoption of the 3300 South Corridor Study as an Element of the Millcreek General Plan; Francis Lilly, Planning and Zoning Director

Francis Lilly presented both items in the same presentation. Millcreek recently completed two corridor studies in conjunction with Salt Lake City, South Salt Lake, Holladay, and the Wasatch Front Regional Council. These studies recommended new street cross sections for Highland Drive, 1300 East, and 3300 South. In order to allow Millcreek to require certain dedication and improvements of developers, state statute required that the studies be adopted as elements of the General Plan – specifically, as amendments to the Official Map. Both went through a robust public engagement process and a formal adoption would help the city get funding for implementation. The community councils and planning commission reviewed these studies twice and recommended approval of adoption. He said the cross sections he would present did not differ much from what the city currently had.

Lilly presented the existing cross sections for Highland Drive and 1300 E., minor arterials typically 106 feet wide with 5 lanes. He noted that 3300 S. was another principal arterial that was owned by the Utah Department of Transportation (UDOT). The Transportation Master Plan does not contemplate 3300 S., so this was why the 3300 S. Corridor Study was necessary. More specific master plan cross sections were detailed in the City Center Master Plan for Richmond Street/1300 E. (97 foot right-of-way) and Highland Drive (82 foot right-of-way). There were also typical cross sections in the City Center Overlay Zone for 3300 S.

(96 foot right-of-way), Richmond St./1300 E. (92 foot right-of-way), and Highland Drive (67 foot right-of-way).

Lilly said the Local Link Alternatives Analysis looked at future transit options on Richmond Street/1300 E. and Highland Drive. The study recommended an enhanced bus service on Highland Drive with a potential long term solution of a streetcar. He said the council was not making a policy statement with the Local Link study for a future streetcar. He showed the council the cost differences between streetcar, light rail, bus rapid transit, and enhanced bus.

Lilly said the Local Link recommendations for Millcreek were:

1. Highland Drive as the preferred corridor for enhanced transportation alternatives.
2. Enhanced bus services as a medium-term enhanced transportation solution due to relatively inexpensive implementation.
3. Streetcar as a long term solution that may be implemented if funds are identified and become available.
4. Enhanced bicycle lanes along Highland Drive
5. Potential extension of the McClelland Trail from Salt Lake City to Millcreek
6. Intersection improvements at Elgin and Highland, Elgin and 1300 East, 1300 East and 3300 South, and Highland and 3300 South.
7. Updated Cross-sections for Highland Drive and 1300 East.

He showed the proposed cross sections for Highland Drive (97 foot right-of-way) and Richmond St./1300 E. (101 foot right-of-way) to the council. They included landscaping, sidewalk, and bike lanes.

Council Member DeSirant asked if Salt Lake City would adopt the Local Link plan. Lilly confirmed. Mayor Silvestrini said there would be a shared-use path on the north side of 3300 S. He asked if Local Link considered that same path on 1300 E. or Highland Drive. John Miller said the study did not include that path, but the cross section width could be modified to include that element. Lilly said the study suggested building out the McClelland Trail which would run parallel to 3300 S. to Sugar House. Miller would look through the study to see if there was a similar suggestion. Mayor Silvestrini recommended consistency with the documents. Lilly said he would present a table with lane uses and widths with each street at the councils' next meeting. He said the city wanted to be more specific than the documents suggested.

Lilly reviewed the 3300 South Corridor Study which was a project supported through Wasatch Front Regional Council's Transportation and Land Use Connection Grant and developed jointly with Millcreek and South Salt Lake City. The recommendations for Millcreek were:

1. Short-term solutions including additional street lighting and landscaping, intersection improvements at key locations, and bus stop improvements with additional amenities.
2. Long-term solutions including wider cross-sections for 3300 South that allow for sidewalk on both sides of the street, a 10-12 foot shared use path on the north side of 3300 South, center turn lane, and park strips throughout.
3. Maintaining existing bus service for now, while exploring the possibility of dedicated bus lanes within the proposed roadway sections, especially near Millcreek's City center.

Lilly showed the council three cross sections, from I-15 to State Street, State Street to 2700 East, and 2700 East to I-215. The concept for the second section included a shared use path on the north side of 3300 S., sidewalk on both sides, four travel lanes, 11 foot interior travel lanes, 12 foot exterior travel lanes to accommodate potential Business Access and Transit (BAT) lanes, a center turn lane, enhanced bus stops, and light poles and power poles in park strips and out of the road and sidewalks. It would accommodate what the city wanted to see in front of the city center. He said the lane width would be consistent throughout Millcreek. He had already included the cross section by virtue of a development agreement in front of Millcreek Common. The section between 2700 E. and I-215 included a shared use path on the north side of 3300 S., sidewalk on both sides, four travel lanes, 11 foot interior travel lanes, 12 foot exterior travel lanes to accommodate potential BAT lanes, a center turn lane, roadway shoulders, enhanced bus stops, and light poles and power poles in park strips and out of the road and sidewalks.

Mayor Silvestrini said residents wanted a safe east-west travel way for bicycles and sidewalk/walkable 3300 S. Lilly said the East Mill Creek Community Council recommended approval of the studies by a unanimous vote, subject to Millcreek and UDOT considering a consistent and reduced speed limit on 3300 South. They supported calming traffic. Mt. Olympus had questions about how 3300 S. would meet with Wasatch Blvd., but unanimously voted to recommend approval of the studies. The Canyon Rim Citizens Association recommended unanimous approval of both subject to the following concerns and considerations:

1. Twelve-foot lanes on 3300 South are too wide. Consider traffic calming measures.
2. Limit right lanes on 3300 South to business access and transit use only upon reconstruction of 3300 South.
3. Prioritize the need of the pedestrian before transit and vehicular travel along 3300 South.

The Millcreek Community Council unanimously recommended approval of the Local Link study and unanimously with one abstention recommended approval of the 3300 S. study subject to the following concerns and considerations:

1. Light Rail/Streetcar is not the right answer for transportation improvements on Highland Drive in Millcreek.
2. Recommend maintaining a 5-lane cross section along Highland Drive south of 3300 South.
3. Recommend additional sites near the City Center for intersection improvements, with an emphasis on HAWK/RFFB pedestrian crossings.
4. Recommend limiting left hand turns on 3300 South in the City Center.

The Millcreek Planning Commission unanimously recommended adoption of the Local Link Transportation Study and the 3300 South Corridor Study as elements of the Millcreek General Plan and as amendments to the Millcreek General Plan Official Map. As part of their recommendation, the Planning Commission advised that the city should prioritize the needs of the pedestrian before the needs of vehicular travel in planning the future of the 3300 South and Highland Drive corridors.

At the council's second reading of the items, Lilly would present the specific right-of-way widths and provide an answer on a considered shared path that the mayor had asked about. Council Member Jackson asked if the projects in filling in sidewalk gaps on 3300 S. were in line with the study. Miller said the sidewalks were appropriate for pedestrian safety as it

currently existed, but it would need to change for this 30 year plan range. With new development, improvements would be installed according to the plan. Council Member DeSirant commended the plans. Lilly said the plans were well coordinated between the cities. Mayor Silvestrini appreciated the Planning Commission's recommendation of pedestrian safety.

5. Staff Reports

There were no reports.

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

There was none.

Council Member Jackson moved to adjourn the work meeting at 6:38 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:03 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and led the pledge of allegiance.

1.2 Public Comment

There were no comments.

1.3 Unified Police Department Millcreek Precinct Officer of the Month for October 2022

Chief Steve DeBry announced Officer David Jaroscak as Officer of the Month for October 2022. Officer Jaroscak was recognized on taking extra time and care on a welfare check. Mayor Silvestrini thanked Officer Jaroscak for his work.

2. Financial Matters

2.1 Public Hearing on Consideration of a Monetary Appropriation of up to \$5,000 to the Millcreek Community Theater

Mayor Silvestrini said the Millcreek Community Theater would put on an annual Christmas show, "The Bishop's Wife." This would be at the School of the Deaf and Blind. They use the Adventure Hub for practice.

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

There were no comments.

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

2.2 Discussion and Consideration of Ordinance 22-48, Approving a Monetary Contribution of up to \$5,000 to The Millcreek Community Theater

Mayor Silvestrini said the Millcreek Community Theater would submit invoices for up to \$5,000 for actual expenses. The shows would be on December 8, 9, and 10.

Council Member Jackson moved to adopt Ordinance 22-48, Approving a Monetary Contribution of up to \$5,000 to The Millcreek Community Theater. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3. Business Matters

3.1 Discussion and Consideration of Resolution 22-34, Approving the Ninth Amendment to the Cooperative Agreement by Public Agencies to Create a New Entity, to Consolidate Law Enforcement Service, and Provide Rules of Governance

Mayor Silvestrini said this amendment accommodated a different budget arrangement, which included starting the budget process earlier in the year and the board would provide guidance on the budget number. A super majority weighted vote would control changes to shared services. Council Member Jackson asked about the name of the agreement creating a new entity. Mayor Silvestrini clarified that it was the name of the original agreement, and this was the ninth amendment. Council Member Uipi asked about the weighted vote formula. Mayor Silvestrini said it was established in the eighth amendment and this amendment created a super majority requirement. Mayor Silvestrini said since the adoption of the eighth amendment, nobody had called for a weighted vote, but he was in favor of this amendment. Council Member DeSirant pointed out that Midvale had more challenges since it had a fulltime homeless shelter.

Council Member Uipi moved to approve item 3.1. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini reported the Magic Ice Show would be taking place on December 1, 2, and 3. There would be six shows with 2,000 people each, and all of the free ticket reservations were full. He said he received an email from a resident expressing gratitude for the mental health unit in the Unified Police Department (UPD). The Millcreek Precinct had one full time officer in the mental health unit. He reported he attended the National League of Cities conference the prior week. One of the topics he learned about

was programs connecting kids with nature. A lot of cities were dealing with homelessness, affordable housing, and police issues. Millcreek was practicing best practices with these issues. Mike Winder said the DC lobbyists were in town that week. Mayor Silvestrini acknowledged it was good to have four congress representatives representing Millcreek.

4.2 City Council Member Reports

Council Member Uipi acknowledged the mayor receiving the Lt. Governor's Public Service Award.

4.3 City Treasurer's Report

Council Member Jackson reported:

- As of November 28, 2022, the balance of the Series 2021 Bond Construction Fund is: \$26,101,494.34 (City Hall construction).
- As of November 28, 2022, Millcreek's PTIF account balance is: \$41,897,163.24.
- As of November 28, 2022, 28.59% of FY23 property taxes have been received in the amount of \$3,341,957.01. Last year at this same time, Millcreek had received \$5,988,052.90 (Laurie Johnson believed this could be a timing issue related to the distribution from Salt Lake County).
- As of November 28, 2022, 30.53% of FY23 sales taxes have been received in the amount of \$3,816,869.02. Last year at this same time, Millcreek had received \$3,520,271.53.

4.4 Staff Reports

Francis Lilly reported that supplies had been received from residents for the temporary overflow shelter. He recognized Patsy Lineman of the Ridgedale Ward and Jonah Anderson who helped collect boxes of items for the shelter. The Switchpoint manager (temporary shelter operation company) had not ever seen a community reaction like this. Mayor Silvestrini noted Millcreek businesses were also collecting items. Lilly said the shelter had been in operation for about a month and occupancy ranged from 50-80 people a night. There had been challenges to work through but there was an effective line of communication with the city, shelter, and law enforcement. Mayor Silvestrini noted the city was tracking data on the shelter to report to the state and observe trends. He said the shelter did not accommodate walk up traffic.

Mike Winder said the city had been working with Salt Lake County Parks on the Jordan River Trail. The development of a new bridge across the river and trail extension would be phased. He reported that a new healthcare Promise Program intern would start at the end of December and a new front desk assistant would start the following week. Rita Lund distributed skate passes for Millcreek Common to the city council. She said she was putting together a time capsule for the city at the new city hall.

4.5 Unified Fire Authority Report

There was no report.

4.6 Unified Police Department Report

Chief DeBry reported the October 2022 crime statistics in comparison to August and September. There were 2,955 calls, 970 cases, 54 booking arrests, and 384 citations.

There were 42 assaults, 20 burglaries, 31 drug offenses, 68 family offenses, 126 larcenies, 2 robberies, 3 sexual offenses, and 28 stolen vehicles. Millcreek C.O.P. detectives participated in Rosecrest Elementary School's "Red Letter Day" event. Detectives joined the students for lunch time and recess activities. Millcreek C.O.P. detectives joined with Salt Lake County Health Department to clean up various encampments in Big Cottonwood Regional Park, 1592 E. Murray Holladay Road. Due to the overgrowth of invasive trees, locating and removing the camps was extremely difficult and time consuming. Millcreek C.O.P. detectives joined with St. Marks Hospital in attending Millcreek Elementary's Trunk or Treat. Detectives handed out candy to all the students. Other attendees included the F.B.I. Air Method Ambulance's helicopter and South Salt Lake Fire Department. Millcreek's temporary homeless shelter had been open for one month. U.P.D. Detectives have been a constant presence during drop-offs in the evening and pick-ups during the morning, as well as being a constant presence in the area during the day. Issues at the shelter have included public intoxication, disorderly conduct, and narcotics and paraphernalia. Patrol responded to 36 transient calls for all of Millcreek in October.

Council Member DeSirant asked about the invasive trees. Mayor Silvestrini said the city had talked to Salt Lake City about the cleanup to no avail. Salt Lake City owned the property because of utilities there. Council Member DeSirant asked if the 36 transient calls were in close proximity to the shelter. Chief DeBry said it was all over the city. He said when walk ups came to the shelter they were provided with other resources. People staying at the shelter were screened beforehand. Chief DeBry noted people were searched upon arrival and if they had illegal paraphernalia on them, they were charged with an offense.

Chief DeBry reported that from November 1st through November 28th, officers had handled 43 calls for service at the new shelter. In comparison, in all of November 2021, officers responded to three calls for service in the area surrounding that shelter. The 2022 calls ranged from possession of a controlled substance, trespassing, disorderly conduct, lewdness, resisting arrest, medical assists, aggravated assault, and domestic violence assaults. COP Detectives would be compiling monthly statistics for the shelter and the surrounding area and would be comparing those with last year's stats. Those statistics would be submitted to Francis Lilly at the end of each month. Council Member Catten asked where the calls came from. Chief DeBry did not know who the complainants were. Council Member Jackson asked what the difference was between this year and last year. Mayor Silvestrini said this shelter housed a lot more people and there was frequent coming and going of residents. The other shelter allowed people to stay during the day. Lilly said the other shelter was a transitional housing model. Council Member Uipi asked for distinction on the call origin. Chief DeBry would look into it.

Chief DeBry reported there were 53 mental health calls in October. The Millcreek mental health officer only served Millcreek. Council Member Catten wondered about hiring more mental health officers for Millcreek. Chief DeBry felt one was currently sufficient. Council Member Uipi wanted to be cognizant of the mental health officer's mental health.

Chief DeBry reported 110 traffic accidents with 23 hit and runs in October. Mayor Silvestrini commended the Millcreek officers. Council Member Uipi appreciated comparatives from other months and requested more in the future. She wondered if it was possible to get the “why” behind crime statistics. Chief DeBry said it would be difficult to hypothesize crime trends.

5. Consent Agenda

5.1 Approval of November 9, 2022 Special Meeting Minutes

5.2 Approval of November 14, 2022 Work Meeting and Regular Meeting Minutes

Council Member Jackson moved to approve items 5.1 and 5.2. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Millcreek Community Council Mtg., 12/6/22, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 12/7/22, 7:00 p.m.
- Historic Preservation Commission Mtg., 12/8/22, 6:00 p.m.
- East Mill Creek Community Council Mtg., 12/8/22, 6:30 p.m.
- Historic Preservation Commission Mtg., 12/9/22, 11:00 a.m.
- City Council Mtg., 12/12/22, 7:00 p.m.

ADJOURNED: Council Member DeSirant moved to adjourn the meeting at 8:21 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

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

Attest: _____
Elyse Sullivan, City Recorder



**Minutes of the
Millcreek City Council
December 12, 2022
5:00 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 December 12, 2022, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1 (electronic 5:14-6:00pm)
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
Mike Winder, City Manager
John Miller, Public Works Director
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
John Brems, City Attorney
Laurie Johnson, HR-Finance Director (electronic)
Robert May, Long Range Planner
Katie Larsen, Planner
Fred Lutze, Deputy City Engineer
Sean Murray, Planning Admin. Asst.
Sofia Linskey, GIS Intern

Attendees: Commissioner Ryan Lufkin, Commissioner Molly Enos, Kaleb Claypool, Angel Vice, Mitchell Vice, Eric McKenna Spreng, Jeff Miles, Chief Duane Woolsey, Chief Steve DeBry

WORK MEETING – 5:00 p.m.

TIME COMMENCED – 5:02 p.m.

Mayor Silvestrini called the meeting to order.

1. Millcreek Arts Council Presentation; Mitchell Vice

Mitchell Vice introduced the art council board members Kate Scribner, Rachel Becker, Skyler VomDorp, Kaleb Claypool, Eric McKenna Spreng, and Angel Vice. He acknowledged the donations the council had received from various sources totaling over \$17,000 with \$13,500 paid to artists, and a 2023 ZAP grant for \$3,800. There were nine Summer Jam in the Park performances with roughly 2,500 attendees, and it cost \$7,460. He highlighted the Getting Visual at the Library which started in November 2021 and included 92% Millcreek artists. They were

free and accessible shows all month long in partnership with Salt Lake County and cost \$440. The Millcreek Arts Fest included over 65 local artists, 11 stage performers, food trucks, Venture Out activities, over 4,000 attendees, and cost \$9,554. Vice showed slideshows of pictures from the events. The Arts Council was excited about what they had accomplished and would continue to strive for a performing and practicing arts center, paid directorial staff, public art installations throughout the city, artist residencies, and mural festivals. They wanted to have Millcreek attract artists and generate revenue from art lovers, art tourists, and art collectors from around the state and across the globe. Mayor Silvestrini commended the council for the wonderful events.

2. Historic Preservation Commission Update; Molly Enos, Commission Chair and Francis Lilly, Assistant City Manager

Francis Lilly requested the commission remark on what they had accomplished during the last six months. He acknowledged that Sean Murray had done a lot of work with the commission and would be promoted within the Planning and Zoning Department. Molly Enos presented a timeline of the commission's development and meetings, and an organization chart of the commissioners and staff. The commission's sub committees represented the commission's three primary focus goals: historic properties and markers, community awareness and events, and records collection and preservation. They developed a strategic plan with the goals of 1) identifying additional historic sites in Millcreek, 2) building awareness in the community around Millcreek's historical legacy, and 3) creating and maintaining a lasting and accessible repository of historical information for the benefit of Millcreek residents. Other achievements included: established subcommittees and a calendar of meetings and actions to implement a strategic plan; obtained Certified Local Government status from the National Parks Service, which allows Millcreek residents and the Historic Preservation Commission to access grant funding and tax credits related to preserving historical sites and increasing awareness about our history; and identified 51 potential sites and three neighborhoods for possible recognition as significant historical resources within the community. New sites include a mixture of commercial, institutional, and residential sites from the 1850s to the 1960s, reflecting a diversity of styles and eras in Millcreek's development.

Mayor Silvestrini asked what the three neighborhoods were. Lilly said Veteran Heights, Rancho Villa, and Mountaire Acres. Enos noted that the commission would apply for a grant from the State Historic Preservation Office in 2023 for one of the neighborhoods to get a reconnaissance survey. They also wanted to implement an online record archive, Preservica. She presented an annual timeline and process for the commission's actions. Mayor Silvestrini asked about public engagement with residents of the historic neighborhoods. Enos said there would be periodic articles in the Millcreek newsletter and open houses. Mayor Silvestrini suggested taking the open house to the neighborhoods.

Lilly added that there was departmental budgeting for the Preservica site. He recommended the council review the Cottonwood Height's website as an example. Lilly would like a budget for the commission. Council Member Uipi asked about grant funding. Lilly noted there was some, but it often required a match. Ryan Lufkin, commission vice chair, said the commission prioritized the Preservica website launch because the 51 identified locations could be acknowledged on it which could increase public engagement. Mayor Silvestrini requested more newsletter articles from the commission. Council Member Uipi suggested an arts or historic treasure hunt.

3. 2023-2024 Long Range Planning Goals Update; Robert May, Long Range Planner

Robert May presented eight tasks to the council with suggested levels of priority and related timelines. The tasks were to complete and adopt the Millcreek/Murray Station Area Plans, complete and adopt the Millcreek/South Salt Lake Station Area Plans, create and adopt a sidewalk and trails master plan, create and adopt an engineering design manual, create and adopt a street light masterplan, update the zoning and future land use map, update and develop a ditch and canal map, and organize an ongoing planning and zoning matters meeting that is directed at the public to help answer questions, describe learning tools, and explain future projects. He gave a brief summary of each of the tasks.

Council Member DeSirant asked what would be addressed in the street light master plan. Fred Lutze said it would address the lighting standard, height, type, and features. Mayor Silvestrini noted there were advantages to working with the canal companies. Council Member Jackson liked the idea of public planning meetings and suggested planned topics every month and publishing the schedule in advance. Mayor Silvestrini suggested those meetings not be limited to planning matters. Council Member Uipi emphasized transparency with the public.

Council Member Catten noted the county had recently completed a sidewalk plan when the city incorporated and asked if it would be used. Lutze said the city did not adopt the Walk Millcreek Guide created in 2015. He hoped to use most of the information from it and incorporate trail master planning with it. He noted there would be flow charts in the engineering design manual. May said he had been working with the GIS intern, Sofia Linskey, on creating sidewalk and trail maps, which he showed to the council. The updated development policy would preserve areas for existing and future trails and connections, create guidance for new and infill development that accommodates proposed routes and connections, and update a policy for sidewalk exceptions and deferrals. May suggested a sidewalk and trails map book by community council district. Council Member Uipi asked if May had considered the list of sidewalk repairs from the community councils and the city's 50/50 sidewalk program. Lutze said the first step would be to address issues with development and a program to get sidewalks in. He said some things were time sensitive and there needed to be a priority system. May said some neighborhoods did not have sidewalks because deferral agreements were in place from sidewalk exceptions. Some suggested potential partners to work with were canal companies, Murray City, Salt Lake City, Salt Lake County, Utah Transit Authority, Seven Canyons Trust, Trails Utah, Jordan River Commission, and Bonneville Shoreline Board.

Lilly thanked May for his long range planning work. Mayor Silvestrini acknowledged May's creativity and dedication. May noted the city applied for a grant to develop a trails masterplan.

4. Planning Matter First Reading: ZM-22-011, Request to Amend a Development Agreement Associated with an Approved Rezone, ZM-21-003, to Reconfigure a Multi-Family Project Site Plan at 4080-4090 Highland Drive; Katie Larsen, Planner

Katie Larsen said the project was approved to be a mixed-use planned unit development (PUD) consisting of seven residential townhomes and four live/work units. The applicant was now proposing to change the layout, density, and design of the site which required an amendment to the existing development agreement. The development would be changing by way of site plan configuration, decreased density (loss of one unit) and new commercial space configuration (as per code 19.60.060). The development's design would be changing in color, textures, material, and height. She showed the council renderings of the previously approved project frontage, building characteristics, and side profile and the proposed ones. The Millcreek Community

Council and Planning Commission both unanimously recommended approval of the changes. Larsen highlighted the following staff findings:

1. The new proposal is for 8 residential townhomes and two live-work units.
2. The previous proposal was for 7 residential townhomes and 4 live-work units.
3. Height is being reduced from 40' to 30-32'. (16.60.060:20)
4. The development agreement would be amended by replacing Exhibit C with revised plans.
5. The new proposal complies with current C-2 code.
6. The proposal meets parking requirements stipulated in 19.80, covering both the need for residential guest parking and for those utilizing the business space onsite
7. The site plan must be clear regarding established parking spots.
8. The updated site plan must satisfy all other criteria of the development agreement.
“Developer shall plant a minimum of 6 trees no less than two inches in caliper along the west property line. Trees along west property must be columnar birch or poplar.”

She concluded that the amended plan suited the goals of the underlying zone and mixed-use designation, and she recommended approval of the application.

Council Member DeSirant asked why the site was redesigned. Nathan Anderson, applicant, said the configuration of the front of the commercial would front Highland Drive oriented east-west and instead of north-south. The new configuration seemed to be more user friendly.

5. Staff Reports

Mike Winder said the ice skating had been successful at Millcreek Common. He said Millcreek Coffee Roasters signed their lease for a shop in the new city hall. The sixth floor would soon be poured at the new city hall. The climbing wall operation request for proposals and the Highland Drive property request for proposals were due that week. The demolition of the Wilford Ward would take place that week. Council Member Jackson asked about souvenir bricks for nearby residents. Mayor Silvestrini noted the condition of the sale of the property was that the existing building be demolished. He reported the Millcreek Common skate loop had generated more than \$24,000 in the first four days of opening ice skating on December 1st. Winder noted the goal with Millcreek Common was to build it with tax increment and grants and to operate it as self-sustaining. Council Member Jackson asked if the design of the plaza had worked as intended. Winder said on big snowstorms there was not enough capacity for snow pile up, they needed more adult sized skates, and needed more Zamboni drivers. Winder said city hall opening would be based on Granite School District's openings with respect to snow days. There would be a holiday staff party that week. He said city officials would be attending a breakfast for Millcreek Common receiving the Parks & Plaza Award for Utah Construction & Design Magazine's Most Outstanding Projects for 2022.

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

Mayor Silvestrini proposed the council not meet again until January and not have a second meeting in December. He wondered about holding council meeting on January 10th instead of January 9th. The council was okay with the change.

Council Member DeSirant moved to adjourn the work meeting at 6:28 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini 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 Silvestrini called the meeting to order and led the pledge of allegiance.

1.2 Public Comment

There were no comments.

1.3 Unified Police Department Millcreek Precinct Officer of the Month for November 2022

Chief Steve DeBry announced Officer Steven Ivan as Officer of the Month for November 2022. Officer Ivan pulled over a vehicle in which a stolen handgun and drugs were recovered, and dangerous individuals were arrested.

Council Member DeSirant moved to reorder the agenda to have 3.1 be the next order of business. Council Member Uipi seconded. Mayor Silvestrini called for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3. Financial Matters

3.1 Presentation of FY 2021-22 Audit; Jeff Miles, HBME

Jeff Miles presented the FY 2021-22 audit to the council. He read from the report, “In our opinion, the accompanying financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City, as of June 30, 2022, and the respective changes in financial position, and where applicable, cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.”

Miles reviewed the financial highlights:

- The total net position of the city increased from \$177,603,465 to \$207,503,365. The total net position is a combination of \$185,939,381 from governmental activities and \$21,563,984 from business-type activities.
- The total net position of governmental activities is made up of \$135,663,957 in capital assets, such as land, infrastructure and equipment; \$35,882,421 which is restricted for capital projects and the remaining \$14,393,003 is unrestricted assets.
- The total net position of business-type activities is made up of \$18,906,102 in capital assets, such as equipment and infrastructure and \$2,657,882 which is considered unrestricted assets.
- Total liabilities of the City increased by \$33,998,941. This increase is due to the City issuing sales tax revenue bonds for the purpose of building a new city hall, which added \$38,354,265 in non-current liabilities while unearned revenue decreased

\$3,989,561, due to utilizing federal funds which had been deferred in fiscal year 2021. Additionally, the net pension liability decreased by \$97,317.

Miles showed the council the changes in net position. He presented that internal controls were without material deficiencies. There were no findings with respect to general state compliance requirements for: budgetary compliance, fraud risk assessment, government fees, fund balance, restricted taxes and related revenues, and cash management. The council thanked Jeff Miles and Laurie Johnson.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 22-50, Adopting the Local Link Circulation Study as an Element of the Millcreek General Plan

Francis Lilly said the study was done in partnership with Salt Lake City, South Salt Lake, and Holladay with the support of the Wasatch Front Regional Council. The goal of the study was to increase active transportation opportunities, pedestrian circulation, and new transit opportunities along 1300 E. and Highland Drive. The adoption of the plan would help to enforce new right-of-way and development standards. He pointed out an appendix that Millcreek staff added to the study that described the right-of-way cross section for Highland Drive in Millcreek. He noted Highland Drive changes depending on the location. He said appendices were added to both regional studies to add absolute clarity for Millcreek.

Council Member DeSirant moved to adopt Ordinance 22-50. Council Member Jackson seconded. The Recorder called for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 22-51, Adopting the 3300 S Corridor Study as an Element of the Millcreek General Plan

Francis Lilly said that South Salt Lake City and Millcreek collaborated on the future of 3300 S. The biggest change to the roadway was a shared use path on the north side of the street from I-15 to I-215. The cross sections were from I-15 to State Street, State Street to 2700 E., and 2700 E. to I-215. Lilly noted UDOT was also involved in the study since they own 3300 S. Staff added an appendix to this plan on how the cross sections would be applied in Millcreek. By adopting this plan, the city would be amending the cross sections for 3300 S., and it would give staff and developers direction on how to design the interface between the public realm and the private realm. The additional right-of-way would give space and capacity to solve some problems on 3300 S. From State Street to I-215, there would be a 100 foot cross section. Staff recommended amending the dimensions stated in the Transportation Master Plan to what was indicated in the staff recommended appendix. Fred Lutze said the study gave a range and the appendix defined the requirements for Millcreek. Mayor Silvestrini thanked staff for their work.

Council Member Uipi moved to approve item 2.2. Council Member DeSirant seconded. The Recorder called for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4. Business Matters

4.1 Discussion and Consideration of Ordinance 22-49, Adopting Millcreek's 2023 Regular Meetings Schedule

Staff recommended the schedule be adopted as-is, then any changes could take place throughout the year as needed.

Council Member Uipi moved to approve item 4.1, adopting the 2023 meeting schedule. Council Member DeSirant seconded. The Recorder called for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4.2 Discussion and Consideration of Resolution 22-35, Ratifying, Confirming, and Approving Amendment Six, Seven, and Eight to the Cooperative Agreement by Public Agencies to Create a New Entity, to Consolidate Law Enforcement Service, and Provide Rules of Governance

Mayor Silvestrini said the resolution was to approve three separate amendments to the UPD interlocal agreement which the city had failed to do previously. The sixth amendment was to allow the county mayor to appoint a designee from the mayor's side so if the mayor was unable to come to a meeting the designee could. The county council also had a representative. The seventh amendment allowed board members to appoint designees to attend meetings in their absence. The eighth amendment provided for weighted voting on budgetary matters. Millcreek has the largest weighted vote, but other entities were the ones who requested it.

Council Member Jackson moved to adopt Resolution 22-35. Council Member Uipi seconded. The Recorder called for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini reported a successful opening of the ice skating loop. He said there were not any legislative bills out for the Utah League of Cities and Towns to consider language on, but there would be bills on housing, spending on trails and active transportation, addressing homelessness, and housing affordability. He said planning staff submitted to the Department of Workforce Services the affordable housing amendments to the General Plan. Millcreek's plan was approved when other cities' plans were not. He commended planning staff.

5.2 City Council Member Reports

Council Member DeSirant echoed the success of the ice skating loop and reported that there had not been issues with the temporary homeless shelter as relayed from people he had spoken with. Mayor Silvestrini commended the UPD officers for containing the homeless shelter illegal activities. Lilly said at the last council meeting it was reported there had been a lot of police calls involving the shelter. Lilly said 40 of the calls for service were from the shelter itself.

Council Member Uipi reported that she and the mayor attended the Millcreek Community Theater play, and it was well attended.

5.3 Staff Reports

There were no reports.

5.5 Unified Fire Authority Report

Chief Duane Woolsey noted Chief Higgs was retiring and Chief Dern would be taking the position. Wade Russell would be taking Chief Dern's spot. Station 125 in Midvale would have its grand opening on December 13th. Station 102 in Magna construction was progressing on schedule for completion in May 2023. Station 251 in Eagle Mountain may be delayed, and Station 253 was on schedule. The Station 112 reconstruction was still on hold due to FEMA floodplain issues. The temporary station would be building a garage to house an ambulance.

5.6 Unified Police Department Report

Chief DeBry reported the November 2022 crime statistics. He compared calls and cases, and booking arrests and citations from 2020, 2021, and 2022. In November, there were 33 assaults, 16 burglaries, 26 drug offenses, 77 family offenses, 2 homicides, 100 larcenies, 0 robberies, 7 sexual offenses, and 24 stolen vehicles. He presented the reasons for calls for service within the ½ mile radius from the homeless shelters in 2021 (195) and 2022 (199) for the month of November. There were 40 calls for service at the temporary homeless shelter between November 1st and December 1st. He then described the different types of calls which included trespassing, ambulance, domestic release notification, drugs, lewdness, public intoxication, suspicious activity, traffic stop, transient, civil, citizen assist, and welfare checks.

Chief DeBry reported the East Mill Creek Lions Club donated Thanksgiving turkeys to families in need and 15 families from the Bud Bailey Apartments were selected in Millcreek to receive turkeys, desserts, and other items. The items, generously provided by the East Mill Creek Lions Club, were handed out by Millcreek C.O.P. detectives. Millcreek C.O.P. detectives located two cases of graffiti in the month of December and both sites were cleaned up by UPD Graffiti Removal. Millcreek C.O.P. Detectives met with administrators at the Jean Massieu School for the Deaf and Utah School for the Deaf and Blind to discuss the school's plan for an active shooter situation. Detectives and a S.W.A.T. Team Leader walked the school to discuss the school's layout in case of an emergency. Detectives would be teaching the staff and administrators an active shooter presentation. Millcreek C.O.P. detectives located an abandoned campsite at 250 W. Central Avenue. Detectives were coordinating with the Salt Lake County Health Department to have the site cleaned up. Officers responded to 30 transient calls for service, 53 mental health calls, 198 traffic accidents, and issued 427 citations.

Council Member Jackson asked how trespassing happens at the temporary homeless shelter. Chief DeBry said people leaving the shelter could not come back and would create a trespass. Council Member Uipi appreciated the detail with the shelter statistics. Chief DeBry reported that he would be meeting with area chiefs and mayors to discuss homelessness.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Planning Commission Mtg. 12/21/22 5:00 p.m.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:04 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

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

Attest: _____
Elyse Sullivan, City Recorder

