

## 1. City Council Meeting (PDF)

### Millcreek City Council, Millcreek Community Foundation, & Millcreek Community Reinvestment Agency Meeting Agenda

Public Notice is hereby given that the City Council of Millcreek will assemble in a regular public meeting on Monday, 10 July 2023 at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at 7:00 p.m. The Millcreek Community Foundation will assemble in a regular public meeting and will commence when the City Council has concluded the Council meeting. The Community Reinvestment Agency of Millcreek will also assemble in a regular public meeting and will commence when the Millcreek Community Foundation meeting has concluded.

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.

##### 1.3 Recognition of Unified Police Department Millcreek Precinct Awardees from the Salt Lake County Sheriff's Annual Awards

#### 2. Financial Matters

2.1 Establish a Time and Place for a Public Hearing to Change Elective Officers' Compensation (City Council and Mayor) - July 25, 2023 at Approximately 7:00 p.m.

#### 3. Business Matters

3.1 Discussion and Consideration of Ordinance 23- 27, Amending Chapter 3.48 of the Millcreek Code of Ordinances Regarding Planning and Engineering Fees

#### 4. Reports

##### 4.1 Mayor's Report

## 4.2 City Council Member Reports

## 4.3 Staff Reports

## 5. Consent Agenda

### 5.1 Approval of June 12, 2023 Work Meeting and Regular Meeting Minutes

## 6. New Items for Subsequent Consideration

## 7. Calendar of Upcoming Events

- Historic Preservation Commission Mtg. 7/13/23 6:00 p.m.
- Planning Commission Mtg. 7/19/23 5:00 p.m.
- City Council Mtg. 7/25/23 7:00 p.m.

## 8. Closed Session (If Needed)

The Council may convene in a closed session to discuss items as provided by **Utah Code Ann. §52-4-205**.

## 9. Adjournment

### Millcreek Community Foundation Convening

1. Discussion and Consideration of Approval of Paver Management Agreement with Millcreek
2. Adjournment

### Community Reinvestment Agency Convening

1. Olympus Hills Community Reinvestment Area Budget Revision Discussion;  
**Mike Winder, Staff**
2. Approval of June 26, 2023 Meeting Minutes
3. 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 [ADAINFO@MILLCREEK.US](mailto:ADAINFO@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](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](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://MILLCREEK.US)

[HTTP://PMN.UTAH.GOV](http://PMN.UTAH.GOV)

DATE: July 5, 2023

CITY RECORDER: Elyse Sullivan

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

Documents:

CC CRA AND MCF 7-10-23 AGENDA.PDF  
ITEM 3.1 \_ ORDINANCE 23-27 AMENDING CODE CHAPTER 3.48.PDF  
ITEM 5.1 \_ CC 6-12-23 DRAFT MINUTES.PDF





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- 2.1 Establish a Time and Place for a Public Hearing to Change Elective Officers' Compensation (City Council and Mayor) – July 25, 2023 at Approximately 7:00 p.m.

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- 3.1 Discussion and Consideration of **Ordinance 23-27**, Amending Chapter 3.48 of the Millcreek Code of Ordinances Regarding Planning and Engineering Fees

### 4. Reports

- 4.1 Mayor's Report
- 4.2 City Council Member Reports
- 4.3 Staff Reports

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- 5.1 Approval of June 12, 2023 Work Meeting and Regular Meeting Minutes

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DATE: July 5, 2023

CITY RECORDER: Elyse Sullivan

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

**MILLCREEK, UTAH**  
**ORDINANCE NO. 23-27**

**AN ORDINANCE AMENDING CHAPTER 3.48 OF THE MILLCREEK CODE OF  
ORDINANCES REGARDING PLANNING AND ENGINEERING FEES**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on July 10, 2023, to consider, among other things, amending Chapter 3.48 of the Millcreek Code of Ordinances regarding planning and engineering fees; and

**WHEREAS**, on June 12, 2023, the Council adopted a revised fee schedule as part of the final budget for Fiscal Year 2023-2024, and

**WHEREAS**, the revised fee schedule includes planning and engineering fees for subdivision and non-subdivision development, and

**WHEREAS**, staff has identified a technical error in the current ordinance, and has made a recommendation to correct the error to align the ordinance with the adopted fee schedule; 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 Chapter 3.48 of the Millcreek Code of ordinances regarding planning and engineering fees.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Chapter 3.84 be amended as follows (interlineating the words to be deleted and underlining the words to be added):

**Chapter 3.48 PLANNING AND ENGINEERING FEES**

**3.48.010 Right-Of-Way Improvement Permit Fees**

**3.48.020 Plat Filing And Engineering Checking Fees**

**3.48.025 Planning and Engineering Checking Fee For Subdivisions Where No Plat Must Be Recorded**

**3.48.030 Planning and Engineering Checking Fees For Nonsubdivision Development**

**3.48.040 Road Dedication Fees For Nonsubdivision Development**

**3.48.010 Right-Of-Way Improvement Permit Fees**

Before any permit is issued pursuant to the provisions of MKC 14.36.010, the applicant shall pay to the city or its designee as set forth in the consolidated fee schedule.

**3.48.020 Plat Filing And Engineering Checking Fees**

Any and all persons filing plats with the Salt Lake County recorder shall first have paid all fees required in MKC 3.52. In addition, persons filing plats shall pay to the city or its designee an engineering checking fee as set forth in the consolidated fee schedule.

**3.48.025 Planning and Engineering Checking Fee For Subdivisions Where No Plat Must Be Recorded**

Any person proposing to subdivide a parcel of land where no plat must be recorded (a nonregular subdivision) shall pay to the city or its designee a planning checking fee and an engineering checking fee as set forth in the consolidated fee schedule.

**3.48.030 Planning and Engineering Checking Fees For Nonsubdivision Development**

Any person proposing to develop a parcel of land, either as a permitted use, conditional use or planned unit development, other than a subdivision, shall pay to the city or its designee a planning checking fee and an engineering checking fee as set forth in the consolidated fee schedule. Any remaining portion of the fee shall be paid prior to approval by the city or its designee or installation of any of the improvements.

**3.48.040 Road Dedication Fees For Nonsubdivision Development**

Any person proposing to develop a parcel of land, either as a permitted use, conditional use or planned unit development, other than a subdivision, where dedication is required for street widening and improvements in accordance with MKC 15.28 shall pay to the city or its designee a fee as set forth in the consolidated fee schedule for document review, preparation and processing.

This Ordinance, assigned Ordinance No. 23-27, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this 10<sup>th</sup> day of July, 2023.

**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 23-27: AN ORDINANCE AMENDING CHAPTER 3.48 OF THE MILLCREEK CODE OF ORDINANCES REGARDING PLANNING AND ENGINEERING FEES**

was adopted the 10<sup>th</sup> day of July, 2023 and that a copy of the foregoing Ordinance 23-27 was posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of July, 2023.

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Elyse Sullivan, City Recorder



**Minutes of the  
Millcreek City Council  
June 12, 2023  
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 June 12, 2023, 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 (excused)  
Cheri Jackson, District 3  
Bev Uipi, District 4

**City Staff**

Francis Lilly, Assistant City Manager  
Elyse Sullivan, City Recorder  
Mike Winder, City Manager  
John Brems, City Attorney  
Kurt Hansen, Facilities Director  
Rita Lund, Communications Director  
Lisa Dudley, HR-Finance Director  
Stephanie Bond, HR Manager  
Josie Showalter, CDBG/Grant Administrator  
Sean Murray, Planner  
Katie Larsen, Planner  
Carlos Estudillo, Planner

**Attendees:** Rick Hansen, Jared Forsyth, Rachel Watson, Bizzie Watson, Ann Granato, Ginny Russo, Dwight Yee, Doug Stowell, Tucker Hansen, Adam Hughes, Allie Platt, Chief Steve DeBry

**WORK MEETING – 5:00 p.m.**

**TIME COMMENCED – 5:02 p.m.**

Mayor Silvestrini called the work meeting to order. He noted Council Member DeSirant was excused.

**1. Introduction of Doug Stowell, Indigent Defense, and Tucker Hansen, Prosecutor**

John Brems said the city would be utilizing court services with the Holladay Justice Court in July. He introduced Doug Stowell and Tucker Hansen to the council. Hansen said Hansen Law office was based in Pleasant Grove and had a lot of experience with municipal prosecution. Stowell said Stowell Crayk was the public defender for South Salt Lake, Holladay, Cottonwood Heights, Taylorsville, Midvale, and Lehi and conflict counsel for West Valley City, Bountiful, and Layton.

## **2. Human Resources Policies Presentation; Stephanie Bond, HR Manager, and Josie Showalter, CDBG/Grant Administrator**

Josie Showalter said the policies were compliance requirements for grants the city had received, two of which were specifically for the Community Development Block Grant (CDBG) for federal compliance, and one from a grant with Salt Lake County for Millcreek Promise. She reviewed the Effective Communication Policy which included sections on purpose, request for auxiliary aids and services, website accessibility, and a grievance procedure. Staff created a new email address for this policy, [adainfo@millcreek.us](mailto:adainfo@millcreek.us). Council Member Uipi asked if the email address was for general information inquiries. Stephanie Bond said it was created for the policy, but it could be used for other things in the future. Showalter and Bond described the Language Assistance Plan. The plan followed a template from Salt Lake County which included a four factor analysis: 1) the number or proportion of Limited English Proficiency (LEP) persons eligible to be served or likely to be encountered by the city's programs and activities; 2) the frequency with which LEP persons using a particular language come in contact with the city services, programs, and activities; 3) the nature and importance of the city service, program or activity to the LEP population; and 4) city resources available and costs to provide LEP assistance. The plan included sections on purpose, meaningful access, four factor analysis, language assistance measures, staff training, translation of documents, monitoring and updating, fair housing, complaint process, definitions, and an appendix of "I Speak" cards. Council Member Uipi noted that Tongan was not included in the appendix.

Showalter explained the Millcreek Promise Health Coalition Complaint Policy as a grievance policy for those on the coalition. The complaint definition and applicability section noted what complaints the policy did and did not address. There were also sections on types of complaints and procedures; informal and formal, and administration, records management, and privacy. Mayor Silvestrini asked if the appeal process could go through an internal Millcreek process rather than with the Salt Lake County Health Department. Showalter said the grant required the complaint go to Salt Lake County if it could not be resolved by Millcreek.

## **3. Planning Matters First Readings:**

### **a. ZM-23-003, Rezone Request from R-1-8 to R-1-5 at 3564 S. 1100 E.; Katie Larsen, Planner**

Katie Larsen said the purpose of the rezone was to allow a smaller minimum lot frontage than what would otherwise be allowed in the current zone. If approved, the zone change would enable the applicant to get three residential lots, whereas the current R-1-8 Zone only allowed for two residential lots with a subdivision. Much of the lot width would be reduced due to the creation of a new access on the northern portion of the property to create an access for proposed "lot 2". The lots would be arranged in such a way that proposed "lot 1" would become a flag lot, resulting in two lots. The southern portion of the property could then be subdivided to create a new "lot 3" with a private access that was already established by an existing prescriptive easement. The rezone request was in alignment with the General Plan through Goal N-1 and met the Neighborhood 1 designation.

Larsen said the applicant held a neighborhood meeting onsite on April 12, 2023. Several people from the surrounding area showed up, mainly with questions as to what was happening; the consensus was positive. The Millcreek Community Council met in May and unanimously approved the application as proposed by staff with the recommendation that a zone condition be added to the property limiting the site to three lots. The Planning Commission unanimously approved the application as proposed by staff with the recommendation that a zone condition be added to the property limiting the site to three lots. The entire property is 0.72 acres or, approximately 31,363 square feet in size. Each lot would be greater than 8,000 square feet. The applicant wished to subdivide into three lots, which caused a challenge due to the narrowness of the parcel near the north-east portion fronting 1100 East. Lots in the R-1-8 Zone require a 65-foot lot width, whereas the R-1-5 Zone would allow for a minimum lot width as little as 25 feet. The proposed width of “lot 1” would be 53 feet. The rezone would be accompanied by a development agreement and a zone condition addressing density and housing type, limiting it to three lots for single family residential detached homes.

Larsen said the development agreement would include sections on screening, density, accessory dwelling units (ADUs), and approval by other entities. She concluded that the applicant wished rezone to R-1-5 to allow for further density and a smaller lot width for the proposed “lot 1”. The proposal was in harmony with the future land use designation, as it complied with housing type and density. The rezone application would be accompanied by a development agreement; the agreement would run with the land for 10 years. She recommended approval of the rezone and development agreement.

Mayor Silvestrini wanted to know what the development agreement would cover. Larsen said the site plan and the limit on accessory dwelling units (ADUs). Mayor Silvestrini asked why the ADU restriction was recommended. Larsen said ADUs were not allowed on flag lots, and the proposed lots had flag lot type accesses. Mayor Silvestrini asked if the applicant was agreeable to the development agreement conditions. Larsen confirmed since she had not heard otherwise.

**b. ZT-23-007, Code Text Amendment on Manufactured Home and Tiny Home Zone; Sean Murray, Planner**

Sean Murray said Millcreek’s code currently includes a residential mobile home zone, though it only exists on paper, as no properties were currently zoned for use. Most of the provisions for mobile homes were not suggested to change. The update of the chapter simply allowed tiny homes to be added to the zone as well as adding requirements and standards for future development. He said the difference between mobile home and manufactured home was the year it was built. There were requirements that new manufactured home parks and tiny home parks must be platted to help residents achieve ownership of their lot and there would be spatial requirements. Murray said the proposed ordinance met the General Plan Goal N-2 and Neighborhood 2 or 3 would be the best fit for them. The proposed ordinance helped provide a variety of housing typologies and the potential allowance to develop on small lots. Allowing for a mobile home or tiny home development would likely reduce costs and barriers to home and land ownership. Manufactured home and tiny home developments have often been designed to create a community feel. These developments could potentially be catered to populations needing extra support, such as the elderly or disabled.

The Planning Commission continued the application at first reading to accommodate some revised considerations. Those were that all new manufactured home and tiny home parks must be platted to provide ownership opportunities. All new parks must go through the conditional use approval process as well as the rezone process. Tiny home pads must be at least 20 feet by 40 feet, with setbacks, which makes the buildable area about a 225 square foot minimum. Each tiny home dwelling must be at least 200 square feet. Staff was still working on specifics of pad size and setbacks for manufactured homes to make sure pads allowed for industry standard manufactured home sizes. Manufactured homes require 2 parking spots per unit. Tiny homes require 1 parking spot per unit. Manufactured and tiny home parks require 0.25 guest parking spaces per unit. Due to the minimum pad size of 800 square feet, a very dense development could be built that would fit in the Neighborhood 3 designation. Before adding open space, roadway, amenities, and other necessary improvements, the density of a platted 800 square foot pad size development would be about 54 units per acre. Murray expressed a recent trend of people wanting tiny homes due to house price increases. He showed some picture examples of tiny home developments. Murray said all the community councils recommended approval of the application. One of the community councils recommended eliminating short term rentals as a use in the zone.

Council Member Jackson confirmed that short term rentals were removed from the zone. Murray confirmed. The Planning Commission recommended 5-1 to approve the application. They discussed lowering the minimums on size and unit count for parks. He mentioned that the unit minimum was 8 units as was the planned unit dwelling minimum. He said Commissioner Larsen opposed the application because he felt tiny houses did not help the housing crisis.

Murry reviewed the findings and conclusions. Amending Title 19 updating definitions, renaming the RMH Residential Mobile Home Zone to the MHTH Manufactured Home / Tiny Home Zone, and amending and adopting new standards for the MHTH Zone supports the General Plan by providing more housing types which can support various populations, as described in the staff report. Proposed updates to the spatial requirements allow for more opportunity to build tiny and manufactured homes as Millcreek is a built-out city, the current 5-acre requirement is virtually impossible to acquire. Manufactured homes and tiny homes are only allowed as part of a manufactured home park or tiny home park. Interested parties looking to rezone to the MHTH zone must file an application with the planning department to ultimately be decided by the City Council. This rezone would likely include a development agreement. Changes to the draft ordinance add more stringent design standards as well as ownership opportunities. Staff had not received comment regarding MHTH zone updates from residents.

Council Member Jackson asked about the minimum acreage for 8 tiny homes. Murray said there was not one. The other required standards would help dictate that. Mayor Silvestrini noted it allowed flexibility. He asked about the Planning Commission considering the minimum of 160 square feet from the proposed 200 square feet. Murray said that decision was based on some of the pictures Murray used in his presentation that had units smaller than 200 square feet. Mayor Silvestrini said the zone would allow infill development and affordability in the city.

**c. ZM-22-009, Request to Amend Millcreek’s Future Land Use Map from Retail/Office to Neighborhood II; Rezone 2.2 Acres of Property from the Commercial (C-3) Zone to the Residential (R-M) Zone; and Enter into a Development Agreement for Property Located at 3739 S. 900 E.; Francis Lilly, Planning & Zoning Director**

Francis Lilly, presenting on behalf of Brad Sanderson, said the project had evolved over the years. Lilly said the application consisted of amending the General Plan for a portion of the property to be Neighborhood 2, rezoning a portion of the property to R-M to avoid the significant commercial requirement of building multifamily in the C zone, and approving a development agreement. In the fall of 2022, the city council discussed the site in a work session and from that the following results were considered:

Commercial - minimum 3,000 square feet, restaurant and live/work units abutting 900 East.  
Parking - stalls need to near commercial uses and provide a two-car garage per residential unit.

Transportation - enhance multi-modal transportation options.

Owner Occupancy - units should be platted as a “for sale” product.

Affordable Housing - work with the city to explore affordable housing options.

Architecture - units should be oriented toward and accessed from a street and/or open space area.

Open Space/landscaping – streets should be lined with trees, provide a centralized “usable common area”.

Amenities - amenities should be “proportionate” to the anticipated user demographic.

Lilly said the site was approximately 2.27 acres. The proposal consisted of a minimum of 3,000 square foot commercial building for a restaurant with outdoor seating; 9 live/work units, each with 400 square feet of limited commercial uses, 59 residential units, all units oriented and accessed from a street or landscaped open space area, 30% (approx.) of units would be platted as available “for sale” owner occupied housing; street aligned connectivity to other properties; bus shelter and bike racks; parking dispersed throughout; one 2-car garage per unit; pocket park located along 900 East; large usable open space area centrally located within the development; sidewalk connection throughout; sports court, pavilion, fenced dog park, swing set, leisure swings, fire pit and BBQ area; and urban street edge buildings and plaza along 900 East.

Lilly said the developer was committing to a cross street section with parallel parking and an enhanced bus shelter on 900 East, similar to Mountair Streetscape. He showed pictures of the site plan, pavilion concepts, conceptual frontage on 900 East, master landscape plan, and the building elevations. Lilly said the commercial building had a good presence. The development agreement considered uses, building orientation, ownership, access and parking, amenities, landscaping, architecture, and utilities. The Planning Commission and community councils expressed a broad level of support for the project. The Commission recommended that all of the units be platted for potential future sale. He felt the project fulfilled the goals and strategies of the Millcreek General Plan through GP-9, GC-1B, GP-3, GC-3, and O-1, but it did not help to achieve goal N-2. Mayor Silvestrini asked if the 30% owner occupancy was in the development agreement. Lilly said it should be.

Lilly said the Millcreek Community Council held a virtual public meeting on April 04, 2023, wherein they made a recommendation (6-2) in favor of the proposal. They had concerns about commercial property loss, affordable housing, lack of density, needing a

better mixture of housing types, and needing a higher percentage of ownership. The Planning Commission recommended approval and further recommended that all units be platted for ownership. They discussed building signage and timed street parking. Staff recommended approval of the application. Council Member Uipi asked why the owner occupancy was capped at 30%.

Adam Hughes and Allie Platt, Lotus Company, appreciated staffs' efforts on the project. Hughes said the company is a rental townhome community developer. They had other projects in Millcreek. They understood the city had the goal to promote affordable housing. They made as many parcels available for that as they could. He said they were not set up as a home builder, so taking 30% for owner occupancy was significant. He said the site was not successful for commercial. Lotus had 10 restaurant tenants in other projects, and they recognized food and beverage as a strong component of those communities. He was concerned about fully platting the project but was okay with the 30%. Hughes said a fully platted subdivision would not be consistent with their prior projects, was unfamiliar to their lending relationships, and it would require an education component for their company. The robust amenity package for the rentals would be able to help compete in the market from a rental perspective. The amenities would be covered through the rent. The for-sale units would be required to have an HOA to maintain their street and the for-rent product would bear the costs for the shared amenities.

Council Member Uipi asked where the other projects in Millcreek were located. Hughes said they were all nearby. Council Member Catten asked if the properties were managed. Hughes said they were professionally managed through a third party. He said under this type of ownership structure, there was better maintenance and upkeep than separately owned units, and that would be a benefit to the community. Mayor Silvestrini asked about an HOA. Hughes said there would be an HOA for the 17 owner occupied units closest to 900 East. Council Member Catten said the city wanted to provide housing options but could not control rent prices or affordability. She was concerned about the ownership/HOA and rental component. Hughes mentioned the maintenance expenses for the rental units would be included in the rent. Mayor Silvestrini felt the mixed rental/owner-occupied use could work. He appreciated the owner occupancy that was afforded to the project. Council Member Catten asked if the commercial space would always be a restaurant. Hughes confirmed. Council Member Uipi appreciated the site plan. She asked what the impact would be to changing the site to a for-sale product. Hughes said it was designed as for-rent, so the site plan and unit make up would have to be reconsidered as a for-sale product. Platt said it would make Lotus grow into a business model they did not currently have.

John Brems said the development agreement could last longer than proposed to enable the restaurant use to remain longer. The owner occupancy could be addressed in the development agreement or in CC&Rs. Lilly said the development agreement acknowledged 18 owner occupied units, but it would really be 17 units. Council Member Jackson asked if the units would be platted individually. Lilly said yes, but Lotus would maintain ownership of them. Council Member Jackson asked about requiring the units being for-sale not acknowledged in the agreement. Lilly said when market conditions change, having the infrastructure to sell would be convenient. Mike Winder felt the project reflected a good compromise with the developer and the city.

#### 4. Staff Reports

Winder said Venture Out was going on every Friday night and the Juneteenth event would be held that week. The Chambers Avenue construction project was out to bid. Council Member Uipi appreciated the events calendar distributed the prior week via email.

#### 5. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

**Council Member Uipi moved to adjourn the work meeting at 6:31 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten 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.

#### 2. Planning Matters

##### **2.1 Discussion and Consideration of Ordinance 23-20, Rezoning the Properties Located at Approximately 3956-3960 South 300 East from the R-2-10 (Medium Density Residential) Zone to the R-M (Multifamily Residential) Zone**

Carlos Estudillo showed the council the site plan, renderings, and building elevations for 14 townhome 3-bedroom units. Mayor Silvestrini asked about the pending blanks on exhibit B in the proposed development agreement being resolved. Estudillo said they had been resolved and he showed the council the updated development agreement. Council Member Jackson asked about standards for the streetlights for that size of property. Lilly said there was an engineered specification, so the agreement should say they should be installed subject to the city engineer's approval. He recommended number 7 of the agreement be amended by the council. Brems recommended, "the developer shall install streetlights pursuant to engineering standards within the new park strip directly abutted." Mayor Silvestrini said the council had a first reading of planning matters where the council learns about the project in greater detail than at the next meeting, or second reading, the council approves the matter. This was reviewed and recommended by the community council and Planning Commission.

Mayor Silvestrini asked for public comment. There was none.

Mayor Silvestrini excused Council Member DeSirant from the meeting.



**Council Member Jackson moved to adopt Ordinance 23-20, Rezoning the Properties Located at Approximately 3956-3960 South 300 East from the R-2-10 Zone to the R-M Zone conditioned on approval of the amended development agreement. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten 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 23-21, Authorizing Millcreek to Enter into a Development Agreement Concerning the Development of Properties Located at Approximately 3956-3960 South 300 East**

Mayor Silvestrini said this item was to accompany item 2.1 and the council wished to amend the 7<sup>th</sup> section on lighting.

**Council Member Uipi moved to approve item 2.2 as amended in the development agreement. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten 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 Discussion and Consideration of Ordinance 23-22, Adopting a Final Budget; Making Appropriations for the Support of Millcreek for the Time Period Beginning July 1, 2023, and Ending June 30, 2024, and Determining the Rate of Tax and Levying Taxes upon all Real and Personal Property within Millcreek (the Resulting Tax is the Same Amount of Tax Previously Collected by Millcreek and Will Not Result in a Tax Increase to Residents of Millcreek)**

Mayor Silvestrini said the council had been working on the budget since February and had determined that a property tax increase would not be necessary to fund the police contract. The council held a public hearing on the tentative budget in April. Lisa Dudley reviewed the budget process which included discussions and a public hearing. She said that day she had received the certified tax rate and revenue resulting from that. She reviewed the changes since the meeting packet had been posted. The General Fund revenue included a \$3,436 increase in certified property tax revenue and \$30,164 budgetary use of Fund Balance (to balance the expenditures). The General Fund expenditures included \$6,000 for high school scholarships, \$6,000 city manager car allowance, and \$21,600 economic development professional services. The scholarship would be for one boy and one girl from each of the three high schools at \$1,000 each. Mayor Silvestrini said most cities provide a car allowance or provide the city manager a car. Millcreek's city manager is also the economic developer director, so he is always meeting with other cities and businesses. The expected cost of purchasing a vehicle was more than this allowance would be. The allowance is \$500 a month. The city gave two \$1,000 scholarships to Cottonwood High School students that year, but Millcreek kids go to three different high schools. Winder said the professional services increase was for Pathway Associates to work on naming rights for public improvements.

Dudley said the change to the Capital Improvement Project (CIP) budget included \$23,500 in revenue for the budgetary use of Fund Balance. The expenditures included \$9,500 for design work for an eagle sculpture at the Skyline roundabout and \$14,000 for

a welcome sign at the 3900 S. skybridge. Winder said the welcome sign on 3900 S. was in conjunction with South Salt Lake. Council Member Jackson asked if there was a rendering of the eagle. Winder said no, but he anticipated the Skyline senior classes assisting. Council Member Jackson wanted to know why the \$3,436 of property tax increase was not directed toward the Unified Police Department contract. Dudley said if the contract bill did not increase, it would not be needed. Mayor Silvestrini said the scholarship could be based on grades, it did not have to be for one boy and one girl. Dudley noted she added a table to section 2 of the revised ordinance to include the certified tax rate.

Mayor Silvestrini asked for public comment. There was none.

**Council Member Catten moved to adopt the final budget as discussed in the presentation, Ordinance 23-22, including the amendments. Council Member Uipi seconded.** The mayor thanked the finance team for their work. **The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

### **3.2 Establish a Time and Place for a Public Hearing to Change Elective and Statutory Officers' Compensation – June 26, 2023 at Approximately 7:00 p.m.**

Mike Winder said a public hearing was required per state code for employee salary adjustments. That hearing would be done on June 26<sup>th</sup>. He said because the process was happening, it may be worth revisiting the council's salary which has remained unchanged since incorporation. Staff recommended council salary changes take effect January 1, 2024, so it was based on the position and not the people. Mayor Silvestrini said the council did set their own salaries previously. The range was set low so as not to offend the taxpayers of a new city. Mayor Silvestrini said he received \$40,000 a year plus benefits. The council received \$15,000 a year plus benefits. He said though he was a part-time mayor, it was a full-time job. He said the low salary did not attract many people to the position.

**Council Member Uipi moved to approve item 3.2, establishing a time and place for a public hearing to change elective and statutory officers' compensation. Council Member Jackson seconded.**

Council Member Uipi said there was also an obligation for all of the board positions/seats the mayor served with other entities. Council Member Jackson acknowledged that there was a lot of work involved in serving on the council, but it was a public service.

**The Recorder called for the vote. Council Member Catten 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 Resolution 23-22, Approving a Resolution to Adopt a Language Assistance Plan and an Effective Communication Policy**

Mayor Silvestrini noted this was discussed in the work meeting. These requirements were a good idea to make the city more accessible to more people but were required for some of the grants the city had received.

Council Member Uipi moved to approve item 4.1. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten 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 23-23, Approving a Resolution to Adopt a Millcreek Promise Health Coalition Complaint Policy**

Council Member Catten moved to approve Resolution 23-23, Approving a Resolution to Adopt a Millcreek Promise Health Coalition Complaint Policy. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

**4.3 Discussion and Consideration of Resolution 23-24, Authorizing and Recognizing Mayor Jeff Silvestrini as the Official Authorized to Execute Agreements for and on behalf of Millcreek with Salt Lake County Regarding the Community Development Block Grant Program, Home Investment Partnership Program, & Emergency Solutions Grant Program for the Federal Fiscal Years 2024 Through 2026**

Mayor Silvestrini said this would authorize the mayor to execute agreements for the CDBG program for 2024-2026.

Council Member Uipi moved to approve item 4.3. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

**4.4 Discussion and Consideration of Resolution 23-25, Approving an Interlocal Cooperative Agreement with Salt Lake County for Animal Control Services**

Mayor Silvestrini said this agreement comes with a 6% increase for inflation. Rita Lund helps manage the contract. The mayor said Animal Services was doing a good job in the community and no complaints had been received.

Council Member Uipi moved to approve item 4.4. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

**4.5 Discussion and Consideration of Resolution 23-26, Authorizing the Mayor to Grant Written Consent of the Local Authority for Off-Premises Beer Retailer State Licenses Located in Millcreek City and Ratifying all Previous Written Consent of the Local Authority for Off-Premises Beer Retailer State Licenses Located in Millcreek**

Mayor Silvestrini said the state Department of Alcoholic Beverage Services required local consent every time a special event liquor license was administered or when restaurants/bars need them. This resolution was to ratify what the mayor had been doing. A request comes into business licensing, the request is reviewed, and the mayor authorizes it.

**Council Member Jackson moved to adopt Resolution 23-26, Authorizing the Mayor to Grant Written Consent of the Local Authority for Off-Premises Beer Retailer State Licenses Located in Millcreek City. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**4.6 Discussion and Consideration of Resolution 23-27, Approving Appointments to the Planning Commission**

Francis Lilly said the appointments were for Dwayne Vance and Victoria Reid, currently on the commission, who would be reappointed for four year terms starting in July. The other appointment was for a new commissioner, Steven Anderson. Mayor Silvestrini said the nominating committee included him, Lilly, and the Planning Commission Chair, Shawn LaMar.

**Council Member Uipi moved to approve item 4.6. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**4.7 Discussion and Consideration of Resolution 23-28, Adopting a Policy Regarding Donation of Money for Park Improvements**

Mayor Silvestrini said the policy was to honor folks in a respectful way and protect the city parks. He thanked residents Bizzie and Rachel Watson for bringing the issue to the council. Winder appreciated the policy being set up.

**Council Member Jackson moved to adopt Resolution 23-28, Adopting a Policy Regarding Donation of Money for Park Improvements. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**4.8 Discussion and Consideration of Resolution 23-29, Approving an Agreement with the Millcreek Community Foundation Regarding a Paver Management Program**

John Brems said this agreement was between the city and the Millcreek Community Foundation to establish the paver program. The concept would be on city property, and the city had hired the Millcreek Community Foundation to manage it and arrange for the brick carving. Winder said it was a good opportunity for donations. Council Member Jackson asked how many pavers were sold. Winder said 120, but there would be a second opportunity in several years.

**Council Member Uipi moved to approve item 4.8. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten 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 appreciated the efforts of the Millcreek Emergency Manager, Andrew Clark, with flooding prevention efforts in Neffs Canyon. He felt the city was currently out of flood risk. Council Member Uipi echoed sentiments for the emergency manager’s efforts. Mayor Silvestrini noted residents stepped up to fill sandbags to prevent flooding. He said he was able to travel to Detroit as the chair of the Wasatch Front Regional Council to attend a planning conference. He reported that he attended the VentureOut! events and they were well attended. The Governor issued a proclamation regarding the elections that year. Congressman Chris Stewart resigned, so the municipal election would be pushed out two weeks from November 7<sup>th</sup> to November 21<sup>st</sup> to accommodate the special congressional election. He thanked Congressman Stewart for supporting Millcreek and the state.

**5.2 City Council Member Reports**

Council Member Catten reported that Millcreek Promise Health Coalition member, Victoria Workman, recently passed away. Council Member Jackson said there were overnight campers at Canyon Rim Park. It was discovered that Canyon Rim Park was listed on a website as being a camping site. The campers were from out of state.

**5.3 Staff Reports**

There were none.

**6. Consent Agenda**

6.1 Approval of May 22, 2023 Work Meeting and Regular Meeting Minutes

**Council Member Uipi moved to approve item 6.1. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**5. New Items for Subsequent Consideration**

There were none.

**6. Calendar of Upcoming Events**

- Planning Commission Mtg. 6/21/23 5:00 p.m.
- City Council Mtg. 6/26/23 7:00 p.m.

Council Member Uipi reported she would attend the next council meeting electronically.

**ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:16 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten 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

DRAFT