

## 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 public work meeting and regular meeting on Monday, 14 August 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.

6:30 p.m. - WORK MEETING:

1. **City Hall Construction Update; Kurt Hansen, Facilities Director**
2. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

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- 41, Authorizing and Approving **Proceedings in Eminent Domain as Necessary**

2.2 Discussion and Consideration of Ordinance 23- 30, Amending Millcreek Code Sections 2.04.050 and 2.06A.030 Regarding Compensation Paid to City Council Members and the Mayor to be Effective January 1, 2024

## 3. Reports

3.1 Mayor's Report

3.2 City Council Member Reports

3.3 Staff Reports

#### 4. Consent Agenda

##### 4.1 Approval of July 25, 2023 Work Meeting and Regular Meeting Minutes

#### 5. New Items for Subsequent Consideration

#### 6. Calendar of Upcoming Events

- Planning Commission Mtg. 8/16/23 5:00 p.m.
- Joint Millcreek/Murray Council Special Mtg. 8/21/23 6:00 p.m.
- City Council Mtg. 8/28/23 7:00 p.m.

#### 7. Closed Session (If Needed)

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

#### 8. 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](mailto: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](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: August 9, 2023

CITY RECORDER: Elyse Sullivan

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

Documents:

CC 8-14-23 AGENDA.PDF

ITEM 2.1 \_ RESOLUTION 23-41 EMINENT DOMAIN.PDF

ITEM 2.2 \_ ORDINANCE 23-30 AMENDING ELECTED SALARY.PDF

ITEM 4.1 \_ CC 7-25-23 DRAFT MINUTES.PDF



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### **2. Business Matters**

- 2.1 Discussion and Consideration of **Resolution 23-41**, Authorizing and Approving Proceedings in Eminent Domain as Necessary
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<http://millcreek.us>

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DATE: August 9, 2023

CITY RECORDER: Elyse Sullivan

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

**MILLCREEK, UTAH**  
**RESOLUTION NO. 23-41**

**A RESOLUTION AUTHORIZING AND APPROVING PROCEEDINGS IN EMINENT  
DOMAIN AS NECESSARY**

**WHEREAS**, Millcreek (the “City”) is a political subdivision of the State of Utah and is authorized to acquire private property for public use through the exercise of eminent domain; and

**WHEREAS**, the City has determined that it is necessary and in the public interest to improve and widen the intersection 1300 East and 3300 South in the City to further the important transportation and livability goals and objectives of the City (the “Project”); and

**WHEREAS**, the City has the necessary funding to complete the Project and expects to be able to complete the project within a reasonable time after all property necessary for the Project is obtained; and

**WHEREAS**, the City has identified the property identified as Salt Lake County Assessor Parcel No. 16-29-476-068 and more particularly described in the attached Exhibit A (the Property) owned by RTTTA, LLC (the Owner) as necessary to the completion of the Project and: i) has had the Property appraised by an independent appraiser and has provided a copy of the appraisal report to the Owner; ii) has offered the City’s appraised value of the Property to the Owner and has made other reasonable attempts to negotiate with the Owner in attempts to acquire the Property by negotiation; iii) has provided required notifications to the Owner; and iv) has offered to engage in mediation and further negotiations through the auspices and with the assistance of the office of the Utah Property Rights Ombudsman and otherwise; and

**WHEREAS**, despite these efforts the City has not been able to acquire the Property by negotiation and voluntary purchase to date, and is facing deadlines for contracting and construction of the Project.

**NOW THEREFORE**, the Millcreek City Council resolves, finds, approves and directs as follows:

*Section 1.* The City Council finds and determines that: i) the Project and uses to which the Property will be put are legitimate public purposes; ii) the acquisition of the Property is necessary for construction and completion of the Project and is authorized by law; and iii) acquisition, construction and use of the Property will commence within a reasonable time.

*Section 2.* The proposed location of the Project and associated improvements are planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

*Section 3.* In light of the equities involved and relative damages that may accrue to the parties, occupancy of the Property pursuant to negotiation or by court order may be necessary prior to final acquisition of the Property.

*Section 4.* Accordingly, the City Council directs City staff and the City’s Legal Counsel, on behalf of the City:

1. To continue to negotiate with the Owner, including with and through the offices of the Utah Property Rights Ombudsman and otherwise if the Owner is willing do to so, and to continue to use all reasonable efforts in attempts to acquire the Property by negotiation and voluntary purchase;

2. If, however, after use of all such reasonable efforts, a mutually agreeable purchase price cannot be negotiated, and in the event that the Property cannot be timely acquired by negotiation, to initiate formal proceedings in eminent domain in accordance with Utah law and to prepare and prosecute the necessary condemnation in the proper court having jurisdiction thereof as is necessary for acquisition of the Property;

3. If necessary and as dictated by the construction schedules applicable to the Project, to obtain by agreement or by court order permission to take immediate possession and use of the Property for the purposes herein described; and

4. To use the services of outside consultants and legal counsel as necessary to accomplish these directives.

*Section 5.* This resolution to take effect immediately upon adoption and signature.

**PASSED AND APPROVED** this 14<sup>th</sup> day of July, 2023.

**MILLCREEK CITY COUNCIL**

\_\_\_\_\_  
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

## EXHIBIT A

Beginning at the intersection of the South line of 3300 South Street and the West line of 1300 East Street, which is also the Northeast corner of Lot 10, Block 22, Ten Acre Plat "A", Big Field Survey, and running thence South  $89^{\circ}47'25''$  West along the North line of said lot a distance of 200 feet; thence South  $00^{\circ}18'43''$  West a distance of 80 feet; thence along the arc of a 20 foot radius curve to the left a distance of 31.29 feet; thence North  $89^{\circ}47'25''$  East a distance of 180 feet, more or less, to the East line of said lot; thence North  $00^{\circ}18'43''$  East along the East line of said lot a distance of 100 feet, more or less, to the point of beginning.

LESS AND EXCEPTING THEREFROM the following:

Beginning at the intersection of the South line of 3300 South Street and the West line of 1300 East Street, which is also the Northeast corner of Lot 10, Block 22, Ten Acre Plat "A", Big Field Survey; thence South  $00^{\circ}18'43''$  West 100.00 feet; thence South  $89^{\circ}47'25''$  West 7.00 feet; thence North  $00^{\circ}18'43''$  East 71.99 feet; thence along the arc of a 21.00 foot radius curve to the left through a central angle of  $90^{\circ}31'18''$  for 33.18 feet (chord bears North  $44^{\circ}56'56''$  West 29.83 feet); thence South  $89^{\circ}47'45''$  West 171.68 feet; thence North  $00^{\circ}18'43''$  East 7.00 feet; thence North  $89^{\circ}47'25''$  East 200.00 feet to the point of beginning.



**MILLCREEK, UTAH**  
**ORDINANCE NO. 23-30**

**AN ORDINANCE OF MILLCREEK AMENDING MILLCREEK CODE SECTIONS  
2.04.050 AND 2.06A.030 REGARDING COMPENSATION PAID TO CITY COUNCIL  
MEMBERS AND THE MAYOR TO BE EFFECTIVE JANUARY 1, 2024**

**WHEREAS**, the Millcreek Council (“*Council*”) met in a regular session on August 14, 2023, to consider, among other things, amending Millcreek Code Sections 2.04.050 and 2.06A.030 regarding compensation paid to City Council Members and the Mayor to be effective January 1, 2024; and

**WHEREAS**, Utah Code Ann. § 10-3-818 provides, among other things, that the Council, on its own motion after a public hearing, may fix the compensation offered to elective, statutory, and appointive officials; and

**WHEREAS**, on July 11, 2023, a notice of public hearing regarding the compensation and fringe benefits for the City Council Members and the Mayor was published on the Millcreek website, the Utah Public Notice website, and posted at Millcreek City Hall as required by state law; and

**WHEREAS**, on July 25, 2023, a public hearing was held, to consider the compensation and fringe benefits for the City Council Members and the Mayor; and

**WHEREAS**, the Council has determined that it is in the best interest of the residents of Millcreek to increase the compensation and fringe benefits for the City Council Members and the Mayor.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that the following amendment be adopted amending Millcreek Code Sections 2.04.050 and 2.06A.030 regarding compensation paid to City Council Members and the Mayor to be effective January 1, 2024 (designated by interlineating the words to be deleted and underlining the words to be added):

**2.04.050: Compensation and Benefits**

Beginning ~~August~~ January 1, 2017~~24~~, the yearly base compensation of the city council members shall be ~~fifteen~~ seventeen thousand dollars (\$~~15~~17,000), payable in accordance with the City's payroll practices, together with any general compensation adjustments approved by the City Council for full time City employees. Council Members shall not be eligible for any bonus, incentive or other plans or arrangements. The City shall also pay the Council Member's medical, dental, and group life insurance premiums at the same rate and amount as a full time City employee and pay contributions to the Utah State Retirement Systems as required by law including but not limited to Utah Code Ann. § 49-11-101 et seq.

**2.06A.030 Compensation And Benefits**

Beginning ~~August~~ January 1, 2017~~24~~, the yearly base compensation of the Mayor shall be forty-~~three~~ thousand dollars (\$403,000), payable in accordance with the City's payroll practices, together with any general compensation adjustments approved by the City Council for full time City employees. The Mayor shall not be eligible for any bonus, incentive or other plans or arrangements. The City shall also pay the Mayor's medical, dental, and group life insurance premiums at the same rate and amount as a full time City employee, and pay contributions to the Utah State Retirement Systems as required by law including but not limited to Utah Code Ann. § 49-11-101 et seq.

This Ordinance assigned Ordinance No. 23-30, 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 14<sup>th</sup> day of August, 2023.

**MILLCREEK**

\_\_\_\_\_  
**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 23-30: AN ORDINANCE OF MILLCREEK AMENDING MILLCREEK CODE  
SECTIONS 2.04.050 AND 2.06A.030 REGARDING COMPENSATION PAID TO CITY  
COUNCIL MEMBERS AND THE MAYOR TO BE EFFECTIVE JANUARY 1, 2024 was  
adopted the 14<sup>th</sup> day of August, 2023 and that a copy of the foregoing Ordinance 23-30 was  
posted in accordance with Utah Code 10-3-711 this \_\_\_\_ day of August, 2023.

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Elyse Sullivan, City Recorder



**Minutes of the  
Millcreek City Council  
July 25, 2023  
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 July 25, 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  
Cheri Jackson, District 3  
Bev Uipi, District 4

**City Staff**

Francis Lilly, Assistant City Manager  
Elyse Sullivan, City Recorder  
Lisa Dudley, HR-Finance Director  
John Brems, City Attorney  
Kurt Hansen, Facilities Director  
Mike Winder, City Manager  
Rita Lund, Communications Director  
Robert May, Long Range Planning Manager  
Andrew Clark, Emergency Manager  
John Miller, Public Works Director  
(electronic)

**Attendees:** Chief Zach Robinson, Jennifer Smithey (electronic), Michael Maledon (electronic), Mitch Pierce (electronic), Commissioner Christian Larsen, Commissioner Shawn LaMar, Rick Hansen, Lindsay Seppi, David Baird, Patti Hession, Brenden Hession, Casey Smith, Kari Landro, Lora Brady, Scott Clark, Vince Coley, Barb Barnes, Auschel Felt, Justine Sheedy-Kramer, Lucy Mas, Grace Wang, Elise Lazar, Chief Steve DeBry

**WORK MEETING – 5:30 p.m.**

**TIME COMMENCED – 5:32 p.m.**

Mayor Silvestrini called the work meeting to order.

**1. Unified Fire Authority (UFA) Report; Chief Zach Robinson**

Chief Zach Robinson presented the second quarter statistics for the year. There were 1,499 total incidents with 498 emergent (33%). He reviewed the call types, the top engine/truck unit responses and ambulance responses. The total emergent time was between 4 minutes and 43 seconds and 7 minutes and 53 seconds. He provided a map of call types in the city. There was one notable incident, a structure fire on June 18<sup>th</sup> at 1348 E. 3300 S. There were no major incidents to report from the 4<sup>th</sup> of July. There was a quarter acre fire by Mount Olympus

trailhead which was caused by fireworks. There were no major incidents for the 24<sup>th</sup> of July. He reported that the wet spring and early summer had kept fire activity low in the region. Crews had been focusing on wildfire mitigation efforts and proficiency training. The new fire safety education trailer provided a hands on, interactive training environment for the community. UFA was currently working on the 2023-2026 strategic plan. He encouraged city leadership to participate in the upcoming four meetings. The FY 2023-24 budget was officially adopted by the UFA board in June. Three fire stations were currently under construction, 102 in Magna, 251 in Eagle Mountain, and 253 in Eagle Mountain. The safety message was on precautions with recreational fires around the home. Recruit Class 56 had 31 new recruits from the 16-week fire academy. There were eight lateral hires, two paramedics and six firefighters. He also listed the new promotions and recent retirements.

Mayor Silvestrini said Millcreek pays for fire service through a taxing district called the Unified Fire Service Area (UFSA). They levy a tax to pay for fire service. There would be no property tax increase this year. Mayor Silvestrini sits on the UFSA Board. He said there was a judgement levy, so a \$200,000 difference was needed. It looked like an increase in property taxes, but it was not. He mentioned that the Millcreek ambulance went into Holladay often. That is considered in the membership fee for the cities, so Millcreek's portion would be lower, and Holladay's would be higher. Dispatch dispatches the closest unit to a scene. Station 112 is located on Jupiter Drive, and it needs to be replaced. The location is in the FEMA floodplain, so that needs to be mitigated before the station can be rebuilt.

## **2. Olympus Hills Village Center – Potential Porsche Dealership/Mixed Use Development Discussion**

Mayor Silvestrini said there may be a potential application for a Porsche dealership on Wasatch Boulevard. There had been a neighborhood meeting on the potential application. The city wanted to get ahead of the application to discuss the matter. Francis Lilly said Porsche Salt Lake was under contract to purchase approximately 6 acres of land between Wasatch Boulevard and I-215, west of the Olympus Hills Mall. Porsche proposed to use 4 acres of the site for a dealership, and the remaining acreage for a future mixed use development. The property is currently zoned R-1-8 and is designated as a Village Center in the Millcreek General Plan. Lilly reviewed the prior development inquiries on the property. He said all parcels/lots in the area were zoned as R-1-8 in the 1950s. Prior to 2010 the property was owned by UDOT and used as a batch plant for regional construction projects. In 2014-15, the county-initiated a rezone attempt for multifamily or commercial. At that time there were concerns about height and potential hotel and multifamily uses. In 2018 the General Plan was adopted, limiting future building heights and identifying the property as part of a Village Center. That same year the property owner expressed a desire for an office campus and large multifamily uses. In 2021 a new property owner expressed a desire for large multifamily uses and possible restaurant uses. In 2022, exploratory conversations about a high-end car dealership took place.

Lilly showed the council the proposed site characteristics with proposed mixed use on the northern portion and proposed Porsche site on the southern portion. The current UDOT northbound ramp on 3900 S. was unsafe, so a future ramp south of Apollo Drive might be a solution. Mayor Silvestrini said the first property owner after UDOT surplussed the property had an option to acquire the unsafe northbound cloverleaf ramp. Mike Winder said it was intact with the current property owner as a right of first refusal. Lilly said the potential

northbound ramp was unplanned but may be considered in 5-7 years as part of a bridge replacement project. He showed the council an image of the existing site and street characteristics. UDOT can dictate the future development of Wasatch Blvd. though it is a city road because of its interface with I-215. Lilly said Wasatch Boulevard carries about 10,000 average annual daily trips (UDOT, 2019), approximately 4,000 daily bicycle trips (STRAVA, 2020), and has high peak and seasonal demand due to Skyline High School and Millcreek Canyon. The future northbound interchange would likely be south of Apollo Drive, to replace the cloverleaf interchange, and would likely be after 2028. Approximately \$5 million had been allocated to Millcreek for bicycle path improvements to include bike lane enhancements and a side path on the west side of Wasatch Boulevard between 3900 S and 4500 S. A lane reduction was not recommended at that time. He said Wasatch Boulevard would always be very sensitive to traffic impacts.

Lilly said the proposal included a 4-acre dealership site with the overall site limited to two accesses. The building would be oriented to protect residential views with the height limited to 34 feet at the north end. There would be a high quality building design and materials. The site would include a small public open space north of shared access, restaurant/office/residential mixed-use option to the north, and approximately 1,000 square feet of side path that implements and exceeds the General Plan and Wasatch Boulevard Corridor Study goals. There would be enhanced landscaping with an emphasis on native vegetation. The site would have dark-sky compliant lighting exceeding existing city standards. The site would have limited signage, with no sign taller than about 6 feet in height. The dealership was contemplating giving the city a down payment on the side path contemplated in the corridor study.

Lilly showed the council daytime and nighttime images of the Palm Springs Porsche dealership location which served as the model for the potential Millcreek location. The LED red lighting was channel set and cast down. He observed at the Palm Springs location that 6-7 test drives happened a day, vehicle deliveries typically happened on property and not on street, the inventory lot was screened from view, Palm Springs' lighting standards exceed Millcreek's lighting standards and the dealership would not produce as much light as the existing Olympus Hills shopping center and I-215 interchanges, it was adjacent to single-family neighborhoods, had limited signage, was well landscaped, and had 24-hour security. He said portions of the building was leased for private events, receptions, and community groups.

Lilly said the General Plan considers this property as a village center which includes retail, commercial, business and office uses as the primary use with townhomes, small scale multi-family apartment or condominiums, hospitality, restaurants, offices, health services, plazas, squares, pocket parks, and other community gathering spaces as secondary uses. A key characteristic included providing a mix of supporting services and small-scale commercial for the surrounding neighborhoods.

Council Member Jackson asked about the portions of the building leased for private events, receptions, and community groups and its traffic. Lilly did not know the type of traffic those events would produce but felt it would be minor. The General Plan acknowledged that the village center would be strategically located to local and regional access, retain the view to the west, and would tie together the two sides of Wasatch Boulevard and expand retail and

hospitality uses as a focus. The General Plan considerations relevant to the dealership included economic development strategies 1.5 and 2.5, vibrant gathering places strategies 1.3, 4.8, 7.4, and 9.3, great connections strategy 1.1B, and open space strategies 3.1, 4.2, and 5.2.

Lilly said the General Plan calls out essential open space and quality of life goals that cost money. Property tax receipts are only 32% of the FY 2023-24 budget, and public safety costs \$15.7 million. He showed pie charts of the city's revenue and expenses. The other sources of revenue the city has are sales tax, grants, and fees. Adding to and diversifying the sales tax base (which is also a stated General Plan strategy) would help the city meet needs and wants without need of tax increases. He asked if automobile dealerships were fundamentally contrary to the goal of the village center, or if they could be worked into a village center concept with good design. He said Wasatch Blvd. would always be an arterial road with proximate interstate access and wondered if the west side should be treated differently than the east side. He wondered if the inclusion of a side path, which meets a stated goal in the General Plan, also helped meet the goal of connectivity and if it tied together both sides of Wasatch Boulevard, while recognizing that Wasatch Boulevard would remain a vehicle-centric road. He felt that changing the General Plan land use designation from village center to mixed-use 2 was an option to consider. The dealership would be a low-slung building and would be oriented so that residents on Apollo Drive and south would have a clear view unobstructed by buildings. Given height and view concerns, particularly on the south side of the site, he wondered what other uses were feasible that would not be tall and that would not generate significant traffic. The best fit for the property would consider traffic sensitivity, building height sensitivity, viewshed protection, cyclist and pedestrian safety, preference for commercial uses, create placemaking, meet ongoing fiscal needs, and considered the future interchange.

Lilly presented a special district zone option. A special district zone could be used to create specific standards for uses, signage, lighting, landscaping materials, building height and orientation, and streetscapes. Special districts could be applied to village centers, mixed use areas, or anywhere the city would welcome a proposal that falls outside of the strict confines of a commercial zone. Coupled with a development agreement, the city could craft a zone that provides value to the city in the form of enhanced public amenities. Special district requests would require a neighborhood meeting, a joint meeting with the City Council and Planning Commission, and a preliminary site plan review by staff prior to a formal application. Formal notice would include community council review, a planning commission recommendation, and City Council review.

Mayor Silvestrini said prior to incorporation, the neighborhood had concerns about height that would restrict views from Apollo Drive, and about multifamily residential. He said the R-1-8 zone did not fit the site. The best way to keep taxes low for Millcreek taxpayers was to expand the tax base, and this would accomplish that as well as keep the height manageable on the southern portion of the property. He said by customizing the zone in the area, the city could control landscaping and lighting. Council Member Catten asked if the dealership was contingent on the mixed use portion of the property. Lilly said there were no plans for that portion yet, though he had expressed concern about height and multifamily use. He felt a significant retail component was needed. Council Member DeSirant asked if the other two acres would be sold or leased. Lilly anticipated a sale. Council Member Uipi noted the city did not own the land since inquiries had been made about a city park. Lilly said it would cost

the city at least \$8-10 million to purchase the property, and millions of additional dollars to master plan the open space and provide annual maintenance and operation of it. Mayor Silvestrini noted a park would also generate more traffic. Lilly noted other parks in the city needed to be improved. This site was never identified as a new park.

Michael Maledon, Porsche, showed the council the proposed access which would be shared with the dealership and the mixed use as a right-in-right-out and a southern access across from Apollo. He showed picture examples of the building's exterior. Jennifer Smithey, architect, said the front portion of the building was an aluminum composite material with a matte silver finish. She described and showed renderings and elevations of the proposed building. She showed a constructed image of what the view would look like from Apollo Drive and the Olympus Hills Shopping Center. Maledon said this was a non-traditional car dealership. The proposed Millcreek location would be one of half a dozen in the country that was the high quality dealership.

Commissioner LaMar asked how the cars would be delivered. Maledon said onsite. Council Member Uipi asked what the current R-1-8 zone allowed for building height. Lilly said 32 feet. The dealership would be about 35-36 feet on part and 26 feet on part. Council Member DeSirant asked about plans for the northern portion of the property. Maledon said they had intentions to select a use partner that was consistent with what Millcreek wanted there.

### **3. Staff Reports**

There were none.

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

There was none.

**Council Member Uipi moved to adjourn the work meeting at 6:49 p.m. Council Member Catten 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: 7:08 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 Unified Police Department Millcreek Precinct Officer of the Month for June 2023**

Chief Steve DeBry announced Officer Adam Melnitsky and Officer Johnny Ortiz as the Officers of the Month for June 2023. The officers responded to an unresponsive individual found in a car. They provided CPR and the man was able to get to the hospital and recover from a failed pacemaker.



Chief Debry introduced Sergeant Keith Borders, who recently rejoined the Millcreek Precinct. Mayor Silvestrini welcomed him and expressed appreciation for the efforts of the officers of the month.

### **1.3 Walmart (4627 S 900 E) Re-Grand Opening Update; Casey Smith, Stocking Coach**

Casey Smith said Walmart was a store of the community. The associates were friends, family, or neighbors to those in the community. The recent \$6 million remodel included new shelving, floors, a local rendering of the area in the main entrance, more self check-outs, scan and go options, updated cosmetics, electronics, and hardware departments, updated pharmacy with a health and wellness room, and an expanded online pick up department. They were anticipating adding 50-75 new jobs. They would be offering the Walmart plus program at half the cost for qualifying individuals. The re-grand opening would be July 28<sup>th</sup>.

### **1.4 Public Comment**

Vince Coley, Apollo Drive, was concerned about a large building that did not serve the majority of Millcreek residents. He said the view from Apollo Drive should not be blocked (referencing the proposed Porsche dealership on Wasatch Blvd.).

Justine Sheedy-Kramer, Mars Way, expressed traffic concerns. She said when ramps on I-215 are closed, a lot of U-turns occur on Wasatch Blvd. and there was already traffic back up on Wasatch Blvd. She said the Apollo Drive and Wasatch Blvd. intersection was unsafe. She wanted clarification on the proposed building height (referencing the proposed Porsche dealership on Wasatch Blvd.).

## **2. Financial Matters**

### **2.1 Public Hearing to Consider Changing Elective Officers' Compensation – Mayor from \$40,000 to \$43,000 and City Council from \$15,000 to \$17,000 – Effective January 1, 2024**

Mayor Silvestrini said the council had already had discussions on this matter, but they were worried the public did not have an adequate chance to weigh in, so they wanted to hold an additional public hearing for it.

**Council Member DeSirant moved to open the public hearing. 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.**

Lisa Dudley said Utah Code 10-3-818 provided a process for adopting compensation for elected officials. It established a time and place for a public hearing, which was established on July 10, 2023. Adoption of an ordinance would take place after the public hearing. The adopted compensation would remain effective until future salary changes were adopted. The current salaries were set in August 2017. Dudley conducted a survey of 13 Utah municipalities with roughly similar demographics to Millcreek. The results showed that in FY 2022-23 the average mayor's salary was \$43,234 and the average council salary was \$19,163. She proposed the

mayor's salary be changed from \$40,000 to \$43,000 and the councils' from \$15,000 to \$17,000, to take effect in January 2024.

There were no public comments.

**Council Member DeSirant moved to close the public hearing. 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.**

Mayor Silvestrini said the council would consider the matter at their next meeting.

### **3. Business Matters**

#### **3.1 Discussion and Consideration of Resolution 23-37, Accepting the FY24 Arts & Museums Project Grant that Requires a Match in the Amount of \$2,800 and Approving the Match Requirement to be Paid from the General Fund, and Approving the Agreement with the State of Utah, Utah Department of Cultural and Community Engagement Agency**

Mayor Silvestrini said this grant required a 1 to 1 match. The \$2,800 match would come from the General Fund. Rita Lund said the money would be for wraps on the Mountair streetscape utility boxes. Council Member DeSirant appreciated the effort for the grant.

**Council Member Jackson moved to adopt Resolution 23-37, Accepting the FY24 Arts & Museums Project Grant that Requires a Match in the Amount of \$2,800 and Approving the Match Requirement to be Paid from the General Fund, and Approving the Agreement with the State of Utah, Utah Department of Cultural and Community Engagement Agency. 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.**

#### **3.2 Discussion and Consideration of Resolution 23-38, Accepting the Certified Local Government Program Grant that Requires a Match in the Amount of \$15,280 and Approving the Match Requirement to be Paid from the General Fund, and Approving the Agreement with the State of Utah, Utah Department of Cultural and Community Engagement Agency**

Mayor Silvestrini said this was to accept a grant and pay a 1 to 1 match for the Historic Preservation Commission. Francis Lilly said the money was received from the State Historic Preservation Office to conduct public education and reconnaissance level surveys for historic preservation and allow for an additional publication of the Millcreek printed newsletter on historic preservation. There would be surveys done of two neighborhoods in Millcreek.

**Council Member Uipi moved to approve item 3.2. 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.**

### **3.3 Discussion and Consideration of Resolution 23-39, Approving an Interlocal Cooperative Agreement with Salt Lake County for Transfer of County Transportation Funds (Wasatch Blvd. Shared Use Path)**

John Miller said the \$4.5 million funds were for improvements to Wasatch Blvd. for a shared use path. Millcreek worked on a study with Holladay and the funding was originally given to Holladay, but the money was being transferred to Millcreek. There was a zero match for the city. The path would run from the southern border with Holladay on Wasatch Blvd. up to 3900 S. Mayor Silvestrini said this path would be a great amenity for cyclists.

**Council Member Jackson moved to adopt Resolution 23-39, Approving an Interlocal Cooperative Agreement with Salt Lake County for Transfer of County Transportation Funds (Wasatch Blvd. Shared Use Path). 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.**

### **3.4 Discussion and Consideration of Resolution 23-40, Approving an Interlocal Cooperative Agreement with the City of South Salt Lake for the Installation and Maintenance of a Shared Municipal Welcome Sign at Approximately 1000 West Meadowbrook Expressway**

Mayor Silvestrini said the sign would hang from the overpass where the Jordan River Trail bridge crosses 3900 S. Lilly said on the westbound side it would say "Jordan River" and on the eastbound side it would say "Welcome" with South Salt Lake's and Millcreek's logos. He said there were some minor changes made to the interlocal agreement since the meeting packet went out. The final agreement would include those changes. The agreement splits the cost of installation and sets up a mechanism to maintain the structure through 2073. Council Member Jackson asked why Millcreek was taking on the responsibility of doing the installation and maintenance. Lilly said Millcreek initiated the project. Council Member Jackson asked if the sign would be lit. Lilly said no. Mike Winder said the budget already accounted for the sign.

**Council Member Jackson moved to adopt Resolution 23-40, Approving an Interlocal Cooperative Agreement with the City of South Salt Lake for the Installation and Maintenance of a Shared Municipal Welcome Sign at Approximately 1000 West Meadowbrook Expressway. 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.**

### **3.5 Discussion and Consideration of Amending Resolution 23-35, Approving an Interlocal Cooperative Agreement with Salt Lake County for Amendment No. 6 to the Agreement for Addressing Services**

Francis Lilly said the previous resolution referred to a one year term though the contract was for a three year term. This action would amend the resolution to align it with the contract.

**Council Member DeSirant moved to adopt Resolution 23-35, Approving an Interlocal Cooperative Agreement with Salt Lake County for Amendment No. 6 to the Agreement for Addressing Services as amended. Council Member Jackson 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.**

**3.6 Discussion and Consideration of Ordinance 23-28, Amending Chapter 2.56 of the Millcreek Code of Ordinances Regarding Community Council Elections, Community Council Recommendations, and Appropriation of Funds to Community Councils**

Francis Lilly said the ordinance addresses the correct planning department title, that community council recommendations come in writing, planning staff would submit staff reports to the community councils in lieu of attending a meeting, clarify the city recorder's role from the community council elections, and remove the fixed amount of funding allocated to each community council proportioned on population to the Utah Code 10-8-2 funding avenue. Council Member Catten asked if the community council determined they did not need funding, that they did not need to request any. Lilly confirmed.

**Council Member Jackson moved to approve Resolution 23-40, Approving an Interlocal Cooperative Agreement with the City of South Salt Lake for the Installation and Maintenance of a Shared Municipal Welcome Sign at Approximately 1000 West Meadowbrook Expressway. 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.**

**3.7 Discussion and Consideration of Ordinance 23-29, Amending Section 14.16.040 of the Millcreek Code of Ordinances Regarding Fees for Road Closures, Traffic Control, or Obstructions on Rights-of-Way**

Francis Lilly said there was a fee for road closures, traffic control, or obstructions on rights-of-way. If a closure was less than 72 hours, the permit was free, if the closure was longer than 72 hours, there was a fee. The code also addressed storage pods not having a fee for fewer than 7 days. The code changes were in alignment with the consolidated fee schedule.

**Council Member Catten moved to adopt Ordinance 23-29, Amending Section 14.16.040 of the Millcreek Code of Ordinances Regarding Fees for Road Closures, Traffic Control, or Obstructions on Rights-of-Way. Council Member Uipi 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 that he had been meeting on restructuring the Unified Police Department (UPD). Sheriff Rivera indicated that the townships would rather stay with

UPD than the Sheriff's office, so she was not budgeting patrols for them. She would budget patrols in the unincorporated county. They were looking at a big 5 model with Millcreek, Holladay, Midvale, Magna and Kearns. The other townships were considering partnering with neighboring police departments. The model would aim to be within the same UPD budget but allow for up to a 7% increase.

The mayor reported that comments to the Division of Air Quality's (DAQ) intent to issue a permit on the Parley's Canyon granite gravel pit were due that week. Millcreek drafted a statement of opposition to issuance of that permit. Millcreek hired an expert who had prepared a comprehensive analysis of the permit application and DAQ's basis for issuing the permit. There were some deficiencies with the Clean Air Act and the measuring samples were not proximate to Parley's Canyon.

#### **4.2 City Council Member Reports**

Council Member Catten said mosquitos had been a problem this year. There are traps throughout the county for sampling. The 5 year average for July is 9,686 (annual collection). This year there were 34,720. Luckily there had not been a lot of West Nile virus carrying mosquitos. She said residents could call for abatement service. She met with the interfaith council to plan for a day of service on September 9.

Council Member Uipi said August was Pacific Islander Native Hawaiian Heritage Month. There would be an event to celebrate it on August 4<sup>th</sup> at Millcreek Common. She attended the Palm Springs site visit to the Porsche dealership. She was surprised that the neon lights on the building were not as expected. Mayor Silvestrini noted Council Member Uipi traveled there due to her employment, not on the city's dime.

Council Member Jackson acknowledged the new patient tower grand opening at St. Mark's Hospital. The Canyon Rim Cares Day of Service was on July 15<sup>th</sup>. A lot of people supported the event. Mayor Silvestrini said Linda Milne received the Citizen of the Year award at that event. Council Member Jackson said she toured the new city hall and was encouraged by the facility though value engineering was done.

#### **4.3 Treasurer's Report**

Council Member Jackson reported:

- As of July 25, 2023, the balance of the Series 2021 Bond Construction Fund is: \$4,480,503.82. (City Hall construction)
- As of July 25, 2023, Millcreek's PTIF account balance is: \$46,423,467.99.
- As of July 25, 2023, FY23 property tax has been received in the amount of \$12,432,123.18. Last year at this same time, Millcreek had received \$11,821,827.70.
- As of July 25, 2023, 86.28% of FY23 sales tax has been received in the amount of \$13,804,050.47. Last year at this same time, Millcreek had received \$13,315,278.48.

#### **4.4 Staff Reports**

Mike Winder said Alex Wendt and Amy Barber in Business Licensing went from the Economic Development Department to the Finance Department in July with the new budget. Another change was moving Shannon Schmidt and his team from the Community Life Department to the Facilities Department. Mayor Silvestrini said

Millcreek needed specialized maintenance on Millcreek Common with the landscaping and on Mountair Streetscape.

John Miller said the Virginia-Upland roundabout was nearing completion and that should help with backed up traffic on Wasatch Blvd. (as described during public comment). That project was funded through a grant.

#### **4.5 Unified Police Department Report**

Chief Steve DeBry reported the crime statistics for June 2023. There were 3,141 total calls, 1,055 total cases, 329 citations, and 23 booking arrests. There were 19 assaults, 17 burglaries, 15 drug offenses, 90 family offenses, 78 larcenies, 3 sex offenses, and 24 stolen vehicles. Millcreek C.O.P. located several incidents of graffiti in Millcreek. All cases of graffiti were investigated and cleaned up by U.P.D. Graffiti Removal. In the month of June, Millcreek officers responded to 68 mental health calls, 22 transient calls, and 26 hit and runs, and issued 83 traffic citations. After serving 8 years in Community Oriented Policing Units, 4 in Riverton and 4 in Millcreek, Detective Nichols was going back to patrol. Detective Nichols provided exceptional service, always going above what is necessary to provide the best service to the community. He has been a role model and trainer to younger officers and would be an asset to the patrol division. Detective Derek Cottle would replace Detective Nichols in the Community Crime Suppression Unit. Council Member Uipi asked if the mental health officer was doing well. Chief DeBry said she was keeping up. Council Member Catten identified new graffiti locations to be investigated.

### **5. Consent Agenda**

#### **5.1 Approval of June 26, 2023 Work Meeting and Regular Meeting Minutes**

#### **5.2 Approval of July 10, 2023 Regular Meeting Minutes**

Elyse Sullivan said there were minor changes made to the June 26, 2023 meeting minutes to provide clarification.

**Council Member Uipi moved to approve item 5.1 as amended and item 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., 8/1/23, 6:30 p.m.
- Canyon Rim Citizens Association Mtg, 8/2/23, 6:30 p.m.
- East Mill Creek Community Council Mtg., 8/3/23, 7:00 p.m.
- Mt. Olympus Community Council Mtg., 8/7/23, 6:00 p.m.
- Historic Preservation Commission Mtg., 8/10/23, 6:00 p.m.
- City Council Mtg. 8/14/23 7:00 p.m.

**ADJOURNED:** Council Member Uipi 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

DRAFT