



**Minutes of the  
Millcreek City Council  
February 10, 2020  
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 February 10, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

**PRESENT:**

**Council Members**

Jeff Silvestrini, Mayor  
Silvia Catten, District 1  
Dwight Marchant, District 2  
Cheri Jackson, District 3  
Bev Uipi, District 4

**City Staff**

John Geilmann, City Manager  
John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Rita Lund, Communications Director  
Laurie Johnson, HR-Finance Director  
Kurt Hansen, Legislative Policy Director  
Jim Hardy, Building Services Director  
John Miller, City Engineer  
Mike Winder, Economic Development Director  
Jared Bowling, IT & Facilities Manager  
Erin O'Kelley, Planner  
Blaine Gehring, Legislative Analyst

**Attendees:** Marv Poulson, Rick Hansen, John Holbrook, Robb Stowe, Stephanie Steele, Teresa Carlson, Katharine Biele, Shauna Bona, Marilyn Bown, Katrina Billeter, Stephanie Billeter, Kirk Bradford, Blair Tomten, Dave Harris, Chief Steve DeBry, and Chief Duane Woolsey.

**WORK MEETING – 5:30 p.m.**

**TIME COMMENCED: 5:31 p.m.**

Mayor Silvestrini called the meeting to order.

**1. Storm Drain Utility Fee Discussion; John Miller, City Engineer**

Mayor Silvestrini said a study was commissioned in 2016 for a utility maintenance fee concept. He said residents were concerned about repairing roads and funds for those projects get diverted to storm drain problems. Murray and Midvale have similar fees in place and Murray would be raising theirs. Millcreek is one of the few cities that do not have a fee in place. The Mayor would like to begin public engagement on the issue. Council Member Jackson asked if the fee encompassed big parking lots in the City as contributors to the solution, not just the residents. John Miller said the residents were currently paying 100% of

the cost for roads, not the owners of property with the biggest impervious areas though they contributed the most runoff to the storm drain.

John Miller said the reasons for the fee is MS4 (Municipal Separate Storm Sewer System) compliance, which is a federally mandated law, and residents want a fixed storm drain system with a dedicated revenue source for it. The users of the system would pay for it and the fee would help complete the gaps in the system. He showed a list of other cities and their associated storm drain utility fees from 2019. He said Millcreek had spent almost a million dollars on storm drain emergencies instead of pavements projects. The commercial properties would pay on a per 1,000 square feet ratio and residents would pay on an ERU, equivalent resident unit ratio. Commercial property would be measured exactly, and each residence would be based on one ERU. The billing for the fee could be added to the electricity bill. Mayor Silvestrini said Rocky Mountain Power was willing to add the fee to their billing.

Miller said if the City took a proactive approach to the fee to improve 70-80% of the system, the cost would be \$10.00 ERU for single family residences. A reactive approach with 50% improvement to the system would be \$9.00, and a reactive approach with 30-40% of the system being improved would be \$8.00. He gave comparatives of storm drain cost to road maintenance costs illustrating that storm drainpipe was more expensive than road costs. Mayor Silvestrini highlighted a chart found in the meeting packet with the break down and formulas for calculating the fee. He said the study previously conducted was only for up to an \$8 fee. Miller said that amount did not include personnel costs, so he added personnel and inflation to get to \$10. Council Member Uipi asked about Salt Lake County's MS4 compliance. Miller said Salt Lake County did not give MS4 the necessary attention and subsequently was mandated to do certain things such as add 9 fulltime employees, implement policies and procedures, and had to pay a \$250,000 fine. Miller said Millcreek was doing what it needed to be in compliance, but rhetorically asked where the funding was coming from. He said the next steps would be to do a rate study and a policy manual, then create a utility. He felt Millcreek could get the next steps done by the new fiscal year.

Miller showed the Council a draft video commissioned by staff to illustrate the need for the fee to be used with the public engagement and asked for input. Council Member Catten said if the City fixed storm drains, Millcreek would have fewer mosquitoes. She asked about commercial incentives. Miller said there would be something addressing that in the policy. Council Member Jackson asked about adding to the video that Millcreek could pay penalties if not proactive and in compliance. Mayor Silvestrini said the video should add that some people would get exceptions or breaks on fees based on mitigating factors. Miller said the video was at a higher level of the issue rather than including every detail about the fee. Mayor Silvestrini asked about showing flooding in the video. Miller said with the public engagement, the City could go into the details of the fee. Council Member Catten asked about including automatic increases for inflation, like Murray City. Mayor Silvestrini asked for updated cities fees. Miller did not want to put out the updated numbers in case the cities had not yet adopted them. Council Member Catten said she would like to start at a higher rate so increases in subsequent years were minimal. Council Member Uipi agreed. She also pointed out that Millcreek did not cause the problems the City was facing and asked for language changes in the video. Miller said Millcreek was behind in years of collection compared to other cities who charged less. Mayor Silvestrini said he would like a public engagement plan and strategy for the issue. Miller pointed out that the cities with the higher rates had the higher need.

**2. Request For Proposals Discussion for Building Permit and Related Fees; Jim Hardy, Building Services Director**

Jim Hardy said when Millcreek incorporated, all the building fees were adopted from Salt Lake County though the basis for them was uncertain and differed from current staff practices. The Building Department said the plan review fees would become unjustifiable for large projects. The City sent out an RFP (request for proposals) for a fee study in November 2019. There were 5 respondents; BerryDunn, Matrix Consulting Group, MGT Consulting Group, Lewis Young Robertson & Burningham, Inc, and Zions Public Finance, Inc. The review committee based their reviews on qualifications, timeline, and cost. Three of the five respondents were from out of state and all the proposals had a 3-4-month completion timeline. The committee felt that Lewis Young Robertson & Burningham, Inc. would be the best choice for the study, and they had the least expensive proposal at \$7,250. Council Member Jackson asked what Hardy anticipated for plan check fees. Hardy said it would vary, but the study would look at the City's costs for processing applications and compare that to other cities. He requested the Council's input on the recommendation. The Council gave him direction to move forward with Lewis Young Robertson & Burningham, Inc.

**3. Preferred Concept Design for Millcreek Common; Dave Harris, EPG and Mike Winder, Economic Development Director**

Mike Winder introduced Dave Harris, EPG Design Team, to the Council. Mayor Silvestrini said Harris had met with staff and the public to come up with the concept and had subsequently explained it. Harris showed the Council the preferred design alternative that had been vetted by stakeholders. He showed Millcreek Common concept B with a one-way vehicular circulation pattern in the southern half of the open space. Mayor Silvestrini asked about aligning Miller Avenue to the traffic intersection with Brickyard Plaza. Winder said the alignment depended on the development. He said the illustration contained existing building footprints and proposals. Council Member Marchant asked why there would be two streets in the plaza. Winder said developers requested them for retail purposes. Harris said the paving for the interior plaza lanes would be the same as the pedestrian space (no curb or gutter) so the road could be closed at any time. Winder said surface parking was needed too. Council Member Marchant would like to see Miller Avenue line up to the west. Harris highlighted retail space, parking space, water amenities, plaza space, landscaping, roads, programmed amenities, signs on the concept. Winder pointed out that amenities would bring people to the plaza and while they were there, they would buy things in the surrounding retail stores. Harris showed the Council artist renderings of what the plaza could look like. Winder said the classic plaza style prioritized the pedestrians first and the cars second. Harris said they would align the Phase 1 design and construction process with the neighboring development, so they were constructed at the same time. The next steps would be to define the limit of Phase 1 based on the City's budget, proceed with construction drawings, coordinate development on both sides of the plaza throughout the process, start construction late 2021, and finish Phase 1 with adjacent development in 2022. Council Member Marchant brought up monitoring snow removal on the busy corners. Mayor Silvestrini said the City was under contract with all the necessary property owners within the plaza.

**Council Member Uipi moved to adjourn the work meeting at 6:43 p.m. Council Member Marchant seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.**

**REGULAR MEETING – 7:00 p.m.**

**TIME COMMENCED: 7:05 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 Proclamation Recognizing the 100<sup>th</sup> Anniversary of the League of Women Voters**

Mayor Silvestrini said the first woman, Seraph Young of Utah, to vote in the United States or its territories happened 150 years ago. He recognized the League of Women Voters on their 100<sup>th</sup> year anniversary. The League is a non-partisan organization that promotes civic dialogue, hosts debates, encourages people to register to vote and vote, and educates people about candidates. He read the proclamation:

***Proclamation Recognizing the 100th Anniversary of the League of Women Voters***

***WHEREAS, the history of women voting in Utah is long and vibrant; and***

***WHEREAS, on February 14, 1870, Utah school teacher Seraph Young voted in a municipal election under EQUAL Suffrage Laws and is credited with being the first woman to vote in an election in any state or territory now part of the United States of America; and***

***WHEREAS, the U.S. Congress passed the 19<sup>th</sup> Amendment to the Constitution of the United States on June 4, 1920, guaranteeing American women the right to vote, which was ratified on August 18, 1920; and***

***WHEREAS, Carrie Chapman Catt, a suffragist and founder of the League of Women Voters, led the state-by-state strategy that resulted in its passage; and***

***WHEREAS, Carrie Chapman Catt spoke at the Conference of Women Voters held in the Salt Lake Tabernacle on November 17, 1919; and***

***WHEREAS, the Conference was sponsored by the Utah State Suffrage Council, then presided over by Utah feminists Emmeline B. Wells, Emily S. Richards, and others; and***

***WHEREAS, the League of Women Voters is a civic group, originally formed to help women take a larger role in public affairs after they won the right to vote; and***

***WHEREAS, the League of Women Voters has grown to include all citizens, encouraging informed and active participation in government, working to increase understanding of major public policy issues, and influencing public policy through education and advocacy; and***

***WHEREAS, the League of Women Voters is proud to be nonpartisan, neither supporting nor opposing candidates or political parties at any level of government, but always working on vital issues of concern to members and the public; and***

***WHEREAS, the League of Women Voters was formed 100 years ago on February 14, 1920, NOW, THEREFORE BE IT KNOWN, that the Mayor and City Council of Millcreek do hereby recognize the League of Women Voters as an important civic organization working for the welfare of all Utahns and recognizes the long history of civic engagement by the organization and its intent to pursue this work for the next 100 years.***

***IN WITNESS THEREOF, I have set my hand and caused to be affixed the Great Seal of Millcreek this 10<sup>th</sup> day of February 2020.***

Council Member Jackson said Millcreek had the first City Council in Utah to have a majority of women serve. Council Member Marchant said his mother, Beatrice Marchant, was in the League and a State legislator. Katharine Biele, President of League of Women Voters of Salt Lake, said the 100-year anniversary was very important. She said there were more than 300,000 women in Utah who were eligible to vote and not registered.

### 1.3 Public Comment

John Holbrook, Holbrook Mortuary, asked the Council about portable signs and banners. He said there was a neighboring plaza with signs and banners that were a nuisance. Mayor Silvestrini said the Council was addressing the City's code on signs with item 2.2. Erin O'Kelley said there was a temporary sign provision in the code that encompassed the signs he had concerns about.

## 2. Planning Matters

### 2.1 Discussion and Consideration of Ordinance 20-04, Rezoning Certain Property Located at 1470 E. 3900 S. from R-M (Multi-Family Residential) to R-2-6.5 (Medium Density Residential)

Blaine Gehring said the rezone request was to allow the conversion of a dental lab at 1470 E. 3900 S. into a single-family dwelling. There is a zone condition on the property that stipulated that the only use of the property could be a dental lab and the owner did not operate the lab anymore. The applicant would like to rezone the property to conform with surrounding residential uses and remove the zone condition. Mayor Silvestrini said the Council had a first read of the item at their last meeting.

Mayor Silvestrini asked for public comment. There were no comments.

**Council Member Jackson moved to adopt Ordinance 20-04, Rezoning Certain Property Located at 1470 E. 3900 S. from R-M to R-2-6.5. Council Member Catten seconded. Mayor Silvestrini said he supported the rezone because it was compatible with the neighborhood. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

### 2.2 Discussion and Consideration of Ordinance 20-06, Amending All Sections of Chapter 19.82 of the Millcreek Code, Except Section 19.82.185, for the Purpose of Regulating On-Premise Signs

Erin O'Kelley went through the proposed changes to the code since the Council last saw the item. She said staff incorporated the recommendations from the International Sign Association into the proposed ordinance. Those changes were: 1) add numerical standards wherever recommended for easier regulation by code enforcement; 2) add allowance for a small increase in area for electronic message center (EMC) signs if they were a monument sign as an incentive; 3) adjust the description of "downlit" sign, though not all signs could be enforced that way; and 4) create an EMC affidavit for EMC sign permits. O'Kelley explained that the "downlit" term had a negative connotation and provided a safety hazard, so it was rephrased to say no "upward illumination." Council Member Jackson asked about the affidavit. O'Kelley said there were restrictions on where electronic message centers could be placed and it would get the sign owner to acknowledge the code requirements.

Mayor Silvestrini asked for public comment.

Marv Poulson, 3631 Carolyn Street, asked about the sign illumination with dark sky compliance. O'Kelley said the no upward lighting requirement meant that light could not project into the sky, so it would meet dark sky compliance concerns.

**Council Member Uipi moved to approve item 2.2, Ordinance 20-06, Amending All Sections of Chapter 19.82 of the Millcreek Code, Except Section 19.82.185, for the Purpose of Regulating On-Premise Signs. Council Member Jackson seconded. Mayor Silvestrini said the City vetted it with the community and Millcreek Business Council. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

### **3. Financial Matters**

#### **3.1 Fiscal Year 2019-20 2<sup>nd</sup> Quarter Report; Laurie Johnson, HR-Finance Director**

Laurie Johnson said 50% of the budget year had passed, 60% of General Fund revenues had been received, and 58.11% of the General Fund budget had been expended. These amounts were what was to be expected at this time in the budget cycle. Mayor Silvestrini asked about the justice court budget. Johnson said the Justice Court was an expenditure item. She had requested documentation from the Salt Lake County Justice Court on the number of citations solely for Millcreek and its budget. She said she had received most of that documentation, but it was being reviewed. She wanted to ensure that Millcreek was not paying for a service that it did not receive. Mayor Silvestrini pointed out that the property tax collection was not as good as it was the prior year. Johnson said it would still meet expectations in the budget.

Johnson went through individual department expense budgets. The Mayor and Council budget was lower than 50% due to members fees paid in the first half of the fiscal year. The City Recorder budget was lower than 50% due to election expenses paid in the first half of the fiscal year. The IT Management budget was higher than 50% due to unexpended software and equipment purchases in the second half of the fiscal year. The Human Resources budget was higher than 50% due to unexpended worker's compensation expenses. The Non-Departmental budget was lower than 50% due to the payment of liability insurance and transfer of Capital Improvement Projects (CIP) funds. The Legislative Policy budget was lower due to relocation of resources in the last budget amendment which will be corrected in the next budget amendment. The Fleet budget available was higher than 50% due to lower than anticipated operating expenses. The Public Works budget was higher than 50% due to unexpended Salt Lake County contracted service expenses. The Class B & C Road budget was higher than 50% due to unexpended Salt Lake County contracted service expenses for road maintenance. The Administration, Justice Court, Legal Services, Public Safety, Building Services, Communications and Programs, Emergency Management, Information Center, Economic Development, Business License Administration, Finance, Facilities, Planning and Zoning, and Promise Program budgets were within expected parameters. Johnson then went over the Capital Improvement Fund expense budget and said expenditures would increase over the remainder of the year.

### **4. Business Matters**

#### **4.1 Discussion and Consideration of Resolution 20-03, Amending the Millcreek Employee Policy and Procedure Manual – Second Edition to Include Section 3-03-4 Tuition Reimbursement**

Laurie Johnson said the policy was needed to assist in attracting the best employees and it was a great benefit to recruit employees and improve current employees' skills. The funding would be within each participating department and approved through the normal budget process. All participants must be approved by their respective department director

and the City Manager and they must sign a continued obligation and repayment agreement. Council Member Catten asked about the obligation commitment if employees took a long time to further their education. Johnson said the maximum payment would be 50% of the amount for tuition up to \$5,000 year. She suggested that the agreement could be more flexible. Council Member Uipi asked about a timeline for commitment. Johnson said 6 months for each semester was the obligation commitment. Mayor Silvestrini said there was an approval process through the department director and the City Manager. John Brems said the City could define the term semester based on the number of classes taken. Mayor Silvestrini said it was too complicated to write too many details into the policy. He said the policy kept Millcreek competitive, set the example/incentive for employees to improve themselves, and showed that Millcreek would invest in its employees.

Mayor Silvestrini asked for public comment. There were no comments.

**Council Member Catten moved to approve Resolution 20-03, Amending the Millcreek Employee Policy and Procedure Manual to Include Tuition Reimbursement. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

#### **4.2 Discussion and Consideration of Resolution 20-04, Approving an Agreement with Kimley-Horn and Associates, Inc. with Respect to Engineering Design Service for the 900 E. Road Project**

John Miller said Millcreek got a STP (Surface Transportation Program) federal grant for the project. The City needed to do environmental document prior to the design. Staff solicited proposals from three firms on the UDOT approved list, and Kimley-Horn had the best proposal and price. He brought the item to the Council for transparency though it was not required. The second runner up considered, Project Engineering Consultants, Ltd., was awarded a different project.

**Council Member Jackson moved to approve Resolution 20-04, Approving an Agreement with Kimley-Horn and Associates, Inc. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

#### **4.3 Discussion and Consideration of Ordinance 20-05, Adding Chapter 11.48 to the Millcreek Code Related to Idling of Vehicles in Millcreek**

Kurt Hansen said the Council had reviewed the proposed ordinance a few times. The recent change was to the temperature thresholds (40 degrees for the low and 90 degrees for the high) for idling exceptions to match surrounding cities, charging batteries was permitted, and an effective date of 90 days after Council approval was added to be able to notify residents. Mayor Silvestrini said the ordinance prevented idling on public property and in the City right-of-way, but not on private property.

Mayor Silvestrini asked for public comment.

Teresa Carlson, 3579 S. Crestwood Drive, asked about the definition of idling and its enforcement. Hansen said idling was considered to be for more than 2 minutes. Mayor

Silvestrini said enforcement would be complaint driven, people would be given a warning first then a citation. Council Member Marchant asked about the education program for the public engagement on the ordinance.

**Council Member Uipi moved to approve item 4.3, Ordinance 20-05. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

**4.4 Discussion and Consideration of Resolution 20-05, Approving an Agreement with Horrocks Engineers with Respect to Engineering Public Involvement Services to Secure Right to Enter and Construction Permits Across Several Locations in Millcreek**

John Miller said on previous projects the City had used Horrocks' services to contact the public on behalf of the City. He said they make proactive contact to residents ahead of future projects. There are 4-5 projects coming up and the City had been more successful with using an acquisition agent, so he recommended approval of the agreement.

**Council Member Uipi moved to approve item 4.4, Resolution 20-05. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

## **5. Reports**

### **5.1 Mayor's Report**

Mayor Silvestrini showed the Council the existing City Hall floor plan. He said there was storage space on the west side of the building and staff was considering putting in more office space there. He said the addition would be relatively inexpensive at \$47,000. The Council agreed with the expansion. The Mayor announced that the Other Side Boutique opened their thrift store near City Hall. He said he heard a presidential appointee discuss the homeless population at the Legislature. Council Member Jackson gave statistics on the Other Side Academy highlighting their achievements. Mayor Silvestrini said the City had used the Academy's services twice for moving furniture. He mentioned that volunteers in Millcreek had been working with the Utah Food Bank in distributing groceries at the church on 900 E. That property may soon no longer be available, so he will discuss an alternate site with others. Mayor Silvestrini said he attended the community council meetings and they discussed snow plowing and its challenges. The City had recently held a meeting with residents on the Neff's floodplain and explained insurance, building restrictions, and the potential of building a mitigating structure. He said the City would have further conversations with that community.

### **5.2 City Council Member Reports**

Council Member Catten said the residents surrounding St. Mark's Hospital expressed concern in a neighborhood meeting and in the Millcreek Community Council meeting about the Hospital's expansion proposal.

Council Member Catten said she and John Miller attended the Midvalley Active Transportation Network Planning meeting that day. She suggested that one of their public meetings should be held in Millcreek because many Millcreek residents use active transportation.

Council Member Uipi brought up the upcoming meetings on Highland Drive restriping and Parleys EIS (Environmental Impact Statement) on February 12<sup>th</sup>.

**5.3 Staff Reports**

Rita Lund said Millcreek was honoring Utah’s Heritage, celebrating 150 years of suffrage.

**6. Consent Agenda**

- 6.1 Approval of January 23, 2020 Special Meeting Minutes
- 6.2 Approval of January 27, 2020 Work Meeting and Regular Meeting Minutes

**Council Member Uipi moved to approve items 6.1 and 6.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.**

**7. New Items for Subsequent Consideration**

There were none.

**8. Calendar of Upcoming Events**

- City Council Work Mtg., TUESDAY 2/18/20, 5:30 p.m. at City Hall
- Planning Commission Mtg., 2/19/20, 5:00 p.m. at City Hall
- City Council Mtg. 2/24/20, 5:00 p.m. at City Hall

Mayor Silvestrini went over the calendar of upcoming events. John Miller asked the Council to look at the City’s maps website to get updates on the current capital improvements projects.

**ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:37 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
**Jeff Silvestrini, Mayor**

**Attest:** \_\_\_\_\_  
**Elyse Sullivan, City Recorder**