



**Minutes of the
Millcreek City Council
March 9, 2020
6:00 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 March 9, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1 (left at 6:54 p.m.)
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
Francis Lilly, Planning and Zoning Director
Kurt Hansen, Legislative Policy Director
Jim Hardy, Building Services Director
John Miller, City Engineer
Laurie Johnson, HR-Finance Director
Jared Bowling, IT & Facilities Manager
Erin O'Kelley, Planner

Attendees: Pam Roberts, Sean Hacey, Blair Tomten, Marty Biljanic, Blaire Tribulski, Kirk Bradford, Kelly Roemer, Stephanie Woody, Sean Patterson, Chief Duane Woolsey, and Chief Steve DeBry.

WORK MEETING – 6:00 p.m.

TIME COMMENCED: 6:02 p.m.

Mayor Silvestrini called the meeting to order.

1. Wasatch Front Waste and Recycling District 2019 Annual Report; Pam Roberts, General Manager/CEO

Pam Roberts went over the Wasatch Front Waste and Recycling District (WFWRD) 2019 year-end report. Millcreek is the biggest (15,772 homes) of 13 municipalities the District services at almost 18.4% of the total homes serviced. Residents of Millcreek diverted approximately 23.6% of waste away from the landfill in 2019 compared to a District-wide total diversion rate of 21.42%. Roberts compared the tonnages of curbside refuse from 2018 and 2019 (slight increase) in Millcreek and the District. Millcreek's recycling tonnage was 3,967 with a 74% rate of good recyclables. The other 26% reflected the contamination rate of garbage in the recycling cans. She said the rules for recycling had not changed since China was no longer accepting material from

the U.S., but the District was now following them and asking the residents to, too. The biggest contaminate in blue cans was plastic bags, carpet, and food. The District is doing education, especially in schools, to teach people about recycling. Council Member Marchant pointed out that education should be given to the grocery stores to not use plastic bags so readily. The District sent out a recycling survey in 2018 and 2019 and Millcreek had the highest number of respondents in 2019. The results showed that the majority of Millcreek residents wanted recycling services and supported it at an increased cost, which went up \$.75 in 2019. Roberts pointed out that the landfill life expectancy would shorten if it took on recycling material. She showed the percentage levels of support by the community for recycling services and noted that over 74% of residents put their blue recycle can out for collection every week.

Roberts went over the District's current policies related to sustainability. Those were:

1. A commitment to sustainability by diverting waste away from the landfills.
2. Expanding services to offer residents an avenue for recycling various commodities.
 - Weekly Recycling Collections
 - Weekly Green Waste Collections
 - Curbside and Central Glass Collections
3. Committing resources to educate residents on how to recycle responsibly.
4. Continuation of recycling collection services even with the associated costs for processing of a potential of \$1,500,000 annual expenditures.

The 2019 customer satisfaction survey which had 2,428 responses, 545 of Millcreek residents, showed that over 95% of residents were satisfied with collection services. The annual area cleanup program had over 81% satisfaction. District highlights included:

- WFWRD delivered 21,694 tons of garbage directly to the SL Valley Landfill in 2019. This saved over \$97,623 in fees based on the new tiered fee structure. (\$27.00 per ton versus \$31.50)
- For the first time ever, the Salt Lake Valley Transfer Station remained open on the Saturdays after Thanksgiving and Christmas to help us with disposal efforts. This saved 1,146 miles, which equates to \$4,802 in savings. Additionally, our crews worked 30 fewer hours compared to delivering waste to the landfill in 2018.
- Reduced the number of miles traveled year-to-date compared to 2018 and saved over \$100,000 in fuel costs. Other benefits: less wear and tear on roads, reduced carbon footprint and fewer pollutants.
- The WFWRD Sustainability Team continues to offer recycling workshops for elementary school classes, and they continue working to establish a citizen-based Sustainability Committee in each community we serve.
- WFWRD will be implementing a "Recycle Right" application that residents can download to their mobile devices to look up recycling resources. More information will be provided later this year.
- WFWRD has a strong focus on leadership development to strengthen our organization.

Mayor Silvestrini thanked Pam Roberts for her and the District's work.

2. Hillside Lane Storm Drain Project Report; John Miller, City Engineer

John Miller said the new pipe was in the ground. He showed the Council the collapsed pipe that was taken out. He said about 30% of the City's system was in the shape of the pipe they pulled out. The pipe was corroded and falling apart. Miller said all of the Hillside Lane pipe was in the ground and covered up, but it was waiting on asphalt for the job to be completed.

3. Planning Items First Reading:

a. ZT-20-001 & ZM-20-001, Adoption of an Institutional Facilities (IF) Zone and Rezone of the St. Mark's Hospital Property from R-M and C-1 to IF; Erin O'Kelley, Planner

Erin O'Kelley said there were two separate applications, a new zone for the City and a rezone for that zone with the St. Mark's Hospital property. St. Mark's approached the City wanting to construct a new 5-story tower to the north side of their property along 3900 S. Under the property's current zone, the property was non-conforming and would not allow construction of the new tower. She said the Institutional Facilities (IF) zone goals were:

- Provide strict regulations that mitigate detrimental effects caused from a large campus-like institutional use especially next to any residential neighborhoods.
- Provide an outlet for growth of an institution that is moderate and least impactful to adjacent properties while still providing economic growth.
- Help direct development in a way that promotes City values such as increasing guidelines catered to landscaping, parking, other initiatives in the Millcreek General Plan.

O'Kelley went over the new zone IF components. She said it added a neighborhood outreach and contact section that required affected property owners within 300 feet to be noticed for any development greater than 10,000 square feet or taller than 30 feet. The permitted uses included: nursing facility, assisted care, civic, public, quasi-public, accessory structure, medical facility, residential facility for persons with disabilities or elderly, or parking lot. Permitted uses only allowed as an accessory were general business, office, retail, or service and these must be located on the same lot as an institution and supportive in nature. She reviewed the development standards table and said there would be two separate height categories, lots less than 10 acres or greater than 10 acres. Lots less than 10 acres would be restricted to buildings 40 feet in height and any portion of the property within 60 feet of a residential zone boundary would have a height limited to 30 feet. Lots greater than 10 acres may go up to 75 feet in building height only if the building was greater than 60 feet from a residential boundary. If it was 100 feet away from the campus perimeter, the building may exceed 75 in height to a maximum of 100 feet.

O'Kelley said other required mitigations in the ordinance included regulations on lighting, garbage and recycling, and noise. She said the County Health Department regulated noise, but the ordinance required noise mitigations. St. Mark's agreed to add additional landscaping and generator screening to reduce the noise for the nearby residences. Other design requirements in the code focused on shops and retail, entrances, fencing, and sign requirements. Mayor Silvestrini asked about the 100-foot height limit. O'Kelley said the height was for the highest occupiable use. There was a 22-foot exception to that for mechanical uses which would keep the St. Mark's property conforming with the new zone. Mayor Silvestrini asked about keeping the zone specific to the St. Mark's property instead of allowing it in other areas of the City. Lilly said the ordinance was future thinking in case another campus presented itself in the future. O'Kelley said the 10 acres size threshold was key in limiting the 100-foot height buildings in the City.

Mayor Silvestrini asked for public comment.

Sean Patterson, COO at St. Mark's Hospital, said it was eye-opening to hear comments from the surrounding residents, especially on noise, during their neighborhood meeting. He said the Hospital had done two parking studies and they would have enough netted spaces

to accommodate employee and patient parking. He said the Hospital needed to increase patient room sizes and the construction of the new tower would assist with that.

O'Kelley went over the St. Mark's property rezone considerations. The property was designated on the Future Land Use map in the General Plan as Employment/Commercial. This designation is meant to be for a range of employment opportunities either educational or campus like facilities that are adjacent to supporting retail or commercial. There was a neighborhood meeting on January 29, 2020 and the concerns raised were on noise, landscaping, height, maintenance of the wall along the south side of the property, utilities, generator noise, increased traffic, parking and enforcement, and externalities during construction. All of the community councils supported the adoption of the IF zone and the Millcreek Community Council unanimously recommended to approve the rezone. The Planning Commission recommended the IF zone be approved with the following conditions:

- Hotel/motel be made conditional use, and be restricted in size
- Maximum height on larger lots could be 100 feet with a 22-foot height exception only if the setback from an R-1, R-2, or R-4 zone is 100 feet or greater.
- Adjust language addressing massage therapy businesses in permitted use table.
- Adjust language referring to village centers.
- Explain that commercial is meant to support institutional uses
- Add open space language
- And any conditions or recommendations in the staff report.

The Planning Commission also recommended approval of the rezone and that the development agreement be approved after review by the applicant and City Attorney. O'Kelly pointed out that the draft zone in the staff report included those amendments from the Planning Commission.

O'Kelly said the development agreement would consist of the following conditions:

1. Developer shall remove the pyracantha bushes along the South property line and replace the bushes with columnar evergreen trees that are intended to provide screening.
2. Developer shall plant additional columnar evergreen trees along the side property line where there is currently no screening landscaping. Trees, when matured, shall be at least 25 feet in height and must be compatible with existing landscaping. Trees shall be placed no further apart than 30 feet.
3. Developer shall install screening and other measures to be determined by the City and Developer to reduce noise produced by any generator on the property that is within 100 feet of a residence.
4. Prior to issuance of a building permit for the hospital expansion, the Developer shall provide the City with a parking management plan and narrative that indicates, at a minimum, the location of valet parking, and employee parking.
5. Developer will enhance and repair any observable damage to the wall along the south side property line.
6. Developer agrees that no additional parking structures shall be built within 60 feet of the south property line that abuts existing residential uses.

She said staff also made the following adjustments to the zone:

- All recommendations by Planning Commission.
- Residential zone and residential use be replaced with R-1, R-2, and R-4

- All uses previously described as accessory uses are now permitted with the condition that they must be accessory.
- Definitions have been changed and “Institutional development” definition has been removed and replaced with "development”
- Public, Quasi public, and civic uses in the use table are on separate lines and encompass hospitals, community centers, transit centers, and library, by definition in chapter 19.04 and so have been removed from the table.
- Language adjustments recommended by legal department.

4. Reports from Millcreek Staff

There were none.

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

There was none.

Council Member Marchant moved to adjourn the work meeting at 6:54 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:02 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. He excused Council Member Catten from the meeting.

1.2 Public Comment

Blair Tomten, 3649 S. 1300 E. #3, said she represented Millcreek on the Salt Lake County Bicycle Advisory Committee. She wanted to introduce herself to the Council and said she would like to work with Millcreek on projects.

Mayor Silvestrini said he would be meeting with the County Mayor and emergency managers to discuss the coronavirus (COVID-19).

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 20-10, Amending Chapter 19.73 of the Millcreek Code of Ordinances Entitled “City Center Overlay Zone”

Francis Lilly summarized the technical changes to the zone. He said the residential developments would be too close to each other, so staff restored side and rear yard setbacks to a maximum of 30 feet from building wall to building wall. Other changes provided an allowance for corner elements on buildings, 6 graphics would be updated to match text, the balcony requirement of 100% of units was reduced to 60% of units, and the Planning Commission finessed language and clarified adaptive reuses with existing buildings. Lilly said the community councils unanimously recommended approval of the changes.

Mayor Silvestrini asked for public comment. There were no comments. Mayor Silvestrini said the Council had a first read of the ordinance at the last meeting.

Council Member Marchant moved to approve Ordinance 20-10, Amending Chapter 19.73 of the Millcreek Code Entitled “City Center Overlay Zone.” Council Member Jackson seconded. Mayor Silvestrini commended the public for advising staff on potential issues with the ordinance. **The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

3. Financial Matters

3.1 Public Hearing on Opening and Amending the Fiscal Year 2019-2020 General Fund Budget

Laurie Johnson said the City did amendments to the budget every quarter. The third amendment would increase the General Fund budget in the amount of \$389,671. She said the increase in taxes was \$250,000 with mass transit tax, based on projections. Licenses and permits increased by \$40,000 (\$50,000 increase in business licenses and permits and \$10,000 decrease in engineering permits). Planning fees increased \$20,000 but decreased by the same amount in park impact fees in the Charges for Services line item. Johnson said the City had 7 years to spend park impact revenues and the budget should not recognize them until there was a project to spend them on. On the Miscellaneous line item, interest earnings increased by \$25,000 and miscellaneous income increased by \$26,800 for the public works operations reimbursement from other cities and a rebate from the Utah Local Government Trust. She said she increased the use of fund balance for the Unified Police Department contract reserve.

Johnson went over the expense changes. The Legislative budget decreased by \$5,000 due to lower than anticipated professional services expenses. The Public Safety budget increased due to two alcohol tax grants that needed to be transferred with the fiscal year. The Building Services budget decreased by \$79,800 due to adjustments with personnel expenses. The Communications and Programs budget increased by \$10,000 due to higher than anticipated postage costs. The Emergency Management budget increased by \$1,000 as a result of higher personnel expenses. The Information Center budget increased by \$1,000 due to personnel expenses and office supplies adjustments. The Economic Development budget decreased by \$12,500 due to adjustments with personnel expenses. The Business License Administration budget increased by \$8,000 to cover additional personnel expenses. The IT Management budget decreased by \$5,000 due to lower than anticipated equipment expenses. The Finance budget increased by \$33,000 to cover additional personnel expenses due to an additional employee. The Non-Departmental budget increased by \$275,221 due to the addition of the payment to Salt Lake City for the boundary adjustment agreement and additional funds into fund balance. The Legislative Policy budget increased by \$104,500 due to reconfiguration of personnel. The Facilities budget increased by \$45,250 to cover increased costs associated with additional office space. The Fleet budget decreased by \$5,000 due to lower than anticipated vehicle maintenance expenses. The Planning and Zoning budget increased by \$25,000 to cover additional personnel and professional services expenses. The Promise Program budget increased overall by \$1,000 due to a donation. The Public Works budget decreased by \$40,000 due to lower than anticipated professional service expenses. With the changes, the Fund balance would be at 18.38%.

Council Member Jackson moved to open the public hearing. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

There were no comments.

Council Member Uipi moved to close the public hearing. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Ordinance 20-08, Amending the 2019-2020 Fiscal Year Budget

Council Member Marchant moved to approve the changes in Ordinance 20-08 for the Fiscal Year 2019-2020 budget. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Business Matters

4.1 Discussion and Consideration of Ordinance 20-09, Repealing Chapter 2.73 of the Millcreek Code of Ordinances Entitled “Lobbyist Disclosure”

Mayor Silvestrini said a company filed a lobbyist disclosure with the City recently. Staff had not received one before. He said an ordinance carried over from Salt Lake County that required lobbyists to file a registration with the City and pay a fee. He said the ordinance was a burden on staff. Council Member Jackson asked about the purpose of a lobbyist disclosure. John Brems said it was a formality the City did not need.

Mayor Silvestrini asked for public comment. There was no comment.

Council Member Uipi moved to approve item 4.1, Ordinance 20-09. 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 said there would be a community engagement on March 10, 2020 on the restriping reconfiguration of Highland Drive. He said he would be meeting with County Mayor Wilson about the coronavirus the following day. He attended the East Mill Creek Community Council meeting and the topic that generated a lot of public input was the circumstances that contributed to the death of a child hit by a car last month on Neff’s Lane. Many members of the community asked questions and provided comments on the City’s infrastructure and lighting on Neff’s Lane. He said the tragic accident was not caused by speed. He said Millcreek city government was there to serve the residents and their desires but faced challenges for infrastructure and improvement demand. A sidewalk on Neff’s Lane would require more right-of-way. The City would form a stakeholders committee to work with engineering staff on solutions there. Council Member Uipi said she appreciated the community support. Mayor Silvestrini said the Council needed to be responsive to the whole community and use resources in the most

effective way. Council Member Marchant said lighting would be a critical first step. Mayor Silvestrini said in this particular instance, there were two operating streetlights in the near vicinity of where the accident took place. Mayor Silvestrini said he attended the other community council meetings as well.

5.2 City Council Member Reports

There were no reports.

5.3 Staff Reports

Kurt Hansen said he sent out samples of a City flag to the Council. He asked the Council if staff should continue considering a city flag. Council Member Marchant said he appreciated Council Member Catten's feedback sent via email which said the flag should be kept simple, not have a lot of words, identify who Millcreek was as a city, and she recommended a white background with the City's logo, like the street signs. Mayor Silvestrini said he did not like the designs that were sent out. He said Millcreek's logo was iconic and suggested removing the community council names from the logo for the flag. Council Member Jackson said the City's logo was too busy. Council Member Uipi said this was not a high priority and recommended there be a contest with the schools.

Hansen brought up bus bench advertising. There are two companies that run their business in Millcreek, and one was trying to acquire the other. He asked for the Council's input. Mayor Silvestrini said the companies had been given permission to operate but there was no agreement. The bus benches could provide a service if they were located near a bus stop, but they are not always, and the maintenance had been slacking. He said it would be a good idea to have standards, like on maintenance and advertising. Council Member Jackson asked about a permitting process for them. Mayor Silvestrini said there was not one. The business owner pays for the benches and they sell the advertising. Council Member Uipi asked if the Millcreek Business Council could discuss it. Mayor Silvestrini asked if residents valued the benches. He recommended talking to the Utah Transit Authority. Council Member Jackson asked for a current inventory of all the benches in the City. Mayor Silvestrini gave direction to Hansen to tell the companies that the City was still evaluating what to do with the benches.

6. Consent Agenda

- 6.1 Approval of January 21, 2020 Work Meeting Minutes
- 6.2 Approval of January 22, 2020 Special Meeting Minutes
- 6.3 Approval of February 24, 2020 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve items 6.1-6.3. 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 Retreat 3/16/20, 2:00 p.m. at City Hall
- Planning Commission Mtg., 3/18/20, 5:00 p.m. at City Hall

- City Council Mtg. 3/23/20, 5:00 p.m. at City Hall

Mayor Silvestrini went over the calendar of upcoming events. He said the purpose of the Council retreat was strategic planning for the Council. He invited the public to attend but not to participate.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 7:55 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

DRAFT