



**Minutes of the
Millcreek City Council
March 23, 2020
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on March 23, 2020 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
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
Kurt Hansen, Legislative Policy Director
Francis Lilly, Planning and Zoning Director
Laurie Johnson, HR-Finance Director

Attendees: Sean Patterson, Officer Adam Melnitsky, Detective Jared Nichols, Chief Steve DeBry, and Chief Duane Woolsey.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:01 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and led the pledge of allegiance. He said Millcreek was open for business with limited staffing at City Hall because most employees were working from home. He said everyone should be protecting themselves with social distancing. There have been procedures set to protect staff when the public comes to do business at City Hall. Millcreek was working hard to coordinate with other municipalities and levels of government, health care providers, and businesses. He commended residents for their creativity on social media in assisting neighbors. He said there was a "Hello Neighbor" form on the City's website that residents could use as a resource. He said he was asked why Millcreek was not making loans to small businesses. The amount of money the City could dedicate to that kind of a program would not go very far. Salt Lake City dedicated \$1 million and have 17,000 businesses, so for \$20,000 loans they could help 60 businesses. On scale, if Millcreek had \$330,000 with \$20,000 assistance loans, it would only go to 15-16 businesses out of 3,500 businesses in the City. Millcreek staff was not set up to make

credit decisions and the City could not deficit spend. He said the City had imposed a hiring freeze and would look at every program to see if it could weather a coming storm. Millcreek must fulfill obligation to contracts. The City was nearing the end of the fiscal year and most of the funds had already been spent or committed.

Improvements on critical infrastructure needed to continue. He asked the public to all work to stay safe and observe the rules about maintaining distance and to be kind and sensitive to older residents and those with preexisting conditions. He said the public could provide comment during the meeting on the form on the City's website on the Meeting Live Stream page.

1.2 Unified Police Department Millcreek Precinct Officer of the Month for February 2020

Chief Steve DeBry said the police department was at full strength with contingency plans in place. He announced Officer Adam Melnitsky as Officer of the Month for February 2020 and read his citation. Officer Melnitsky took initiative in his duties and performed outstanding work patrolling school and bus zones. Chief DeBry presented the Citizens Advisory Board gift to Officer Melnitsky.

1.3 Public Comment

Mayor Silvestrini said he received one public comment via the City's website form before the meeting and read it into the record.

"Dear City Council,

Thank you for doing the peoples work, especially at this difficult time. We need leaders who are willing to do difficult things and make difficult decisions. Toward that end, I can see that the City of Salt Lake has offered an emergency Loan to small businesses within their boundaries of up to \$20,000 at 0% interest. A link this is here:

<https://www.sl.c.gov/ed/elploan/>

As a dentist in your/our city, I have had to close my business to anything other than emergency care. This has resulted in the loss of income to not only myself, but to 12 other workers and their families. Along with the restaurant workers/owners, we can not continue to work to mitigate our immediate losses. I am requesting and inquiring as to the work of our city council and mayor as to whether or not we might be offered the same or something similar?

I am aware of the SBA loan at 3.75% already, and have begun to apply. However, I encourage you to pursue a similar option for those businesses within our boundaries as an alternative. I would use this money to support our staff and their families. I would also pay it back. Without such assistance, my staff will be forced to apply for unemployment, food stamps, and other forms of governmental support, putting yet more burden upon the system amid the deluge of applicants.

Please consider helping the small businesses in our city that, with some help, can make it through this time.

Thank You. Thomas F. Brickey, DMD owner of Natural Smiles Dentistry in Millcreek on Valley Road, next to Smiths on 33rd south."

Mayor Silvestrini said he responded to Dr. Brickey that day via email. He said the City would like to assist him and other businesses but felt the City's efforts would be better spent pursuing other alternatives. Millcreek was not able to assess the needs or check credit necessary to assist businesses. He said diverting tax dollars would have other

adverse consequences like delaying public projects and the small business impact would not be felt enough by a broad enough part of the City's economy.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 20-13, Adopting New Definitions in Chapter 19.04 of the Millcreek Code of Ordinances with Respect to 19.04.103, 19.04.306, and 19.04.307 and a New Institutional Facilities (IF) Zone

Francis Lilly said Erin O'Kelley gave the Council a detailed presentation at their last meeting. The first action before the Council was adopting a new Institutional Facilities Zone, second was applying the zone to the St. Mark's property site, and the third action was adopting a development agreement with St. Mark's as part of the rezone to address items identified during a robust public engagement process. St. Mark's approached the City last fall wanting to expand their facility. The RM and C Zone (current St. Mark's property zoning) have a maximum allowable height of 40 feet, so the Hospital was rendered non-conforming. The new zone would be limited for viable applicability to other sites. St. Mark's agreed via the development agreement to remove the south side shrubs and would replace them with trees that would grow up to 25-30 feet in height that could act as sound and visual barriers, and would also provide additional screening within 100 feet of a residence. St. Mark's provided a sound study to the City of current operations and it did not find a violation of County Health code. St. Mark's would enhance and fix their wall as part of their building permit. Lilly said no parking garages would be built within 100 feet of the south property line near abutting residential use, and a parking plan would be required at the time of applying for the building permit.

Mayor Silvestrini noted that the Council had a first read of the matter at their last meeting. He said he and the Council had attended the community meetings and commended the community and St. Mark's for working together to address concerns.

Sean Patterson, St. Mark's Hospital COO, said the community meetings were eye opening for the Hospital to be able to fix items as a good neighbor.

Mayor Silvestrini said all four community councils recommended approval of the zone and rezone as did the Planning Commission.

Lilly pointed out a typo on item 2.3 in Exhibit B. A parking plan would be required to be provided to the City.

Council Member Marchant moved to approve Ordinance 20-13, Adopting New Definitions in Chapter 19.04 of the Millcreek Code of Ordinances and a New Institutional Facilities (IF) Zone. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 20-14, Rezoning Property Located at Approximately 1200 E., 1120 E., 1140 E., 1160 E., 1250 E., and 3900 S. from RM (Residential Multi-Family) and C-1 (Commercial) to IF (Institutional Facilities)

Council Member Marchant moved to approve Ordinance 20-14, Rezoning the St. Mark's property from RM (Residential Multi-Family) and C-1 (Commercial) to IF (Institutional Facilities). Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 20-15, Approving a Development Agreement for a New North Tower on the St. Mark's Hospital Property with Respect to Approximately 22.707 Acres of Real Property Located at Approximately 1200 E., 1120 E., 1140 E., 1160 E., 1250 E., and 3900 S.

Council Member Marchant thanked the staff at St. Mark's Hospital and the neighbors for coming together.

Council Member Marchant moved to approve Ordinance 20-15 approving a development agreement for a new north tower on the St. Mark's Hospital property including the adjustment adding words mentioned by Francis Lilly by adding a parking plan (Exhibit B). Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Marchant asked Sean Patterson about availability of masks. Patterson said there were 2 types of masks, surgical and N95 masks to keep airborne pathogens outside. N95 masks were harder to come by but the Hospital had enough at the moment. They were also coming up with other ways to prevent airborne pathogens. Council Member Marchant asked about volunteers sewing masks for the Hospital. Patterson said they felt a lot of support from the community. Council Member Marchant asked about elective surgery. Patterson said elective surgery could be a nebulous term because everything that was not emergency could be considered elective. The Hospital was sticking to the guidelines and reviewing cases every week. They were using proper protective equipment for those. Surgeries that needed to be done in the next 60 days or the patients' condition could worsen would still be conducted. Mayor Silvestrini said if people developed symptoms related to COVID-19, they should call ahead before showing up at the Hospital. Patterson confirmed calling ahead. He said the Hospital was screening patients outside of the ER by asking questions, not by outpatient testing. He recommended people with symptoms contact their primary care physician and urgent care first before coming to the Hospital.

3. Business Matters

3.1 Discussion and Consideration of Ordinance 20-12, Amending Chapter 2.86 of Millcreek Code with Respect to Emergency Response and Recovery to Update References and Other Related Matters

Mayor Silvestrini said following the City's adoption of a local state of emergency, staff took a careful look at the City's code with respect to emergencies. John Brems said the amendment referenced the Millcreek Precinct Chief, referenced new State statute, and removed allowing the Council to designate their own representative when they were unavailable.

Council Member Jackson moved to adopt Ordinance 20-12, Amending Chapter 2.86 of Millcreek Code with Respect to Emergency Response and Recovery to Update References

and Other Related Matters. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini said he had a meeting with the community council chairs about how they wanted to meet in the future. The Millcreek Community Center, Church Hill Junior High, and Christ United Methodist were all closed (where the community councils usually meet). They discussed using GoToMeeting at City Hall. He said 3 of the 4 community councils would probably cancel their meetings but not the Millcreek Community Council. They would try to meet remotely and anchor at City Hall. He said the Wasatch Front Regional Council had not yet approved it, but it looked like Millcreek and South Salt Lake would receive a transportation grant for 3300 S. They were also looking at funding projects for a roundabout by Skyline High School and a hawk crossing on 1300 E. to cross to Big Cottonwood park.

4.2 City Council Member Reports

Council Member Marchant said he attended the Wasatch Front Waste and Recycling District Board meeting and had six takeaways: 1) gathering waste was an essential service so there would be waste pick-ups going forward; 2) blue cans would not be picked up in the near future; 3) there was a challenge in hiring staff for area clean ups, so for now area clean ups would be suspended; 4) the fee schedule was \$17 a month for services but surrounding areas generally paid more; 5) a reminder that tires, mattresses, and refrigerators need to go to the landfill and are not to be picked up by trucks; and 6) the District did not have funds for sorting contaminated recyclables.

Council Member Uipi said she attended the Association of Municipal Governments meeting. She received training on conflict resolution from the University's Law School.

Council Member Jackson said she appreciated that Millcreek had its own Emergency Manager. Mayor Silvestrini said the Emergency Manager prepared a damage survey assessment form to enable residents to report structural damage from the earthquake.

4.3 Staff Reports

Laurie Johnson said staff was looking at the property tax and what could be done to mitigate it to keep it the lowest increase possible to match the Unified Police Department contract. She was preparing for a reduction in sales tax and how to budget against that and was looking at next year's budget to be prepared for economic ramifications. She reported that the City was on good solid financial footing. Mayor Silvestrini said the City had put a freeze on hiring any more staff and wanted to preserve jobs. Council Member Marchant said he appreciated the conservative budget outlook and noted that sales tax was substantially higher than last year before the pandemic hit. Johnson said there was a 2-month lag in sales tax numbers, so it would be awhile before the City felt the hit of the pandemic. Mayor Silvestrini said factors were unknowable for sales tax but the City's Economic Development Department was monitoring it.

Kurt Hansen showed the Council two City flag options. The Council said they liked the options.

4.4 Unified Police Department Report

Detective Jared Nichols went over the service trends for February 2020. He said calls for service (2,203) and cases (940) were down. There was a decrease in citations with 252 issued and there were 57 booking arrests. There was no change in arson, a 1% decrease in assault, 14% decrease in burglary, 42% decrease in drug offenses, 18% decrease in family offenses, no change in homicide or kidnappings, 36% decrease in larceny, 3% increase in robbery (the robberies were strong armed, which changed it from shoplifting to robbery), 38% decrease in sexual assaults, 62% decrease in sexual offenses, and 13% decrease in stolen vehicles. He said Millcreek detectives had been able to identify burglary suspects, search warrants were obtained and served, and irreplaceable items had been recovered though investigations were still ongoing. The Community Crime Suppression Unit served federal warrants related to drugs which stemmed from a traffic stop, served 4 warrants related to stolen property and drugs, and recovered 3 stolen vehicles with arrests made. Detectives conducted EASY (Eliminating Alcohol Sales to Youth) operations with 29 Millcreek businesses and 3 failed.

4.5 Unified Fire Authority Report

Chief Duane Woolsey said UFA (Unified Fire Authority) was doing well and responded to the recent earthquake in Magna. Millcreek was mildly affected but there were a lot of calls on the west side of the valley. There was a task force working on the continuity of operations plan. He said the earthquake responders were concerned about the coronavirus, so UFA had to settle people down on scene. He said they were very well prepared. He said he did not see a pattern with EASY violations.

Council Member Catten said there was a homicide on Red Sage Lane and asked for updates. Chief DeBry said it was an ongoing investigation. Council Member Jackson asked about increased domestic violence since people were spending more time at home. Detective Nichols said he was trying to get ahead of those situations in dealing with people with mental health issues. Chief DeBry said he had not observed an increase.

5. Consent Agenda

- 5.1 Approval of March 9, 2020 Work Meeting and Regular Meeting Minutes
- 5.2 Approval of March 16, 2020 Emergency Meeting Minutes

Council Member Uipi moved to approve item 5.1 and 5.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Canyon Rim Citizens Association Mtg., 4/1/20, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 4/2/20, 6:30 p.m. at 2266 E. Evergreen Ave.
- Mt. Olympus Community Council Mtg., 4/7/20, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 4/7/20, 6:30 p.m. at City Hall
- City Council Mtg., 4/13/20, 5:00 p.m. at City Hall

Mayor Silvestrini said most of the community council meetings would be cancelled.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:26 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