



**Minutes of the  
Millcreek City Council  
February 18, 2020  
5:00 p.m.  
Work Meeting**

The City Council of Millcreek, Utah, met in a public work meeting on February 18, 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 6:56 p.m.)  
Dwight Marchant, District 2  
Cheri Jackson, District 3 (left at 6:14 p.m.)  
Bev Uipi, District 4

**City Staff**

John Brems, City Attorney  
Laurie Johnson, HR-Finance Director  
Elyse Sullivan, City Recorder  
Rita Lund, Communications Director  
Jim Hardy, Building Services Director  
John Miller, Public Works Director  
Kurt Hansen, Legislative Policy Director  
Alexander Wendt, Deputy City Recorder  
Erin O'Kelley, Planner  
Josie Angerhofer, Asst. to Economic Dev. Director  
Blaine Gehring, Legislative Policy Analyst  
Fred Lutze, Deputy City Engineer

**Attendees:** Sean Marchant

Minutes by Alexander Wendt, Deputy City Recorder.

**REGULAR MEETING – 5:00 p.m.**

**TIME COMMENCED: 5:07 p.m.**

**1. Discussion Items**

Mayor Silvestrini asked for a motion to reorder the agenda to move the Open and Public Meetings Act Training first.

**Council Member Jackson moved to reorder the agenda to review The Open and Public Meeting Act training to the first item. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.**

**1.1 Open and Public Meetings Act Training; John Brems, City Attorney**

Elyse Sullivan conducted the training per the City Attorney's request. She went over the Open and Public Meetings Act for the Council's annual training. She described that public bodies exist to aid in the conduct of the people's business and their actions and deliberations should

be taken and conducted openly. She reviewed the definitions of a public body, quorum, and meeting, and gave an overview of noticing, agendas, minutes, and recording requirements. She briefly discussed emergency meetings, closed meetings, electronic meetings, and penalties for knowingly violating the Act.

### **1.2 The Benefits of The Other Side Academy; Sean Marchant**

Council Member Marchant introduced Sean Marchant. Mr. Marchant explained that he does not work for The Other Side Academy, he simply had positive experiences with them. Their relationship began four or five years ago. Mr. Marchant said the effectiveness of their program was very good. The Other Side Academy does not take any government assistance. Mr. Marchant felt that if someone who needed help could get into The Other Side Academy, then they could get the help they need. He relayed a story to the Council about assisting a woman in getting into the program. Mayor Silvestrini said that the City has used The Other Side Academy to move twice and it was a terrific organization.

### **1.3 Report on Jordan River Commission 2019 Activities; Council Member Silvia Catten, City Council District 1**

Council Member Catten introduced the presentation as it was given to the Jordan River Commission the prior month. Council Member Catten was very impressed by it and wanted to inform the City Council since the City pays into the Jordan River Commission.

There were 33 events to remove trash from the Jordan River area. Part of the volunteer effort was a canoe cleanup to clean floating garbage. One hundred and fifty-five full canoes of trash were removed from the Jordan River in the Salt Lake Valley. Boats, mattresses, and shopping carts were pulled from the River. Habitat and restoration projects involved revegetation and weed management. There were 4,450 trees planted in 16 sites and 1,923 pounds of puncturevine removed by 182 volunteers. Council Member Catten said the Jordan River Commission Director takes out any group to learn how to clean the River. She said the City pays \$2,000 to be part of the Commission.

### **1.4 Accessory Dwelling Unit Report; Erin O'Kelley; Planner**

Erin O'Kelley, Planner, introduced her report on the Accessory Dwelling Units (ADU) meetings since last May. There were four initiatives. First public outreach asked the public what questions and concerns they had. The Planning Department released answers to frequently asked questions. The second initiative asked if ADUs should be allowed, why or why not. One hundred and fifty people took the questionnaire which required their address and name. The third and fourth meetings asked again what people's concerns were. People were concerned about parking, illegal ADUs, lot size, and other issues. Council Member Uipi asked when the first survey was given. Ms. O'Kelley replied it was from May 2019 to December 2019. People who supported ADUs were concerned about permitting processes. Concerns from the third meeting were similar. They included parking, density, rentals, regulation, detached property, permitting, and noise.

Ms. O'Kelley said staff was looking into possible ideas for mitigation and regulation. This would affect many city departments, especially the Building Department. The goal for parking was having two parking spaces per ADU. There should be no on-street parking since that was already a problem. This could lead to code enforcement problems. Business licensing would need to be tweaked. Many residents were concerned about impact fees and utilities. Council

Member Jackson asked if people could convert a garage to a living space. Ms. O'Kelley said perhaps not since they would still have to meet the parking requirements. Council Member Jackson said the City had investigated the Good Landlord program and it did not work. Mayor Silvestrini said it worked for multi-family rentals, not a duplex. Council Member Marchant asked about parking requirements. Mayor Silvestrini said that the City did not police how people park in their driveway. Council Member Jackson said she did not want a situation where cars parked in the driveway block the sidewalk and street. ADU regulations could be unique, said Ms. O'Kelley, cities regulate ADUs on a spectrum, some are stricter than others.

While talking with the Building Department, the Planning Department did a Geographic Information Systems (GIS) search on how many ADUs the City expects. Existing ADUs included basement apartments, others want to convert part of their house into an ADU, build an ADU in the yard, or convert a garage into an ADU. People who were against ADUs were okay with a garage and more opposed to an ADU in the backyard due to setback requirements. Ms. O'Kelley said that basement ADUs could be treated differently than a new detached ADU in the backyard. The permitting process would be different. Council Member Jackson asked if there could be a minimum lot size requirement if an individual was building another dwelling. Ms. O'Kelley said yes. Ms. O'Kelley said that less impactful ADUs could have a different permitting process, but a garage conversion could be governed by a conditional use permit.

Mayor Silvestrini said many people had requested putting a loft in their garage. Ms. O'Kelley warned of detrimental impacts. Council Member Jackson said it sounded as if there were many potential problems. Ms. O'Kelley said that the Building Department would have to inspect all the ADUs. Council Member Uipi asked for the next steps. Ms. O'Kelley said the community open houses were asking for a draft of how the City would attack the problems of ADUs. Council Member Marchant said a request from the group he was in asked for a survey of nearby communities and their ADU laws. Council Member Jackson asked if the City had spoken with code enforcement from other cities. Mayor Silvestrini said that the public would probably want to see the findings from the surveys. Council Member Catten said it seemed like the Council needed to decide on a direction and then do another open house with those findings. Salt Lake City has had about 100 applications for ADUs, and Ms. O'Kelley said the City must decide on how strict the rules should be. Council Member Uipi asked what happens to existing ADUs. Ms. O'Kelley said staff would like to enforce permits on ADUs. Neighboring communities vary drastically on their permitting process and how strict they act. Council Member Uipi would like a comparison between Millcreek and other cities nearby. Kurt Hansen, Legislative Policy Director, said that one option was to come in strict with a potential ordinance draft and then alter the ordinance where it may be too strict. Making the ordinance draft too lenient to begin with was problematic said Mr. Hansen. Council Member Uipi worried about making the ordinance too strict.

Council Member Marchant asked about grandfathering. Mayor Silvestrini said the ADUs should be licensed and inspected to ensure health, life, and safety. Then people cannot say they did not know. Council Member Catten said that one house in her neighborhood had an ADU in the basement and then a business upstairs. Situations like that were very complicated said Council Member Catten. Mr. Hansen said that if the City followed the building code, then the ordinance would be restrictive. Jim Hardy, Building Official, said that Building Codes were reactive not proactive, they change every three years. Many homes in Millcreek

probably finished their basements before 1977 with a kitchen, so the City would need to be careful about requiring something now that was not required before. Mayor Silvestrini said that a portion of the population would want to make a speech about the subject so another open house could be good. Ms. O'Kelley said having a draft ordinance would make it easier for staff to respond to questions. Mayor Silvestrini said letting people know the City was navigating this information was a good step.

### **1.5 Storm Drain Utility Update; John Miller; Public Works Director**

John Miller, Public Works Director, said in the weekly e-newsletter it illustrated that storm drains were invisible money eaters. Part of the process the Public Works Department was working on was submitting a contract to Mo and Collins, for 18 weeks and \$50,000 for work. This would come from the professional services line in the budget. John Brems, City Attorney, asked if Rocky Mountain Power would bill for a storm drain utility fee. Mr. Miller said it was not a question of if, but how much they would charge. Mr. Miller said Rocky Mountain Power would charge the City \$8-\$10,000 per month for billing. This fee could raise \$1.2 million in revenue a year. Laurie Johnson, HR-Finance Director, said collection was easier on the electric bill instead of enforcing a storm drain utility fee. Mr. Miller gave project updates. The project on Hillside Lane, a collapsed pipe flooded a basement, would begin in May and the City received a bid on budget. Central Avenue had a section that was flat where it did not drain, so changes would be made there to improve drainage. Jupiter Drive on Brockbank was going out to bid. Sidewalk projects would be sent to bid that week. Another sidewalk on 3300 S. had received a TAP grant. UDOT was willing to change the striping on part of 3300 S. to keep cars out of yards.

Council Member Marchant asked if there was a bid on 700 East near Empire Avenue. Mr. Miller said not yet. Fred Lutze, Deputy Public Works Director, said contractors were filling up fast and the window for getting good bids for this year was done. Mr. Miller said the City was trying to deliver to the constituents, and staff was stretching the City dollars. Mayor Silvestrini asked about the bid on Main Street. Mr. Miller said that the contractor was already selected by UTA, the City already had the bid but needs the right-of-way. On 3900 S. the bid would be advertised at a bad time in April. There was a 4-6-week turnaround time, contingency time had been added. Mr. Miller hoped a big company would be attracted that could supply their own asphalt. They were trying to be flexible with closures and keeping one lane in each direction open. Residents were being contacted. They hoped to pave before October 15, 2020.

Mayor Silvestrini said there was a constituent complaint about 1500 E., it sounded like a Salt Lake Public Utility problem. Mr. Miller said that a group of neighbors were upset about this and Public Works was unhappy as well. Mayor Silvestrini said that UDOT said to owners on 3900 S. that they would be taking properties there and they sent it with the Millcreek City logo. Mayor Silvestrini said that this was untrue. Mr. Miller said they were making UDOT change the form letter. Mayor Silvestrini said that many people understand, but he does not want this to create a problem. Rita Lund, Communications Director, said in the letter it states UDOT would need pieces of property and then it stated taking all property. Mr. Miller said most complaints have come from the Holladay side of the road, not the Millcreek side, because Millcreek had been communicating to residents very well. Council Member Marchant said that a community council believed the traffic study was out of date and unreliable and to wait for a new census. Council Member Marchant said the community council would also like

an update on the softball complex. Ms. Lund said they were getting worried about World Refugee Day.

Mayor Silvestrini excused Council Member Catten at 6:56 pm

### **1.6 Preliminary Fiscal year 2020-2021 Budget Discussion; Laurie Johnson, HR-Finance Director**

Laurie Johnson, HR and Finance Director, explained that in 2018-2019 the City collected \$11.7 million in property tax. The budget was now \$10.4 million, and the City had collected \$10.2 million year to date. There was now a revenue short fall of \$673,000, however there was \$933,000 left over in the fund balance. Unified Police Department (UPD) would be raising their contracted amount by 5%. Mayor Silvestrini stated this was to make their wages more competitive. Ms. Johnson said that the City would not have enough money to pay for the UPD contract increase. Ms. Johnson proposed a property tax increase to equal the UPD contract costs. The City needed to inform Salt Lake County of the intent to hold a truth in taxation public hearing. This must happen, for compliance, by March 1st. Council Member Marchant said that all the property tax was going to UPD, and the officers deserved an increase in their wage's over time. Council Member Marchant said he wanted this to be clear in any newsletters. The Council has been very aware of tax increases and had not used their overages but saved them said Johnson. Mayor Silvestrini said they wish to be incremental increases, not large increases.

Ms. Johnson said that there was a preliminary 2% Cost of Living Adjustment (COLA) increase and a preliminary proposal for a 2% merit increase for City staff in the proposed budget. This would be a total of 4% increase for staff. Ms. Johnson said that she has had a difficult time hiring new employees because the job market was competitive. There was a preliminary estimate of a 6%-8% increase in medical benefit costs. There was no increase in retirement rates, said Ms. Johnson. Council Member Uipi asked if the merit increase could be 3% instead of 2% to encourage staff to stay with the City. Ms. Johnson said that because the job market was competitive a 3% increase would be helpful. Tuition reimbursement had already been a positive benefit to help add new employees. Ms. Johnson said that they were going to look at adding risk reduction policies to the City for employees. The State had new requirements for auditing and risk rankings. Cities could be graded as high-risk, moderate risk and so on. John Brems, City Attorney, said that this rating was not that the City was at risk for fraud, but it would be the State's determination of risk. Ms. Johnson said the City would do as much as they could to mitigate fraud or risk. Ms. Johnson would prepare the Strategic Plan for the next 5 years internally and bring it to the City Council.

### **1.7 Mayor and Council's Discretion on Discussion Topics**

Mayor Silvestrini said the City needed to take more public comment on restriping Highland Drive. He then mentioned that he went to a Unified Fire Authority (UFA) meeting. Their insurance costs were flat, and they are competitive across the state. The UFA Board had moved forward on building new fire stations. Mayor Silvestrini said that UFA wanted to be in the top three agencies for compensation among peer agencies. Mayor Silvestrini said there should be a public meeting when talking about a new fire station on Highland Drive.

He continued that he negotiated a new location for the Utah Food Bank to distribute food on 1100 E. and 3300 S. This Saturday would be the last time on 900 E. They served 200 families on Saturday. Mayor Silvestrini said the notes give to individuals needed to be in Spanish as well.

Mayor Silvestrini said 75% of people at the ADU meeting were in favor of ADUs. He said individuals at the Highland Drive restriping meeting had mixed opinions. Mayor Silvestrini said some people would not credit the traffic study. People disbelieved that changing the lanes on Highland Drive would improve traffic flow. Council Member Marchant said that people did not understand that the City only wanted to change two blocks of Highland Drive. Mayor Silvestrini said the 3-lane configuration would be done in coordination with Salt Lake City. Rita Lund said that Sugarhouse representatives were interested in the configuration. Council Member Marchant said the center turn lane was important. Council Member Uipi said this would only be done with paint. Mayor Silvestrini said it could be changed back if it did not work. Council Member Marchant commented that 900 E. was a good example and the people in his district liked having a center turn lane there. Mayor Silvestrini said that most of the business owners liked the idea of a center turn lane. Council Member Uipi said that at the Parley’s Canyon EIS meeting 250 people came, mostly from Salt Lake City. They wanted sound barrier walls. A Millcreek resident would have part of their yard taken and was concerned that it would devalue her property. Formerly the whole house would have been taken but the plan was revised to prevent that.

Rita Lund said that Amy McConkie, Venture Out, was at the City and was concerned about how the new City ordinance on signs would affect putting up banners for Venture Out. Ms. Lund talked to Erin O’Kelley and Jim Hardy about how to deal with banners. Mayor Silvestrini said that temporary banners were permitted but could not be up longer than six months. Amy McConkie wanted something like the Downtown Alliance and their banner rules. Ms. Lund said that the banners were for Venture Out. John Miller asked if banners applied to the sign ordinance. Ms. Lund said that the ordinance was silent on the matter. Mayor Silvestrini recommended getting public engagement on the issue. Kurt Hansen said there should be a legislative update coming up.

**1.8 Correspondence and/or Future Agenda Items**

There was none.

**ADJOURNED: Council Member Uipi moved to adjourn the meeting at 7:21 p.m. Council Member Marchant 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**