



**Minutes of the
Millcreek City Council
April 27, 2020
6:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on April 27, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and 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
Jim Hardy, Building Services Director (electronic)
Rita Lund, Communications Director
John Miller, Public Works Director
Mike Winder, Economic Development Director
Erin O'Kelly, Planner

Attendees: Chief Duane Woolsey, Chief Steve DeBry, Detective Jared Nichols, Officer Andrew Jensen, and Citizens Advisory Board representatives.

REGULAR MEETING – 6:00 p.m.

TIME COMMENCED: 6:01 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order. He said the meeting was appropriately socially distanced. He then led the pledge of allegiance.

1.3 Public Comment

Elyse Sullivan read a comment submitted online into the record from Tammy Murillo, 4003 S. 300 E. Apt. 19. *“Thank you, Mayor and Council for this opportunity to address you. Recently the property manager of Heather Ridge Condominiums, 4000 S 300 E sent a notification to the members of the Home Owners Association. she indicated that Code Enforcement had informed her of a new parking restriction along 300 E. Signs would be posted within a few weeks allowing only two hours for parking. My hope is to have some further discussion before proceeding.*”

I want to thank Councilwoman Catten, Kurt Hansen, Shirl White and others who have assisted with providing information regarding parking on 300 E. It took effort and time for them to collect the information so I could then begin working with the HOA. I appreciate the quick responses to my questions.

The first contact I am aware of regarding the parking restrictions was from the property manager stating that code enforcement had notified her of the change. Then it has taken some time to find out what was happening and when, and then communication back and forth with the HOA.

I believe there are other options. One example is Salt Lake City where a pass allows for exemption of the street parking limitations with an annual fee. There are perhaps others that will come out of some collaboration with residents and the City.

Restricting parking along 300 E also restricts guests to our complex, importantly guests who will stay overnight. As a personal example, two of my children live out-of-state and additional vehicles have parked on the street when they visit. As far as permanent parking on our lot, two cars are allowed to be parked per unit. I have three drivers in my household and so one vehicle has been parked on the street.

I also know that we have a problem with abandoned vehicles on 300 E that are not moved for weeks on end, so I agree something should be done. I think a meaningful discussion with residents may produce some solutions. I know I am willing to spend time and effort trying this. Thank you for your time. Sincerely, Tammy Murillo”

Council Member Catten said she had been in contact with Murillo and felt there had been some miscommunications. Mayor Silvestrini said the City was trying to strike the right balance between resident parking and abandoned vehicles on the road. He said staff would continue to work with the community in that neighborhood to ensure they had adequate parking. He invited public comment via the form on the City’s website. He reminded the public that City Hall was open for people to attend the meetings too.

2. Planning Matters

2.1 First Reading:

a. ZM-20-004 & GP-20-003, Request to Rezone Three Parcels from R-1-8, R-1-5, RM, and C-2 to only C-2 and Modification to the Millcreek General Plan Future Land Use Map from Neighborhood 1 to Retail/Office; Erin O’Kelley, Planner

Mayor Silvestrini said the properties had one owner but different zones and the owner wanted them all zoned the same. He said access to the single-family residence was through commercial property. He said the community council and Planning Commission had recommended approval of the rezone. Council Member Jackson asked if there was any public comment received. Erin O’Kelley said she had three resident inquiries, but no concerns. She said one resident asked about tree removal. She said staff was not requiring a development agreement for the rezone. She said any new property owner would be prevented from building anything taller than 30 feet in height in the commercial zone on the single-family dwelling property. Staff said it was cumbersome for property owners to have a split zoned property. She brought up that the other part of the application which was a change to the Future Land Use Map in the General Plan for the same property from Neighborhood 1 to Retail/Office.

2.2 Discussion and Consideration of Ordinance 20-17, Amending Titles 11 and 19 of the Millcreek Code of Ordinances with Respect to the Definition of Commercial Vehicles

Mayor Silvestrini said the ordinance was to make two different definitions in two different sections of the code align.

Council Member Jackson moved to adopt Ordinance 20-17, Amending Titles 11 and 19 of the Millcreek Code of Ordinances with Respect to the Definition of Commercial Vehicles. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 20-18, Adopting the Commercial (C-3) and City Center Overlay Zone (CCOZ) for Certain Property to be Transferred into Millcreek’s Jurisdictional Territory Located at 3135 South Richmond Street, 1350 East Miller Avenue, 1354 East Miller Avenue, 3142 South Highland Drive, 3144 South Highland Drive, 1345 East Woodland Avenue, 1337 East Woodland Avenue, and 1311 East Woodland Avenue

Francis Lilly said Millcreek would incorporate the property into Millcreek municipal boundaries per the boundary adjustment agreement with Salt Lake City. The zone and Future Land Use Map would align with existing surrounding zoning and designations and would take effect when the boundary adjustment took effect in July. He said the items received unanimous favorable recommendation for approval from the Millcreek Community Council, Canyon Rim Citizens Association, and Planning Commission. Lilly said he had not received public comment on the applications throughout the process.

Council Member Jackson moved to approve Ordinance 20-18, Adopting the Commercial (C-3) and City Center Overlay Zone (CCOZ) for Certain Property to be Transferred into Millcreek’s Jurisdictional Territory Located at 3135 South Richmond Street, 1350 East Miller Avenue, 1354 East Miller Avenue, 3142 South Highland Drive, 3144 South Highland Drive, 1345 East Woodland Avenue, 1337 East Woodland Avenue, and 1311 East Woodland Avenue. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.4 Discussion and Consideration of Ordinance 20-19, Amending the Millcreek General Plan Future Land Use Map Designation for Certain Property to be Transferred into Millcreek’s Jurisdictional Territory located at 3135 South Richmond Street, 1350 East Miller Avenue, 1354 East Miller Avenue, 3142 South Highland Drive, 3144 South Highland Drive, 1345 East Woodland Avenue, 1337 East Woodland Avenue, and 1311 East Woodland Avenue

Council Member Jackson moved to adopt Ordinance 20-19, Amending the Millcreek General Plan Future Land Use Map Designation for the same properties just listed. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.5 Discussion and Consideration of Ordinance 20-20, Amending a Development Agreement for Opus Green Mixed Use Development with Respect to Approximately 7.05 acres of Real Property Located at Approximately 4186 S. Main Street

Francis Lilly said the developer was seeking an amendment to the development agreement to allow them up to 11 years to sell up to 50% of the units. The developer was concerned about the capital market ceasing up and the property was in an opportunity

zone. Staff and the developer were hopeful to get the project moving. The tradeoff for the City was the developer agreed to expedite the construction of the park and bridge to the beginning of Phase I instead of at the end of Phase I. Mayor Silvestrini said if the Council was amenable to giving the developer more time, then the City could get a project built and contribution of tax increment to the West Millcreek CRA sooner. Council Member Marchant mentioned that the funding for this project had been frozen and wondered if the same effect would happen in the City Center. Lilly said it depended on how projects were funded. The nature of opportunity zone funding encouraged multi-family developments over owner-occupied units. Mayor Silvestrini said the units would be constructed as if they would be separately owned in that development. Mike Winder said there was benefit to keeping projects in the same ownership for 7-10 years if something failed. Council Member Catten asked if the development agreement laid out a penalty if the developer did not meet the 50% threshold in 11 years. Lilly said no, only that the developer would make their best effort. Mayor Silvestrini said he wanted to adopt the ordinance though the Council had not seen the amended development agreement.

Council Member Catten moved to approve Ordinance 20-20, Amending a Development Agreement for Opus Green Mixed Use Development with Respect to Approximately 7.05 acres of Real Property Located at Approximately 4186 S. Main Street to include the stipulation of the amendment for accelerating development of the bridge and parkway and that the developers make their best efforts to sell 50% of the development units within up to 11 years. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Financial Matters

3.1 Presentation of Fiscal Year 2020-21 General Fund and Capital Improvement Projects Fund Tentative Budget; Laurie Johnson, HR-Finance Director

Mayor Silvestrini said staff anticipated a significant shortfall in revenue. He said Millcreek was fortunate because there were 7 grocery stores and they are more recession-proof than other businesses. He said the home/garden and craft stores had done well during the pandemic too. He anticipated a 25% hit in sales tax and felt the economy would rebound when restrictions were loosened. The budget would use some of the fund balance, reducing it from 18% to 12%. He commended staff for their work on the budget. He said funds would still be expended on capital improvement projects because those were mostly funded by grants.

Laurie Johnson said she presented every line of the budget to the Council at the last meeting so she would only give a summary. The current tentative budget included an approximate 3.5% property tax increase though the numbers presented were approximate. The FY 2018-19 budget needed \$10,357,045 for the Unified Police Department (UPD) contract. Mayor Silvestrini said the Council had made the practice of dedicating all the property tax collected to go towards the UPD contract. Millcreek left the Salt Lake Valley Law Enforcement Service Area (SLVLESA) and enacted the same amount they had been charging the prior year in property tax for police services. The Council had never increased property taxes in Millcreek and had basically been going 3 years without raising it and SLVLESA had raised their taxes twice. He acknowledged it being a bad time to increase property taxes, but the cost for UPD services were going up even though the agency did not make much comparatively across departments. He said the Council

wanted to do a small increase that year and next year instead of a big increase next year. Johnson said in FY 2018-19 the City received \$11,778,207 in property tax collection, so there was a revenue overage of \$1,607,277. The FY 2019-20 received an additional \$91,865 tax in new growth and received \$10,740,863 in collection though the costs had been \$11,137,788, so there was a shortfall of almost \$400,000. She said with the carry forward from last year's \$1.6 million, the balance at the end of the current fiscal year was \$1.2 million. The FY 2020-21 budget could include a 2.75% merit and 2% market increase for UPD with costs going to \$11.9 million with a shortfall of \$1.4 million. The balance would be a shortfall of \$253,844 which would require an approximate 2.63% property tax increase. The FY 2020-21 budget could include a 2.75% merit and 3% market increase which would result in a \$11,608,857 contract cost with a \$326,095 shortfall and would require a 3.35% property tax increase. Johnson said if the Council did not increase property taxes that coming fiscal year, the UPD costs would be over \$12 million the next year and the needed increase would be much higher.

Mayor Silvestrini said the UPD Board had not yet made a decision on percentage increases for contract costs. He said the Millcreek Precinct staffed about 57 officers over three shifts. He said that the City would know the UPD contract amount by August for the Truth in Taxation hearing for a property tax increase. He felt doing smaller incremental increases was better than one large one next year. Council Member Marchant said he received positive comments about police services and would hate to decrease them. He asked about the increases for officers. Johnson projected 2.75% merit and 2-3% market increases which was why she recommended a 3.5% property tax increase. Council Member Marchant said the City was in a different environment and Millcreek had previously increased services for the same price from what they had been receiving by leaving SLVLESA.

The Council paused the discussion to go back to agenda item 1.2.

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

John Geilmann read the citation for Officer Andrew Jensen as Officer of the Month for March 2020. Officer Jensen was nominated by two different sergeants as Officer of the Month. In March, Officer Jensen personally provided his fellow officers with face masks before they were supplied. He also responded to and investigated a domestic violence case with professionalism. The Citizens Advisory Board presented Officer Jensen with a gift.

3.1 Presentation of Fiscal Year 2020-21 General Fund and Capital Improvement Projects Fund Tentative Budget; Laurie Johnson, HR-Finance Director (continued)

Laurie Johnson continued with the tentative budget presentation. She said in 2018., the SLVLESA tax rate was .002139 and Millcreek's was .002012, and in 2019 SLVLESA's was .002079 and Millcreek's was .001897. She said the revenues had not changed from the presentation two weeks ago. She expressed concern for Class C Road funds which she reduced to \$1.7 million for the tentative budget. She said \$1.1 million would be used from fund balance to balance the UPD contract and \$378,120 to balance general fund expenses which would leave an approximate 13% in fund balance. Council Member Marchant said revenues were up 9.8% from last year at that time. Johnson went over the

budget calendar. She said she added key fiscal management practices into the budget. She then went over the consolidated fee schedule changes to items 76, 77, 78, and 212 and said the business license and building permit fees would be revised when the fee studies were completed. The personnel expenses in the tentative budget included a 2% cost of living adjustment, 2% merit increase which would be on hold until revenues stabilized, and a 7.6% increase in medical insurance costs. She also reduced the Venture Out line item amount and some minor changes to benefits.

Council Member Jackson brought up that the strategic plan objectives in the tentative budget were listed twice.

3.2 Discussion and Consideration of Resolution 20-16, Acknowledging Receipt of the Tentative Budget; and Tentatively Adopting the Tentative Budget Pursuant to the Requirements of Utah Code Ann. § 10-6-111 for the Fiscal Year Beginning July 1, 2020, and Ending June 30, 2021

Laurie Johnson recommended the Council adopt the Resolution and said updated numbers might come before the Council before the final budget was adopted. Mayor Silvestrini said there would be a public hearing on the budget on May 11, 2020 and the public could submit comments online or come to City Hall. He asked for public comment on the Resolution. There were no comments.

Council Member Marchant moved to approve Resolution 20-16, Acknowledging Receipt of the Tentative Budget; and Tentatively Adopting the Tentative Budget Pursuant to the Requirements of Utah Code Ann. § 10-6-111 for the Fiscal Year Beginning July 1, 2020, and Ending June 30, 2021. 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 Resolution 20-13, Establishing an Audit Committee and Establishing Audit Committee Guidelines to Assist in the Oversight of the Internal and External Audit Functions of Millcreek

Mayor Silvestrini said the City's financial procedures could be tightened by establishing an Audit Committee to supervise the audit and make recommendations on the selection of the auditor. He said because he and Council Member Marchant signed checks, he recommended they not serve on the committee. Johnson said the State Auditor requested that Millcreek establish the Committee and she supported it. She said she would be bringing more policies to the Council to strengthen financial processes and procedures.

Council Member Jackson moved to adopt Resolution 20-13, Establishing an Audit Committee and Establishing Audit Committee Guidelines to Assist in the Oversight of the Internal and External Audit Functions of Millcreek. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4.2 Discussion and Consideration of Resolution 20-14, Approving Appointments to the Audit Committee

Mayor Silvestrini said the City Manager, City Attorney, and City Financial Director would be on the Committee. The Council discussed which Council Members should be on the Committee. They decided Council Members Uipi and Jackson would be.

Council Member Catten moved to appoint Council Member Bev Uipi and Council Member Cheri Jackson for Resolution 20-14 as appointments to the Audit Committee along with noted staff. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4.3 Discussion and Consideration of Resolution 20-15, Ratifying and Confirming Millcreek State of Local Emergency Directive No. 3 of 2020 Concerning Waiver of the Temporary Sign Ordinance and Millcreek State of Local Emergency Directive No. 4 of 2020 Concerning Local Law Enforcement of County's "Stay Home-Stay Safe" Order

Mayor Silvestrini said the Council had already ratified the first two local emergency directives pursuant to the local state of emergency. This Resolution would ratify the remaining two directives. One directive waived the provisions of Millcreek City Code with respect to the temporary sign ordinance so businesses could advertise that they were still open and waived penalties for late business license renewal payments. The other directive clarified that officers of Unified Police Department (UPD) and Unified Fire Authority (UFA) could enforce the County stay at home orders. The Resolution also provided that the directives would remain in effect until the Council lifted the state of emergency.

Council Member Uipi moved to approve item 4.3, Resolution 20-15. Council Member Catten 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 thanked the residents of Millcreek who had engaged in social distancing and who were wearing masks in public. He said the County was making progress in slowing the spread of COVID-19. Residents would be seeing some loosening of restrictions in May. He said Mayor Wilson of Salt Lake County would allow some restrictions to be lifted. He said there was a COVID-19 resource page on the City's website and City Hall was still open and doing business remotely. He said the first responders in Millcreek had been doing exemplary work. He reported that the community councils would not be meeting in May.

5.2 City Council Member Reports

Council Member Marchant said last year 120 containers were moved around the City for the area clean up conducted by Wasatch Front Waste and Recycling District. The District would be mailing out postcards for residents to reserve containers a couple weeks in advance. There would be 80 containers at a first-come-first-served basis for residents to have them in their private driveways for 24 hours. Rita Lund said residents had been coming into City Hall for vouchers for the landfill, but residents could now request that they be mailed to them instead. Council Member Marchant said the District would not put the area clean up calendar on their website to control scavengers. Council Member

Catten asked if they were limiting the number of containers allowed on a street. Council Member Marchant did not know.

Council Member Catten said the Jordan River Commission did not meet but she reminded the public to social distance and pick up trash. She reminded people to dump standing water out to eliminate mosquitos too.

5.3 Staff Reports

Rita Lund said there would be no limit by street on area waste containers (she called the District's Executive Director).

John Miller said the active transportation sidewalk project on Main Street was ready to bid but underfunded by \$200,000. The County said they might be able to give \$125,000 to Millcreek from CATNIP sources but because of the economy, staff had not yet received that, and Millcreek would be on the hook for the remaining amount. He said the goal was to keep the operations contract with Salt Lake County Public Works under \$5 million for the next fiscal year. He said instead of 17.5 full-time employees to plow snow, the City would have 15 during the coming year. Miller said slurry seals would take place during the summer. He said Millcreek received two grants, one for a roundabout at the intersection of 3800 S. and Virginia Way and one for 900 E. repaving from 3900 S. to 4500 S. Mayor Silvestrini said a lot of the upcoming projects were grant funded and the funds needed to be spent.

5.4 Unified Police Department Report

Detective Jared Nichols said the Millcreek Bike Unit was up and running and they were out on the trails. He said the Community Crime Suppression Unit hired a new officer. He said calls had slightly gone up over the last three months but not in comparison to last year. He went over the March 2020 trends and statistics. The total calls for service was 2,618 and the total number of cases was 1,096. There were 354 citations issued and 56 booking arrests. There was a 3% increase in assaults, 28% increase in burglary, 31% decrease in drug offenses, 7% decrease in family offenses, 81% increase in homicides, 42% increasing in kidnapping, 6% increase in larceny, 38% decrease in robbery, 2% decrease in sexual offenses, and 38% decrease in stolen vehicles. He also reported that the Precinct did a drive by parade for 4-year old's birthday party.

5.5 Unified Fire Authority Report

Chief Duane Woolsey said UFA was acting a little differently during the pandemic to keep people safe but was still conducting business as usual. The taskforce that turned to a Type-3 team would stand down that week. UFA temporarily closed Station 102 due to the earthquake aftershocks and moved the crews to Station 111. Mayor Silvestrini brought up the structural issues with Station 112. Chief Woolsey reported various staff changes and said overall numbers were down in responses for service and transport from last year.

6. Consent Agenda

6.1 Approval of April 13, 2020 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve the minutes from April 13th. 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

- Mt. Olympus Community Council Mtg., 5/5/20, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 5/5/20, 6:30 p.m. at City Hall
- Canyon Rim Citizens Association Mtg., 5/6/20, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 5/7/20, 6:30 p.m. TBD
- City Council Mtg., 5/11/20, 5:00 p.m. at City Hall
- Planning Commission Mtg., 5/20/20, 5:00 p.m. at City Hall

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:17 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