



**Minutes of the
Millcreek City Council
May 26, 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 May 26, 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 (electronic)

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
Mike Winder, Economic Development Director (electronic)
John Miller, City Engineer
Jared Bowling, IT & Facilities Manager

Attendees: Becky Stromness (electronic), Katie Kourianos (electronic), and Alex Daniel.

WORK MEETING – 6:00 p.m.

TIME COMMENCED: 6:01 p.m.

Mayor Silvestrini called the work meeting to order. He said Council Member Uipi was participating electronically.

1. UDOT I-80 & I-215 Renewed Project Presentation; Katie Kourianos, Horrocks Engineers

Katie Kourianos said Horrocks Engineers represented UDOT for the I-80 and I-215 Renewed Project. The project was in the preconstruction phase of reconstruction of a portion of I-215 near Millcreek and a portion of I-80 in Sugar House. Construction could start as early as next year and last two seasons (years). Becky Stromness, UDOT, said the project had two portions, half on I-80 and half on I-215. The limits on I-215 would be from about 3300 S. to just south

of 4500 S., and UDOT would be replacing concrete pavement and the associated drainage system. She said the two bridges would receive regular maintenance. Council Member Jackson asked if UDOT would consider doing asphalt because the concrete was loud for residents. Stromness said all interstates in urban areas were concrete because of the higher life cycle. She said new concrete would be quieter, half as much maintenance as asphalt, and was more cost effective. Mayor Silvestrini said the sound walls along I-215 were originally controversial. He said there were some issues with the walls north of 3300 S. and asked if they would be repaired or treated. He said there was some deterioration there. Stromness said there was no plan for treating the walls, but she would make note of it.

Stromness highlighted the changes to the bridges over I-80; rehabilitation at 2300 E., and demolition and reconstruction at 2000 E., 1700 E., and 1300 E. Mayor Silvestrini asked if there would be an alternate way to keep Parley's Trail open. Stromness said the bridges would most likely be closed for at least 21 days, but she was not anticipating closure of Parley's Trail. Mayor Silvestrini asked about location of a batch plant. Stromness did not know if there would be one or if concrete would be trucked in. Council Member Marchant asked about the bridge work timelines. Stromness said the contractor would determine the schedule and said the bridges near the schools would probably be closed during the summer months. She then went over the anticipated project schedule. The final request for proposals would be due in July 2020, the design-builder proposals would be due in October 2020, the design-builder notice to proceed would be in January 2021, and construction would be 2021-2022. Kourianos said Horrocks would update the Council when the schedule was finalized.

2. Property Tax Discussion; Laurie Johnson, HR-Finance Director

Mayor Silvestrini said the Unified Police Department (UPD) Board tentatively adopted a tentative budget so the Council then knew how much the contract cost for UPD would be. He said Millcreek recently received another sum of property tax collection which could put the City in a position to pay the UPD contract for the next year without having to increase property taxes. Millcreek had previously collected a large excess and used some to pay down the borrowing cost. He asked the Council whether to have a small property tax increase this year and next year or do a large one next year and use up all excess funds this year.

Laurie Johnson showed the amount of 12 months of UPD contract and the costs of borrowing funding in the current tentative budget as \$10,823,910 with an approximate 3.5% property tax increase. The amount of budget request in FY 2018-19 was \$10,357,045, the tax collected was \$11,778,207, and the bill was \$10,170,930, so the revenue overage was \$1,607,277 which was reserved for the current fiscal year of FY 2019-20. For FY 2019-20, it was projected that the City would collect \$10,889,262, but in May, Millcreek received another property tax payment of \$150,000. She said there was not enough of a collection history for accurate projections. At the end of the current fiscal year, Millcreek would need at least \$233,526 from the last year's overage to pay the contract. She gave the Council a projection for FY 2020-21 of the same collection at \$10,889,262 and the projected contract cost of \$11,475,954, which included a 2.75% merit and 2% market increase. That would equate to a \$948,192 revenue shortfall which would leave the City with a potential overage of \$425,559. Her projections for FY 2021-2022 included an approximate 10% increase to cover revenue shortfall and a 7% UPD increase which would be a contract cost of \$12,253,059 with a property tax collection of \$12,189,000. She said the safest thing for the City to do was to have a small property tax

increase this year so the one that would be needed next year was not so large. She said this year was tough with the pandemic and the storm drain utility fee.

Mayor Silvestrini said the UPD Board was trying to adjust the salary scale since it was in the bottom half of agencies in Salt Lake County. He said UPD would need an 8% market adjustment to increase the position. He said UPD wanted to attract and retain officers, so he felt the projected 7% increase for the subsequent fiscal year was accurate. Council Member Marchant said it was critical to support the police at least at the mid-salary range. He suggested small property tax increases as needed instead of a large one for a different Council to decide on. He said Millcreek's sales tax base included a lot of grocery stores and home improvement stores. He suggested a 3% property tax increase. Council Member Jackson concurred with multiple small tax increases. Mayor Silvestrini pointed out that Millcreek had never raised property taxes. Council Member Marchant said the County had raised taxes a couple of times since Millcreek incorporated. Council Member Catten said she would rather break up increases. Council Member Uipi said she would rather have a small increase now since the future was uncertain for next year. Johnson said Millcreek would be fine with a 3% increase for the next fiscal year. Council Member Jackson asked when the Council needed to decide the percentage amount. Johnson said by the end of the summer. Council Member Marchant said prior property tax increases to Millcreek residents were due to other agencies, not Millcreek.

3. Staff Reports

Mayor Silvestrini said the City had been working with Rocky Mountain Power (RMP) as the potential collector for the upcoming storm water maintenance fee. RMP puts utility fees on their power bills for other cities. He said the City could collect the fee but would have to do the administration and mailing costs for that. RMP said power bills go to property owners and tenants. The City would have to deal with applications for lower fee requests and it could get confusing with bills going to tenants and property owners. Council Member Jackson asked how much Millcreek would pay Rocky Mountain Power for the service. John Miller said the estimate was about \$10,000 a month plus a set up fee for Rocky Mountain Power to do the collection and it would be about \$20,000 more a year for Millcreek to do it. Council Member Jackson said a separate bill would be confusing for residents and the City would have to follow through on collection. Mayor Silvestrini said RMP was concerned about recent court rulings on sewer insurance. Miller said RMP was not showing Millcreek any action on the subject but other utility companies servicing Millcreek were not interested in providing the billing and collection service for the storm drain utility fee. Mayor Silvestrini said he preferred to pursue options with RMP but have a plan B to fall back on. Council Member Jackson asked how Millcreek would collect from people not paying. Council Member Catten asked about the monthly household collection amount for the storm water utility fee. Miller said it would be about \$15 for an ERU (equivalent resident unit), but that depended on lot size. Mike Winder said he knew about a city that started with RMP for collection then changed to billing on the garbage collection bill. Mayor Silvestrini said there would need to be a dual system for that to work for Millcreek because larger housing projects did not necessarily use Wasatch Front Waste and Recycling District (WFWRD - Millcreek's provider). Rita Lund said WFWRD said they were not capable of providing that service.

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

There was none.

Council Member Jackson moved to adjourn the work meeting at 6:55 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

**REGULAR MEETING – 7:00 p.m.
TIME COMMENCED: 7:03 p.m.**

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and then led the pledge of allegiance.

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

Chief Steve DeBry presented Mayor Silvestrini with a UPD 10-year commemorative coin and coaster. He announced Officer Jonathan Richardson as Officer of the Month for April 2020. Officer Richardson conducted a traffic stop which yielded in distributable amounts of drugs and a minor with a handgun and in a separate incident arrested a suspect with a first-degree felony warrant. Chief DeBry said Officer Richardson performed proactive patrol work, consistently cleared calls, and backed up area partners. Mayor Silvestrini thanked Officer Richardson. The Citizens Advisory Board (CAB) presented Officer Richardson with a gift. Officer Richardson said Millcreek was a great place and recognized all of the Unified officers. He said it was easy to do police work when the community supported them. Mayor Silvestrini thanked the CAB for their service.

1.3 Public Comment

Mayor Silvestrini said there was a public comment form available on the Meetings Live Stream page on the City's website for people to use. There was no public comment.

2. Business Matters

2.1 Discussion and Consideration of Ordinance 20-23, Amending Title 11 of the Millcreek Code of Ordinances Prohibiting Parking in Bike Lanes

Mayor Silvestrini said the Council had a first read of the item at their last meeting. Kurt Hansen said UPD approached staff saying the Millcreek Code needed a provision to prohibit parking in bike lanes. Staff added that prohibition to the list and a definition of a bike lane to the code in the proposed ordinance. Mayor Silvestrini said the code could be problematic for people to be able to park on their street, but said parking was usually available on the other side of the street. He said parking in the bike lane created a safety issue for bicyclists having to go around cars and into the regular lane of traffic. Council Member Marchant asked how it would be enforced. Hansen said UPD would enforce it. Chief DeBry said his officers would respond to complaints and would tag the vehicles they observed. He asked the Mayor for direction on enforcement with warnings/tickets. Mayor Silvestrini said there should be a warning first and if there was a recidivist, then a ticket would be appropriate. He said compliance was more important than enforcement.

Council Member Jackson moved to adopt Ordinance 20-23, Amending Title 11 of the Millcreek Code of Ordinances Prohibiting Parking in Bike Lanes. 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 Resolution 20-19, Approving an Amended Agreement with Environmental Planning Group, LLC, with Respect to a Change in the Scope of Design Services for the Millcreek Commons

Francis Lilly said the City had contracted with Environmental Planning Group, LLC (EPG) for \$319,000 to commence the design work for Millcreek Common open space. Throughout the process, the scope had expanded. EPG had engaged a sub-consultant for the ice ribbon, for which the City recently received a \$500,000 grant. They have also worked on the topographic legal survey for a plat, a utility plan, and dialed in lighting and sound improvements. The grand total with contract modification was \$528,768. The project itself was still within the \$6 million budget, and the architect's fee was about 8.5% of that. He said the expense would be paid for through bond proceeds. Lilly said design of a water feature would be included. Mayor Silvestrini said EPG obtained the main contract through a competitive process and this resolution was an amendment to that agreement.

Council Member Catten moved to approve Resolution 20-19, Approving an Amended Agreement with Environmental Planning Group, LLC, with Respect to a Change in the Scope of Design Services for the Millcreek Commons. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Reports

3.1 Mayor's Report

Mayor Silvestrini said the UPD Board met and concluded to implement a weighted voting mechanism to weight votes on budgetary matters by 50% by population of each member entity and 50% by the amount they pay to UPD for service. To win a vote on a budget matter, 60% needed to be commanded by the majority, otherwise it would go back to one vote per jurisdiction. He said the UPD Board would set priorities in the Sheriff's budget for UPD.

He said it was an honor to attend graduation ceremonies at Millcreek Elementary, Cottonwood High School, and Skyline High School. He said he had been involved in lobbying on revenue replacement efforts with local government to the federal government through his position as Vice Chair of the Wasatch Front Regional Council. The Utah congressional delegation had concern with the Heroes program. There may be infrastructure funding and revenue replacement coming for local government. The City had been tracking extra expenses incurred as part of the pandemic. He said cities would need to help pay for extra expenses incurred by the police and fire departments too. Through the CARES Act, Salt Lake County received \$203 million and Millcreek's share was about \$1.8 million. He announced that he issued a fifth local emergency directive for restaurants to be able to expand their seating areas into their parking lots to help with social distancing.

3.2 City Council Member Reports

Council Member Jackson said 45 applications had been submitted for the next year's Youth Council.

3.3 Staff Reports

There were none.

3.4 Unified Police Department Report

Detective Christian Thompson said for the month of April 2020 there were 2,498 calls for service, 1,066 cases, 276 citations, and 57 booking arrests. There were 39 assaults, 15 burglaries, 35 drug offenses, 81 family offenses, 85 larcenies, 1 robbery, 9 sexual offenses, 39 stolen vehicles, and 68 vehicle burglaries. In comparison to April of 2019, assault had increased 8%, burglary decreased 44%, drug offenses decreased 36%, family offenses increased 5.19%, larceny increased 6.25%, robbery stayed the same, sexual offenses decreased 52%, stolen vehicles increased 38%, and vehicle burglary increased 17.2%. He said residents were thanking the officers patrolling on bikes. He said there had been a lot of graffiti cases lately, so he has been taking pictures and creating cases with the gang unit to get them cleaned up. He said residents could report graffiti. He reported that on May 15th, anonymous citizens donated pizza to the Millcreek Precinct in honor of National Police Week. Rita Lund thanked UPD for their forthcoming assistance with Venture Out summer activities.

3.5 Unified Fire Authority Report

Chief Duane Woolsey said the planning cycle for the Type 3 Team went to a 7-day cycle, but they had reduced the amount of people. They have had 2 positive COVID-19 tests in the department. Mayor Silvestrini said brought up two recent fires that resulted in no injuries or loss of life. Chief Woolsey said there was help with the fires and both were considered accidental in nature. He said there were some constraints with the pandemic in the budget. The merit increase was reduced from 4% to 2% and the cost of living adjustment was put on hold. He brought up promotions in the department and said new recruit graduation was recently held.

4. Consent Agenda

4.1 Approval of May 7, 2020 Special Meeting Minutes

4.2 Approval of May 11, 2020 Work Meeting and Regular Meeting Minutes

Council Member Jackson moved to approve minutes from the May 7th special meeting and May 11th work meeting and regular meeting. Council Member Catten 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., 6/2/20, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 6/2/20, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 6/3/20, 7:00 p.m. TBD

- East Mill Creek Community Council Mtg., 6/4/20, 6:30 p.m. TBD
- City Council Mtg., 6/8/20, 5:00 p.m. at City Hall
- Planning Commission Mtg., 6/17/20, 5:00 p.m. at City Hall

Francis Lilly said the Millcreek and Mt. Olympus Community Councils would be meeting in June but not the other two. Mayor Silvestrini said the Council had been careful to avoid quorum issues at those meetings per the Open and Public Meetings Act.

Council Member Jackson moved to go into a closed meeting per UCA 52-4-205 (d) strategy session to discuss the purchase, exchange, or lease of real property at 8:03 p.m. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Jackson moved to adjourn the closed session at 8:43 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Jackson moved to go into a closed meeting per UCA 52-4-205 (a) discussion of the character, professional competence or physical or mental health of an individual at 8:43 p.m. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Jackson moved to go back into an open meeting at 10:00 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 10:01 p.m. Council Member Catten 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