



**Minutes of the  
Millcreek City Council  
June 8, 2020  
5:00 p.m.  
Open House  
6:00 p.m.  
Work Meeting  
7:00 p.m.  
Regular Meeting**

The City Council of Millcreek, Utah, met in a public open house, work meeting, and regular meeting on June 8, 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 (arrived at 5:32 p.m.)  
Dwight Marchant, District 2  
Cheri Jackson, District 3  
Bev Uipi, District 4 (arrived at 5:39 p.m.)

**City Staff**

John Geilmann, City Manager  
John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Laurie Johnson, HR-Finance Director  
Francis Lilly, Planning and Zoning Director  
Jim Hardy, Building Services Director  
Rita Lund, Communications Director  
Mike Winder, Economic Development Director  
John Miller, City Engineer  
Kurt Hansen, Legislative Policy Director  
(electronic)  
Jared Bowling, IT & Facilities Manager  
Aaron Roberts, Public Works Inspector  
Andrew Clark, Emergency Manager  
Alex Wendt, Business License Administrator  
Jordan Hatch, Information Center Manager  
Ashley Cleveland, Promise Program Manager

**Attendees:** Rashelle Hobbs, Jason Burningham, Soren Simonsen, Guy Chamberlain, Dan Nixon, Michelle Case, Sheryl Martin, Arda Jean Christensen, Rachel Clark, Jeremiah Clark, Phil Uipi, Robert Kimball, and Chief Steve DeBry.

**OPEN HOUSE – 5:00 p.m.**

**TIME COMMENCED: 5:04 p.m.**

**1. Storm Water Utility Fee; John Miller, City Engineer**

John Miller said there were multiple ways the public could provide comment to staff via the City's website if they did not attend the open house in person. He highlighted the poster boards

present at City Hall which included photos of corroded pipes, clogged pipes, an incomplete system, and flooding. He said \$21.7 million of identified improvements were needed over the next 10 years. The current approach for funding was from taxes in the General Fund budget. Those funds go towards storm water operations, maintenance, capital projects, and other city needs like road repaving. A storm water utility fee is a user fee that is shared among those that contribute to the storm water system like schools, businesses, non-profits, and homes. The fee would directly pay for the storm water operations and improvements and the taxes collected by the City could go to road projects. He said many neighboring cities had already implemented the fee and several were considering implementing one. He showed data on single-family residence user fees per city. He said the fee for Millcreek would be \$9.03 per month for Class 1 Customers (single-family residences under 11,000 square feet or .25 acres) which accounted for 75% of single-family residences. He said the fee was higher for Millcreek because the system had been neglected and most cities have had their fee implemented for 20-30 years. Miller said the rate would vary depending on the size of the property, the more impervious area your property has, the more you pay.

Miller asked for public comment. Robert Kimball expressed disfavor for the storm water utility fee. He felt it was another tax increase which would not help those who were losing money during the pandemic.

Jared Bowling read into the record an anonymous comment received online via the City's website, "*Why hasn't there been a storm drain fee imposed in the Millcreek area before it was incorporated?*" Miller said taxes and fees were not popular and it was up to the leadership at the time. He said there were not good records kept so there were approximations of the system. Mayor Silvestrini said the storm drains were unseen, unpopular, and the only time they were addressed was when they caused a problem. He said some of the pipe was installed 60-70 years and was failing. If the City did not address the failing pipes, people's basements would flood, and it would become an emergency. Millcreek cannot afford to neglect the roads either because they become more expensive as they deteriorate. Last year, millions of dollars were deferred from road projects to emergency storm drain repairs. Millcreek does not have a franchise utility fees, the only City in the State that does not, other than the inherited cable franchise fee enacted by the County. The Storm Water Utility Fee Analysis showed that \$10 a month was needed to improve and maintain the system. He said Hillside Lane needed \$1 million in storm drain repairs because people's homes were flooding, and flooding happens in the City every time it rained. The City could continue to neglect the problem and have failing systems and worse roads. He agreed that the timing of the fee was not ideal, but the City had been working on the study and issue for years. He said every year delayed, Millcreek gets further behind. Staff gets complaints about standing water often so the program would enable Millcreek to fix old problems and create better systems. When storm drains fail, contaminates make it through to the rivers. The EPA requires the City to discharge clean water otherwise the federal government would fine the City. Salt Lake County has been fined previously. He wants money to go into fixing the problem instead of paying a fine. Miller said there were informational videos on the City's website. He said residents were currently paying for all the storm drain repairs and businesses/parking lot owners were not.

Sheryl Martin asked about how the priority of fixing the storm drains would be determined. Mayor Silvestrini said there was plan, emergencies would be addressed first. A study had been done so Millcreek knows where new ones need to be built and where old ones need to be

rehabilitated. Martin asked about ERU. Miller said it stood for equivalent residential unit. He showed a table of proposed ERU breakdowns for Millcreek.

Rachel Clark asked about the fund being only earmarked for storm drains. Mayor Silvestrini said it could be used for other things, but Millcreek would be using it for storm drains.

Jared read an online public comment from Tanya Sandrock, 3721 E. Ceres Dr., into the record. *“I have noticed that Salt Lake/Millcreek paves road too often compared to every city that I lived in. I think the money should be diverted from roads and not increased at this time. It would be interesting to look into the expenses/bids and cost of the repairs. Maybe bids to fix the issues should be more accessible to additional companies. This is not the time to have budget increases for several years due to the issues of the pandemic.”*

Miller emphasized that there would be ongoing public input. He showed the public where they could find more information on the City’s website. Mayor Silvestrini welcomed public comment via the website, phone, or email.

Tanya Sandrock called into the open house and provided comment, but the Recorder could not hear the comment clearly. Miller said the City was taking from road funding to pay for storm water emergencies. He said bad roads costed 5 times more than maintaining good roads. Mayor Silvestrini asked Miller for a breakdown of funds diverted from roads to pay for storm drain emergencies.

The open house ended at 5:59 p.m.

#### **WORK MEETING – 6:00 p.m.**

**TIME COMMENCED: 6:04 p.m.**

Mayor Silvestrini called the work meeting to order.

#### **1. Property Watch Program; Rashelle Hobbs, Salt Lake County Recorder**

Rashelle Hobbs said she was often asked what the Salt Lake County Recorder’s Office does. They record every transaction that has to do with real property. They have over 14 million documents and had recorded over 123,000 documents this year. She said she was very involved in community outreach and service and had visited all 16 senior centers in Salt Lake County. She said over 80 people at the Millcreek Senior Center were provided their property records by the Recorder’s Office. The Recorder’s Office created a free service, Property Watch, to protect property records. The service notifies property owners when anything is recorded on their property. She said it was a great resource to help prevent title fraud and it had received positive feedback. The Program had over 6,000 registrants so far and was easy to subscribe to. Hobbs said she lived in Millcreek and it was a great city to raise children in. Mayor Silvestrini commended Hobbs on the implementation of the service and said it reflected how innovative she was. Council Member Jackson asked if there was a fee for the service. Hobbs said it was a free public service. Council Member Jackson said she would advertise it in the City’s e-newsletter.

## 2. Staff Reports

Mike Winder said Zions Public Finance was engaged in a business license fee study for Millcreek. The Economic Development Department had been looking at three main assessment criteria questions; what does licensing a business truly cost the City, what fees were palatable to businesses, and how do the fees compare to neighboring cities.

Alex Wendt gave an overview of what other cities charge for business license fees, including cost for new license, renewal, per employee, disproportionate, and home occupations. He said Millcreek does not want to charge a lot for businesses to do business. He said Millcreek would be doing away with the per employee fee currently charged as inherited from the County. Council Member Marchant asked about the impacts other than disproportionate. Winder said most cities gravitate to police services for disproportionate fees. Mayor Silvestrini asked if fees could be higher if the business sold alcohol. Winder said the study was not finalized yet. Mayor Silvestrini said positive feedback he had received was that businesses had been renewing licenses at almost the normal rate despite the pandemic.

John Miller said the City hired experts on the City's pursuit of a storm drain utility fee. Council Member Catten asked if there was an update on how the fee would be collected. Miller said Rocky Mountain Power (RMP) could start billing immediately once an ordinance was passed by the Council and a contract was entered into. Council Member Marchant asked how much it would cost. Miller said approximately \$75,000 a year. Council Member Uipi asked about how the public was noticed about the fee in writing, not just virtual noticing, and about the open house held that day. Miller said the open house was noticed in the newspaper the prior week. He said residents were paying for all of the storm water issues now, but with the fee commercial properties would pay too. Mayor Silvestrini said he offered to meet with institutional entities in the City about the fee. St. Mark's could get a credit for the sump system they had installed. He said he and staff had noticed all businesses that have licenses and had not received much comment. They also reached out to churches and school districts and most contacts had been okay with the fee because it was charged by most other cities. Council Member Catten asked about an insert in the RMP bill warning residents about the upcoming fee. Miller said the notice should be independent from RMP. Rita Lund said Millcreek might be able to build a script with RMP for the bill. She acknowledged the video the Council had created addressing storm drains that was posted on the City's website.

Laurie Johnson said the County was still finalizing the data on property taxes, but it was not complete until the County adopted it. She said without that data, she could not run numbers for the truth in taxation for property taxes. She felt if the Council stayed around a 3% increase, the City could meet its goals for police services. Mayor Silvestrini said the world regarding policing had changed over the last week. He said he would like flexibility in the budget to do the things necessary for the police force, like add resources for social work, a citizen's review board, or training. Council Member Marchant and Catten expressed favor for a property tax increase this year. Council Member Catten wanted more transparency for the increase.

## 3. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

**Council Member Uipi moved to adjourn the work meeting at 6:47 p.m. Council Member Jackson 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.

**1.2 Proclamation Recognizing Juneteenth and World Refugee Day**

Mayor Silvestrini said Juneteenth was the commemoration of the Emancipation Proclamation which freed African Americans who had been enslaved. The Proclamation also commemorated World Refugee Day. He said Millcreek was the home to many refugees and they added great value to the community. He read the proclamation.

*“A PROCLAMATION RECOGNIZING JUNETEENTH AND WORLD REFUGEE DAY*

*WHEREAS, Millcreek is a diverse community... that provides a ‘welcome home’ feeling to everyone – past, present, and future; and*

*WHEREAS, Juneteenth is an American celebration that commemorates June 19, 1865, the day when African Americans were informed of their liberation from the despicable practice of human slavery in America; and*

*WHEREAS, World Refugee Day, June 20th, honors the contributions and resilience of those forced to flee from their homelands due to starvation, war, violence, persecution, or natural disasters; and*

*WHEREAS, Juneteenth and World Refugee Day present a time to recognize the importance in celebrating the official ending of human slavery in America and reinforcing compassionate achievements in humanity to those in need of rescue; and*

*WHEREAS, Millcreek recognizes the contributions of its diverse residents for improving culture, creating vibrant neighborhoods, and generally enhancing the quality of life; and*

*WHEREAS, in Millcreek we are all keepers of our neighbors – past, present, and future.*

*NOW, THEREFORE BE IT KNOWN, I, Jeff Silvestrini, Mayor of Millcreek, the City Council concurring, do hereby call upon all residents and businesses of Millcreek to join together in preserving and enhancing our social environment by commemorating World Refugee Day and Juneteenth Day in Millcreek this month of June 2020.*

*IN WITNESS THEREOF, I have set my hand and caused to be affixed the Great Seal of Millcreek this 8th day of June 2020.”*

The Council thanked staff for the proclamation and Ashley Cleveland, Promise Program Director, for her work.

Council Member Uipi made a public apology. *“I want to publicly apologize for what many may have seen in the news recently. I’m not sure what’s been shared, and I choose not to know because I was there. I made a terrible mistake, and I’m awakened.*

*There are times that I believe God or the universe resets life with challenges. Although this is a rough challenge, it also presents opportunities for my growth. As a Christian, I truly believe this happened for me, not to me. 2020 has been a year of change in so many ways, and as we’ve seen happening with a pandemic and social unrest. It has also been a year of restoration, reinvention, and compassion. I am grateful to my council colleagues for their love and support as I work through this. I am overwhelmed by the outpouring of*

*love, positivity, and support from many others during this difficult time. I have to make this experience a positive out of a very negative one.*

*This journey is about my health, and my journey with myself. I encourage everyone to notice signs that you may not be coping well with all that's happening in the world, or in your world. Give yourself permission to take care of yourself first, as I'm learning how to do. Reach out and talk to someone. Focus on what's most important, your family. Finally, please be kind to yourselves through your own journey, as I will do in mine.*

*I have every intention of continuing to serve Millcreek to the best of my ability.”*

Mayor Silvestrini said everyone made mistakes but her contribution to the Council was invaluable. He accepted her apology to the extent he could. Council Member Catten echoed the sentiment.

### **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.

Soren Simonsen, Executive Director for the Jordan River Commission, acknowledged the storm water utility fee open house held that evening. He commended the Council for taking responsibility for the City's stormwater because stormwater affects everyone downstream. He said the Jordan River Commission was going through an update to the Jordan River blueprint. He said there would be a public survey coming out about the Jordan River. He thanked the Council for their work and urged them to continue. He said Council Member Catten was an outstanding contributor to the Jordan River Commission Board. Mayor Silvestrini thanked Simonsen for his work. Rita Lund said the purchase for rain barrels for the Utah Rivers Council was currently taking place. Mayor Silvestrini said there was a link on the City's website with more information for that.

Mayor Silvestrini said he had recently received public comments from residents about policing in the community, not specific to the Council meeting. He said the community was concerned about policing and wanted the Unified Police Department (UPD) to be shaped to act without implicit bias and without undue levels of force. The UPD continually has various related trainings and would consider adopting the “8 Can't Wait” movement principles. He said he did not tolerate racial bias in policing. He committed to the national Mayor's pledge to review police policies, engage with community about solutions, and reform police to implement those suggestions. He said he participated in a protest the prior week. He said almost all of the 8 points of the “8 Can't Wait” movement had been implemented by UPD and they would look at the remaining ones. He said the best hope was to put in good policies and training for guidance, hire smart and trained people, and pay them well to maintain the credibility with the police department. The systemic problems with race were not just a police problem. He invited the public to reach out to the Council.

Council Member Catten said she took the recent killings to heart and there should be a deconstruction and reconstruction of the police. She said society had relied too much on police force and fire fighters to be social workers and needed to fund more social services. She said everyone could be a better listener and the police could be more approachable. She said she represented constituents in Millcreek that had been victims of

injustice. She said everyone could do more and be better. Council Member Uipi said there was a lot of trauma going on in everyone because of the current state of the world. She said the police would not solve all the problems and people needed to look at things holistically.

Ashley Cleveland, 422 N. 540 W. in SLC, said she was the Millcreek Promise Program Manager. Her work has focused on equity and providing more social services. She thanked the Mayor and Council for taking a stance on the issue and said she felt comfortable around people willing to engage in the dialogue about systemic racism.

## **2. Business Matters**

### **2.1 Public Hearing on Unincorporated Triangle Annexation Petition**

Mayor Silvestrini said the area to be annexed was formally part of the unincorporated area known as South Cottonwood. Millcreek currently provided law enforcement services in the area without reimbursement from the Salt Lake Valley Law Enforcement Service Area (SLVLESA). The additional burden to Millcreek in annexing the property would be to maintain the roads but would in turn collect property taxes. He said the annexation was initiated by a citizen petition and the City Recorder had determined that the petition met State requirements for annexation. The Council's next step would be to adopt the annexation via ordinance at their next meeting.

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

Elyse Sullivan said she had not received comment for the hearing but had received an online public comment submitted via the City's website from Jennica Davis-Hockett, 1201 Lorraine Drive, which she read into the record. *"Ms. Catten thank you for your forthrightness, I'm 100% on board. I'm in District 2 so I'd love to hear how Dwight Marchant plans to support those endeavors."* Council Member Marchant echoed the prior sentiments of the Council and said everyone was equal in his eyes. He said officers had given their lives recently and asked everyone to treat each other with respect. He recommended everyone watch a movie about Charles Mully on YouTube as he was able to positively influence thousands of people.

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

Council Member Catten asked about the effective date of the annexation. John Brems said it would be January 1, 2021.

### **2.2 Discussion and Consideration of Resolution 20-20, Authorizing the Issuance and Sale of Not More Than \$6,035,000 Tax and Revenue Anticipation Notes, Series 2020B of Millcreek, Utah and Entering into Certain Covenants and Making Certain Representations in Connection Therewith; Approving the Form of Notes; and Related Matters**

Mayor Silvestrini said the Resolution was for the borrowing Millcreek had done since leaving SLVLESA to fund payment to UPD which happened twice a year. Millcreek was

borrowing in excess of \$9 million a year initially and had been able to reduce that amount to just over \$6 million. He said the parameters resolution would give the Mayor authorization for borrowing within certain parameters. The interest rate was around 1.7% and had started at 2.75% a few years ago.

Jason Burningham, Lewis Young Robertson and Burningham, mentioned the resolution included parameters of not to exceed amounts and terms. He had sent out a prospectus and was in the process of collecting bids. He said once the City's property tax revenues came in, the City paid off the notes then the next cycle of tax anticipation notes paid for the next round of borrowing. He said the cash flow had improved over time, so borrowing had been reduced.

Mayor Silvestrini asked for comment on the agenda item. Elyse Sullivan said she had not received comment on the agenda item but had received an online comment from the City's website for public comment which she then read into the record. *"Sonja Nitschke, 3681 S. Solitaire Dr., I know this public comment is late but I felt the need to say something as Dwight was speaking. My name is Sonja, and I am also in District 2. I appreciate Dwight's sentiment to "all get along" but I feel that there is a lack of recognition of systemic racism. We need to take actions to address that instead of personally saying you respect people because as a council member you are part of the system and your constituents need to know how you'll correct the imbalances within it."*

**Council Member Jackson moved to adopt Resolution 20-20, Authorizing the Issuance and Sale of Not More Than \$6,035,000 Tax and Revenue Anticipation Notes. Council Member Marchant seconded.** Council Member Jackson said paying down the borrowing amount should continue to be a priority. Mayor Silvestrini agreed and said it was a credit to the fiscal management and conservatism that the City had been able to do that. **The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

### **2.3 Discussion and Consideration of Resolution 20-21, Approving the Renewal of an Agreement for Employment with John H. Geilmann, Civil Legal Service Contract with John N. Brems, and a Lobbyist Service Contract with Capstone Strategies, LLC**

Mayor Silvestrini said the resolution was for approval of agreements for the City Manager, City Attorney, and city's lobbyist. He reported that the Council held a closed session at the last meeting to discuss John Geilmann, City Manager. In the City's form of government, it was key for a city manager to keep the day-to-day operations of the City going. He said Geilmann was a great motivator of Millcreek staff playing to win and the organization had continued to be productive during the pandemic. Geilmann kept department directors and staff motivated with a management style that allowed for autonomy, helped to start a new government in Millcreek, and kept things on track and on budget, and would therefore receive an increase to his compensation. The Mayor thanked Geilmann for his service. Mayor Silvestrini said the City Attorney donated his time before incorporation and services to get the City operating. He advised the Council, Planning Commission, and staff. Mayor Silvestrini recognized John Brems' talents and said he was pleased to renew the contract. The other contract was for the lobbyists, Dave and Ashley Spatafore, who were hired after a competitive bidding process the first time



around and had been crucial in guarding Millcreek’s interests and lobbying on Millcreek’s behalf.

**Council Member Uipi moved to approve item 2.3, Resolution 20-21. Council Member Catten seconded. Council Member Uipi thanked John Geilmann for his work. 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 he had an upcoming UPD Board meeting and would report to the Council of any on goings. He said he toured the Bountiful ice ribbon for ideas on what could be replicated in the Millcreek City Center.

**3.2 City Council Member Reports**

Council Member Jackson said Venture Out would have a rolling car show on June 20<sup>th</sup>. The public could nominate their street for that. Rita Lund said there would be upcoming food truck rallies in the City Hall parking lot too.

**3.3 Staff Reports**

There were none.

**4. Consent Agenda**

4.1 Approval of May 26, 2020 Work Meeting and Regular Meeting Minutes

**Council Member Uipi moved to approve item 4.1 on the consent agenda. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.**

**5. New Items for Subsequent Consideration**

There were none.

**6. Calendar of Upcoming Events**

- Planning Commission Mtg. 6/17/20 at 5:00 p.m., City Hall
- City Council Mtg. 6/22/20 at 5:00 p.m., City Hall

**ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:00 p.m. Council Member Uipi 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**