



**Minutes of the
Millcreek City Council
February 8, 2021
5:00 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 February 8, 2021 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 Brems, City Attorney
Elyse Sullivan, City Recorder
John Miller, City Engineer (electronic)
Kurt Hansen, Legislative Policy Director
Rita Lund, Communications Director
Francis Lilly, Planning and Zoning Director
(electronic)
Mike Winder, Assistant City Manager
(electronic)
Laurie Johnson, HR-Finance Director (electronic)
Jim Hardy, Building Official (electronic)
Erin O'Kelley, Planner (electronic)
Samah Safiullah, Planner (electronic)
Blaine Gehring, Legislative Policy Analyst

Attendees: Leslie Silvestrini, Tanner Webster (electronic), Brian Harris (electronic), Chief Duane Woolsey (electronic), David Spatafore (electronic), Ashley Spatafore Mirabelli, Chief Steve DeBry, Michael Lasko, Tresann Lasko, Spencer Hock, Lauryn Hock, and Whitnee Webster

WORK MEETING – 5:00 p.m.

TIME COMMENCED: 5:07 p.m.

Mayor Silvestrini called the work meeting to order.

1. Open and Public Meetings Act Annual Training; John Brems, City Attorney

John Brems reviewed the Open and Public Meetings Act with the Council. Council Member Marchant asked about three council members attending the community council meetings. Brems said when in doubt, to notice the meeting. Mayor Silvestrini said at community council meetings, public comment could be provided for a matter that might come before the City Council which would then fall under the definition of a meeting.

2. Continued Discussion of Capital Improvement Project Priorities

John Miller said the Mt. Olympus Community Council provided staff with project priorities since the last City Council meeting. The Canyon Rim Citizens Association had not submitted any at that time. The Millcreek Community Council suggested the “700 E. To Red Maple to 3300 S” line item on Miller’s project spreadsheet. Miller said he had received public feedback about favoring one side of the city over the others. He showed the capital improvement projects page on the City’s website as a resource for project updates. Miller said he received two different public comments, one suggesting that there were too many east side projects and another comment that there were too many west side projects. Council Member Marchant asked if the project priority list included bike lanes. Miller said in the City’s approved budgets, there was an active transportation section which included bike lanes. Mayor Silvestrini said the Council would need to decide how much to spend on projects in the coming months. Council Member Marchant asked about the Millcreek Community Council’s input. Rita Lund said their main concern was the crossing on Highland Drive. Miller said staff added the “3900 S. Highland Drive to 2300 slurry seal (shared with Holladay)” line item. Mayor Silvestrini asked if that included the painting of bike lanes. Miller said no, that would be done with an overlay and not a slurry seal. He said there may be future funding to do that. Rita Lund said the construction on 3900 S. would start the following week. Council Member Marchant asked about the torn-up road on Millcreek Way. Mayor Silvestrini said temporary repairs would be done in the winter until better patches could be done when the weather warmed up.

3. Update on City Hall/Millcreek Common Progress; Branding

Mike Winder said staff had been working on the branding for Millcreek Common with Anchor & Alpine. Francis Lilly presented drafts of logos for Millcreek Common. Winder said the draft architectural programming document was provided to staff from MHTN, Inc. Mayor Silvestrini said department directors had been working on a wish list for departmental needs and broad space concepts for the future City Hall. The draft plan would assist the Council in making a decision as it was looking for city hall to be part of a mixed use building with commercial and shared parking. He said the document would be made public when it was no longer a draft. Winder said staff was working on community outreach. Mayor Silvestrini said staff was doing a survey of other city halls and those construction costs. Winder said there would be savings with a shared parking structure. Mayor Silvestrini pointed out that the parking would be for the park too, so there might not be cost savings. Council Member Jackson asked about police precincts being included in the other cities’ city hall expenses. Mayor Silvestrini said that Millcreek residents were paying for Millcreek Precinct’s rented space already.

4. Bus Bench Discussion and Direction; Kurt Hansen, Legislative Policy Director

Mayor Silvestrini said the issue of bus benches with advertisements was something the Council had wrestled with since incorporation and the business had been around for a very long time. There are concerns about the content of advertising in the City’s right-of-way. Kurt Hansen said there were two businesses operating in the City: Artistic Promotions with 16 benches on private and public property and Imaginos with 15-20 benches all on private property. Hansen said the Council last reviewed the issue in September 2020. At that time, the Council had discussed adopting a bus bench and advertising code, requiring affidavits for the bench owner to use public property if they could not get permission from a property owner, franchise agreements, requiring trashcans or not allowing them, adding shelter specifications

or not, and phasing out benches and replacing them with shelters. He presented the Council with three possible choices going forward: grant a grace period and phase the private advertisers out over time, the City writes a code regulating bus benches which would open the door for others who met code and do nothing and only cite the owners for maintenance violations.

Council Member Marchant said the primary motivator of action should be the convenience and safety of residents. Council Member Jackson asked about maintenance issues with the benches. Mayor Silvestrini said a bench had been removed by city staff because it was unsafe. Council Member Uipi asked for input from the City's code enforcement personnel. Mayor Silvestrini said the Council could seek public input. Council Member Catten asked about phasing benches out and if the City would install its own benches. Mayor Silvestrini said the County preferred bus stop shelters. Council Member Jackson asked if the two businesses had been presented with the problems and asked for their solution. Hansen said no. Council Member Jackson asked if the City could phase out the benches on private property. John Brems said the benches were signs masquerading as benches. The ones in the public right-of-way were not paying for the use of the property. Council Member Jackson asked who maintained the garbage cans by the bench. Hansen did not know. Mayor Silvestrini pointed out that the City could not regulate content of the advertising due to the First Amendment. He said the ones on private property should have to comply with the City's sign ordinance. Council Member Uipi wanted to have a discussion with UTA, have something in ordinance, and talk to the two businesses. Mayor Silvestrini asked if UTA had a transit riders association to ask for their input or get the public's input. Council Member Jackson asked if UTA benches had advertising. Council Member Uipi said the shelters had advertising. John Brems said the kiosks met established standards. Mayor Silvestrini asked for public engagement.

5. Emergency Cache Discussion and Direction; Kurt Hansen, Legislative Policy Director

Kurt Hansen said staff had written an ordinance for emergency caches (an available store of evacuation and trauma supplies) for new construction multi-family developments in preparation for a future natural disaster. He said it would be based on unit or bedroom count, 50 or 100. Hansen presented a list of cache components and reviewed the proposed property owners' maintenance requirements. Council Member Marchant asked about the City doing an annual inspection. Council Member Catten asked who would have access to it. Hansen said the property manager. Mayor Silvestrini said the cache components could be based on ratios. He felt that there may be resistance from developers. Council Member Jackson pointed out that brand names should not be included in the cache components.

6. Staff Reports

There were none.

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

There were none.

Council Member Uipi moved to adjourn the work meeting at 6:34 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: 7:00 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

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

1.2 Public Comment

Elyse Sullivan read an online public comment received from the City's website from Linda Clawson, 2258 E. Gregson Avenue. *"In reading the Public Works' recommended projects from their wish list I notice that not one of the nine provides improvement west of 700 East. Are there no improvement projects needed in the western part of Millcreek City? Does this area have equitable representation? It seems like most benefits are afforded to the east area of our city."*

Mayor Silvestrini read his reply email to Linda Clawson. *"Hi Linda: Thanks for reaching out. The story mentions projects online for this fiscal year for which we already have funding. Among those is resurfacing 3900 S from 700E to 900W or the Jordan River. Also, this past year Millcreek redid Main St. and added sidewalks and bike lanes, built a new storm sewer on Central Avenue, did work to 300 East and spent about \$400,000 on Futsal Courts, community garden boxes, and lighting at Sunnyvale Park on 700 W. Our west side is not being neglected. In fact it may be a year for the rest of our city to catch up. Thanks for your concern for our west Millcreek residents. Jeff"*

Elyse Sullivan read an online public comment received from the City's website from Katie Bradford, 2695 E. 2940 S. *"I would just like to add my support to the traffic calming measure on 2700 E. We live on the corner of 2700 and 2940 S, and we have seen a huge increase in the traffic (and speed of the traffic) over the past few years. There are many families with small children along this road (ourselves included), and we'd like it to feel safer and more family friendly again. Thanks for considering our input!"*

Mayor Silvestrini said the City had invested in additional speed signs and law enforcement for 2700 E.

1.3 State of the City Address; Mayor Jeff Silvestrini

Mayor Jeff Silvestrini said the year 2020 included a lot of events, pandemic, earthquake, civil unrest, wildfires, and a windstorm. He said the Millcreek community grieved for the four skiers who lost their lives over the weekend during an avalanche. He recognized the first responders who tended to the event. He likened the community to fabric and the threads of the fabric being its people. He recognized Millcreek resident volunteers, police officers, firefighters, paramedics, healthcare workers, teachers, and city staff.

The Mayor recognized Pepa Tafui and his family who volunteered their time nearly every week, distributing food from the Utah Food Bank at the distribution center on 1100 East. Eagle Scout Anton Goodick built a food pantry at Mill Creek Elementary, stocked it with food donations and raised more than \$8,000 in cash to supply food to kids and their families at both Mill Creek and Moss Elementary. Nate Gibby organized "Canyon Rim

Cares” which conducted a socially distanced volunteer effort to collect food, clothing, and hygiene kits and raise money for the Millcreek Promise Program to provide underprivileged kids and families with internet for school and work. Russ Booth and Mark Mumford each completed four years of volunteer service as Planning Commissioners, dedicating hundreds of hours to the planning of the future environment. Mount Olympus Community Council Chair David Baird kept his neighborhood informed and prepared in the event an evacuation was required in response to the Neff’s Canyon wildfire. He worked with the City, the Forest Service, Unified Fire, and police to ensure everyone was informed, was able to create defensible space if the fire had spread, and ready for an orderly evacuation if that had been required.

The Mayor then recognized select city staff: Brandon Johnson, Andrew Clark, and Aaron Roberts who responded to disasters and provided relief; Jana Stratford who fielded incoming calls and residents in the front office; and Josie Showalter and Alexander Wendt who helped Millcreek’s businesses survive the pandemic.

The Mayor recognized Michael Lasko, Millcreek resident, as Volunteer of the Year. Lasko produced maps, located storm sewers, and plotted infrastructure in a professional engineering capacity for the City. After last fall’s windstorm, Lasko organized his neighborhood and gave the City maps of the worst damage, suggesting locations for waste trailers so the neighborhood could clean up their fallen trees. He and his family later hauled load after load of green waste to the City’s collection site on Wasatch Blvd. Lasko informed the Mayor that the emergency response network in his neighborhood was activated, he organized the cleanup efforts, kept in communication with the City, and helped residents clean up yards. Mayor Silvestrini said he was proud of and grateful for Lasko. The Mayor presented Lasko with a plaque for his exemplary volunteer service to Millcreek. Michael Lasko thanked the Mayor and Council for their work. He said he was humbled for the award since so many people helped out during that event. He said Millcreek had a rich heritage and legacy.

Mayor Silvestrini said that City Hall had stayed open every day during the pandemic. Most employees have been able to work from home or their work trucks. Staff had shortened the business license process by a week and were ahead of schedule on issuing building permits. The Economic Development Department disbursed \$1.35 million in CARES Act funding to 135 Millcreek businesses through a grant program and assisted 98 others to obtain business grants from the County. Through the Millcreek Promise Program, grants were obtained to fund internet service and rental assistance to residents. The Program shifted to a virtual learning platform for volunteer tutors at Mill Creek Elementary. The City has assisted with that food pantry and cooperated with homelessness agencies to open an over-flow shelter on 900 E. He announced that a number of capital improvement projects had been completed: resurfaced and added bike lanes on Main street, constructed a storm sewer on Central Avenue to alleviate a flooding problem, resurfaced sections of 1300 E., installed improvements at Sunnyvale Park, and completed utility work in anticipation of the reconstruction of the east side of 3900 S. There are plans to resurface Highland Drive from 3900 S. to 3300 S. during the coming year. Sidewalks will be completed on 3300 S. and 700 E. Construction on the Mountaire streetscape was underway. The Mayor said the City had acquired all the property needed for Millcreek Common without condemnation. He anticipated opening the ice ribbon in

the City Center by Thanksgiving. There would be construction of the new fire Station 112 on Jupiter Drive.

Mayor Silvestrini reported that the City was financially healthy. When the pandemic hit, staff tightened the FY 2020-21 budget and planned on a 20% reduction in sales tax, but sales tax revenue had gone up 116% from the prior year. The City has been able to add \$1.7 million into the Capital Improvement Project Fund for the next fiscal year and increase the General Fund balance to 23.9% of the allowable 25%. Millcreek carried a \$10 million inherited revolving debt to pay for law enforcement and was able to retire that debt. Staff has continued to update ordinances and address concerns of Millcreek residents. They were currently working on an accessory dwelling unit ordinance, revisions to the commercial code, and an Urban Forestry Standard. There has been new capital investment in the City, the construction of the Front Climbing Gym on Main Street and a new medical tower at St. Mark's Hospital. Staff had licensed 100 new businesses last year. The Millcreek Business Council, a volunteer organization, had assisted residents in various ways. Millcreek became a Monarch City and was giving away milkweed seeds to support the monarchs. Millcreek had completed two annexations; a boundary adjustment in the city center area with Salt Lake City, and at the request of residents, an area north of Van Winkle Expressway between 900 E. and 1300 E. Millcreek has also started to work on a new community reinvestment area with property including and surrounding St. Mark's Hospital.

Mayor Silvestrini said he was happy to be the mayor of a city making so much progress. He thanked the Council and community councils for their assistance.

1.4 Legislative Update; Capstone Strategies, LLC

Mayor Silvestrini said Capstone was the City's contracted lobbyists. Ashley Mirabelli said she sends the Council a list of bills and they review the legislation and offer feedback. They were tracking about 30-35 bills for Millcreek.

H.B. 82 Single-family Housing Modifications. Mirabelli said the bill was heard and passed through a second hearing in House committee. It allows internal accessory dwelling units (ADU) within the footprint of a home in single-family zones. The ADU must be owner-occupied and restricts short term rentals. She said city governments cannot restrict certain things, but can regulate off street parking, that the home maintains its use and look, and for the owner to obtain a permit or license for rentals. The Utah League of Cities and Towns (ULCT) is neutral on the bill. The bill is on its third substitution. David Spatafore said an ADU bill would pass during the session and each city could take care of itself. Mayor Silvestrini said Millcreek residents were concerned about on-street parking, so the requirement for at least one parking space for the ADU was a positive thing as was owner-occupancy and long-term rentals. Mike Winder said city staff had a conversation with Representative Ward, the bill's sponsor, on Millcreek's stand on ADUs.

H.B. 248 Mental Health Support Program for First Responders. David Spatafore said the bill went through House committee and it asked for \$1 million in appropriations.

S.B. 61 Outdoor Advertising Amendments. Spatafore said the bill went through committee but was still being negotiated. It would allow for the conversion of regular billboards to digital billboards though lobbyists were trying to negotiate reducing the lumens and number of turns of the billboard in residential areas. The billboard companies argue that if a city allows electronic on-premises signs, it would be discriminatory to not allow electronic off-premises signs. If a city does not allow for electronic on-premises signs, then regular billboards could not be converted. Mayor Silvestrini said the digital billboard legislation sponsor said billboard size was not an issue.

H.B. 244 First Class County Highway Road Funds Amendments. Spatafore said the first substitute allows for appropriations so Millcreek would get \$400,000 per year for the next 15 years. He would try and get \$1 million more.

Mayor Silvestrini asked about H.B. 98 Local Government Building Regulation Amendments. Spatafore said there were a lot of negotiations going on. The original bill said builders would be allowed to have their own inspectors because sometimes there were delays with city inspections.

2. Planning Matters

2.1 First Reading:

a. ZM-20-011, Rezone Request from R-2-10 to R-1-21 for Property Located at 1411 E. Elm Leaf Cove; Erin O'Kelley, Planner

Erin O'Kelley said the applicant was requesting a rezone for the purpose of allowing horses on the property. The property is over an acre, so a maximum of four horses would be allowed though the applicant's intent was to have only one or two horses. The property is at the end of a private lane with a single-family house and accessory structures. The applicant would construct a structure for the horses. The residences on the private drive are zoned R-2-10, single-family. The General Plan designates the area as Neighborhood 2. The rezone would be considered downzoning. A neighborhood meeting was held in December 2020 and three residents supported the rezone and one expressed concern about the smell and upkeep of horses on the property. The Millcreek Community Council and Planning Commission recommended approval of the rezone. The Planning Commission's discussion on the application was about regulations for horses on the property and they were dissatisfied by the lack of regulation in code. Staff did not recommend a development agreement.

2.2 Discussion and Consideration of Ordinance 21-02, Rezoning Property Located at Approximately 4396 South Garden Drive from the R-1-10 Zone to the R-1-5 Zone

Mayor Silvestrini said the Council already had first reading of the item. Samah Safiullah said the rezone would be accompanied by a development agreement. Mayor Silvestrini said the City would be regulating the height of building, the pitch of the roof, and limiting development to only single-family dwellings.

Mayor Silvestrini asked for comment from the applicant. There was no comment. Mayor Silvestrini asked for public comment. There was no public comment.

Council Member Jackson moved to adopt Ordinance 21-02 subject to a development agreement rezoning property located at approximately 4396 South Garden Drive. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 21-04, Approving a Development Agreement with Respect to Approximately .40 Acres of Real Property Located at Approximately 4396 Garden Drive

Council Member Uipi moved to approve item 2.3, Ordinance 21-04. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.4 Discussion and Consideration of Ordinance 21-05, Approving a Development Agreement for Opus Green for Property Located at or Near 4186 S. Main Street

Francis Lilly said the development agreement was similar to the one the Council approved the prior year. At that time, the Council discussed recrafting the agreement for 150 units in the three-acre park with the bridge to allow the developer time to sell units until after a period of approximately 10-11 years to ride the benefits of the opportunity zone. The Council gave verbal direction to staff to pursue that plan. This agreement effects that minor change. It also allows for a longer timeline for the City to take possession of the park so the developer would construct and maintain it for a period, and it allowed the neighboring property owner to be able to obtain an on-premises alcohol license which would be a problem if the City owned the park too soon. The bond for the warranty of all the required improvements in the park would be triggered upon the City taking possession of the park.

Council Member Catten asked about the alcohol license. Lilly said The Front Climbing Gym had a two-phased development plan with phase two to the south of the gym being developed into a market site for a microbrewery or restaurant with a liquor license.

Mayor Silvestrini asked for public comment. There was no comment.

Council Member Catten moved to approve Ordinance 21-05, approving a development agreement for Opus Green property. 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 21-06, Adopting the Millcreek City Center Urban Forestry Standard as an Element of the Millcreek Together General Plan

Francis Lilly said there were no updates from the last meeting. He said the plan was contemplated in Millcreek Code, the City Center Overlay Zone, and this would enforce that standard.

Mayor Silvestrini asked for public comment. There was no comment.

Council Member Uipi moved to approve item 2.5, Ordinance 21-06. 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 Salt Lake County was in the process of amending their animal control ordinance and Millcreek had that ordinance adopted by reference. The new ordinance would require dogs to be on leash everywhere. The practice in Millcreek was that dogs could be off leash in undeveloped land on the east bench. He expressed that he did not want to change that. He said there was once a long ordinance process on domestic fowl and the new ordinance would repeal a lot of that code. He felt the ordinance worked well in Millcreek and he would like to keep that ordinance at status quo. Council Member Uipi said the domestic fowl ordinance took about 2.5 years to get adopted. The Council said if the public wanted to revisit the ordinance, the City could change it.

Mayor Silvestrini said there was a pending settlement agreement with Scott Brown for \$10,000 plus the cost of a building permit for an accessory structure. Johns Brems asked the Council if there were any objections to it. The Council members said no.

3.2 City Council Member Reports

Council Member Uipi said the East Mill Creek and Mt. Olympus Community Councils met the prior week. She was attending a meeting with Sheriff Rivera the following week and with the Municipal Association of Councils the following day.

3.3 Staff Reports

There were none.

4. Consent Agenda

- 4.1 Approval of November 23, 2020 Work Meeting and Regular Meeting Minutes
- 4.2 Approval of December 14, 2020 Work Meeting and Regular Meeting Minutes
- 4.3 Approval of January 19, 2021 Special Meeting Minutes

Council Member Uipi moved to approve item 4-1 through 4-3. Council Member Catten 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., 2/17/21, 5:00 p.m. at City Hall
- City Council Mtg., 2/22/21, 5:00 p.m. at City Hall

ADJOURNED: Council Member Uipi moved to adjourn the regular meeting at 8:27 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder

DRAFT