



**Minutes of the
Millcreek City Council
May 10, 2021
6:15 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 10, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was partially conducted electronically 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, left at 7:50 p.m.)

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
John Miller, City Engineer (electronic)
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Mike Winder, Assistant City Manager
Laurie Johnson, HR-Finance Director (electronic)
Andrew Clark, Emergency Manager

Attendees: Ben Damstedt, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 6:15 p.m.

TIME COMMENCED – 6:16 p.m.

Mayor Silvestrini called the work meeting to order. He said people would no longer be required to wear masks at City Hall in June.

1. Discussion of American Rescue Plan Act Funds and Potential Hiring of a DC Lobbyist Firm

Mayor Silvestrini said he could not get clarity about Millcreek's entitlement to direct funding from the U. S. Treasury as an entitlement city/metropolitan city. He said HUD (the United States Department of Housing and Urban Development) had recognized Millcreek as an entitlement city for the purposes of community development block grant funding, but not the Treasury. The difference is the timing of the funding, direct deposit, and the amount. He said he sent a letter to the Treasury requesting that clarification. He has previously had discussions with legislative aides to Senator Romney and Congressman Owens asking for help. He said he had been in contact with a D.C. lobby firm. He felt it was worth considering hiring one as a personal service. He asked if the Council had interest. The Council expressed interest. Mayor Silvestrini said he would do research on firms.

2. Discussion of Potential American Rescue Plan Act Funds Application: Sunnyvale Neighborhood Center; Irrigation for Canyon Rim Park; Purchase of Land for Millcreek Common Phase II; and Thoughts

Mayor Silvestrini said he has been discussing entitlement cities with the Utah League of Cities and Towns (ULCT) and Millcreek was on their list as one. He said Millcreek's allocation for American Rescue Plan Act funding was \$7,929,650 and he wanted to fit certain expenditures within the confines of what the regulations provided. The Mayor said he spoke with Peter Frost, who works at Sunnyvale Neighborhood Center and runs the elementary education after school program, who said because of the pandemic their funding had been cut by about \$100,000 and they could not continue the program without that revenue. The Mayor said he told Frost that he would see what he could do. He proposed to the Council that Millcreek fund the program \$100,000 for two years until the revenue could be replaced. Staff would hire a consultant to conduct a study to see if the contribution was reasonable for the City. Council Member Catten brought up the categories the funding would need to fit under. Mike Winder said the five categories were: 1) support public health expenditures; 2) address negative economic impacts caused by the public health emergency; 3) replace lost public sector revenue; 4) provide premium pay for essential workers; and 5) invest in water, sewer, and broadband infrastructure. Mayor Silvestrini said the ULCT would be hosting a seminar about it on May 20th that he planned to attend. Rita Lund said the FLAP (Federal Lands Access Program) grant group met that day and it was discussed that two lanes of egress were needed out of Millcreek Canyon and Millcreek could help fund the relocation of the toll booth. Mayor Silvestrini said the pandemic relief Millcreek has already done had been through the Promise Program with rental and internet assistance.

3. Update on Millcreek Common Construction

Mike Winder said Rocky Mountain Power would be burying powerlines soon because it needed to be done before the ice ribbon construction could proceed. He said a pizza business, water fountain, and ice skate rental building were under construction. Council Member Marchant asked about the pile of dirt on the south corner. Winder said it was part of the construction on Villa Vista and would be hauled out. He said Plowgian Auto was thrilled about their new building. Mayor Silvestrini said the Mountair streetscape was finishing up. He had gotten complaints about parking on Mountair Drive. Council Member Catten suggested providing internet infrastructure in Millcreek Common. Winder said staff was looking into that. Mayor Silvestrini said the power poles on the Mountair streetscape would be removed as well.

4. Staff Reports

Rita Lund said Jordan Hatch and the Youth Council delivered goodie bags to all teachers and staff at the three high schools for Teacher Appreciation Week. Mayor Silvestrini said the youth worked with the Holladay Chamber of Commerce and the Millcreek Business Council. He said the teachers and administration were appreciative.

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

Mayor Silvestrini said he received a letter from the Utah Department of Transportation. In the last Legislative session, H.B. 244 would provide Millcreek \$7 million in funding for roads. The letter from the State said the State would issue bonds and advance money so the City could execute a project earlier. John Miller said it would be good to have a strategy meeting to

discuss future projects. The Mayor said Representative Curtis had put in an earmark request for improvements at Neff's trailhead. Mayor Silvestrini said he met with the principal at Mill Creek Elementary and she would help introduce the new principal there to the Promise Program.

Mike Winder said he was working on a timeline for printed newsletters to make the process smoother.

Council Member Jackson moved to adjourn the work meeting at 6:57 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: 7:05 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

Ben Damstedt, 3196 E. Millcreek Canyon Road, offered his support for participation in the Community Renewable Energy Program. He said now was the time to act and by Millcreek being an anchor community it would help the program move forward. He pointed out that each community member would be able to opt out of the program if they wanted to. Mayor Silvestrini thanked him and his wife for their donation (\$25,000) for Millcreek to be able to become an anchor community.

Council Member Catten moved to reorder the agenda to hear item 2.7 next. Council Member Marchant seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

2. Business Matters

2.7 Discussion and Consideration of Resolution 21-17, Adopting the 2021 Millcreek Community Wildfire Preparedness Plan

Andrew Clark said the importance of the plan was to empower and motivate communities to organize, plan, and take action on issues impacting community safety; enhance levels of fire resilience and protection to the community and infrastructure; identify the risks of wildland/urban interface fires in the area; and identify strategies to reduce the risks to homes and businesses in the community during a wildfire. He noted two fires that occurred last year, Millcreek Crestwood Fire (approx. 15 acres from arcing powerline) and Neff's Canyon Fire (approx. 80 acres from lightning). He said the plan highlighted past accomplishments and future goals in the areas of prevention, preparedness, mitigation, and maintenance. He said the plan would be good for five years once adopted. Mayor Silvestrini said having this plan adopted was one of the requirements of State reimbursement for wildland firefighting. He thanked Clark for his initiative for the plan.

Council Member Jackson moved to approve Resolution 21-17, Adopting the 2021 Millcreek Community Wildfire Preparedness Plan. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.1 Discussion and Consideration of Resolution 21-11, A Resolution of the City Council of Millcreek, Utah (the “Issuer”), Authorizing the Issuance and Sale of Not More Than \$39,000,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2021; Fixing the Maximum Aggregate Principal Amount of the Bonds, The Maximum Number of Years Over Which the Bonds May Mature, The Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Delegating to Certain Officers of the Issuer the Authority to Approve the Final Terms and Provisions of the Bonds within the Parameters Set Forth Herein; Providing for the Publication of a Notice of Public Hearing and Bonds to Be Issued; Providing for the Running of a Contest Period and Setting of a Public Hearing Date; Authorizing and Approving the Execution of an Indenture, a Preliminary Official Statement, an Official Statement, a Bond Purchase Agreement, and Other Documents Required in Connection Therewith; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution; and Related Matters

Mayor Silvestrini said the parameters resolution would authorize the City to begin the process of issuing \$39 million worth of sales tax revenue bonds. Sales tax revenue bonds are a financing tool available to the City, a loan to the City from bond holders who buy the bonds on the market as municipal tax-free bonds. The City can borrow this money and secure the loan with sales tax the City collects. The City will not pledge more than 80% of sales tax revenue towards this kind of debt. The ratio of debt to the amount of sales tax collected is important for tax ratings. He said staff compared the debt to other surrounding cities and Millcreek would be well positioned relative to them. He said Millcreek could afford it and could do so without raising taxes. The funding would help fund a new city hall because the lease in the current space was expiring soon. The interest rate was currently unknown, but he anticipated it to be low. He said the City needed to get another bond rating for this bond. The resolution sets the limits on the amount of borrowing and the interest rate and establishes that there will be a public hearing on the matter on June 14th.

Council Member Marchant moved to approve Resolution 21-11 authorizing the issuance and sale of bonds as discussed and the authority to approve the final terms and provisions of the bonds and the parameters set in the paragraph. He said this was the right thing to do and the payback would not affect taxpayers. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Resolution 21-12, Approving a Contract for Architectural and Engineering Design Services for the New Millcreek City Hall with MHTN Architects

Mayor Silvestrini said he amended the resolution and presented an alternative to the Council. He said MHTN did the programming for the City Hall. He said there were seven different proposers for the city hall programming and MHTN was the best. Given the amount of work they had already accomplished, economies would be achieved by hiring

them to continue as the architects. Mike Winder said their fees were based on the same procurement formula the State of Utah uses.

Council Member Jackson moved to adopt Resolution 21-12 as amended, approving a contract with MHTN. 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 Resolution 21-13, Approving an Interlocal Cooperation Agreement Among Public Entities Regarding the Community Renewable Energy Program

Mayor Silvestrini said the proposal was for Millcreek to join the 100 Communities program as an anchor community. The City has received a donation of \$25,000 to pay for that anchor city contribution. The City's liability under the agreement would then be about \$18,000 for the upcoming fiscal year. There would be another payment during the next fiscal year if Millcreek continued with the program. Council Member Jackson asked if Millcreek became an anchor community if that status could change the next year. Mayor Silvestrini said yes, the Council would be able to change from an anchor community to a regular one or could opt to leave the program.

Council Member Uipi moved to approve item 2.3, approving the interlocal cooperation agreement among public entities regarding the Community Renewable Energy Program. She thanked the Damstedts for their generous donation. Council Member Catten seconded.

Council Member Marchant said in August 2019 the Council reviewed the program and since then the Council had heard from professionals regarding the impact of the program. He said renewable energy had a lot of benefits and the program only included power through Rocky Mountain Power, that did not include other modes of power or renewable energy. This program was not the first step Millcreek residents had made towards renewable energy. He appreciated the donation from the Damstedts. He said Rocky Mountain Power would do the program because it would make and save them money. He asked why the deadline was important. He said the program would cost rate payers more money. The program would not change the air quality in the valley or impact the direct health of Millcreek residents. He said he could not support raising rates that did not directly benefit the residents.

Council Member Jackson agreed with Council Member Marchant's comments. She said PacifiCorp's long-range plan was working towards renewable energy, so she was encouraged by that but discouraged by the misinformation about the program. She said it would be a net program and it would not change the power grid in the valley. She was hesitant committing Millcreek to something that residents may not benefit from and may actually be financially impacted by. She said there were a lot of unknowns about the program, so she hesitated spending money on it because that implied commitment and obligation on Millcreek that she did not want. Council Member Uipi agreed with the unknown factors. She said she was willing to move forward with being an anchor city and requested continual updates from conversations about the program. Council Member Catten said she had concerns though she was supportive of moving forward because the City could back out later.

Mayor Silvestrini appreciated the Councils' comments. He said if it was not a good deal for Millcreek residents, the Council could opt out, but the Council would not know unless they went through the process. He recognized that renewable energy would not improve the air quality in the valley but there was an issue with protecting the climate. He said the process would keep Rocky Mountain Power honest because outside professionals would be involved. He said he and John Brems had been part of the process so as to help control the process.

The Recorder called for the vote. Council Members Uipi and Catten and Mayor Silvestrini voted yes. Council Members Marchant and Jackson voted no. The motion passed.

Council Member Jackson asked if Millcreek would have influence over who was hired as the consultant. Mayor Silvestrini said yes, as an anchor community Millcreek would get a bigger vote. Council Member Jackson encouraged that the hired consultant be an energy grid expert who understood how everything worked.

2.4 Discussion and Consideration of Resolution 21-14, Approving an Interlocal Cooperative Agreement with Salt Lake County with Respect to Aerial Photography
John Miller said the resolution was for the City to get useable aerial photography and it was a great tool for staff. He pointed out that a fee was waived due to a delay in receiving imagery in 2020.

Mayor Silvestrini announced that Council Member Uipi was excused from the remainder of the meeting.

Council Member Marchant moved to approve Resolution 21-14, Approving an Interlocal Cooperative Agreement with Salt Lake County with Respect to Aerial Photography. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.5 Discussion and Consideration of Resolution 21-15, Approving an Interlocal Cooperative Agreement with Salt Lake County for Public Works Services
John Miller said roadwork, snow plowing, and public works services came from this contract. He said there was a slight increase in cost from last year, but it was still under \$5 million.

Council Member Catten moved to approve Resolution 21-15, Approving an Interlocal Cooperative Agreement with Salt Lake County for Public Works Services. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.6 Discussion and Consideration of Resolution 21-16, Ratifying, Confirming, and Approving a Construction Contract for the Sunnyvale Park Improvements, Phase II
Kurt Hansen said the City put out a request for proposals for construction of phase II of Sunnyvale Park. The City received community development block grant funds from the County, which the City would match, for about \$150,000. He said the same contractor who completed the first phase would do the second phase and would begin construction the following week and be finished by the end of June. The improvements included

fencing around and irrigation to the community garden, more playground equipment, more lighting, more sidewalk, renovations to the pavilion, more trees, and bike racks.

Council Member Catten moved to approve Resolution 21-16, ratifying, confirming, and approving a construction contract for Phase II of Sunnyvale Park. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.8 Discussion and Consideration of Ordinance 21-18, Adopting Chapter 15.44 of the Millcreek Code Relating to the Maintenance of Property

Mayor Silvestrini said the Council had already had a first read of the item. Kurt Hansen said the ordinance enforced what the City's code enforcement officer could see from the public right-of-way. He said the proposed ordinance said the code would take immediate effect, but he recommended it take effect September 1, 2021. Mayor Silvestrini said the code would allow code enforcement officers to be able to enforce code on issues visible from a neighbor's yard with their permission.

Council Member Jackson moved to adopt Ordinance 21-18, Adopting Chapter 15.44 of the Millcreek Code Relating to the Maintenance of Property with the new effective date of September 1, 2021. Council Member Marchant 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 it was an honor to accompany the Youth Council when they presented teacher appreciation gifts at Skyline High School. He also reported that he attended the Mt. Olympus and East Mill Creek Community Council meetings.

3.2 City Council Member Reports

Council Member Catten announced the open house for the 900 E. reconstruction on May 13th at City Hall. There would also be a free walk-in vaccine clinic at Rancho Market, no appointment needed, on May 15th.

3.3 Staff Reports

There were none.

4. Consent Agenda

- 4.1 Approval of April 15, 2021 Special Work Meeting Minutes
- 4.2 Approval of April 26, 2021 Work Meeting and Regular Meeting Minutes
- 4.3 Approval of April 27, 2021 Special Meeting Minutes

Council Member Jackson moved to approve items 4.1, 4.2, and 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., 5/19/21, 5:00 p.m. at City Hall
- City Council Mtg., 5/24/21, 5:00 p.m. at City Hall

Council Member Jackson reminded the public that Venture Outdoors would start in June. Mayor Silvestrini said residents had asked him about when Highland Drive from 3900 S. to 3300 S. would be repaved. John Miller said in July.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:06 p.m. Council Member Marchant seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

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

Attest: _____
Elyse Sullivan, City Recorder

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