



**Minutes of the
Millcreek City Council
July 26, 2021
6:30 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 July 26, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was 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
Francis Lilly, Planning & Zoning Director
Mike Winder, Assistant City Manager
Laurie Johnson, HR-Finance Director
Rita Lund, Communications Director
Andrew Clark, Emergency Manager

Attendees: Taft Goodwin, Thom DeSirant, Marv Poulson, Angel Vice, Carol Elliott, Officer Juan Solorasmejjia, and Chief Steve DeBry.

WORK MEETING – 6:30 p.m.

TIME COMMENCED – 6:30 p.m.

Mayor Silvestrini called the work meeting to order.

1. Discussion Regarding Use of American Recovery Act Funds; Mayor Jeff Silvestrini

Mayor Silvestrini provided the Council a handout with recommendations on how to use American Recovery Act Funds amounting to \$3,964,825. He said Millcreek is an entitlement city, over 50,000 in population, and a formula was used to determine the amount received which included the percentage of population below certain income levels. He said the city should receive a like amount the next year. The funds need to be expended by 2024. He said Appendix 1 of the handout listed the expenditure categories the funds could be spent on. The last two pages of the handout involved a list of possible expenditures based on the guidelines put out by the Treasury Department. He said the Utah League of Cities and Towns (ULCT) has hired an attorney to help with the allocation of these funds. Millcreek paid \$7,000 to fund that position. The Utah Legislature was encouraging cities to use the funds to fund permanent things, not recurring programs that would depend on the money, and that would address things impacted by COVID-19. He said during the pandemic, there was a huge increase in outdoor recreation activities so putting money towards those uses worked. He said the Council already committed contributing \$100,000 to the Asian Association for next two years for the Sunnyvale Center

afterschool program. Laurie Johnson pointed out that no funds had yet been expended. Council Member Uipi asked if the ULCT position was permanent. Mayor Silvestrini did not know the term but anticipated a couple of years. Council Member Marchant asked if the Council's priorities could change. Mayor Silvestrini said yes, until the checks were cut. Mike Winder noted that the next installment was not guaranteed.

Mayor Silvestrini said Wasatch Front Waste and Recycling District and Unified Fire Authority (UFA) had requested funding. He said he was willing to pay Millcreek's share to UFA if the other Unified Fire Service Area members paid their shares. The proposed funding expenditures included \$150,000 to the Promise Program, \$2,258,236.16 for Millcreek Common parking structure, \$110,000 for City Hall employee premium pay, and \$1,200,000 for Millcreek Common Phase I. Council Member Catten asked if the Council expected the Promise Program to make up those funds. Mayor Silvestrini said they would work to sustain the Program with grant funding as a replacement. Council Member Marchant asked to see a plan for the use of the funds. Mayor Silvestrini said it was hard to come up with a plan without a budget. He said the Promise Program Manager had some good ideas and partnerships in the works. He said the City Hall employee premium pay was because the employees kept City Hall open during the pandemic though they were exposed to the coronavirus. Council Member Uipi said the employees deserved it. Mayor Silvestrini said the Millcreek Common Phase I and the Millcreek Common parking structure items were nuanced. He said the State had matching grant programs for cities expanding recreational opportunities and/or providing more housing; one administered by the Governor's Office of Planning and Budget and one by the Governor's Office of Economic Development. Council Member Uipi asked if there would be time limited employees involved with the Promise Program. Winder said it had not yet been determined.

Council Member Catten asked if Millcreek was responsible for the reporting of the fund expenditures. Mayor Silvestrini said the ULCT would help with the reporting, but Laurie Johnson would be doing it. Johnson said there was a portal to use for it. The categories used in the handout were based on what would be in the report. The report included the obligated funds not yet spent. Mayor Silvestrini proposed that the expenditures he went over be included in the next budget amendment.

2. Staff Reports

There were none.

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

There was none.

Council Member Uipi moved to adjourn the work meeting at 7:01 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 then led the pledge of allegiance.

1.2 Public Comment

Marv Poulson, 3631 Carolyn Street, gave a handout to the Council and said he wanted to give an idea of good public policy. He gave an example from Governor Scott Matheson. He said Governor Matheson always asked a question at the beginning and end of any public policy decision discussion, “is this good public policy?” He proposed 4 questions to the Council: 1) Does the Millcreek City Council and city staff have a responsibility to defend established city zoning ordinances? 2) Is it good public policy for the city staff and City Council to ignore defending established city zoning ordinances? 3) What should the criteria be for making changes to existing city ordinances using the good public policy test as a beginning point? 4) Is it good public policy to preemptively change city zoning ordinances to specifically pander to the singular corporate financial interests that offers no tangible benefit to Millcreek citizens? He said as the Council addressed changes to existing ordinances and asked if it was good public policy. He said his comment was an introduction to billboards.

Angel Vice, 3610 Carolyn Street, said after speaking with Aimee McConkie, Millcreek Common Director, about using digital billboards for event advertising, she proposed the Council look at NFCs (near field communication) for advertising. She said there could be an app advertising events. She asked about the timeline for allowing digital billboards in the City Center (proposed ordinance change). Mayor Silvestrini said nothing had been determined yet, but it would be noticed accordingly.

1.3 Millcreek Precinct Officer of the Month for June 2021

Chief Steve DeBry announced as Officer Juan Solorasmejia of the Month for June 2021. Officer Solorasmejia evacuated an entire apartment building during a fire before UFA responded. The Citizens Advisory Board presented Officer Solorasmejia with a gift. Mayor Silvestrini commended him for his work.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 21-31, Amending Title 19 of the Millcreek Ordinance to Enact Chapter 19.73A, Entitled “City Center Overlay – Development Agreement Zone

Mayor Silvestrini said the Council had a first reading of the item at their last meeting. Francis Lilly said the ordinance established a process or framework for architects and developers through a collaborative process to discuss potential alternatives to the standard application of the City Center Overlay Zone. The ordinance imposes guardrails so that it is not a free-for-all. There would be a limit on overall height and maximum 10% tolerance on numerical standards. He said the Council could say no to any application, but the ordinance provided a process for questions to be asked. He said Council Member Jackson had asked about widening the mailed notice to 600 feet at the last meeting. He said the purpose of the notice was to inform residents who may be directly affected or impacted by a project and that increasing the radius would pick up some property owners 1,000 feet away from the project and therefore would not be prudent. He said the application process included a joint Council and Planning Commission meeting before an

application could be made, so he felt the process included robust public input. The application should fulfill the goals of the City Center Master Plan. Council Member Jackson thanked Lilly for looking at the noticing standard. Council Member Marchant appreciated that noticing would not be subjective.

Mayor Silvestrini asked for public comment. There were no comments.

Council Member Marchant moved to approve Ordinance 21-31, Amending Title 19 of the Millcreek Ordinance to Enact Chapter 19.73A, Entitled “City Center Overlay – Development Agreement Zone. Council Member Catten seconded. Council Member Jackson appreciated the guardrails and the application process. Mayor Silvestrini said the reason for the ordinance was related to the proposed construction of City Hall and the setback considerations from Millcreek Common which already included the setback from the fault line. The ordinance included a sunset provision of three years. **The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

2.2 Discussion and Consideration of Resolution 21-32, Approving Amended Rules of Order and Procedure for the Millcreek Planning Commission

Mayor Silvestrini said the principal change would be to allow the Planning Commission to conduct electronic meetings subject to the parameters within state code. Francis Lilly said the Commission included the word “regularly” scheduled meetings to Section 6. Attendance. He said the Planning Commission approves the bylaws and the Council adopts them, and the Commission approved them at their meeting on July 21st. Mayor Silvestrini asked if the Mayor, Commission Chair, and supporting staff needed to be noticed for resignations in Section 9. The Council decided not to amend the rules of order and procedure. Lilly said the old rules were written under the assumption that the County staff would be the supporting staff. Council Member Jackson asked about the alternate commissioners. Mayor Silvestrini said there was previously an issue with the participation of alternates in Commission meetings, so the Commission was expanded from 7 to 9 members. Mayor Silvestrini said all references to alternates would be removed with the proposal.

Council Member Jackson moved to adopt Resolution 21-32, Approving Amended Rules of Order and Procedure for the Millcreek Planning Commission. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Business Matters

3.1 Discussion and Consideration of Resolution 21-33, Approving an Agreement with Salt Lake Legal Defenders to Provide Court Indigent Defense Services

Mayor Silvestrini said the resolution was a renewal of the existing agreement with no change to the rate.

Council Member Uipi moved to approve item 3.1, Resolution 21-33. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini said he had been working with the ULCT on ARPA funding. He had not received any calls on fireworks related fires over the Pioneer Day holiday. He said staff was working hard. He reported that the contractor on the 3900 S. construction asked for an extension on the project. The repaving of a section of Highland Drive had been completed. There would be more slurry seal and pavement preservation in the coming year due to a lack of snow fall during the winter. He said there was a successful workshop to discuss the new city hall.

4.2 City Council Member Reports

Council Member Jackson said there was a good 3300 S. envisioning workshop. Mayor Silvestrini said Millcreek received a joint planning grant with South Salt Lake City on the project.

4.3 Staff Reports

Rita Lund requested newsletter articles for the next printed newsletter going out in September. Mayor Silvestrini said there was discussion with staff on allowing candidates to be able to submit a bio upon declaring for candidacy. Council Member Catten asked about the city hosting a candidate forum. Mayor Silvestrini said the city would not do one. He said the Recorder sent out an email to employees about proper political involvement during campaign/election season. Council Member Marchant recommended putting election information in the electronic newsletter.

John Brems said there had been fines and penalties accruing, and people were not paying. He asked the Council how to collect; a lawsuit in small claims court or hire a collections agency. Council Member Jackson asked which one would be more likely to get results. Mayor Silvestrini explained the processes involved with both. Council Member Marchant asked where the fees were coming from. Brems said code violations. Council Member Marchant asked how many there were. Brems said not more than ten. Council Member Marchant said the point was enforcing code, not collecting fees. Brems said he checked with four cities: two use collection agencies and two use small claims court. Council Member Catten asked which was least expensive. Brems said a collection agency. The Council was in favor of small claims court.

Council Member Uipi requested background checks be performed on all volunteers working with children in the Promise Program.

Mike Winder said he was grateful for the Council adjusting ordinances as necessary as living documents. Mayor Silvestrini thanked the Council for striving to make good policy decisions with every decision. Council Member Uipi thanked residents for bringing perspectives to the Council.

4.4 Unified Fire Authority Report

There was no report.

4.5 Unified Police Department Report

Chief Steve DeBry recommended business license applicants who apply for child-related services get a background check. He then presented the June 2021 crime statistics to the Council. There were 3,424 calls for service, 1,031 total cases, 427 total citations, and 44 booking arrests. There were 33 assaults, 21 burglaries, 20 drug offenses, 92 family offenses, 113 larcenies, 2 robberies, 5 sex offenses, and 28 stolen vehicles. The UPD Special Operations/ Millcreek Traffic conducted speed/traffic enforcement at three locations in Millcreek on June 22nd where there were 81 total tickets/contacts. The Community Oriented Policing (COP) detectives partnered with Salt Lake County Health Department and cleaned up 3,840 pounds of transient encampment at 1326 E. 3300 S. He said the COP Unit had a booth at Venture Out! There were 76 illegal fireworks calls between July 3-6. He said the Precinct also participated in the 4th of July parade. Chief DeBry announced Night Out Against Crime on August 3rd. Rita Lund thanked him for the COP work on the homeless encampment.

5. New Items for Subsequent Consideration

There were none.

6. Calendar of Upcoming Events

- Mt. Olympus Community Council Mtg., 8/3/21, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 8/3/21, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 8/4/21, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 8/5/21, 6:30 p.m. TBD
- City Council Mtg., 8/9/21, 5:00 p.m. at City Hall

Council Member Marchant said he would miss the August 9th City Council meeting. Lilly said the Mt. Olympus Community Council was not meeting in August and the Millcreek Community Council would be meeting on August 10th instead of the 3rd.

ADJOURNED: Council Member Uipi 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