



**Minutes of the
Millcreek City Council
January 10, 2022
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 January 10, 2022 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
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Kurt Hansen, Facilities Director
Mike Winder, Assistant City Manager
Francis Lilly, Planning & Zoning Director
Rita Lund, Communications Director

Attendees: Senator Jani Iwamoto (electronic), Jacob Brace, Rick Hansen, Beth Hartung-Soria, Sally Beesley, Shane Smith, Spencer & Deanna Mears, Chris Jones, Georgie Yalanis, James Harrison, Hamlet Soria, Filia Uipi, Tyler Morris, and Chief Duane Woolsey.

WORK MEETING – 6:30 p.m.

TIME COMMENCED – 6:33 p.m.

Mayor Silvestrini called the work meeting to order.

1. Google Fiber Update; Jacob Brace, Government & Community Affairs Manager

Mayor Silvestrini said the City sent Google Fiber a letter voicing concerns about the messaging to residents about billing that was sent out for the fee the city charges for Google Fiber to use the public right-of-way and some issues about payment. He said Jacob Brace would address those concerns and give an update on the progress for laying fiber.

Jacob Brace said in fall of 2020 the city signed a licensing agreement with Google Fiber and in November 2021 they started serving customers. He said they were nearing the halfway point to completion for laying fiber in Millcreek. He projected completion of the network for June/July. All residents that had construction in front of their homes will have fiber eligibility services by the fall. He felt that installation and service, as well as response to residents' concerns, had been done quickly. There was a map of Millcreek online that showed where work was taking place. There was 220,000 linear feet of fiber left to lay in Millcreek. He noted that one crew could average over 2,400 linear feet cut in a day in the winter. The current obstacles were snow and planning around city projects. He reported that they only had 3-4 utility strikes. He noted that

they offered services at 1 gigabyte for \$70 and 2 gigabyte for \$200 and there was a 2% fee passed on to Millcreek for being in the right-of-way.

Mayor Silvestrini said when the construction company installs the fiber they make a temporary repair to the road, especially in cold weather, and another crew does the road restoration. Google's contractor is SCI who notifies residents of road work with barricades and door hangers. He said if residents were unsatisfied with the construction, they could contact the city. He thanked Brace for his relationship with the city. Council Member Jackson asked about different representations on the online map and Brace clarified. Council Member Jackson asked about Millcreek billing versus Salt Lake City billing since her bill said fees would go to Salt Lake City. Brace said existing customers received notices stating that fees were being paid to Salt Lake City. The billing system did not differentiate between the two cities since they share zip codes, but the situation would be remedied. Mayor Silvestrini said the Millcreek Communications Department was working on messaging explaining those messaging errors.

Council Member DeSirant asked how people who lived in planned unit developments with HOAs could get fiber service. Brace said the HOA should reach out to Google Fiber. Council Member Jackson asked about the timing of the 2% fee paid to Millcreek. Brace said they would start billing customers for it in February and would not retroactively bill them. Council Member DeSirant asked if the city would be retroactively paid. Brace said they would true up to the agreement and would send the city a response letter. Mayor Silvestrini thanked Brace for coming to the meeting.

2. Staff Reports

Rita Lund said the state COVID testing site at the senior center would move to the Big Cottonwood Regional Park on January 12th and would be closed the following day. Mayor Silvestrini said there was more opportunity for car stacking at the park.

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

Mayor Silvestrini said Council Member Dwight Marchant had served as a board member on the Wasatch Front Waste and Recycling District and another council member needed to serve in that capacity. Council Member DeSirant volunteered for the position.

Council Member Uipi moved to adjourn the work meeting at 6:57 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: 7:03 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order. The Unified Police Department cadets presented the colors and led the pledge of allegiance.

1.2 Council Member Oaths of Office:**Thom DeSirant, Council District 2 and Bev Uipi, Council District 4**

Filia Uipi, notary public, administered the oath of office to Council Member Bev Uipi. Elyse Sullivan, Recorder, administered the oath of office to Council Member Thom DeSirant. Council Member Uipi said the council was collaborative. She expressed gratitude to the residents of District 4 for letting her represent them. She thanked Unified Fire Authority, Unified Police Department, and her father (Filia Uipi) for paving the way for her. Council Member DeSirant was thankful for a peaceful transfer of power and to be able to work with the council. He thanked Millcreek residents, friends, and family. Mayor Silvestrini said the collaboration of a council was hard work and he appreciated it, and that the council members respected each other.

1.3 Public Comment

Elyse Sullivan read a comment received via email from Marv Poulson, 3631 Carolyn Street.

“Dear Council:

I lament not being in attendance to read my comment in person, but deem it not safe considering current pandemic conditions.

You are proposing to further scuttle the City Center Plan The Community agreed on 2 years ago with yet another give-a-way to developers at the expense of public space in setbacks around buildings.

The other thing is you want to allow tall buildings to be even taller, despite always claiming to value the "view shed". The hypocrisy is palpable!

I object to your proposal to give away an additional 5 feet of setback that should be preserved as a community asset.

I also object to allowing what began in the City Center Plan as building height limits of 75 feet, to now an obscene 95 feet.

I think it very sad that you continue to gut The City Center Plan that you spent who know how many thousands for consultants and held many community meetings where the Millcreek Community was led to believe there was consensus agreement on a plan featuring many inviting public attributes to have since then, whittled away open public spaces, green space, and even the types of buildings to be allowed in the main entrance area of the City Center.

The elimination of green space and doubling paved vehicular area represent another human threatening thing: exacerbating the "Urban Heat Island Effect" in an already furnace like confined space. These changes are particularly concerning for the future in the face of clearly ever warming environment and most especially, dangerous for young and old citizens. Where's natural cooling features? How is such a hot summer space going to be inviting, let alone safe.

I thought you got it when I raised the specter of Urban Heat Island problems 2 years ago, but now see you really don't care! So much for "Millcreek: Close to Nature"... I feel increasingly betrayed.”

Mayor Silvestrini said the comment was about planning matter item 2.1. There was no proposed change to the setback, but to the stepback (the wedding cake effect). The city learned that the location of the fault line was 30 feet west than anticipated, so the development had to shift to accommodate. The public green space had increased. The stepback would be reduced and it did not affect the view shed of the proposed residences.

The increased height proposal was 90 feet, not 95 feet, for city hall. Consultants advised that the first-floor public market and the sixth-floor community room should have higher ceiling heights for a better public amenity. All four of the community councils approved the proposal as did the Planning Commission. He said it would not create more heat because it was creating more open space in the Common.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 22-03, Amending Section 19.73A.050 of the Millcreek Code with Respect to Development Standards for the City Center Overlay-Development Agreement Zone

Francis Lilly said the planning items contemplated the development of Millcreek Common West with city hall, a code text change and project development agreement. He reviewed the requested modifications of the project from code with respect to height and setbacks. The proposed city hall height was 88 feet and the parapet on the mixed-use building was 78 feet which deviated from the code height of 75 feet. Code requires a 20-foot setback between the second or third story and upper stories. He showed an image of and explained the proposed setbacks of the site that provided a more dynamic mixed-use building. He noted that the Council should not approve projects unless the modifications combined created a better project than what would be allowed under the existing zoning. The proposed code changes were narrowly construed so that the modifications could only apply to the city hall mixed use building. He said the Canyon Rim Citizens Association unanimously recommended approval of the proposed project at their meeting on January 5, 2022. The other community councils and Planning Commission recommended approval of the project in December 2021.

Lilly reviewed requested changes to the development agreement in response to concerns from the developer. The developer would like to construct and extend the sixth story residential units on the mixed-use building to the north. The dwellings may be permitted in this location provided that the height did not exceed 75 feet and the overall number of dwellings did not exceed 215 units. He noted that minor pagination fixes had been made too.

Lilly read the following recommended findings of approval and then recommended approval of the agreement:

1. The project is designed to enhance the placemaking and community building functions of the Millcreek Common and advances the goals of the general Plan and the City Center Master Plan. The proposed project does not conflict with any applicable policy and guidance of the general plan or the City Center Master Plan.
2. The utilization of shared parking, the use of consistent materials, the expansion of plaza space, the addition of a sidepath, and the program to develop a commercial frontage flanking the entire western edge of Millcreek Common is a design that on the whole serves as a better development than would be possible under the strict application of the City Center Overlay Zone.
3. The project was reviewed by staff and the preliminary site plan generally meets the use and other requirements of the CCOZ-DA and the underlying zones, except as otherwise allowed by the CCOZ-DA and the development agreement.
4. The inclusion of the Unified Police Precinct, the shared parking, the sidepath, the additional plaza space, and the commercial frontage along Millcreek Common

enhances the public welfare, enhances urban design and walkability, and supports public investment in the Millcreek City Center.

5. City Hall will be designed to meet or exceed energy consumption standards through the inclusion of a rooftop photovoltaic solar system and a geothermal system for heating and cooling. In addition, all aboveground utilities will be relocated underground. The project does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, or sanitary sewer.

Mayor Silvestrini noted on point 5 of the findings that the consultants were not considering the geothermal system for heating and cooling anymore, a \$2 million expense, because of the cost and disruption of services if there was an earthquake. Council Member DeSirant asked about the sixth-floor changes of the mixed-use building. Lilly said units could be enlarged, but only up to 215 dwellings would be allowed.

Tyler Morris, Cottonwood Residential, commented on the potential sixth floor change. He said in the original building design, the western façade had a wood frame. With a wood frame, developers can effectively build up five stories. The developers have raised the western grade to line up with the park level, so the ground floor height level increased. The additional residential units would screen the parking structure. The developers would be changing the unit mix which would lower the unit count.

Council Member DeSirant said residents were concerned about traffic. Lilly said a study was conducted that assumed the greatest impact development scenario which indicated that the intersections at 3300 S. and Highland Drive and 3300 S. and 1300 E. would fail at peak times. Failing meant that cars would wait more than a minute and a half while queuing. Council Member DeSirant asked about the 78-foot parapet on the mixed-use building. Lilly highlighted the rendering and said it complemented the aesthetics of city hall and assisted with water drainage. Morris pointed out the southwest corner of the project was the lowest spot of the grading, and the height of the building was measured from original grade, not humanmade alterations. He noted that the ice rink had to be level, so it changed the grade to the west. There would be additional building height, but it would not be perceived.

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

Council Member Jackson moved to adopt Ordinance 22-03, Amending Section 19.73A.050 of the Millcreek Code with Respect to Development Standards for the City Center Overlay-Development Agreement Zone. Council Member Uipi seconded.

Council Member Jackson appreciated the work done on the project and felt it would be a great amenity to the community. Mayor Silvestrini said by collaborating with developers on this project, the city was able to share costs on a parking structure.

Hamlet Soria, 3754 S. Loretta Drive, asked for a 3-D model of the project for people to see.

The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 22-04, Adopting a City Center Overlay-Development Agreement Zone for Property Located at 1311-1321 East 3300 South, 3215 South Richmond Street, and 1324-1340 East Chambers Avenue

Council Member Jackson moved to adopt of Ordinance 22-04, Adopting a City Center Overlay-Development Agreement Zone for Property Located at 1311-1321 East 3300 South, 3215 South Richmond Street, and 1324-1340 East Chambers Avenue subject to the development agreement. 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 22-05, Approving a Development Agreement with Block C SPE, LLC for a New Mixed Use Development Consisting of Approximately 215 Dwellings, Commercial Space, and a Shared Parking Structure with Respect to Approximately 3 Acres of Real Property Located at 1311-1333 East 3300 South, 3215 South Richmond Street, and 1324-1340 East Chambers Avenue

Council Member DeSirant moved to approve Ordinance 22-05, Approving a Development Agreement with Block C SPE, LLC for a New Mixed Use Development Consisting of Approximately 215 Dwellings, Commercial Space, and a Shared Parking Structure with Respect to Approximately 3 Acres of Real Property Located at 1311-1333 East 3300 South, 3215 South Richmond Street, and 1324-1340 East Chambers Avenue. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Financial Matters

3.1 Public Hearing to Consider an Appropriation of up to \$10,000 to Canyon Rim Cares, a Sub-Committee of the Canyon Rim Citizens Association for the “Millcreek Miracle” Campaign

Council Member Jackson said this was for the organization Nate Gibby founded and they would work with the Millcreek Business Council. The campaign components included an online business directory and micro credentialing with criteria for businesses. She said when we support our businesses, the businesses support us. The appropriation would help fund the campaign. Council Member Uipi asked if there was an expectation for the businesses to financially support the campaign. Council Member Jackson said no, it was designed to be reasonable for businesses. Council Member Catten asked if this set the City Council up for pet projects for the other community councils. Mayor Silvestrini said this was not Canyon Rim specific, it would be citywide. Canyon Rim Cares had the platform to support the campaign. He said a study was commissioned by the city and this appropriation was found to be to the benefit of the public.

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

Hamlet Soria, 3754 S. Loretta Drive, asked what the \$10,000 would be used for. Council Member Jackson said the website and promotional materials.

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

3.2 Discussion and Consideration of Ordinance 22-01, Approving a Monetary Contribution of up to \$10,000 to Canyon Rim Cares, a Sub-Committee of the Canyon Rim Citizens Association

Council Member Jackson said there had been discussions for a while on how to create a relationship of support with Millcreek businesses. Rita Lund noted that the appropriation was an “up to” amount since the details had not been worked out.

Council Member Catten moved to approve Ordinance 22-01, Approving a Monetary Contribution of up to \$10,000 to Canyon Rim Cares, a Sub-Committee of the Canyon Rim Citizens Association. Council Member Uipi seconded.

Mayor Silvestrini remarked that Nate Gibby had an impressive track record of volunteering. **The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

4. Business Matters

4.1 Discussion and Consideration of Ordinance 22-02, Declaring Approximately 0.37 Acres of Real Property Located at or near 1311 and 1337 East Woodland Avenue, Millcreek, Utah, as Surplus; Establish a Minimum Bid; and Establish a Method to Determine the Highest and Best Economic Returns to the City

Mike Winder said money was borrowed from the Millcreek Common fund to purchase properties on Woodland Avenue, phase two of Millcreek Common. The funds from this real estate transaction would be placed back into the fund. He said selling the property would help Boyer round out their parcel and the city would recoup the purchase price, cost of asbestos removal, and demolition of the houses that used to be there. The city would also net approximately \$100,000 from the transaction. The city did do an appraisal and were selling it above appraisal because of the additional site work.

Council Member Jackson moved to adopt Ordinance 22-02, declaring approximately 0.37 acres of real property as surplus. Council Member DeSirant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4.2 Discussion and Consideration of Resolution 22-01, Approving an Interlocal Cooperative Agreement with the Millcreek Community Reinvestment Agency for the Woodland Avenue Community Reinvestment Project Area

Mayor Silvestrini said the project area was acquired from Salt Lake City from a boundary adjustment. That property was not in Millcreek when the Millcreek Center Community Reinvestment Area (CRA) was established. The tax increment generated would be going into publicly owned improvements. The other taxing entities had already approved interlocal agreements with the Community Reinvestment Agency for the Woodland Avenue CRA.

Council Member DeSirant asked about taxing entities that did not participate. Winder said the Salt Lake County Library did not participate. He also noted that some of the

taxing entities differed from the Millcreek Center CRA which was why that project area was not amended to include this property.

Council Member Jackson moved to adopt Resolution 22-01. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini said Millcreek filed a petition with the Utah Division of Oil, Gas and Mining to intervene in the recent Parley's Canyon limestone and graveling mining operation application and a request to the Division to sustain the ruling to deny the application with respect to that operation. The Division staff filed a legal memorandum with the Utah Division of Oil, Gas and Mining Board requesting it affirm the denial of the application. The existing operation in the canyon has created fugitive dust for residents in Canyon Rim for years. Millcreek's concern was that the fugitive dust would expand the problem as a health hazard to Millcreek residents.

The Mayor said the City Council and department directors discussed, "For the Love of Cities, Revisited" in a special work meeting. The book explored why people love places and how to make cities lovable. At the meeting, the Council and staff discussed what the city accomplished in 2021 and things to do in 2022 to make Millcreek more lovable. The Mayor and Assistant City Manager would come up with an action plan.

The Mayor announced that the Salt Lake County Health Department issued a health order to wear masks indoors for 30 days. He said his daughter was a physician in the local hospital and dealt directly with COVID patients. He credited the healthcare workers for their dedication to serving the public.

5.2 City Council Member Reports

Council Member Catten said she was promoted to Vice Chair for the South Valley Mosquito Abatement Board and Jordan River Commission. Council Member DeSirant said the Millcreek Community Council requested the Planning Department's presentations to them be briefer. They also inquired about the Census data. Winder said the Planning Department was working on a presentation with redistricting information. Mayor Silvestrini said the counting of people takes place every 10 years and state code requires redistricting take place after the count so that districts are equitable in population. He said District 1 grew the most over time, so the Millcreek council districts would need to be realigned. One of the recently hired interns has expertise in the area and would be assisting on the project. Staff would present three map redistricting options to the community councils.

5.3 Staff Reports

Francis Lilly said he was ready to start interviewing applicants for the Historic Preservation Committee and asked for a council member to assist. Council Member Uipi volunteered. Lilly said he was working on a request for proposals for a comprehensive zoning code update. He requested council members to assist with the process. The Mayor volunteered. Lilly introduced the concept of village center special districts as a tool that

would give the city more control over future development of village centers identified in the General Plan. He shared that Porsche was potentially interested in the vacant land west of Olympus Hills Shopping Center. That site could also include a mixed-use development with community-oriented restaurants and retail. Special districts give certainty in entitlements up front; they were essentially a custom zone with limited uses. He said he would create a more formal plan to present.

Council Member Catten asked if other cities that have done special districts have run into problems. Lilly said he spoke with Draper City, and they provided guidance. He said these things tended to work better with open land rather than existing non-conforming uses which is what other cities had done. He recommended creating an enabling ordinance to create the village center special districts per the village center designations in the General Plan. The ordinance would lay out the process for that development. Council Member Jackson asked about information from Utah Department of Transportation (UDOT) reconfiguration of the area. Lilly highlighted UDOT's preference for the road configuration on a map. Council Member DeSirant expressed favor for the proposal and an interest in owner-occupied housing. Mayor Silvestrini said the current property owner had interest in owner-occupied housing on the site. That property owner was also pushing UDOT to surplus the onramp property because it was unsafe. UDOT did a study to look at options. If a specific zoning ordinance was drafted, then the city could control things that were currently unregulated. Lilly said there was mixed feedback on the proposal from the Mt. Olympus Community Council. Council Member DeSirant asked if owner-occupied housing would be included in the village center concept. Mayor Silvestrini said it could be. Council Member Uipi pointed out that the proposed use was better than other proposals she had seen for the property.

6. Consent Agenda

- 6.1 Approval of December 13, 2021 Work Meeting and Regular Meeting Minutes
- 6.2 Approval of December 20, 2021 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve items 6.1 and 6.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

7. New Items for Subsequent Consideration

There were none.

8. Calendar of Upcoming Events

- City Council Mtg., 1/24/22, 5:00 p.m. at City Hall

Mike Winder noted there would be a legislative breakfast with state legislators the following morning in a special council meeting and there would not be a planning commission meeting that month.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:51 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