



**Minutes of the
Millcreek City Council
January 24, 2022
5:45 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 24, 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 (electronic)
Cheri Jackson, District 3 (electronic)
Bev Uipi, District 4 (electronic)

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Kurt Hansen, Facilities Director (electronic)
Laurie Johnson, HR-Finance Director
Francis Lilly, Planning & Zoning Director
Rita Lund, Communications Director
John Miller, Public Works Director
Andrew Clark, Emergency Manager
Stephanie Bond, HR Manager
Josie Showalter, Grant Administrator
Kayla Mayers, Promise Program Manager
(electronic)

Attendees: Brynn Thomas Maynes (electronic), Norma Carr, Richard Hansen, Sgt. Robert Ransdell and family, Chief Steve DeBry, and Chief Duane Woolsey

WORK MEETING – 5:45 p.m.

TIME COMMENCED – 5:48 p.m.

Mayor Silvestrini called the work meeting to order.

1. Volunteer Policy Presentation; John Brems, City Attorney

John Brems said there were three or four different policies in the city for volunteers, so a committee was formed to look at the policies and create one master policy. The committee consisted of staff that utilized volunteers. The committee drafted a volunteer policy for adoption that includes a list of uniform procedures for departments to utilize when recruiting and managing volunteers for various events and committee meetings. The committee goals are to: streamline the process for both city employees and volunteers; improve data and recordkeeping for future grant opportunities, quarterly/annual reporting purposes, and city accomplishment highlights; provide guidance and direction to city employees and volunteers; implement

consistent policy for all city departments; and increase safety for public and vulnerable populations.

Volunteer coordinators (designated city employees) will follow the same policy and procedures to recruit, onboard, and manage their volunteers. The committee revitalized the email account volunteer@millcreek.us and it will be managed by volunteer coordinators to collect paperwork, communicate with volunteers, and keep volunteers sorted by event/program/department. Volunteer coordinators, Human Resources, and the Assistant City Manager will utilize a central file location with restricted access located on the M Drive to protect volunteer personal information. Volunteer coordinators will determine which prospective volunteers must undergo a criminal record check before performing any volunteer duties, depending on the nature of assigned positions. The required documents from volunteers prior to service will include a volunteer agreement, waivers, and disclosure of private business interests. The new volunteer handbook will replace all processes, procedures, and forms currently utilized by the city to obtain volunteers. Brems then reviewed the proposed handbook which contains sections on the volunteer program, volunteer management procedures, volunteer supervision and evaluation, volunteer support and recognition, and volunteer resources.

Brems noted the city's website would be updated accordingly and that the city was considering purchasing the Golden Volunteer Management Platform App. Council Member Jackson appreciated and commended staff for the work. Mayor Silvestrini said this was a first reading for the Council and thanked the committee. Council Member Catten asked if the community council members still signed forms and waivers for volunteering. Mayor Silvestrini said he would expect the community council members to sign this. Council Member Catten asked if the Arts Council would since the city gives them money. Mayor Silvestrini did not think it would be unreasonable to ask. John Brems said the Council could decide which groups of people had to sign it. Council Member Catten asked about Canyon Rim Cares. Mayor Silvestrini felt if they were given city funds then it was reasonable. Council Member Jackson pointed out that Canyon Rim Cares gets numerous volunteers every year for various events so maybe a few key leaders should instead of all the people who showed up. Mayor Silvestrini said it enables the city to track volunteer hours and it was for liability reasons. Kayla Mayers said there were city sponsored aspects at Canyon Rim Cares so those people could sign the forms. She said the app would be an easy place to keep city volunteerism in one place. Mayor Silvestrini wanted to know the cost and how it integrated with other city facilities. Mayers said she could give the Council an overview of the app at another meeting. Council Member Jackson asked about the Youth Council signing the forms. Brems said they would sign it. Mayor Silvestrini pointed out the background checks would be helpful when volunteers interacted with kids.

2. Pickleball Court Design 60% Check-in; John Miller, Public Works Director

John Miller presented the 60% construction plans for the pickleball courts at Canyon Rim Park. He highlighted the parking, acoustic fencing, sidewalk configuration, and court layout. He asked for direction on the retaining wall appearance. Mayor Silvestrini asked about graffiti on the proposed rock wall. Miller said there was a way to treat the wall to easily remove graffiti. Council Member Jackson asked if the proposed wall was within budget. Council Member DeSirant expressed concern about kids moving the rocks. Miller said the concrete blocks were too heavy for kids to move. Council Member Catten asked how accessible the wall would be from the courts. Miller noted it could be accessible and the wall would be 2-5 feet tall. Council Member Catten requested a barrier on top of it, so kids did not jump off. Mayor Silvestrini asked

about setting up temporary bleachers if there was a tournament. Miller said there would be space for temporary chairs but to keep costs down, that could be something to add later. Council Member Catten noted that bleachers or benches could be something for a sponsor to purchase. Miller noted some existing trees would be removed for the sidewalk and parking addition. He said the pickleball total area budget estimate was \$841,165.82. Laurie Johnson, HR-Finance Director, said \$665,000 was the original budget but felt there were funds to cover the extra expenses. Miller said the increase was due to the proposed retaining wall. The Council approved the proposed block retaining wall.

3. Planning Matter First Reading: Amendment to a Development Agreement for a Single-Family Home at 3817 S. Parkview Drive; Francis Lilly, Planning & Zoning Director

Francis Lilly said about four years ago the Council approved a development agreement to rezone the property from R-1-21 to R-1-15 in conjunction with a development agreement. The development agreement included specific parameters for the height and lot coverage of the home because normally the Residential Compatibility Overlay Zone does not apply to lots in the R-1-15 zone. That development agreement included a topographical survey by reference and specified that, among other things, the overall height of the home in question would not exceed an elevation of 5,005 feet above sea level. Subsequent to the development agreement being executed by the landowner, the land sold and Lot 1 in the development agreement was currently owned by Brynn Thomas and Miles Maynes, applicants, who recently applied for a building permit to construct a new home on the property. In reviewing their building permit, the applicants determined that the heights on the original topographic survey were benchmarked incorrectly. Staff requested that the applicant supply an updated topographic survey. The elevations indicated in the 2018 survey were approximately 40 feet lower than the actual elevations documented by the 2022 survey. Staff verified the elevations in the 2022 survey with independent data obtained by the Millcreek GIS Specialist, and staff believe the updated topographic survey to be more accurate. The 2022 survey shows evidence of re-grading on account of utility relocation that occurred recently. He noted that the overall height of the home would be established from original grade as depicted in the 2018 survey. While the benchmarked elevation is inaccurate in that survey, the original contours are an accurate depiction of the ground surface in its original state. Staff requested that the City Council approve an amendment to Exhibit B in the development agreement that establishes that the maximum height of the home shall not exceed 5,046 feet above sea level. All other conditions in the development agreement would remain the same. In addition, the development agreement would be reassigned to Brynn Thomas and Miles Maynes. Mayor Silvestrini asked if the height seen from the ground would be the same. Lilly confirmed and would bring the revised development agreement to the next council meeting.

4. Staff Reports

Elyse Sullivan reported that the referendum application contesting Ordinance 21-48 would not be moving forward. The application sponsors, per state code, had the earlier of 30 days from the date the first signature was obtained or 45 days after the day on which the sponsors received the petition packet from Millcreek (December 7, 2021) to submit the signed and verified referendum packet to the Salt Lake County Clerk's Office. The latest deadline was January 21, 2022 and the County had not received any packets.

John Miller highlighted the following capital improvement projects:

- 3900 South was substantially complete, finishing overhead crossing signals and landscaping elements. The budget is \$10,000 under pending a county resolution (total project cost \$8.65 million).
- 3300 S. from 1885 E. to 1940 E. sidewalk had completed designs. The city was working with the Jager Apartments to acquire right-of-way. The project costs are 2/3 right-of-way acquisition and 1/3 construction.
- 3300 S. from 2600 E. to 2700 E. sidewalk was substantially complete with a punch list of items. The project looks to be about \$100,000 over budget (two accidents occurred that the city would seek reimbursement from).
- Mountair Streetscape was shut down for the winter. Utilities relocation was still needed. It was projected to be over budget by \$100-200,000.
- 3900 S. from TRAX to West Temple sidewalk had 90% design completed and staff was working with property owners for right-of-way acquisition.
- Neff's Lane sidewalk phase 1 had 90% design completed and right-of-way acquisitions beginning on 10 properties.
- 900 E. from 3900 S. to 4500 S. was 80% complete with 50% right-of-way acquisition complete. Construction would start late in the summer.
- 2000 East from Siggard to the city boundary had the design contract finalized from the request for proposal consultant. Construction on the ditch could not begin until October 15th. Stormwater and pavement would be completed in the summer of 2023.
- Scott Avenue drainage project was on hold due to coordinating with Salt Lake City Public Utilities water line project going in that year.
- Upland Drive/Virginia Avenue roundabout had 90% design completed with 50% right-of-way acquisition complete. It was on budget but with no contingency.
- Numerous stormwater projects across the city.
- Plan to get 12-16 DFS signs for traffic calming but the manufacturer was behind the order because of supply shortages.
- Concrete saw cutting would start that week on overlay areas for 2022.

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

Mayor Silvestrini said the Jagers had concerns about the city acquiring the right-of-way in front of their property. Negotiations had not gone well so the matter would be reviewed by the State Property Ombudsman to come to resolution to be able to make progress on the sidewalk. The property owned by Carol Elliot changed hands. The city had been in negotiation with her about acquiring the right-of-way on the L-shaped property the city is looking to surplus and the new owner was not interested in negotiating with the city so the city will initiate condemnation proceeding if a resolution was not met. Acquiring the right-of-way is essential to Millcreek Common progress.

Council Member Catten moved to adjourn the work meeting at 7:04 p.m. Council Member DeSirant 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 and led the pledge of allegiance.

1.2 Public Comment

There were no public comments.

1.3 Unified Police Department Millcreek Precinct Officer of the Month for December 2021

Chief Steve DeBry announced Sergeant Robert Ransdell as the Officer of the Month for December 2021 and recognized his achievements through his 24 years of police service as he was also retiring. Sgt. Ransdell's father, Jim Ransdell, presented him with a hunting knife on behalf of the Millcreek Precinct. Sgt. Ransdell thanked Chief DeBry and his family. Mayor Silvestrini appreciated Sgt. Ransdell's work with the city staff and Millcreek residents. Council Member Catten acknowledged his helpfulness. The Citizens Advisory Board thanked Sgt. Ransdell. Chief Jason Mazuran expressed his appreciation for Sgt. Ransdell.

Chief Jason Mazuran recognized Chief Steve DeBry for achieving forty years of service and presented him with a certificate. Mayor Silvestrini expressed his appreciation for Chief DeBry.

2. Financial Matters

2.1 Public Hearing to Consider an Appropriation of up to \$1,700 to the Millcreek Arts Council for "Gettin Visual at the Library" 2022

Rita Lund said a study was conducted and the funds would be used to support the monthly library function. Mayor Silvestrini said it encouraged arts in the community. The study found that the expenditure would be in the best interest of the residents of the community. He pointed out an error in the study that referenced the Millcreek Senior Advisory Board.

Council Member Catten 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.

There were no comments.

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.

2.2 Discussion and Consideration of Ordinance 22-06, Approving a Monetary Contribution of up to \$1,700 to the Millcreek Arts Council

Mayor Silvestrini said the amount was nominal but would accomplish advancing the arts in Millcreek.

Council Member Catten moved to approve Ordinance 22-06, Approving a Monetary Contribution of up to \$1,700 to the Millcreek Arts Council. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.3 Fiscal Year 2021-22 2nd Quarterly Report; Laurie Johnson, HR-Finance Director

Laurie Johnson said 50% of the budget year had passed and 62.78% of General Fund revenues had been received minus bond proceeds. This amount is what was anticipated for the second quarter since 95% of the property taxes had been received. She said 53% of the General Fund budget had been expended, minus bond proceeds, and that amount was also considered normal for the time of year. She reviewed the revenue and expense budgets which were within expected parameters. She noted she would add a line item in the Mayor and Council budget for special projects as discussed during the Council retreat on January 6th. She said rules on the American Recovery Act funds had changed so she would reallocate those in the next budget amendment. The Non-departmental budget was lower than expected due to transfer of the Capital Improvement Project (CIP) funds. The Fleet budget was lower than expected due to purchase of a vehicle. All other department budgets were within expected parameters. She then reviewed the CIP and Storm Water budgets which were in good shape.

2.4 Treasurer's Report; Council Member Cheri Jackson

Council Member Jackson reported that as of December 31, 2021, the balance of the Series 2019 Bond was \$9,699.44 (Millcreek Common City Center). As of December 31, 2021, the balance of the Series 2021 Bond was \$38,401,837.37 (City Hall). As of December 31, 2021, Millcreek's PTIF account balance was \$31,078,177.39. All the above funds earned an average interest rate of 0.3426% over the first six months of the current fiscal year. As of that day, 97% of property taxes had been received in the amount of \$10,766,696.83. Last year at this same time, the city had received \$10,666,681.01. As of that day, 47% of projected sales tax had been received in the amount of \$5,758,369.70. Last year at this same time, the city had received \$5,154,591.95. Mayor Silvestrini said there was a cash inflow anticipation for property surpluses in the city center.

3. Business Matters

3.1 Discussion and Consideration of Resolution 22-02, Accepting the Outdoor Recreation Infrastructure Grant in the Amount of \$28,000 to Purchase Undeveloped Real Property, Located at Approximately 3215 Teton View, Millcreek, Utah

Mayor Silvestrini said the resolution approval would be to accept the state grant to be able to purchase property on Teton Drive for open space. There would be a \$3,000 match by Millcreek, so a total purchase price of \$31,000 for over two acres of real property.

Council Member DeSirant moved to approve Resolution 22-02. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Resolution 22-03, Appointing Thom DeSirant to the Board of the Wasatch Front Waste & Recycling District

Council Member DeSirant expressed excitement for the position.

Council Member Catten moved to approve Resolution 22-03, Appointing Thom DeSirant to the Board of the Wasatch Front Waste & Recycling District. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Ordinance 22-07, Amending the Civil Penalties Chart Removing the Limitation of Accrued Fines for Violation

Mayor Silvestrini said under current code, there was a cap on penalties for code violation fines. The problem was that the cap was small enough that it did not make sense for the City to pursue legal action to acquire it. Residents have also refused to pay it, so removing the cap would incentivize code violators to fix deficiencies. He said there was a safety valve in place from the fine getting too high for disadvantaged people by having a hearing in front of the Administrative Law Judge. Council Member Catten asked where the chart came from. Mayor Silvestrini said it came from the County. The process is that the city issues a courtesy notice about the issue, then after a certain amount of time a notice of violation is issued, and then fines start to accrue.

Council Member Catten moved to approve Ordinance 22-07, Amending the Civil Penalties Chart Removing the Limitation of Accrued Fines for Violation. 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 at the state legislature, and he had been opposing bills that effect local zoning control. He would be speaking to an appropriations committee to try and get Millcreek \$740,000 to complete the double tracking of the Jordan River Trail and build a bridge across the river. The city has been able to assemble \$850,000 for the project so far but needed the additional funding to complete it. He had also been working in collaboration with various entities to make February a free fare month on the UTA system.

4.2 City Council Member Reports

Council Member Jackson said twelve members of the Youth Council attended the legislature and learned about the redesign of the Utah flag. She said the Millcreek flag could be reworked. The Community Renewable Energy Design Committee had started to have meetings with Rocky Mountain Power. Council Member Uipi said the Association of Municipal Cities had a meeting to discuss topics for the year.

4.3 Staff Reports

Francis Lilly said he would meet with each of the council members about redistricting maps. When the map was finalized, the impacted residents would be informed. He would have the Council and community councils review the proposed map. Mayor Silvestrini said state law requires municipalities reapportion the council districts after the state does every ten years. There was significant population growth in District 1 and the other districts needed to become smaller. Staff was aiming to create logical boundaries and

have equal populations in each district. He described how the city would communicate the changes with the community.

4.4 Unified Fire Authority Report

Chief Duane Woolsey reported record numbers of sick leave due to COVID. He said the process to look for a replacement for Chief Peterson had begun. The change of command would take place on April 2, 2022. Unified Fire Authority had also extended a number of job offers for other positions. The groundbreaking for Fire Station 102 in Magna had taken place and construction should be done within the next 12 months. Work on Station 125 in Midvale had started and that should be done late summer. Mayor Silvestrini said the reconstruction of Station 112 in Millcreek had been postponed due to flood plain issues.

4.5 Unified Police Department Report

Chief Steve DeBry gave the Council a year end review of 2021. There were 12,669 total cases, 4,441 total citations, 39,886 calls for service, and 596 booking arrests. He then reported the highlights from each of the units. The Millcreek Community Crime Suppression Unit had 257 Class A and felony arrests, 32 search warrants served, 562 citations for speed enforcement and traffic violations, 44 recovered stolen vehicles, 6 nuisance houses closed, and 58 drug investigations. The Millcreek Motor/Traffic Unit conducted 5 saturation enforcement operations in 2021; had 141 citizen contacts on 3300 S., 3900 S., and Highland Dr.; 81 citizen contacts on Wasatch Blvd.; 47 citizen contacts on Jupiter Drive and Oakview Drive; 40 citizen contacts at 3665 S. 900 E. pedestrian safety crosswalk; 59 citizen contacts at "Back to School" crossing enforcement awareness; 31 directed DUI enforcement shifts which resulted in 11 alcohol and drug related arrests. This was made possible through alcohol sales tax funds received by Millcreek. The Millcreek Community Oriented Policing Unit responded to 237 transient calls. C.O.P Detectives investigated, cleaned, and restored multiple sites and assisted our homeless population receive valuable information and resources. They abated 47 illegal campsites in Millcreek resulting in over 26,260 pounds of garbage and waste collected, investigated and resolved 82 cases of graffiti, conducted 10 bar-sexually oriented onsite business compliance checks, conducted 2 "Eliminate Alcohol Sales to Youth" utilizing UPD CUBS, and partnered with Millcreek Venture Out and other government, civic and youth groups. The Millcreek Precinct Officers of the Year for 2021 were Officer Cody Hampton with Millcreek, Officer Bryson Huntington with Midvale, Officer Brittany Washington with Midvale, Sgt. Nicholas Nelson with Magna, Sgt. Chad Zitting with Midvale, UFA Cpt. Steve Ball, and Officer Anna Walker with Midvale which were the same officers for the September 2021 Officer(s) of the Month for their work on a double homicide.

5. Consent Agenda

- 5.1 Approval of January 6, 2022 Special Work Meeting Minutes
- 5.2 Approval of January 10, 2022 Work and Regular Meeting Minutes

Council Member Jackson moved to approve the consent agenda, items 5.1 and 5.2 . Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Mt. Olympus Community Council Mtg., 2/1/22, 6:00 p.m.
- Millcreek Community Council Mtg., 2/1/22, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 2/2/22, 7:00 p.m.
- East Mill Creek Community Council Mtg., 2/3/22, 6:30 p.m.
- City Council Mtg., 2/14/22, 7:00 p.m.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:29 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

