



**Minutes of the  
Millcreek City Council  
May 9, 2022  
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 a May 9, 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  
Thom DeSirant, District 2  
Cheri Jackson, District 3  
Bev Uipi, District 4

**City Staff**

John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Mike Winder, City Manager  
Laurie Johnson, HR-Finance Director  
Francis Lilly, Assistant City Manager  
Kurt Hansen, Facilities Director  
Robert May, Long Range Planner

**Attendees:** Assistant Chief Riley Pilgrim, Molly Betebenner, Rebecka Stromness, Nancy Carlson-Gotts, Rick Hansen, Nick Labrum, S. Austin, Justin Jensen, J. L. Jensen, Heidi Yentsch family, Steve Sherwood family, Kinnersley family, Kerry Benson, Jennifer Jones, Martha Velasco, David Black, Liz Packer, R. Adhikeri, Eckly, Shumway, Ben Dumstedt, Ryan Luflew, Emily Randall, Melissa Sherwood, Jana & Scott & Kimi Colton, Linda Eyre, Todd Allen, Matt Paulsen, Aanika P., Diana Arios, Angel Leon, Marshall & Jodi & Allie Clark, Laura & Justin Johnsen, Eric & Keller & Melanie Birkeland, Sara & Maxwell Taylor, Deondra Brown, Steve Turley

**WORK MEETING – 5:00 p.m.**

**TIME COMMENCED – 5:00 p.m.**

Mayor Silvestrini called the work meeting to order.

**1. I-80 & I-215 Renewed Project Update; Rebecka Stromness, UDOT Project Manager and Molly Betebenner, Public Involvement**

Rebecca Stromness presented the facts and figures from 2021 which said that 55,500 cubic yards of material was excavated, 20 bridge beams were set, 20,500 cubic yards of concrete was placed, 11,800 linear feet of storm drainpipe was installed, and 133,250 labor hours were expended. The first year of construction was focused on placing utilities, building the center medians, various on and off ramp work, and the 1700 E. bridge. She showed the Council a timelapse of the 1700 E. bridge construction. She said the crushed concrete and metal could be recycled. The demo and bridge slide went better than expected. Recently, I-80 was shifted onto the new pavement and

soon I-215 would be shifted. The upcoming work included work on the 3900 S. off ramp which would include a 30–45-day closure and 1300 E. bridge work would happen in the fall and include night closures. Mayor Silvestrini said as the Chair of the Wasatch Front Regional Council he went to the National Association of Regional Councils convention in D.C. and people from other states complimented UDOT for their innovation and efficiency.

Molly Betebenner reviewed the public feedback on noise and vibration. She said the contractor tried to minimize impacts to daytime hours. The outreach team was focused on proactive communication, including door hangings for upcoming projects. She said road construction layers included subgrade, subbase, base, and surface and each level was compacted by a rolling machine which created the vibrations.

## **2. Construction Update for Millcreek Common and City Hall; Kurt Hansen, Facilities Director and Aimee McConkie, Millcreek Common Executive Director**

Kurt Hansen showed the Council a timelapse of city hall construction and renderings of the new city hall. The city hall partners with construction were MHTN Architects and Okland Construction. The groundbreaking was March 17, 2022, and the substantial completion would be August 8, 2023. Challenges for construction were the 20% inflation, long lead and supply chain challenges, and labor shortages and construction climate. The building would be made out of concrete instead of steel to cut costs. He showed the Council pictures of the footings. The parking garage construction would start in October/November. Staff would be sending out a request for proposals (RFP) for the café restaurant and incubator restaurant at the end of May. Millcreek obtained a \$200,000 grant from the Utah Office of Outdoor Recreation which would pay for half of the climbing wall. The RFP for operation of the climbing wall would go out in the summer so the operator could be involved in the details of planning. Millcreek applied for a Blue Sky Grant with Rocky Mountain Power for solar panels. The Millcreek Arts Council would help with adding public art. Mayor Silvestrini said Victoria Reid from the Planning Commission was assisting with creating an arts policy. The southeast side of the climbing wall would be an official speed climbing wall. Council Member Jackson asked about keeping a marquee of times visible. Mike Winder said there would be one. The other sides of the wall would come up to about 80 feet high.

Aimee McConkie gave a Millcreek Common update. The Adventure Hub had a temporary certificate of occupancy. There would be a Friends and Family Skate Night on May 21<sup>st</sup> as a soft opening to the skating ribbon and the grand opening would be in June. She provided a list of dates for programming for the summer and highlighted that each Saturday night in the summer would be a DJ skate night. Incentives would be given out at Friday night activities (buy one get one free passes) to come skate on Saturdays. She showed the Council current pictures of the plaza and Adventure Hub. Mayor Silvestrini congratulated McConkie for getting events ready.

## **3. Millcreek Foundation Discussion; John Brems, City Attorney**

John Brems provided the Council with draft articles of incorporation and a proposed budget. Council Member Catten asked if an executive director would be hired. Winder said the Promise Program Manager could be the first employee of the Foundation. City personnel could be the employees. Mayor Silvestrini said the plan contemplated an advisory community council consisting of members of the community, but the Council could be the advisors. Brems said the initial board of directors, the Council, would have a meeting to adopt bylaws.

**4. Planning Matter First Reading: SD-21-011, Acceptance of a Final Plat for an Amendment to the Pinnacle Place Subdivision to Dedicate Pinnacle Place into a Public Right-of Way Pursuant to Millcreek Code Chapter 14.50; Francis Lilly, Planning and Zoning Director**

Mayor Silvestrini said Francis Lilly was recently promoted to Assistant City Manager but would still be the Planning and Zoning Director.

Francis Lilly said the applicants initiated an application to dedicate a private right-of-way into a public one. To do that, a plat needed to be amended or recorded that would designate the private right-of-way to public. The Planning Commission granted final plat approval, but the Council can accept the plat if they choose to dedicate the right-of-way. The City's policy for this process was threefold: the city will not make a proactive effort to bring private streets into public ownership unless there is a compelling public interest; generally, private streets created as part of a platted subdivision will not be considered for public ownership unless there is a compelling public interest as determined by the Council in which even the Council will determine the process; and existing private streets may be considered for public ownership when requested by property owners abutting the private street. He showed the Council pictures of the current state of the street.

Mayor Silvestrini noted that the County had been maintaining the street consistently. Lilly said the street sign was green for public, not blue for private. Council Member Jackson asked why the residents wanted to dedicate the road to a public one. Lilly said the residents had not set up a maintenance plan and the County and City had trespassed and done the street maintenance for them, so this would memorialize the existing conditions. He said there was existing landscaping and requiring a sidewalk would create a negative impact. The Public Works Department did an assessment of the road, and it met city standards except for the absence of sidewalk. The applicants also filed an application for a sidewalk exception. The community council, Planning Commission, and City Engineer recommended approval of the sidewalk exception. The mayor granted the sidewalk exception so that no sidewalk would be required. He showed the Council the current and proposed subdivision plat. The dedication included the existing roadway and one foot behind the back of the curb in order to maintain the road.

Lilly read the seven conditions for dedication found in Millcreek Code Chapter 14.50: 1) Underground utility providers must approve the dedication. 2) The street must meet current city standards or be brought into compliance at the cost of the Petitioner before the dedication. Petitioner shall provide proof acceptable to the city that the proposed street satisfies current city standards. 3) Deteriorated retaining walls and other private property features abutting the proposed public ownership are removed, repaired, or replaced as approved by the city. 4) Sidewalks, curb, and gutter that meets current city standards must be present or shall be installed according to subdivision design standards where applicable. 5) All surveys and legal work necessary for public dedication shall be completed at the expense of the Petitioner. 6) Any nonconforming structures or objects within the proposed right-of-way shall be removed at the expense of the Petitioner. 7) Any additional street signs shall be installed at the expense of the Petitioner. Lilly provided notes and findings relevant to the application with each item. Staff found that the petition to dedicate Pinnacle Place to public ownership satisfied the requirements of Chapter 14.50 of the Millcreek Code, and the Public Works Director recommended the dedication as well. Moreover, the proposed roadway met all the conditions for dedication

outlined in the Code. Staff recommended that the City Council accept the final plat for the purposes of dedicating Pinnacle Place to a public right-of-way.

Mayor Silvestrini said the sidewalk exception process went through the community council, Planning Commission, and the mayor, and they all supported the exception. A sidewalk in the area would serve three houses, and the three houses did not want it. Council Member DeSirant asked about emergency service access. Lilly said the size of the road was sufficient.

## **5. Staff Reports**

There were none.

## **6. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items**

Mayor Silvestrini requested that the agenda be reordered to move item 3.1 from the regular meeting into the work meeting since there was time available.

**Council Member DeSirant moved to reorder the agenda. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.**

## **3. Financial Matters**

### **3.1 Unified Police Department (UPD) Funding Discussion**

Mayor Silvestrini said he had been working with UPD on the budget since the end of February. The proposed contract with UPD would contain an additional mental health officer and equipment, about \$190,000 for the first year. The contract increased 19.56% from \$12,825,268 to \$15,333,735 for FY 2022-23. It would require a significant property tax increase for the city to continue to pay the contract solely with property taxes. He said Ms. Johnson would present additional options for funding as an ongoing expense. The Council could also cut law enforcement services, about 15-20 officers. Mike Winder said this scenario was not unique to UPD, but law enforcement as a whole. Mayor Silvestrini said he did not know what other cities would end up charging for property taxes, but most were considering significant increases. Council Member DeSirant echoed the sentiment.

Laurie Johnson said every community was struggling, but Millcreek was in a good situation. She presented the line items for the additional costs. She noted the numbers were still in draft form. The contract included people, vehicles, and fuel and all three were incredibly more expensive than they were a year ago. She met with the Sheriff, UPD Finance Director, and mayor about the contract. She struggled to find significant cutbacks. She and the mayor noted that body cameras and the storage of its data was a significant cost (under the additional shared services expenses), as well as dispatch. The first option to pay for the contract was to fund with property tax and UPD Fund Balance for FY 2022-23 only. Mayor Silvestrini said the UPD Fund Balance was money the city had paid in the contract but had not been expended, mainly due to labor shortages. Johnson broke down the property tax increase over the next three years (9.93%, 27.99%, and 5.42%) and the approximate cost per household, \$675 over four years. Council Member DeSirant asked why the taxes would be broken out over several years. Johnson said it was not broken out, that is what it would take to pay the continued costs. Mayor Silvestrini said the surplus, UPD Fund Balance, would help to cover expenses the following fiscal year but it would not be available in subsequent years. The residents

would be angry about the city collecting excess funds this fiscal year when it was unnecessary.

Johnson said option 2 would be to fund with an energy sales and use tax and UPD Fund Balance for FY 23 only. The problem is that funding runs out quickly and there would not be enough revenue to cover the expense year after year. The energy sales and use tax alone would cost a household approximately \$375 over four years. Factors affecting energy sales and use taxes are fuel prices, weather patterns, more energy efficient properties have lowered energy usage, and a very low growth rate from year to year. She said other cities did not build in a growth rate factor from year to year. Option 3 would be to fund with a combination of property tax with an even distribution (3.84% each year), energy sales and use tax beginning FY 23, and UPD fund balance for FY 23 only. The approximate household cost would be about \$560 a year. Mayor Silvestrini said this would not give the city time to engage with the public about the new energy sales and use tax and there could be a lag with the utilities in charging it. Option 3a would be to fund with a combination of property tax with an uneven distribution (no increase for the next two fiscal years but a 10.83% increase in FY 2024-25), energy sales and use tax beginning FY 23, and UPD fund balance for FY 23 only. The approximate cost per household would be \$528 over four years.

Johnson said option 4 would be to fund with a combination of property tax with an even distribution (5.42% each year), energy sales and use tax beginning FY 24, UPD fund balance for FY 23 only, and General Fund - Fund Balance in FY 23 only. This would give the city a year to educate the public about the energy sales and use tax. If the fee was not charged in FY24, a much larger property tax would be necessary. The approximate household cost would be \$543 over four years. Option 4a would be to fund with a combination of property tax with an uneven distribution (4.97%, 5.87%, and 4.97%), energy sales and use tax beginning FY 24, UPD fund balance for FY 23 only, and General Fund - Fund Balance in FY 23 only. Option 4b would be to fund with a combination of property tax with an uneven distribution (4.51%, 2.93%, and 4.51%), energy sales and use tax beginning mid-year in FY 23, UPD fund balance for FY 23 only, and General Fund - Fund Balance in FY 23 only. The approximate household cost would be \$519 over four years.

Mike Winder said the energy sales and use tax would go to some who do not pay property taxes; the tax base would be broadened and impact residents less. He said after the adoption of the energy sales and use tax, it would take 90 days to implement. Johnson said the truth in taxation hearing on the FY 23 budget would be on August 8, 2022. She presented proposed property tax increases from other municipalities. The General Fund Balance projections at the end of FY 22 would be 33.31% and at the end of FY 23 would be 33.05%. She then reviewed the FY 23 budget calendar. Mayor Silvestrini said staff recommended option 4b. Johnson noted she got new UPD contract numbers the prior Thursday night. Mayor Silvestrini said UPD had not adopted the final budget yet, but the UPD Board wanted all municipalities to use their fund balance to boost up the whole UPD fund balance. He recommended that council members meet with Ms. Johnson personally over the coming two weeks if they had any questions.

The mayor wanted to have an article in the next printed newsletter about the UPD contract impacts. Millcreek had not spent any property taxes on anything other than to pay for the UPD contract. Council Member Jackson requested a visual depiction of revenue and costs in association with the article. Council Member Catten said it would be more beneficial to say a tax increase was coming. She asked for a few sentences on why the city was not paying for its own police department to be included as well. Council Member Jackson felt that the stormwater fee video was very informative so using a tool like that could be helpful. Council Member DeSirant pointed out that the city had only raised property taxes once, though residents thought all increases were from the city. Council Member Uipi asked which options the Council should not consider. The Council decided options 1 and 2 would not be considered. Council Member Jackson asked if there was a mailer about the property tax increase. Johnson said no, there were specific ways to notice the truth in taxation hearing. Mayor Silvestrini suggested hosting a town hall meeting.

**Council Member DeSirant moved to adjourn the work meeting at 6:39 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 and led the pledge of allegiance.

### **1.2 Public Comment**

Deondra Brown, running for State Senate District 14, introduced herself to the Council. By trade she is a musician. She is an advocate for victims of crime, particularly children. She would like more state funding for mental health services.

### **1.3 Mayor's Star of Excellence Awards**

Mayor Silvestrini said the Council had a retreat and came up with the Star of Excellence Award as an idea of how to recognize contributions to the community and how to involve the youth. The awards go to the top 50 students based on grade point averages at the three high schools, Cottonwood, Olympus, and Skyline. They selected juniors so they could use the award on college applications. He said education was the key to success. He commended the students for their good work and for their parents' support. Mayor Silvestrini read the names of the students who were then able to meet the Council. The students received certificates of recognition and a skating pass to Millcreek Common.

## **2. Planning Matters**

**2.1 Discussion and Consideration of Ordinance 22-21, Rezoning Certain Property Located at Approximately 175 West Central Avenue from R-M (Multi-Family) Zone to MD (Mixed Development) Zone**

Robert May said the rezone would accommodate a mixed-use development. The project would connect trails and transit between Millcreek and Murray. He showed the Council the proposed building renderings and site plan. He explained that the proposal would include 669 parking stalls. The reduction consists of a 3% shared parking reduction and an additional 16.5% parking reduction based on the results of a parking study performed by Hales Engineering. He showed the Council tables from the traffic study. The on-site neighborhood meeting had a positive response. The Millcreek Community Council recommended approval of the proposed application and requested conditions that the applicant make best efforts to enhance the UTA bus routes in the area and include two emergency caches on site. The Planning Commission recommended approval of the rezone subject to the following conditions: 1) The developments final design shall include at minimum, a 7,000 square foot commercial space that incorporates a neighborhood grocery store. 2) The residential portion of the final design shall meet a parking ratio of 1.6 parking stalls per unit. 3) The developments' final landscape design along Big Cottonwood Creek shall incorporate and meet, to the extent possible, the standards and guidelines found in the Salt Lake County Stream Care Guide. The developments' final landscape design shall maintain a natural buffer between the pedestrian path and stream that more particularly included not using sod, planting waterwise plants and preserving the natural vegetation and trees, and signage every 30' feet reminding dog owners to pick up dog waste. The staff recommendation was approval of the rezone with the development agreement and conditions recommended by staff.

Council Member DeSirant expressed concern about the one-way bridge and future redevelopment in the area. May said the traffic study did not contemplate future development. He felt future mitigation would consider a traffic light. Council Member Catten said the railroad was a big challenge and the bridge was not failing. The goal would be to get a two-lane street through.

Steve Turley, applicant, expressed gratitude for staff's work.

Mayor Silvestrini asked for public comment. There was none. May noted that the 18 conditions of approval from the staff report were worked into the development agreement. The Council expressed favor for the project and May's work.

**Council Member Jackson moved to adopt Ordinance 22-21, subject to the development agreement. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

## **2.2 Discussion and Consideration of Ordinance 22-22, Approving a Master Development Agreement for a Mixed-Use Development with Respect to Approximately 7.19 Acres of Real Property Located at Approximately 175 West Central Avenue**

Mayor Silvestrini said the development agreement was an agreement between the developer and the city and the rezone that was just approved was conditioned on approval of the development agreement. The agreement ensures the developer provides the proposed development which was given approval.

**Council Member Uipi moved to approve item 2.2. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

### **3. Financial Matters**

#### **3.1 Unified Police Department Funding Discussion**

Mayor Silvestrini mentioned that item 3.1 was discussed during the work meeting. He said the city was facing a decision about how to fund a roughly 20% increase in the UPD contract for the next fiscal year. The Finance Director provided the Council with six different options for the city to raise funds to pay for the contract. The city has almost a 35% fund balance and the Council was contemplating using some of that for part of a one-time payment. They were looking at options for a property tax increase. The Millcreek Precinct had an internal fund balance, and the city would use a portion of that one-time to fund the contract. The city was also considering implementing an energy sales and use tax. Millcreek was the only city in the county and one of a few in the state that did not collect that revenue source. The Council would continue the discussion at the next meeting.

### **4. Business Matters**

#### **4.1 Discussion and Consideration of Ordinance 22-23, Adjusting Council District Boundaries to Maintain Districts of Substantially Equal Population**

Mayor Silvestrini said the city was required to redistrict based on the changing population. There was a community discussion, a public hearing in front of the city council, discussions at the four community councils, a printed newsletter, and an online survey to gather input on proposed redistricting maps. The west side of the city was growing faster than the east side so boundaries needed to shift. Francis Lilly proposed two council redistricting maps based on the feedback he had received from the Council at prior meetings. The difference between the two maps was including the neighborhood on Elgin Avenue in District 2 or District 3. Council Member Jackson said she received comments from neighbors in that area who expressed interest in being in District 2 and using 1300 E. as the boundary. Mayor Silvestrini asked if there had been any feedback on the two maps since they went out in the electronic newsletter. Staff said no. Council Member DeSirant expressed that he supported the maps because his constituents did. Mayor Silvestrini felt map 5 would be responsive to the public's feedback to have the Mt. Olympus community be in the same district and that Districts 1 and 2 would remain substantially the same. Lilly said the map would go to the County Clerk for election purposes and would go into effect the following day.

**Council Member Jackson moved to adopt Ordinance 22-23, Adjusting Council District Boundaries to Maintain Districts of Substantially Equal Population including map 5 as exhibit A. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

Mayor Silvestrini thanked staff for their work on the matter.

#### **4.2 Discussion and Consideration of Ordinance 22-24, Amending the Procurement Code with Respect to Acquisition of Services or Supplies Codified at Sections 2.22.040 and 2.22.050 of the Millcreek Code**

John Brems said provisions for publishing in the newspaper would be removed and he added sections for procurement advertising for public road projects. Mayor Silvestrini said he was working with the state delegation to remove the requirement to post notices in five public places in the city.

**Council Member Catten moved to approve Ordinance 22-24, Amending the Procurement Code with Respect to Acquisition of Services or Supplies Codified at Sections 2.22.040 and 2.22.050. Council Member DeSirant 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 invited Millcreek residents to come to food truck nights on Thursdays at Millcreek Common. He worked on the UFA, UPD, and city budgets the prior week. He said a state bill would give cities the ability to select an overflow homeless shelter. The Conference of Mayors had been discussing the matter. He said it was tough to find a place in Millcreek that met the required criteria.

### 5.2 City Council Member Reports

Council Member Catten and Council Member Jackson attended the Holladay Hills Wellness Fair, and it went well. Mayor Silvestrini felt that taking the event to the people was beneficial.

### 5.3 Staff Reports

Francis Lilly said the next Planning Commission meeting would be a joint meeting with the City Council on May 18<sup>th</sup>. They would discuss the City Center Overlay Zone, a public arts policy, changes to affordable housing in the General Plan, and would have the Open and Public Meeting Act Training. The Historic Preservation Commission would be having their first meeting on May 19<sup>th</sup>. Council Member Uipi noted she would attend that meeting. He noted that two planning commissioner terms would end in June, so he would be advertising the positions to the public.

Assistant Chief Riley Pilgrim noted he was filling in for Chief Woolsey.

## 6. Consent Agenda

6.1 Approval of April 11, 2022 Work Meeting and Regular Meeting Minutes

**Council Member Uipi moved to approve item 6.1. Council Member DeSirant 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 and Planning Commission Special Mtg., 5/18/22, 5:00 p.m.
- Planning Commission Mtg., 5/18/22, 6:30 p.m.
- City Council Mtg., 5/23/22, 7:00 p.m.

**ADJOURNED:** Council Member Uipi moved to adjourn the meeting at 8:15 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:** \_\_\_\_\_  
Alexander Wendt, Deputy Recorder

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