



**Minutes of the
Millcreek City Council
July 11, 2022
5:30 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 a July 11, 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 (electronic)
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
Mike Winder, City Manager
Francis Lilly, Asst. City Manager
Rita Lund, Communications Director
John Miller, Public Works Director (electronic)
Andrew Clark, Emergency Manager
Carlos Estudillo, Planner
Brad Sanderson, Current Planning Manager
Aimee McConkie, Millcreek Common Director
Rachel Nasse, Community Life Events Manager

Attendees: Rick Hansen, Jon O'Neal, Chief Steve DeBry, Allie Platt

WORK MEETING – 5:30 p.m.

TIME COMMENCED – 5:32 p.m.

Mayor Silvestrini called the work meeting to order.

Allie Platt was not initially present, so the Council moved to item 2.

2. Millcreek Common Rental Discussion; Community Life Events – Millcreek Common Team

Mayor Silvestrini said during the prior week he received a request to rent the Adventure Hub. The city could give permission for third parties to use the space which could be revoked at any time. The council had contemplated renting out the community room in city hall and spaces at Millcreek Common. He said it raised the question about what portions could be rented. There should be a city policy. The Common was built with taxpayer dollars as a public facility, and the city has invited the public to use it between the hours of 10 am and 10 pm. He said he did not have a problem renting the community room or Adventure Hub. He wanted the city to be mindful about how and when to do rentals.

Mike Winder said the license and rental fees were already in the city's fee schedule. He felt that Millcreek Common should be self sufficient but also be a community space. He was not seeking an immediate decision from the council on the matter.

Rachel Nasse said organizations were already set to rent out the conference room and sundeck of the Adventure Hub. Winder said the conference room pricing was \$800 for 4 hours. He said the daytime use could be for rentals, but the public expected the evenings to be available. Aimee McConkie said the off times could be used as rentals. She felt the city hall community room would be used in the evenings in combination with the plaza. Mayor Silvestrini asked if Herriman or Bountiful rented their skate loops out. Council Member Jackson asked if rental of the Adventure Hub and sundeck would be in conjunction with the skate loop. Council Member Uipi wondered about scheduling the reservations out, so it was not overwhelming for staff. Nasse suggested that city events would take priority over private events. Winder said the council needed to decide whether to rent or not rent, then control what groups rented it. Brems said once it was open for rentals, there would need to be a rational basis to exclude someone. Mayor Silvestrini was concerned about messaging to the public of the loop being open if it was possibly rented out to a private party. He suggested rentals be available for the Adventure Hub and the skating loop would be open to the public. He felt the public should be able to access it during prime hours.

Council Member Catten thought rentals should happen, especially in the off hours. She suggested creating an offset pricing for community groups or residents, or preference to resident reservations. Winder recommended not renting out the skate loop after 5 p.m. The Council agreed. Private parties could rent the loop during the day. Mayor Silvestrini noted that a lot of other similar facilities charged fees. Nasse said the loop had a certain capacity, about 250 skaters at one time, so if a private group came in addition to the public, it could be an issue. Council Member Catten said when renting, the numbers should be rsvp'd in advance. Council Member Uipi said there could be a set capacity for the rental. Winder said McConkie would give quarterly reports to the council. He reported that staff had received positive feedback from use on the plaza.

1. ZM-22-009, Calla Homes Phase II Discussion; Allie Platt, Lotus Company

Allie Platt said she was working on a project zoned C-2 at the Fats Cats location. There were different requirements in the C-2 zone when Lotus developed the neighboring site. She said Fats Cats was not doing well. They were seeking to rezone a portion of that property. They would have commercial/restaurant and live/work units on 900 E. and the rest of the site they would rezone to RM for townhomes. She asked the council if there were concerns with the project before they went through the approval process. Mayor Silvestrini asked if the units would be owner-occupied. Platt said they would be rentals. Mayor Silvestrini asked about restricting some units for affordability. Platt said she would look into it. Mayor Silvestrini praised the consolidated green space in the newest proposal for the site. Council Member Jackson asked about the commercial space requirements. Brad Sanderson said in the C-2 Zone, a substantial amount of commercial space must be preserved, at least an acre. The site was three acres. He noted midblock commercial was being redeveloped in other areas of the city. Council Member DeSirant asked about the commercial being a grocery store. Lilly said the commercial space, about 3,000 square feet, would be well suited for a restaurant. Council Member DeSirant

requested the units be individually platted. Mayor Silvestrini suggested a certain number of units being owner-occupied. He wanted some owner-occupancy and affordable housing components.

Francis Lilly said the General Plan designated the property as employment/office and that may not be the best designation long-term. This could lead to a broader discussion about conceptual issues with code implementation. He felt there was opportunity for some commercial on the site. Council Member Jackson noted that Stella's Grill down the street did not have sufficient parking and any commercial at this location should have enough parking. Council Member Catten said people were mad at the neighborhood meeting though it fit with the neighborhood. Mayor Silvestrini noted this proposal was not driving Fat Cats out of business, that was a decision that they had already made. He requested creativity to make the housing affordable. He liked the live/work units along 900 E. Council Member Jackson noted in the current rendering, there was not enough commercial parking. Council Member Catten asked about the bedroom count because lower bedroom units would not have families, so a playground as proposed would not be used. Sanderson noted that each unit would have two car garages.

3. Planning Matters First Readings:

a. ZT-22-004, Amendments to Chapter 19.86 of the Millcreek Code to the Powers and Duties of the Historic Preservation Commission; Francis Lilly, Planning & Zoning Director

Francis Lilly said his goal was to get Millcreek designated as a Certified Local Government (CLG) with the State Historic Preservation Office. In order to do so, among other things, the ordinance regarding the powers and duties of the Historic Preservation Commission needed to be updated to include the following duty, "Support the enforcement of all state and local legislation relating to historic preservation." When the code was updated, the city would be qualified and could apply to be a CLG. CLGs could unlock tax credits and low interest loan facilities offered by the state and federal government for historic preservation. All four community councils and the Planning Commission recommended approval of the text amendment. He reported that the Historic Preservation Commission had had a good couple of meetings. They were currently doing strategic planning and site identification.

b. ZM-22-008, Rezone Request from R-1-8 to R-1-6 to Accommodate a Flag Lot at 3209 S. Orchard Street; Carlos Estudillo, Planner

Carlos Estudillo said the flag lot would have a shared private access on 3209 S. Orchard Street with the intent of having two single family houses. The property had two structures, one of which had been condemned and since demolished. The existing structure would be remodeled, and a new one house would be constructed. The lot consisted of 17,435 square feet. The flag lot policy required a minimum lot size of 20,000 in the R-1-8 zone but the R-1-6 zone only required 15,000 square feet. He showed a picture of the current property and the proposed site plan. The General Plan designated the property as Neighborhood 1, and it would remain the same. There was positive feedback at the neighborhood meeting. The Canyon Rim Citizens Association, East Mill Creek Community Council, Millcreek Community Council, and Planning Commission recommended approval. Council Member Jackson acknowledged that the application went to multiple community council because of its proximity to the boundaries of each. Estudillo reviewed the planning staff findings and conclusions, which in sum, said that rezoning the property would accommodate a flag lot, two homes would blend with the existing neighborhood character, the proposed lot sizes would comply with the flag lot policy, the application supported the General Plan, and adding a new sidewalk on Orchard would increase pedestrian infrastructure and connectivity. Staff did not recommend a development agreement or

conditions. Brems said the property had been a nuisance and there were liens against it that should get paid before the rezone got approved, so that should be a condition of approval.

Applicant - Jon O’Neal, 4050 S. 1500 E., said the liens had been paid. He bought the property in April 2022 and was trying to restore the old home.

4. Staff Reports

Winder said John Miller would update the Council on public works projects via email, including rebidding the Skyline roundabout project to be able to be constructed during the school year. Winder said he received a letter from an alteration shop that was affected by a fire on Miller Avenue. They were upset because they had not yet received their insurance money. He said he would draft a response letter. Mayor Silvestrini noted it was a private matter, not one for the city. Winder passed out a timeline on the property tax increase and municipal energy sales and use tax communications through the end of the year, which he then reviewed. Council Member Jackson asked about notice for the municipal energy sales and use tax townhall. Rita Lund said it would be on social media and the electronic newsletter. Council Member Jackson said that would not get to the older residents and there needed to be something else. Winder said there could be a postcard mailer in September. Mayor Silvestrini said he had received comments about the issue and asked that any others be recirculated among the council. Winder said the townhall would be at city hall and streamed. Council Member Jackson wondered if the supplemental funding the city would provide for this fiscal year from the General Fund was communicated as a one-time effort. Winder noted that it could be emphasized.

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

There were none.

Council Member Uipi moved to adjourn the work meeting at 6:52 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: 7:04 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 was no comment.

2. Planning Matters

2.1 Discussion and Consideration of Resolution 22-20, Approving Appointments to the Planning Commission

Mayor Silvestrini said there were two open seats on the Commission. An interview committee which consisted of him, Planning Commission Chair Shawn LaMar, Council

Member Jackson, and Francis Lilly interviewed multiple candidates. Lilly said David Hulsberg was an architect and Nils Per Lofgren was a real estate and land use law attorney. The interview committee nominations for the two were unanimous. The third was the reappointment of the current Commissioner, Christian Larsen. Council Member Jackson said she was impressed by all the candidates and the community was fortunate to have willing and talented volunteers. Mayor Silvestrini said there may be another off-term vacancy in the near future and the city would retain applications from the other candidates to fill that.

Council Member Catten moved to approve Resolution 22-20, Approving Appointments to the 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 22-21, Approving an Interlocal Cooperative Agreement with City of Holladay for Utility Boxes and Covers and Installation of Concrete Collars on Murray Holladay Road

John Miller said Murray Holladay Road was recently paved. Millcreek owned 67% of the repaved surface and Holladay owned the rest. The county did not have a contract to do the collars as part of the project. The collars would go around the utility lids to prevent noise from cars driving over them.

Council Member Jackson moved to adopt Resolution 22-21, Approving an Interlocal Cooperative Agreement with City of Holladay for Utility Boxes and Covers and Installation of Concrete Collars on Murray Holladay Road. Council Member DeSirant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Ordinance 22-33, Amending Title 13 Parks and Recreation by Adding a Definition for Plaza

Mike Winder said it was important to designate Millcreek Common as a plaza instead of a park for applicability with numerous state laws.

Council Member Uipi moved to approve item 3.2. Council Member DeSirant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Ordinance 22-34, Amending Title 15 Chapter 32 of the Millcreek Code of Ordinances Entitled Fit Premises Adding Additional Safety Requirements

John Brems said there was a requirement for a fire extinguisher and carbon monoxide detector in rental license applications, but it was not backed in code. This would add the code component. He noted that he had changed the second amendment to read, "Provide, install, and maintain carbon monoxide detectors as required by code;" instead of what was provided on the ordinance in the council meeting packet.

Council Member Jackson moved to approve item 3.3 as amended. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.4 Discussion and Consideration of Resolution 22-22, Authorizing and Recognizing Mayor Jeff Silvestrini as the Official Authorized to Execute Agreements for and on Behalf of Millcreek with Salt Lake County Regarding the Community Development Block Grant Program (CDBG) for the Program Year 2022-2023

Mayor Silvestrini said this was something the county required annually.

Council Member Uipi moved to approve item 3.4. Council Member DeSirant 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 would like to have a closed meeting for pending litigation reasons. He reported that the 4th of July event was successful. He noted that there was a new director of Public Works with Salt Lake County. The Community Renewable Energy Board met, and they were in the process of paying the State Public Service Commission to review the application with Rocky Mountain Power. The council would be presented with a form ordinance this fall and the rate making would be done the following year. He was working with the State on an effort in figuring out a way to spend the money the Legislature appropriated to conduct a statewide discussion on growth and working on ways to educate and solicit feedback from the public.

Mayor Silvestrini said he was visited by a representative of South Valley Mosquito Abatement District about the small pond in his yard. Lund acknowledged that she would add something about mosquito abatement in an e-newsletter.

4.2 City Council Member Reports

Council Member DeSirant enjoyed the 4th of July parade. The council thanked Maquel Reginek, Millcreek staff, for supplying their wagon with candy.

4.3 Staff Reports

5. Consent Agenda

5.1 Approval of June 13, 2022 Work Meeting and Regular Meeting Minutes

5.2 Approval of June 27, 2022 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve item 5.1 and 5.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

Council Member DeSirant asked about a date for the council retreat update. Council Member Catten recommended in September.

7. Calendar of Upcoming Events

- Planning Commission Mtg., 7/20/22, 6:30 p.m.
- City Council Mtg., 7/26/22, 7:00 p.m.

Mayor Silvestrini said he would not be present for the July 26th meeting. Council Member DeSirant said he would not be available for the August 22nd meeting. Winder reminded the Council about a joint meeting with the Planning Commission on July 20th at 5:00 p.m.

Lund said the Millcreek Community Council meeting had to be cancelled the prior week due to the power outage and it would be held the following day.

Council Member Jackson moved to go into a closed meeting per Utah Code Ann. §52-4-205 (c) strategy sessions to discuss pending or reasonably imminent litigation at 7:30 p.m. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member DeSirant moved to go back into the open meeting at 7:44 p.m. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 7:45 p.m. Council Member DeSirant 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