



**Minutes of the
Millcreek City Council
January 23, 2023
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on January 23, 2023, 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

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
Mike Winder, City Manager
John Miller, Public Works Director
Kurt Hansen, Facilities Director
Rita Lund, Communications Director (electronic)
John Brems, City Attorney
Stephanie Bond, HR Manager (electronic)
Dan Drumiler, Stormwater Engineer

Attendees: Chief Steve DeBry, Chief Duane Woolsey, Nathan Andersen, Jeff & Lynda Gibson, Richard Hansen

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:05 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Pro Tempore Uipi called the meeting to order and led the pledge of allegiance.

1.2 Public Comment

There were no comments.

1.3 Unified Police Department Millcreek Precinct Officer of the Month for December 2022 - Detective Jacob Werner

Chief Steve DeBry announced Detective Jacob Werner as the Officer of the Month for December 2022. Detective Werner pulled over a suspect for a driving infraction and firearms and drugs were found in the car and seized. The East Mill Creek Community Council presented a gift for Detective Werner.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 23-03, Approving and Amending a Development Agreement for a Mixed-Use Development with Respect to Approximately 0.64 Acres of Real Property Located at Approximately 4080-4090 S Highland Drive

Katie Larsen said the site was at 4080, 4088, and 4090 S. Highland Drive. The applicant, Nathan Anderson, was seeking to amend the development agreement associated with ZM-21-003/Ordinance 21-51. The project was approved to be a mixed-use planned unit development consisting of 7 residential townhomes and 4 live-work units and the amended proposal was for 8 residential townhomes and 2 live-work units. The development would be changing by way of site plan configuration, decreased density (loss of one unit), new commercial space configuration, and added guest parking. The development's design would change in color, textures, material, height. She showed the council renderings of the original and proposed buildings. The Millcreek Community Council and Planning Commission both unanimously recommended approval of the application. She reviewed the amended agreement she provided to the council before the meeting. This agreement replaced exhibit B as follows:

Exhibit B

Developer and the City agree that the proposed development will incorporate the following:

1. The development site plan shall be developed substantially as depicted on the attached illustrations.
2. Elevations and locations of buildings shall be developed substantially as depicted on the attached illustrations.
3. Building materials and façade articulation shall be developed substantially as depicted on the attached illustrations.
4. Developer may enhance the façades by changing the color of material, or by the addition of lap siding, glass and brick to add further articulation. The enhancements are to be developed substantially as depicted on the attached illustrations.
5. Developer shall plant a minimum of 6 trees no less than two inches in caliper along the west property line. Trees along west property line must be columnar birch or poplar.
6. Exhibit C is deleted in its entirety and incorporated into Exhibit B. See Pages 2-5.

Council Member Jackson moved to approve Ordinance 23-03 as amended, and a development agreement for a mixed-use development with respect to approximately 0.64 acres of real property located on Highland Drive. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3. Financial Matters

3.1 Public Hearing on Opening and Amending the Fiscal Year 2022-23 General Fund, Capital Improvement Project Fund, and Storm Water Fund Budgets

Laurie Johnson reported that the amendment increased the General Fund in the amount of \$1,378,069 and increased the Capital Improvement Project (CIP) Fund in the amount of \$1,094,397. There were no changes to the Storm Water Fund. Millcreek had 52 full-time

employees and was proposing to add one more, a Community Life Manager/Climbing Wall Specialist. There were 36 part-time employees, mostly youth running the skate rentals at Millcreek Common. The General Fund had 56.51% revenues collected and 58.78% of the budget had been expended. The projected Fund Balance at the end of FY 23 was \$13,385,700.

Johnson reviewed the General Fund revenues. The mass transit tax and building permit revenues were increased based on projections. She recognized the Rocky Mountain Power Foundations grant, the Mill Creek Elementary Outdoor Classroom Grant, an emergency management grant, readjusted the homeless mitigation funds, and recognized the actual liquor grant amount. She increased planning fees, Millcreek Common revenue, interest earnings, and miscellaneous income in this amendment.

Johnson then reviewed the expense budget. In the Mayor and City Council budget, she adjusted the homeless mitigation funds line item. There were no changes on the City Management, Justice Court, Legal Services, Building Services, Economic Development, Business License Administration, Community Life/Millcreek Common, Finance, Facilities, and Class B & C Road budgets. The Public Safety budget had too much of the homeless mitigation funds, so that was decreased, and the alcohol tax was recognized. The Promise Program budget had additional donations and grant funds added. The City Recorder had a small increase due to updated needs. In the Communications budget, the events and programs increased to meet updated needs. In the Emergency Management budget, over-time wages increased to meet updated needs. In the Information Center budget, various line items changed to meet updated needs. The Community Life/Millcreek Common Administration budget increased in operating expenses and the Community Life Events and Programs had various line item changes. The Millcreek Common Adventure Hub had overtime increases to meet needs. The Non-Departmental budgets had a liability insurance increase and transfer to CIP Fund increase. The Fleet budget had an increase in operating expenses. Various line items changed in the IT Management budget. Professional services increased in the Planning and Zoning budget to meet updated needs. In the Public Works budget, the Salt Lake County Public Works line item increased by \$200,000.

Mayor Silvestrini moved to open the public hearing. Council Member Jackson seconded. The Mayor Pro Tempore called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

There were no comments.

Council Member Jackson moved to close the public hearing. Council Member Catten seconded. The Mayor Pro Tempore called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Ordinance 23-02, Amending the 2022-23 Fiscal Year Budget

Council Member Jackson moved to adopt Ordinance 23-02, Amending the 2022-23 Fiscal Year Budget. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3.3 FY 2022-23 2nd Quarterly Report; Laurie Johnson, HR-Finance Director

Johnson said the second budget amendment was initially the second quarterly report, but she added a review of the Capital Improvement Project (CIP) fund. She said she recognized changes in revenue with intergovernmental revenue, interest earnings, use of CIP Fund Balance, and transfer from General Fund. In expenses, the amount of change for the land line item, used to purchase property, decreased. There were increases in sidewalk projects and non-public works projects. There were no changes to the Stormwater Fund.

4. Business Matters

4.1 Review of Updated Millcreek Employee Handbook; Laurie Johnson, HR-Finance Director

Laurie Johnson reviewed the major changes to the employee handbook. Johnson gave credit to Stephanie Bond, HR Manager, for her work on the project. The process included initial research, initial review, next level review with the city attorney and city manager; and completed three overall reviews of the entire handbook. The major changes in section 2 were adding employment practices to allow 14 and 15 year olds for part-time employment, adding a sub section to allow for reasonable accommodation of disabled workers, adding selection procedures for criminal background checks, and adding language to clarify that promoted or reclassified employees may be subject to a new probationary period. In section three on compensation leaves and benefits, they clarified language to be consistent with the Federal Labor Standards Act, added more comprehensive language on how the process and compensation for “on-call” is managed, and added caregiver leave per prior council approval. In that same section the following employee benefits were added: medical insurance opt-out program policy, health savings account employer contribution policy, cell phone allowance, workplace pets, and other benefits which included activities on Millcreek Common. In section four employee conduct, the social media policy was updated, clarifying language on personal employee relationships was added, and blood alcohol levels and medical cannabis use were updated and added per applicable laws and standards. Section five on financial policies and procedures had business related expense reimbursements, city credit card program, use of city pool vehicles, and a cash handling policy added. The appendix had acronyms and the Payment Card Industry Data Security Standards added.

Council Member Catten asked how often the handbook would be updated. Johnson said about every three years. Council Member Catten asked about policy for accidental use of a city credit card. Johnson confirmed the handbook acknowledged it. Winder commended the new handbook. The council acknowledged Stephanie Bond’s work.

4.2 Stormwater Utility Update Presentation; John Miller, Public Works Director

John Miller said expenditures to date was \$863,000 and upcoming projects was \$267,000, with a total of \$1,130,000 in FY 2022-23. He presented a map and list of

competed projects from July 2022-January 2023 with their associated costs. He presented a map and list of upcoming projects and their associated costs. He noted there had been recurring flooding at 3900 S. 1100 E. and a new reinforced concrete pipe was put in to replace deteriorated piping. He highlighted a project that fix flooding on Evergreen Avenue at 1903 E. He showed pictures from the Opus Green pipe rehabilitation from Central Avenue to Big Cottonwood Creek (approx. 600 linear feet). The Storm Drain Master Plan identified forty plus known projects that would need \$20 million plus in funding over the next 5-30 years. Ongoing investigation was required, and the plan would need an update. He highlighted the category A and B map from the plan which showed the location of projects that needed to be done. Council Member Catten asked about the difference between the categories. Miller said the category A projects were worse, so it was a balance on prioritization.

Council Member Uipi read a public comment received from Lynda Bagley-Gibson, 3074 E. Richmond Street, *“Richmond Street has not been finished, as indicated in the newsletter and additional documents. There is an open ditch on the east side of the street, which is where the debris gets in and clogs any pipes downstream. This pipe was replaced twice in 2021 and once in 2022 and it doesn't make any sense to replace it for \$48,000 and not do something about the open ditch/storm drain which causes the problems.”*

Miller noted that Richmond Street was Salt Lake City's road, and a lot of development was taking place there. Lilly said there was new development happening next door to the Bagley-Gibson residence. That developer had agreed to reroute and pipe that ditch with the Gibson's cooperation.

4.3 Snowplow Operations Discussion; John Miller, Public Works Director

John Miller said there had been a lot of snow that winter and there had been more complaints/concerns about snow removal. The operations contract with Salt Lake County is \$5.5 million and includes 15 full time employees, trucks/other equipment, salt, pavement preservation, concrete, and signals/street maintenance. He showed the council images of the plows and 10-wheelers. He explained how the plows worked, by sliding snow to the right, off the road. Over 50% of plow accidents that winter involved parked vehicles. Council Member Uipi asked what happened with the parked cars since they were not supposed to be on the roads. Miller said UPD could tow them, and code enforcement could provide citations. He showed the council examples of accidents and complaints received with the rationale of why the plows do what they do. If the snowplow driver does not feel the road is safe to plow, they will skip it. Council Member Catten asked if missed roads got plowed. Miller said they would get them on another pass. He noted the county was short 23 plow drivers. The cove was the only place in the county that had a night shift. Council Member Jackson said she had received a lot of compliments on snow plowing.

Council Member Jackson moved to reorder the agenda to move items 5.5 and 5.6 next. Council Member DeSirant seconded. The Mayor Pro Temp called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

5.5 Unified Fire Authority Report

Chief Duane Woolsey said construction progress on the stations were moving as expected. The recruit camp would start February 6th. They hoped to get 36 new employees. He wanted the council to know they respond on fire and medical calls. He said there was a structure collapse of a parking structure, and he recognized the crew that worked on that. He announced that he would be retiring on March 1. The council thanked the chief and commended his service.

5.6 Unified Police Department Report

Chief Steve Debry presented the statistics from 2020-2022 on calls and cases, and citations and arrests. He presented the crime statistics by month for 2022. In December, there were 35 assaults, 8 burglaries, 25 drug offenses, 82 family offenses, 89 larcenies, 6 robberies, 9 sexual offenses, and 22 stolen vehicles. He presented data on a ½ mile radius from the overflow shelter comparison for calls for service from 2021-2022. There were 31 calls for service at the temporary overflow shelter during the month of December 2022. Officers responded to 23 transient calls, 66 mental health calls, 118 traffic accidents, and 23 hit and runs, and 359 citations were issued in December. He described some notable cases from 2022. In 2022, in partnership with Salt Lake County Health Department they cleaned up and removed illegal campsites in Millcreek, resulting in over 20,000 pounds of garbage and waste collected with major cleanups at Van Winkle Expressway, Big Cottonwood Regional Park and Tanner Park. In 2022, they investigated and resolved 58 cases of graffiti throughout Millcreek, conducted 12 bar - sexually oriented onsite business compliance checks, conducted 4 “Eliminate Alcohol Sales to Youth” utilizing UPD CUBS, and partnered with Millcreek Venture Out and other government, civic and youth groups. The precinct also attended various events at apartment complexes (Holladay Hills, Gordon Lane, Turnberry Apartments), events at area elementaries, and other civic events and meetings throughout the year. The Millcreek Officer of the Year for 2022 was Sergeant Mike Mays. The chief added that in 2022 there were three homicides, two of which were still being worked.

4.4 Low-Income Assistance Strategies for the Community Renewable Energy Program Discussion

Council Member Jackson said the Low Income Plan Committee of the Community Renewable Energy Program had been working on the outreach strategies to contact and notify those in each city who may be eligible for assistance. They put together a list of all the organizations and all of the places within each city to post notice about what was going on, which would be in addition to the mailed notices. They were trying to reach those who received government subsidized housing, households receiving a fixed income, lower-income households who were not direct customers of Rocky Mountain Power or who rent or own single detached homes, and households who were recently resettled refugees. The organizations to work with were: Holladay Lions Recreation Center, Millcreek Recreation Center, Millcreek Senior Center, Asian Association of Utah, AARP – Utah State Office, Assist Utah, Comuidades Unidas, Department of Workforce Services – Refugee Services, Division of Services for People with Disabilities, English Skills Learning Center, Foundations for Independence-Cerebral Palsy of Utah, Futures through Training, Housing Authority of Salt Lake City, Medicaid, National Resource Directory, NeighborWorks Salt Lake, Refugee and Immigrant Center

– Asian Association of Utah, Salt Lake Valley Habitat for Humanity, The Salvation Army – Salt Lake, Work Activity Center – Midvale, and Utah Community Action. She wondered if there were any organizations that needed to be added. The outreach strategies entailed meeting with the organizations, inviting them to the Low Income Plan Committee meetings, adding contact email addresses to the Agency’s list-serv, providing printed posters in English and Spanish, providing template informational emails, and that Millcreek would post posters at City Hall. Winder said a lot those places partnered with the Promise Program. Council Member DeSirant noted the city could use the printed newsletter for advertisements.

5. Reports

5.1 Mayor’s Report

Mayor Silvestrini reported that the legislative session started the prior week. There was outstanding representation from the Millcreek Youth Council on the hill at Local Officials Day. The city council and executive staff met in a strategic planning session on January 12th. Millcreek Common had been generating revenue for the city. He announced he would make his state of the city address at the next meeting and the council would be presenting community awards then as well. He was currently attending the Conference of the National Association of Regions, organizations that do planning and transportation funding like Wasatch Front Regional Council, in Washington D.C. While there, he would be meeting with congressional legislators to discuss funding.

5.2 City Council Member Reports

Council Member DeSirant noted he would be attending the Utah League of Cities and Towns’ legislative meetings. Council Member Jackson announced she attended the Association of General Contractor’s award breakfast and Millcreek Common received an award. Council Member Uipi reported she attended the council of governments meeting.

5.3 Treasurer’s Report

Council Member Jackson reported:

- As of January 23, 2023, the balance of the Series 2021 Bond Construction Fund is: \$22,570,731.85. (City Hall construction)
- As of January 23, 2023, Millcreek’s PTIF account balance is: \$49,916,149.32.
- As of January 23, 2023, 96.9% of FY23 property taxes have been received in the amount of \$11,333,718.34. Last year at this same time, Millcreek had received \$10,766,696.83.
- As of January 23, 2023, 39.9% of FY23 sales taxes have been received in the amount of \$4,990,654.84. Last year at this same time, Millcreek had received \$4,535,781.61.

5.4 Staff Reports

John Miller reported that he met with Granite School District for the Roosevelt Continuation School open space being used as a dog park. They requested a concept plan and staff has commissioned a concept from a consultant. Staff had made contact with the Church of Jesus Christ of Latter-Day Saints on the use of the parking lot for the pickleball courts at Canyon Rim Park. They hoped to come to an agreement. John Brems reported that the council may need to bring a condemnation to the council on property for the 2000 E. project to continue. Mayor Silvestrini noted the property owner did not want

to cede property for a sidewalk. Miller said the city needed to get an easement on the property.

John Brems reported the Millcreek Community Foundation was recently recognized as public charity, 501(c)3. He brought up combining court services with Holladay. The county notified the city in 2022 that they were looking to get out of the justice court business. Millcreek then had three options for services, go to Third District Court, start its own court, or join with another entity. He had approached Murray, South Salt Lake, and Holladay. Holladay was receptive to Millcreek joining as they currently provided services for Cottonwood Heights. Millcreek spends about \$500,000 for justice court services with the county. He said Cottonwood Heights paid \$55,000 for services with Holladay in 2022. The court would be held at Holladay City Hall. He said the county may be changing their position about providing services (because there was a different county council in place) and the county wondered if the city wanted to keep using them for services. The council was interested in pursuing the option with joining Holladay for cost savings.

6. Consent Agenda

6.1 Approval of January 10, 2023 Special Work and Regular Meeting Minutes

Council Member DeSirant moved to approve the January 10, 2023 Special Work and Regular Meeting Minutes. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Canyon Rim Citizens Association Mtg., 2/1/23, 7:00 p.m.
- East Mill Creek Community Council Mtg., 2/2/23, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 2/6/23, 6:00 p.m.
- Millcreek Community Council Mtg., 2/7/23, 6:30 p.m.
- Historic Preservation Commission Mtg., 2/9/23, 6:00 p.m.
- City Council Mtg., 2/13/23, 7:00 p.m.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 9:06 p.m. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder