



**Minutes of the  
Millcreek City Council & Planning Commission  
May 18, 2022  
5:00 p.m.  
Special Meeting**

The City Council and Planning Commission of Millcreek, Utah, met in a special public meeting on May 18, 2022, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website.

**PRESENT:**

**Council Members**

Jeff Silvestrini, Mayor (electronic)  
Silvia Catten, District 1 (electronic)  
Thom DeSirant, District 2  
Cheri Jackson, District 3  
Bev Uipi, District 4 (electronic, arrived at 6:07pm)

**Commissioners**

Shawn LaMar, Chair  
Victoria Reid, Vice Chair  
David Allen (absent)  
Scott Claerhout (electronic)  
Skye Sieber  
Tom Stephens (electronic)  
Ian Wright  
Christian Larsen  
Aryel Cianflone (arrived at 5:20pm)

**City Staff**

Mike Winder, City Manager  
John Brems, City Attorney  
Francis Lilly, Assistant City Manager  
Kurt Hansen, Facilities Director  
Brad Sanderson, Current Planning Manager (electronic)  
Elyse Sullivan, City Recorder  
Jen Smith, Staff Engineer (electronic)  
Katie Larsen, Planner  
Rita Lund, Communications Director  
Robert May, Long Range Planner

**Attendees:** Richard Hansen, Andrew Gruber, Brad Reynolds, D. Benson, Tracy Thomas, Kevin & Virginia Gonzales, Kathy Blake, Mike Akerlow, Eliza Ungricht, Laurel Osborn, Susan Hurst

**WORK MEETING – 5:00 p.m.**

**TIME COMMENCED – 5:04 p.m.**

Council Member Jackson called the meeting to order and led the pledge of allegiance. Mike Winder invited the Council and Commission to the “Friends and Family Skate Night” at Millcreek Common on May 21<sup>st</sup>.

**1. Open and Public Meetings Act Annual Training; John Brems, City Attorney**

John Brems trained the public bodies on components of the Open and Public Meetings Act which included definitions, rules, distinguishments between open and closed meetings, and case studies.

Council Member Jackson asked if the Planning Commission could have closed meetings. Brems said he could not think of a reason the Commission would need to have one unless it was for a quasi-judicial matter. Commissioner Reid asked about the topic of discussion mattering when meeting with constituents. Brems said the Planning Commission's Rules of Order regarding ex-parte communication differed from the requirements of the Open and Public Meetings Act.

## **2. City Center Overlay Zone – Progress Report and Discussion**

Francis Lilly provided a project summary of ten projects in the city center and their status. Total, there were 1,642 dwellings, 180,348 square feet of commercial space, and 2,654 parking stalls. He broke down the commercial space which included City Hall office (24%), public market and café (3%), community room (2%), other office (18%), retail (37%), and restaurant (16%), though retail and restaurant percentages may change.

Andrew Gruber, Executive Director of the Wasatch Front Regional Council, said the council was thrilled with the city center. The council develops plans from a regional perspective to accommodate growth. He often sees how municipalities deal with growth issues and he uses Millcreek as a model. He commended the mayor for his work on various entity boards. Gruber gave a brief history of city actions in creating a city center. The city created a reasonable balance between transportation, economic development, and housing. Mayor Silvestrini said transit would not work without rooftops, but it was coming. There would be an enhanced bus service. Gruber said when transit service is planned, that process is done in consideration of development needs, travel demands, and what cities want. Mayor Silvestrini welcomed concerns about the city center from the commission. Gruber said a smart policy approach was being used to encourage, reward, and incentivize cities for doing what Millcreek was doing. He anticipated more and better transportation service after the city center was in place.

Francis Lilly listed what was working so far. The city had approved several large, complicated applications under a complex and detailed code. There was excitement around Millcreek Common. Developers provided voluntary compliance with better-than-required design standards. Millcreek Common was becoming a unifying theme. Developers saw the vision and were willing to pioneer commercial uses.

Lilly listed the Planning Commission's and staff's concerns and potential improvements to the CCOZ. Commissioner LaMar went through the list of Planning Commission concerns. He asked the bodies if the City Center Overlay Development Agreement Zone (CCOZ-DA) option was appropriate since it seemed tailored to fit a certain development on the corner of 3300 S. and 1300 E. Lilly pointed out that the development agreement had been used once. Council Member DeSirant said the one instance was to improve the viability of the development by relocating the placement of the commercial space. Commissioner Stephens brought up reduced step backs with the one development agreement. Council Member Jackson asked him if there would be a reasonable scenario to change the step backs. Commissioner Stephens said every project was different and in the long term reduced step backs would hinder the visual aesthetics. Council Member Jackson asked if he would prefer to not have flexibility with developments. Commissioner Stephens said staff had good faith reasons for accommodations, but developers

did not like step backs because it reduced the profitability of the projects so they would always push for reductions. Lilly said almost every developer asks about the step backs, but the staff does not give in. One exception was made but it provided favorable tradeoffs. The one exception was with the project connected to the city hall and parking structure. Council Member DeSirant said the step backs were reduced because the fault line impacted the buildability of the project. Council Member Jackson said every application that had asked for a reduction in step backs had not been approved. Commissioner Larsen said the one instance the CCOZ-DA was used, it was appropriate. Mayor Silvestrini said there were reasons to have exceptions and eliminating the option to be flexible would hurt the city.

Commissioner LaMar wondered if parking reductions were too aggressive and if there should be a tool the Commission could use for deciding that. Robert May wondered about creating a standard for parking reductions and felt the guest parking ratio was the problem. Council Member DeSirant tried to keep the future of the space in mind with parking requirements. Commissioner Reid expressed concern for building mass. She felt there needed to be strict rules about significant breaks in the façade. Commissioner Wright said all of the major projects in the city center had already been approved. He felt that the city was doing a “give and take” with developers. He did not appreciate the building mass, either.

Commissioner LaMar would like to see applications earlier so the developer could incorporate the Commission’s input before plans were made. Council Member Jackson asked if that was the staff’s role or the Commission’s. Mike Winder said Francis Lilly put out monthly city center project updates and the Planning Commission could dig deeper into projects when those went out if they were interested. Lilly said staff could do better at communicating tradeoffs since those conversations did take place with staff. He said staff led developers to projects that met code and sometimes the developers have been surprised when the commission suggests something different. Lilly said in the context of a conditional use permit, the city must follow code. He suggested setting up working groups with the council and commission to work out CCOZ code enhancements. He said if the bodies did not like a project, the code should be amended.

Commissioner LaMar brought up the cash in lieu for open space option. Lilly said the cash enhanced the city center from space that would not be as worthwhile. Commissioner Stephens did not enjoy losing open space because developments were permanent. Commissioner Larsen said size and shape of the space should be considered when determining if the cash in lieu option was appropriate. Mayor Silvestrini suggested the council and commission meet together more often and suggested the bodies provide a business report in each other’s meetings.

### **3. Public Arts Policy Discussion**

Francis Lilly thanked Commissioner Reid for her work on concepts and policy for art. Commissioner Reid said her objective was to develop a fiscally responsible public arts plan that inspires and creates a sense of place for Millcreek residents and artists. She did interviews with various entities and searched through other resources when researching a public arts policy for Millcreek. She recommended that a 7-member public arts commission oversee selection of art sites and artists, the implementation of projects, budget recommendations, maintenance of existing art, fundraising, and public-private partnerships. The membership would include artists, an architect, community leaders, a Millcreek Arts Council member, and a Millcreek staff person. She noted that the Millcreek Arts Council predated the city’s incorporation. It was a non-profit, volunteer organization which sought to increase awareness and appreciation of the arts in

Millcreek. They were designated as Millcreek's Local Arts Agency and received Tier 2 ZAP funding from Salt Lake County. The city needed to strengthen the relationship with the Arts Council. She suggested the following funding options: a public arts fund, a percent-for-art, 1-1.5%, of capital improvement project funds, a percent-for-art development fee attached to building permits, general funds, maintenance funds, grants, donations, public-private partnerships, and 501(c)3 assistance.

The process used for public engagement could help people feel more connected to the city. She listed recommended questions for the engagement:

- How do we use public art to create a sense of place?
- What values, themes, and symbols are important to Millcreek?
- Should we seek out projects that prioritize Millcreek artists/themes?
- Should we try to differentiate ourselves from surrounding communities through our art?
- Should we focus on a specific type of art? Murals? Paintings: Sculpture?
- Should we establish design standards that create a look and feel for Millcreek?

Commissioner Reid provided her recommendations:

- Authorize establishment of a Public Art Commission.
- Authorize development of a public art plan.
- Authorize development of a percent-for-art ordinance for capital projects.
- Consider a percent-for-art ordinance for large, private development projects.
- Authorize general fund appropriations for public art.
- Identify Millcreek staff person to oversee public art.


Lilly said the General Plan addressed the power of public art and staff supported the effort.

#### **4. Updates to the Millcreek Moderate Income Housing Plan Discussion**

Francis Lilly said new state statute required municipalities to update their Moderate-Income Housing Plans by October 1, 2022. Millcreek has a "fixed guideway transit," so at least five implementation elements from state code needed to be added, but the city should do at least six. Cities that select more than five elements would get enhanced priority for Transportation Investment Fund (TIF), Transit Transportation Investment Fund (TTIF), and American Rescue Plan Act (ARPA) funds. He said one of the implementation elements needed to be a station area plan for the Meadowbrook area. A station area plan must be adopted no later than December 2025, but he wanted to adopt one by spring 2023 because the city may get a "qualifying land use application" that compelled the city to prepare one anyway. Completion of one would qualify the city for enhanced prioritization for state transportation funds.

Lilly recommended creating a working group to start the process. Mayor Silvestrini said the bill was a compromise because the Legislature wanted to mandate things that took away local control. This bill would help the state track progress of housing affordability. Lilly said the city needed to articulate implementations in a specific way to meet code, though the city was doing a lot of them already.

**Council Member DeSirant moved to adjourn the meeting at 6:58 p.m. Council Member Jackson seconded. Council Member Jackson called for the vote. All Council Members and Commissioners voted yes. The motion passed unanimously.**

APPROVED:  Date 6-13-2022  
Jeff Silvestrini, Mayor

Attest:   
Elyse Sullivan, City Recorder