



**Minutes of the  
Millcreek City Council Meeting  
Tuesday, February 21, 2017**

**Councilmembers present**

Jeff Silvestrini – Mayor  
Silvia Catten – Council District 1  
Dwight Marchant – Council District 2  
Cheri Jackson – Council District 3  
Bev Uipi – Council District 4

**Other present**

Leslie Van Frank – Acting Recorder  
John Brems – City Attorney  
Rita Lund – Deputy Recorder

**WORK SESSION**

Mayor Silvestrini called the work session to order at 4:01 p.m.

**Agenda Item 1. Discussion with Salt Lake County about Millcreek-specific issues**

Mayor Silvestrini reported on meetings he has been having with county personnel each Friday afternoon, with discussions about sidewalks, street lights, pavement conditions and other

issues. The mayor described a booklet he had received from Kevyn Smeltzer from Salt Lake County Public Works that includes a road index report for all class "C" roads in Millcreek broken down by small sections indicating pavement conditions and mileage. This report is prepared on an annual basis for all roads in Millcreek. The mayor also mentioned additional information he had previously shared with the councilmembers, including a schedule for slurry sealing, chip sealing, and repaving in Millcreek. The mayor reported that the county has indicated that these projects are included in the adopted MSD budget for 2017, and work should begin in the spring.

Councilmember Marchant asked for information on which roads in Millcreek are state owned and Mayor Silvestrini indicated that 33<sup>rd</sup> South, 45<sup>th</sup> South, State Street and 7<sup>th</sup> East comprise all of the state roads in Millcreek other than the I-215 and the I-15 freeways.

Mayor Silvestrini reported on conversations he has had with the county engineering team related to traffic calming. Speed trailers and traffic counters are used to collect information on average speeds and traffic calming measures are considered when the data shows actual speeds in excess of the speed limits. Speed can be a perception issue, thus there is a need for actual data. The data collected is included as part of a hazard index that is developed and includes items such as proximity to a school or public place.

The mayor further reported that the pavement management program is based on pavement condition and age. Semi-annual meetings are held with utility companies to alert them as to upcoming pavement work and encourage them to schedule any work they have to complete to be done at the same time to reduce cuts being made into new pavement. Fees for pavement cuts are based on the age of the pavement. A cut in a newly paved road can reduce the life of the road by half. The city should consider an ordinance and franchise agreements with utilities.

Councilmember Uipi asked for information on how neighbors are notified of upcoming pavement work and would like to discuss and potentially expand the notification process.

The mayor reported that personnel from the county will be attending Millcreek work sessions in the future in order to present various programs and to answer specific questions.

### **Interviews with land use hearing officer candidates**

Mr. Richard Catten, an applicant for the position of land use hearing officer for Millcreek joined the meeting and Mayor Silvestrini adjusted the agenda to allow for his interview. Disclosure was made by Councilmember Catten that Richard Catten is a distant relative of her husband

and that they have had very limited contact. Mr. Catten outlined his experience and qualifications for the job and responded to questions from the council.

### **Agenda Item 3. Planning report from John Jansen**

Mr. Jansen reported on the initial meeting of the Millcreek Envision Committee. Approximately thirty residents were in attendance mostly from the area east of 700 East and he stressed the need to find participants from the west area that was not represented. The group discussed expectations for their participation, what is involved in and the need for a general plan, the request for proposals that will be developed to advertise for a consultant to develop the general plan and organized the next meeting of the group scheduled for March 9<sup>th</sup>.

Mr. Jansen reviewed the grant application that had been made to the Wasatch Front Regional Council in the amount of \$75,000 and an additional application to the RDA in the amount of \$20,000. If the application is successful, these funds would be used to develop the new general plan. Grants are awarded in May or June and Mr. Jansen hopes to have the Request for Proposals ready in May in order that it is ready when funds become available.

Mr. Jansen additionally reported that he had forwarded a pdf of the proposed MD zone to the City Council and community council members as well as county personnel and will be attending community council meetings to discuss the proposal. Mayor Silvestrini asked if he was working with Mr. Parker and Mr. Jensen responded that he and Tom Stephens have been coordinating with Mr. Parker.

Mr. Jansen suggested that an ordinance should be considered at a future meeting to repeal the MD 1 zone.

A presentation was made outlining a potential new MD zone that would combine aspects of the current MD zones and may include the following:

- Height – with new maximums and possibly minimums
- A mix of commercial, light manufacturing (enclosed building)
- No outside storage
- Categories of use rather than listing specific uses
- Prohibited uses
- Design standards
- Setback from the creek
- Reduced parking standards

There was discussion of a new format that had been developed by the county but not yet implemented that could potentially be used. When determinations are made regarding the MD zone, the group will begin work on the other zones and will address issues as they arise. As an example, there had been an applicant who had questions related to the PUD revisions that had been approved last summer.

Mayor Silvestrini told the group that a common complaint from residents relates to requests for zone changes following by a change in the use originally presented. Mr. Jansen responded that the issue could potentially be addressed through development agreements. The mayor also asked about the potential of form based codes being implemented in certain locations. Mr. Jansen responded that a form based code could make sense for some areas rather than a zone but that in either event there would be a need for extensive community involvement.

Discussion followed related to methods of noticing the community. The state allows two options: 1) notice to affected entities published in three places, in a newspaper of general circulation and on the state website; or 2) a mailed notice to each property owner in each zone. Mr. Jansen noted that the second option is a slower process. John Brems suggested that Millcreek could proceed with the first option and attempt to also attempt to mail notices whenever possible. Mr. Jansen outlined public meeting needs and told the group that they can be costly.

Mr. Jansen reviewed upcoming training opportunities and was requested to provide the council with definite dates, costs and pertinent information.

### **Interviews with land use hearing officer candidates**

Mr. Paul Nielsen, an applicant for the position of land use hearing officer for Millcreek joined the meeting and Mayor Silvestrini adjusted the agenda to allow for his interview. Mr. Nielsen outlined his experience and qualifications for the job and responded to questions from the council.

Interviews were also conducted with Mr. Gary Sackett and Mr. Dwayne Vance, who also have applied for the position of land use hearing officer, and who also outlined their experience and qualifications and responded to questions.

**Agenda Item 5. Discuss appointment of hearing examiner pursuant to Millcreek Ord.**

**5.02.160**

Mayor Silvestrini explained that this appointment is different from the land use hearing officer and would deal with issues such as the recent “bar card” denial from the UPD. The mayor indicated that he would make the decision on the recent denial but would like to have an examiner in place to deal with future needs. Mr. Brems indicated that the same individual could serve as hearing examiner and land use appeal officer. This item will be placed on a future agenda.

**Agenda Item 6. Discussion and consideration of application to obtain section 5310 grant funds for sidewalk improvements at qualified locations in Millcreek**

Mayor Silvestrini explained that these are the applications that were proposed by Mr. David White at the last City Council meeting and would apply for funds to complete two sidewalk projects, one in the Meadowbrook area and the other along Evergreen Avenue, both projects would be appropriate for this type of application. A Resolution pertaining to these applications appears on the General Meeting agenda.

**Agenda Item 7. Discuss and consider disposition of surplus property ordinance**

Mayor Silvestrini explained that the donation of furniture and other office equipment made by Cottonwood Heights may be in excess of what is needed by Millcreek. If any of this equipment is sold the proceeds must be returned to Cottonwood Heights. The equipment is currently in warehouse space donated by Mr. Fred Healey but should be inventoried and moved fairly soon. This ordinance would also apply to the movie screen donated to the city by the community councils.

**Agenda Item 4. Discuss new space needs**

Mayor Silvestrini moved back to this item as it relates to Agenda Item 7. The mayor expressed appreciation to the Mt Olympus Improvement District for their donation of office space and conducted a discussion of future needs for Millcreek including a larger meeting room that could accommodate up to 100 people, four to six offices for planning staff, offices for the mayor and shared space for councilmembers and smaller meeting rooms. Councilmember Uipi added that the location should be centralized close to public transportation routes and that an attempt should be made to partner with the schools when larger meeting space is required. Mayor

Silvestrini noted that his preference is a location west of Highland Drive, that many other city council chambers are fortified to provide a sheltering space for elected officials and the any space should provide an opportunity to expand.

### **Agenda Item 9. Discuss and consider draft Human Resources RFP**

Mayor Silvestrini noted that Mr. David Salazar had joined the meeting and there followed a discussion related to the draft Request for Proposal for Human Resources services that had been circulated. Councilmember Uipi stated that she had read the proposal and felt it included the items that had been discussed. Additional comments from councilmembers were requested and it was decided that the Request for Proposal should be an agenda item for the next City Council meeting.

### **Agenda Item 2. Legislative report from Dave Spatafore**

Mr. Spatafore was introduced and gave an update on the legislative session.

- Funding – It appears there will be an additional sales tax on food
- SB110 – Sales Tax Collection Amendments (Harper) – This bill will most likely pass and it is important that Millcreek sales tax revenues be considered before and after the official formation of the city. Potential changes in gas taxes should also be closely watched. This should be part of the Lewis Young study.
- HB229 – Amendments Relating to Local Districts (McCay) – This bill is currently on the House floor and appears on trajectory to pass. Mayor Silvestrini noted that this bill would allow a City Council to make the determination to leave the UPD or UFA districts but that his opinion is that even if the bill passes, this decision should be made by a popular vote of the people.
- SB138 – Metro Township Amendments (Mayne) – This bill also should pass.
- SB81 – Local Government Licensing Amendments (Anderegg) – This bill also should pass and will have an impact on licensing of home based businesses.
- SB152 – Municipal Mayoral Term Amendments (Iwamoto) – Appears very close to passing and would allow Mayor Silvestrini to complete a three year term.
- Representative Hemingway’s bill allowing distributions from the judgement levy to use as start up funds for Millcreek and the Metro Townships has not yet been numbered but appears to be viewed favorably.
- SB241 – Local Government Plan Review Amendments (Bramble) – Would allow for a residential building plan that has not been reviewed in fourteen days or a commercial building plan that has not been reviewed in twenty-one days to be considered approved. Mayor Silvestrini noted that the time frames do not appear to be adequate

for a close review. Mr. Brems commented that this bill is opposed by the League of Cities and Towns.

The Work Session temporarily broke at 5:55 PM.

## **GENERAL MEETING**

### 1. Call to Order

Mayor Silvestrini called the meeting to order at 6:15 p.m.

1.1 Pledge – the Pledge of Allegiance was led by members of Scout Troop 305 and Scout Troop 308.

1.2 Approval of Minutes –

**MOTION** for approval of the minutes of February 13<sup>th</sup>, 2017, was made by Councilmember Uipi, Seconded by Councilmember Catten. Motion passed unanimously.

### 2. Public Comment

Ms. Joanne Wong, a Millcreek resident, asked whether the appeals process that had been mentioned in the working meeting would be open to the public. Mayor Silvestrini responded that they would be publicly noticed open meetings. Ms. Wong further asked about the Envision Committee and the process going forward. Mayor Silvestrini outlined the process noting that the committee will be starting the conversation that will move toward re-drafting and simplifying ordinances and creating a new zone. The new zone would only be applied when an application is received and would go through a public process that includes public noticing and meetings. Property owners will receive notices of all public meetings and open houses.

### 3. Reports

3.1 Report of the Mayor, reports of City Council members

Mayor Silvestrini reported about the ongoing discussions related to setting a process for prioritizing requests such as sidewalks, traffic control and streetlights in light of funding

constraints. Weekly meetings are being held with Mayor Silvestrini and county staff in various departments in the county and he is being apprised of the various methods currently being used by the county to assist in prioritization of requests. As an example when a request for traffic calming is received, a hazard index is developed that consists of data collected from electronic speed signs, an assessment of location related to public places such as schools or community centers. A request must include the signature of at least ten residents along the street. The county also keeps records of street conditions and grades the roads according to need. This data assists in planning for road improvements such as slurry seal, chip seal or resurfacing.

The county engineering department has developed a “point & click” map as a tool for use by residents to view upcoming projects which will be presented at a future City Council meeting. Additional items for future meetings will include a discussion of how utility cuts are handled. Currently there are meetings twice annually to which the utility companies are invited in order to apprise them of upcoming road repairs and encourage them to schedule any work they require at the same time. Fees are charged for road cuts and the city should reviewing this fee schedule as a road cut in a new roadway can reduce the pavement life by 50%.

Mayor Silvestrini then reported on the first meeting of the newly appointed Millcreek Planning Commission and announced that the Commission voted Mr. Tom Stephens as Chair and Mr. Fred Healey as Vice Chair. The Planning Commission meets the second Wednesday of each month at 5:00 PM and will be meeting in the County Council Chambers at the Government Center at 2001 S State until an appropriate location can be located in Millcreek. The Millcreek Envision Committee had also held their initial meeting. The meeting was very well attended and the group is moving forward toward developing a vision of what Millcreek should look like in the future.

Mayor Silvestrini had attended meetings of the UFA and Fire Service Area boards. The organizations have ongoing audits and have determined that the related criminal prosecutions will be handled by the State of Utah Attorney General’s office. The fire district had approved a \$23.5M tax anticipation bond to provide operating until tax revenues are received. The mayor reported that this is the type of bond that could be utilized by Millcreek to provide for immediate funding needs but should be avoided if possible.

The Mayor then pointed out the packets of responses to the RFP for website services. Fifteen responses had been received. The council discussed a process to review, grade and select a vendor. Councilmember Uipi requested a time frame of at least four weeks for review.

Councilmember Jackson reported that she had met with Linda Milne and Lisa Bagley regarding how to best move forward with an emergency services plan for Millcreek. The UFA had reported that they do not have adequate staff to serve this function for Millcreek and there was further discussion about how to move forward.

4. Appointments

No appointments appeared on the agenda.

5. Consent Agenda

No consent items appeared on the agenda.

6. Planning Matters

6.1 Discussion and consideration of Resolution No. 17-\_\_\_\_\_ - [adopting rules and procedures for land use hearing officer](#)

Leslie Van Frank suggested that an addition should be made to the resolution allowing a hearing officer the ability to issue a stay.

**MOTION** was made by Councilmember Uipi, seconded by Councilmember Jackson to adopt the rules of procedure for land use hearing officer adding a verbal amendment that the land use hearing officer is empowered to grant a stay both before and after his or her decision. Motion passed unanimously and Mr. Brems was asked to bring back the revised set of rules and procedures indicating that change.

7. Financial Matters

No financial matters appeared on the agenda.

8. Other Matters

8.1 Discussion and consideration of Resolution No 17-\_\_\_\_\_ - [authorizing the Mayor to work with Salt Lake County to prepare an application to obtain section 5310 grant funds for sidewalk improvements at qualified locations in Millcreek](#)

Mayor Silvestrini reported that these applications had been discussed during the work session and at a previous meeting and included two locations, one on 3900 S west of Main Street and the other along Evergreen Avenue.

**MOTION** was made by Councilmember Jackson, seconded by Councilmember Marchant to approve the Resolution. Motion passed unanimously.

8.2 Discussion and consideration of Ordinance 17-\_\_\_\_\_ - [adopting a surplus personal property ordinance](#)

Mayor Silvestrini reported on the discussion during the work session agenda related to the furniture and equipment that had been donated to Millcreek from Cottonwood Heights as well as the donated movie screen and the future need to potentially surplus some items. Councilmember Uipi added that there is a need for an inventory to be completed along with the possibility of bar coding the items.

**MOTION** was made by Councilmember Uipi, Seconded by Councilmember Jackson to approve the surplus personal property ordinance. Motion passed unanimously.

## **9. New Items for Subsequent Consideration**

No additional items were presented.

## **10. Calendar of Upcoming Events**

February 27, 2017, City Council meeting, 4:00 PM business session, 6:00 PM general session, City Hall, 3930 South 500 East, Millcreek, UT

## **11. Closed Session**

No closed session was required.

**MOTION** for adjournment of general meeting was made at 7:15 PM by Councilmember Uipi, seconded by Councilmember Jackson.

## **WORK SESSION CON'TD**

The work session recommenced at 7:15

## **Agenda Item 10. Discussion of priorities/solutions**

Councilmember Uipi led a discussion related to the difficulty of the budget and the fact that the Municipal Services District will be making decisions. Mayor Silvestrini reported that he had been in discussions with Jared Steffey and Rick Graham at the county and it had been stated that payments for legal services and special events funds should be made through the MSD upon a resolution by that board.

Mayor Silvestrini discussed the issue of funds for administrative assistance being requested by three of the Metro Townships and that he felt that if those funds are approved, a ratable distribution should be approved for Millcreek and the remaining Metros. There should additionally be a distribution for election costs.

There followed additional discussion related to future budgeting requirements, timelines for potential job slots that the city would require, elected official salaries, possible timelines for road and sales tax receipts and the probable decision to withdraw from the MSD.

Councilmember Uipi notified the council that she would be participating electronically at the March 20<sup>th</sup> meeting.

**MOTION** BY Councilmember Uipi, seconded by Councilmember Jackson to adjourn. Motion passed unanimously.

The meeting adjourned at 8:45 PM