



APPROVED 6/12/17

Minutes of the
Millcreek City Council Meeting
Monday, June 5, 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 meeting to order at 4:00 PM and asked Scout Troop 327 to lead the Pledge of Allegiance.

Agenda Item 1. Report from John Miller, Salt Lake County

Mayor Silvestrini introduced John Miller from Salt Lake County Engineering, who gave an update of current projects:

- The 9th & 23rd East projects are complete and the lights are working.
- The west side park strip project will begin in July.
- The Honeycutt crossing light is underway. There will be a week-long road closure on Melbourne in July related to the project and residents will be notified.

- Some drainage issues on 9th East are in final review and will be going out as a small contract bid to allow for the project to proceed quickly.
- The 13th East drainage project is in design and a range of solutions will be presented to the Council at a future meeting.
- The Achilles Drive culvert repair will require some road closures while the sleeve is installed in the culvert and will extend the lifetime of the culvert.
- Wasatch irrigation at 3510 South water line will be installed this summer.
- Grandeur Peak striping was completed over a month ago and no complaints about a lack of parking have been received at this point.
- Various traffic studies are ongoing and traffic counters will be rotated around the area.
- Complaints of buses parking in the bike lane along Wasatch Boulevard have been received. This issue is being addressed by UDOT and drivers are being instructed to utilize the new curb cuts.
- Two sidewalk projects are ready as soon as funding is available: Upland Dr (south side) and 615 East. These projects could be advertised as soon as possible but Mr. Miller suggests waiting until the spring to bid as costs are generally less expensive at that time.
- The Imperial Avenue sidewalk design is at 60% completion.
- CATNIP projects are ongoing near the Brickyard on 13th East. Salt Lake City is considering a road diet in that area and seems to be moving forward. Mr. Miller suggested waiting to see what SLC does in order to allow Millcreek to look at the numbers before making any changes on their section of the road.
- The first MS4 water testing round is complete and the water tested very well during storm events at the four monitoring stations within Millcreek.
- Mr. Miller then explained a development setback issue at 938 E 3385 S, the current road width is 25' and the standard is wider than that. Following the standard for the new construction would set the building back further back than all of the others along the street. Mayor Silvestrini asked the council for input on the variance request and stated he is not favorable to granting the request. One lot is being developed currently and the developer is asking to not dedicate the right of way to the city in order to allow the building to be at a similar setback as the other homes. Councilmember Marchant asked if the request makes it be consistent with the other homes along the street. Mayor Silvestrini added that if the city grants the exception we have foreclosed the ability to ever widen the street. Councilmember Catten suggested that there are parking concerns along that street during the Festival of Colors.
- Mr. Miller additionally explained that the Millcreek Canyon bike lanes project should receive some additional regional funds that will assist with the project. The Forest Service is requiring extra widening along the road that caused a slowdown in the planning. The project will be bid as soon as possible but may not be completed until next year. The project will add an uphill climbing lane and address some drainage concerns. Mayor Silvestrini added that this is a good project but that the funding should not come from the MSD funds but rather from regional funds. He had raised the question at the MSD meeting and the board agreed.
- Mr. Miller then updated the council on the UDOT 45th South UDOT project.
- Mr. Miller explained that typically the slurry, chip and overlays should begin in July. The plans are ready to go and will be completed as weather permits.

- The sidewalk project on 33rd South is moving forward and Millcreek will have to provide matching funds for the project. There is a question related to a historic wall that is over 50 years old and is required to be documented by the state historical society. The construction should now take place next year.

Mayor Silvestrini then discussed the possibility of imposing a storm water impact fee for Millcreek residents as well as charging fees for pavement cuts potentially based on Herriman's ordinance.

Mayor Silvestrini suggested that Millcreek should consider charging a storm water fee that would be geared to impacts caused by new development as well as a storm water maintenance fee that would provide for maintenance of existing infrastructure.

Mr. Miller stated that Millcreek could not utilize the study already in place at Salt Lake County and would have to develop a Millcreek plan to address the issue of moving the storm water to the Jordan River. Mr. Miller added that most of the cities throughout the county currently impose a storm water impact fee. Storm water maintenance fees can be used to upgrade the storm water infrastructure and most cities currently impose that fee as well. These fees could produce up to \$500,000 and would appear on resident's property tax notices. Mayor Silvestrini related that he had received a call from a water master who asked about maintenance on a ditch. Historically, the ditch companies have allowed storm water to move through the ditches and in return the county has cleaned out the ditches. The city will now be responsible for cleaning the ditches which will be an expense to the city and if other cities are charging, Millcreek should consider following suit.

Councilmember Marchant asked for an update on the tree removal at Scottbrook Condos. Mr. Miller stated that the agreement is in process and must be completed before work can begin.

Councilmember Marchant then asked about changing the crosswalk along 13th East and Mr. Miller explained that pedestrian counts are currently underway as the first step.

Councilmember Marchant stated he has heard a complaint that residents accessing the new roundabout from Heritage Way are having long waits to enter traffic. Mayor Silvestrini mentioned that he has been talking to Leon Barrett about potentially changing the signage to address the issue. Mr. Miller suggested waiting until the traffic pattern stabilizes after construction on the trail is completed, and residents become familiar with the roundabout.

Agenda Item 2. Presentation by Linda Milne

Mayor Silvestrini suggested discussing this item along with Agenda Item 6.

Agenda Item 3. Presentation by Kimball Clark, Municipal Code Online, Inc. about codification of ordinances

Mayor Silvestrini introduced Kimball Clark who explained the services Municipal Code Online (MCO) can provide to the city and how it complies with state law. Mr. Clark told the council that the company was created in Weber County and currently operates out of Farr West. MCO provides the software that would allow the city to update the code themselves. MCO will train city employees to utilize the system which would mean there would be no charge for changes as they occur. The city would pay a fee for

licensing and customer support throughout the lifetime of the agreement. MCO will train city personnel how to codify and how to draft legislation from the city code. Mr. Clark then gave a presentation with a demonstration of how the service works through a comprehensive search option that is also available on mobile devices.

Mr. Kimball reviewed new features that are currently under development by MCO. In the past ordinances were adopted and then there was consideration of how they would fit into ordinances. This process can cause conflicts between sections. A “propose mode” is available from MCO that will allow for a proposed ordinance to be created for consideration and is generated from the code. When a proposed ordinance is adopted, the new ordinance is automatically included into the city code. Mr. Clark explained that this is a proactive rather than reactive method of codification.

Mr. Clark explained that because Millcreek is a new city, MCO would be willing to have Millcreek pay \$15 per page for inserting Millcreek’s new ordinances into its current codification and waive licensing fees for the first year, and then pay only licensing fees for years 2-5. The current codified ordinances would be uploaded at no charge. He indicated that agreements with MCO generally last three to five years to allow for continuity.

Leslie Van Frank asked who at the city would be the best to receive training. Mr. Kimball explained that historically it depends upon the size of the city and that in a city the size of Millcreek it generally should be the city attorney, city planners or the clerk. Mr. Kimball explained that the software is very easy to utilize and training is not difficult.

Mr. Kimball explained one more feature that allows for multiple “books” which could include minutes, fee schedules, policies and procedures, engineering standards and others. Mayor Silvestrini asked how the link functions and Mr. Kimball explained that each “book” has its unique link and items such as resolutions would be searchable.

All of the services are available as part of the licensing fee, and “books” can be designed at the city request.

John Brems asked if a physical book is available and Mr. Kimball explained how a pdf can be created and the city can print what they need as required. Mr. Brems asked about amendments and how they are presented and whether underlining and strike-throughs are available. Mr. Kimball explained how revisions and changes are shown in the software. Mr. Kimball explained the redlining service is not yet available, and then how a pdf showing underlining and strike throughs could be utilized as an exhibit to a proposed ordinance.

Mr. Bruce Parker asked about illustrations and Mr. Kimball explained how images and maps can be inserted. Mayor Silvestrini asked if the interactive map that is currently being utilized and could be inserted as a hyperlink. John Brems asked whether InDesign files could be inserted and Mr. Kimball explained that those files could be exported as a pdf although text that appears as part of images would not be searchable.

Councilmember Uipi asked about the cost for the service. Mr. Kimball explained that the first year charge would be \$2535 (\$15/page for 160 pages) and thereafter the charge is \$2,000 annually. Mayor Silvestrini asked about training as the city is new and additional personnel will be brought on. Mr. Kimball explained that training would be provided and that telephone support is available. Changes are edited by MCO as they are added to ensure accuracy.

Councilmember Uipi stated that she is comfortable with moving forward with this service based on the cost and service provided and the council seemed to be in agreement. Mayor Silvestrini asked that a resolution be prepared for consideration at a future meeting.

Resumption of Agenda Item 1

Storm water impact and maintenance fees were again discussed. John Brems, city attorney, who had joined the meeting, stated that most cities in the state have a maintenance fee based on the amount of services required and that the main concern is how collections are made. Mr. Brems added that potentially the fee could be added to the Rocky Mountain Power bill. Councilmember Uipi stated she has concerns about implementing a fee. Mr. Brems explained that a study would have to be completed and a decision should be made as to how the fee could be collected. Mr. Miller added that fees throughout the county range from \$3 to \$8 monthly. Mr. Brems explained that the study is based upon the amount of impervious pavement and is charged to all buildings, including churches and schools. Mr. Miller stated that an average amount of income could raise approximately a half million dollars for storm water drain projects and that currently these projects compete with capital projects.

Mayor Silvestrini asked if the council is interested in authorizing a study through an RFP and stated that many of the projects that the city has been considering have been storm drain infrastructure projects. Mr. Brems stated that Taylorsville had completed a study at the cost of \$125,000.

Mr. Miller explained that in the past there has not been enough money available for necessary storm drain maintenance. Mayor Silvestrini stated he was concerned that road funds are having to be diverted to fix storm drains. Mr. Brems suggested considering how the funds would be collected as a first step.

Councilmember Uipi requested that John Miller provide a current list of storm drain issues.

Mayor Silvestrini then asked Mr. Brems about how to address road cuts. Mr. Brems explained that several methods are used including making the developer fix a larger section of the roadway, an absolute prohibition on road cuts for three years or a charging a degradation fee. A prohibition is questionable because there are often emergencies that must be addressed. Mr. Brems added that there is only one county that requires a degradation fee. Mr. Miller explained how a larger patch can be a better solution.

There was discussion about which method to utilize and Mr. Brems was asked to draft a resolution considering a combination of a degradation fee and a larger patch scenario with some options.

4. Presentation by John Jansen about selection of general plan consultant

Mayor Silvestrini introduced John Jansen who announced that the request for proposal (RFP) for a

general plan consultant will go out and applicants have two weeks to respond. Mr. Jansen asked about an interview panel and suggested the panel might consist of members from the Planning Commission, Mayor Silvestrini, John Brems and Megan from Wasatch Front Regional Council. Mr. Jansen requested two volunteers from the city council to hold interviews. Todd Budy and Kumar Shah from the Visioning Committee, Fred Healey and Russ Booth from Planning Commission have offered to assist and Mayor Silvestrini and two councilmembers should be included. There is \$95,000 available from grants and additional funding may be required to complete the entire work scope.

Mayor Silvestrini discussed the option of including some work to be performed by a University of Utah planning class.

Councilmembers Catten offered to assist in the selection committee that will include Mayor Silvestrini as well.

Mayor Silvestrini discussed how there could be public engagement at the Venture Events beginning this weekend.

5. Introduction of planning interns, Preston Larson and Cody Lutz

Mayor Silvestrini introduced the two planning interns who will be providing assistance to Millcreek during the summer. The interns are currently interested in investigating models for planning departments, as well as developing the Meadowbrook area and will bring a report back to the council in mid-July. Bruce Parker, a Millcreek resident who will be supervising the interns at the University, added that an additional item that is being considered is a study of housing stock in the city. Councilmember Marchant asked about additionally considering the town center aspect along with looking at the Brickyard and any interest by the property owners in that area to consider moving into Millcreek.

Mayor Silvestrini thanked the interns and requested that they consider ideas for public engagement and capturing the data. Councilmember Uipi additionally suggested some consideration of the generational transition that is underway in the community

6. Discussion of how Millcreek can best engage in Prepare Fair

Mayor Silvestrini introduced Linda Milne to discuss the statewide Prepare Fair and other emergency preparedness issues. Ms. Milne announced that as it has become apparent that funds are not available for the emergency preparedness needs in Canyon Rim and reported that Mark and Vicki Dean are willing to assist in fundraising efforts by covering the area that is primarily served by the Rosecrest School. The Dean family is willing to provide an envelope and return postage for a flyer requesting donations for an emergency cache at the school. Ms. Milne will prepare the flyer and door hanger. Ms. Milne stated that there was a question related to whether the donations could be tax deductible as Canyon Rim no longer has a tax-deductible status. Mayor Silvestrini asked John Brems about how residents can donate to the city and how these donations could be tax deductible. Mr. Brems suggested that if the solicitation is designated for a specific issue and is specifically tracked in the bank account it would be acceptable. This suggestion could apply to the Grandeur Peak open space donations as well as for the emergency preparation cache site. Jeff Hatch, a Millcreek resident and former Salt Lake County Auditor,

agreed that in his opinion this option would be acceptable. Mayor Silvestrini suggested the city should send a letter of acknowledgement to those who donated.

Ms. Milne additionally explained that a committee is also working with businesses to provide a matching donation.

Ms. Milne further discussed the annual Salt Lake County Prepare Expo and has been in contact with the state about the event. The event admission is \$10.00 for two days and Ms. Milne has negotiated that 100 or more tickets that could be purchased at half price. The event will be held on September 8th & 9th at the South Towne Expo.

There was discussion about how to make the tickets available to Millcreek residents. Councilmember Uipi suggested contacting the Millcreek Community Center and that they might be able to provide transportation to the event.

Mayor Silvestrini suggested charging for tickets in order to encourage attendance, potentially in the amount of \$2.00.

The council agreed that Mayor Silvestrini could purchase 200 tickets.

7. Continued discussion of municipal priorities

There was no continued discussion of municipal priorities.

Mayor Silvestrini adjourned the work session at 6:40 PM.

REGULAR MEETING

1. Call to Order

Mayor Silvestrini called the Regular Meeting to order at 7:00 PM.

1.1 Pledge of Allegiance

1.2 Approval of May 30, 2017, Minutes

Motion was made by Councilmember Uipi , seconded by Councilmember Jackson to approve the minutes of May 30, 2017. Motion passed unanimously.

2. Public Comment

There was no public comment.

3. Reports

3.1 Report of Mayor, Reports of City Councilmembers

Mayor Silvestrini noted that he had notified the MSD of the withdrawal of Millcreek and noted that there will be a budget discussion at the upcoming meeting that may involve reducing the distribution amounts of the judgement levy. On behalf of Millcreek, the mayor stated that he is opposed to decreasing the amount of the judgement levy. There will need to be an accounting of money that is being held in the MSD budget. If Millcreek must settle up with the MSD, he would prefer that the judgement levy be used at that time.

Mayor Silvestrini added that he had talked in concept with Rolen Yoshinaga, Planning Department Director, related to a workable transition of a planning department to Millcreek. Mr. Yoshinaga suggested that there could be an orderly process and that he is willing to work on a short-term basis until Millcreek is up and running with their own department. Mr. Yoshinaga asked for a timely notice from Millcreek to allow for time to implement the reduction of force that will be required. Mr. Yoshinaga will be working towards a contract based on pricing monthly and suggested a method to ease the transition would be to designate a specific group of county employees that will work with Millcreek issues exclusively. A team could be brought to the Millcreek office to assist in training the Millcreek employees. Millcreek could suggest which county employees they would like to have on the team. Councilmember Uipi noted that the hiring of a city manager/administrator could potentially be pushed back as far as August 1st. Mayor Silvestrini noted that there may be the need to stay with the county until the end of the year.

Mayor Silvestrini discussed a potential ala carte menu of services that is being prepared by the county and outlined some of the additional functions that are needed.

Mayor Silvestrini then reported that he had received donations for purchase of open space above Mt Olympus.

Councilmember Uipi reported she had attended the East Mill Creek Community Council and told them that the city is waiting for information from the county on contracts.

Mayor Silvestrini asked if the community councils had been paid and will contact the members who have not yet filed their disclosure statements.

Councilmember Marchant related that he had been contacted by a resident whose back yard backs up to the Festival of Colors and has a concern that the festival has grown to a point where it is impacting the neighborhood. Councilmember Marchant suggested that the neighbors bring their concerns together and present them to the council. Restrooms are against the resident's fence, parking is extremely difficult, and participants can be disruptive.

4. Appointments

No appointments appeared on the agenda.

5. Consent Agenda

No consent items appeared on the agenda.

6. Planning Matters

No planning matters appeared on the agenda.

7. Financial Matters.

7.1 Public hearing to receive public comment on the tentative budget for the time period beginning July 1, 2017, and ending June 30, 2018.

Mayor Silvestrini reported that there was a concern with the noticing for the public hearing on the tentative budget and that an additional public hearing will be held on Tuesday, June 6th.

Marilyn Hoffman, a Millcreek resident, asked for an explanation of the budget and specifically about the telecom taxes. Councilmember Jackson responded that this revenue is currently being collected by the county and is simply a transfer. Mayor Silvestrini reported that there are no new revenues included and that there may need to be an additional line item for a judgement levy, Mayor Silvestrini also explained the revenue amounts in the current tentative budget.

There being no further public comment, Mayor Silvestrini closed the public comment session at 7:30 PM.

7.2 Discussion and consideration of Resolution No. 17-_____ - authorizing the Mayor to negotiate a contract with _____ to provide audit services.

Mayor Silvestrini discussed the responses that had been received to the request for proposals with respect to audit services. Eight responses had been received with the cost ranging from \$6,000 to \$12,000. The councilmembers and Mayor Silvestrini discussed their scoring of the applicants.

Motion was made by Councilmember Jackson , seconded by Councilmember Marchant , to approve Resolution No. 17-_____ - authorizing the Mayor to negotiate a contract with Hansen Bradshaw Malmrose & Ericksen to provide audit services. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye
Councilmember Catten – Aye
Mayor Silvestrini – Aye
Councilmember Jackson – Aye
Councilmember Marchant – Aye

8. Other Matters

8.1 Discussion and consideration of Resolution No. 17-_____ - approving a lease of office space

Councilmember Uipi commented that she had received a message from Fred Healey who had stated he needed the changes to the layout that had been discussed and offered to deliver them to his home.

Councilmember Uipi also reported that move into the new offices will now be September 1st. Mayor

Silvestrini has discussed remaining at the temporary offices with the Mt Olympus District until September and that Board approval will be required. There was a suggestion that compensation to the district should be considered. Mayor Silvestrini discussed the office equipment that is stored in the district basement and at Fred Healey's storage unit that is required to be moved.

Motion was made by Councilmember Uipi , seconded by Councilmember Catten, to approve Resolution No. 17-_____ - authorizing and directing the mayor to negotiate a lease for office space in the building at the corner of 1300 East and 3300 South. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye
Councilmember Catten – Aye
Mayor Silvestrini – Aye
Councilmember Jackson – Aye
Councilmember Marchant – Aye

8.2 Discussion and consideration of Ordinance No. 17-_____ - banning the use of fireworks and any open flame fires within certain areas of the City

Mayor Silvestrini stated that he has had constituents request that the city be stricter in the use of fireworks in the city. State law dictates what the city is entitled to do and enforcement is difficult. Two areas have been designated for prohibition of fireworks: areas east of Wasatch Blvd; and the area in proximity to Parleys Canyon. An ordinance is required to enforce in those areas. There was discussion about the definition of open fires and Mr. Brems noted that the resolution under consideration follows state law. UPD Officer Michael Prettyman discussed the problems with enforcement of fireworks regulations.

Mayor Silvestrini outlined the state law that would require Millcreek to adopt an ordinance to allow for enforcement actions in certain areas such as a wildland interface area.

Motion was made by Councilmember Jackson, seconded by Councilmember Marchant , to approve Resolution No. 17-_____ - banning the use of fireworks and any open flame fires within certain areas of the City. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye
Councilmember Catten – Aye
Mayor Silvestrini – Aye
Councilmember Jackson – Aye
Councilmember Marchant – Aye

8.3 Discussion and consideration of Resolution No. 17-_____ - approving an interlocal cooperative agreement with Salt Lake County for public works services

Mayor Silvestrini discussed the two contracts for public works and animal services contracts that had been developed and reviewed by the city attorney. Councilmember Jackson asked about the discussion at the MSD about the animal services requests for funding for capital improvements and Mayor Silvestrini responded that the amounts had been removed from the MSD budget.

Motion was made by Councilmember Marchant, seconded by Councilmember Uipi , to approve Resolution No. 17-_____ - approving an interlocal cooperative agreement with Salt Lake County for public works services. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye
Councilmember Catten – Aye
Mayor Silvestrini – Aye
Councilmember Jackson – Aye
Councilmember Marchant – Aye

8.4 Discussion and consideration of Resolution No. 17-_____ - approving an interlocal cooperative agreement with Salt Lake County for animal control services

Mayor Silvestrini explained that a motion is required for each contract.

Motion was made by Councilmember Jackson, seconded by Councilmember Marchant, to approve Resolution No. 17-_____ - approving an interlocal cooperative agreement with Salt Lake County for animal control services. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye
Councilmember Catten – Aye
Mayor Silvestrini – Aye
Councilmember Jackson – Aye
Councilmember Marchant – Aye

9. New Items for Subsequent Discussion

Mayor Silvestrini explained that additional contracts are being prepared and reviewed for engineering services, parks services and with the addressing/sign shop. Mr. Brems commented that these interlocals should be available in late June.

Councilmember Uipi led a discussion about how to handle donations and Mr. Brems suggested that no cash donations be accepted until the city has adopted a cash receipt process. Mayor Silvestrini suggested that donations that are specific to certain areas of the city such as the emergency cache site in Millcreek should be made to the appropriate community council. Mayor Silvestrini asked Mr. Brems to consider a method whereby donations could be received and stated that donations should not be accepted at the first Venture Out event.

The council then reviewed agenda items for next city council meeting including:

NFP Update

Adoption of resolution for accepting donations

Community Council funds

Cash Receipt process

FCOZ Ordinance and Definitions

Penalty Waiver Requests - The mayor explained that he has had penalty requests from four businesses and asked for direction from the council

RFP for IT Services

10. Calendar of Upcoming Events

Mayor Silvestrini reviewed the calendar of upcoming events.

11. Closed Session

No closed session was required.

12. Adjournment

Motion to adjourn was made at 8:45 PM by Councilmember Uipi, seconded by Councilmember Catten. Motion passed unanimously.