



APPROVED 7/17/17
Minutes of the
Millcreek City Council Meeting
Monday, July 10, 2017

Councilmembers present

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

Others present

John Geilmann – City Manager
John Brems – City Attorney
Leslie Van Frank – Acting Recorder
Rita Lund – Director of Community Relations

WORK SESSION

Mayor Silvestrini called the meeting to order at 4:00 PM and excused Councilmember Jackson who is out of town.

Mayor Silvestrini introduced John Geilmann, City Manager, and welcomed him to Millcreek.

Agenda Item 1. Discussion with Talia Butler, Division Director for Animal Services, about moving forward pursuant to interlocal agreement and about civil vs. criminal enforcement of ordinances, and introducing Animal Services liaison team

Mayor Silvestrini introduced Talia Butler, Director of Salt Lake County Animal Services, and asked about changes made at the last legislative session that will impact the enforcement abilities of animal control officers. He mentioned this might require an ordinance change. Ms. Butler indicated that ordinance changes have been adopted by Salt Lake City and Herriman to allow for utilization of a notice of violation (NOV) process. An NOV process is a stepped enforcement process that can initially be dealt with in-house, and be escalated, if required, to an administrative law judge rather than to the courts. This process is designed to deal with middle-ground violations such as a dog off leash in a park. The first violation receives a “fix it” ticket with no fine and a second violation would be fined at \$100. Ms. Butler reported that Animal Services is working with Holladay and Midvale to potentially utilize the NOV process and will forward a sample NOV ordinance for consideration by Millcreek.

Ms. Butler then introduced Dr. Dawn Kelly, Clinic Manager, who explained the services provided by Animal Services including surgeries, spay/neuter clinics, vaccinations and educational services.

Dr. Kelly explained that there are sixteen animal control officers available 24/7, with on-call officers being available after 10:00 PM. If an injured animal is found during hours when the shelter is closed, the animal is evaluated and if needed transported to one of several ER veterinary hospitals. The ER veterinary is notified that an injured animal is being transported to their facility for treatment. Funding assistance for major cases can sometimes be acquired through the Utah Faces injured animal fund.

Leslie Van Frank, City Recorder, asked about crowing roosters in A-1 zones. Dr. Kelly responded that roosters are not allowed in most residential zones but might be allowed in agricultural zones. Ms. Butler added that enforcement of crowing roosters in agricultural zones is difficult, and that other cities are considering options to address the issue. If there is a noise problem in an agricultural zone, the health department may be able to assist with enforcement.

Dr. Kelly then introduced Calista Pearson, Marketing and Outreach Manager, who additionally serves as public information officer and handles social media. Ms. Pearson explained the community education program that is presented in schools and through many other information outlets designed to provide education about proper contact with pets. Ms. Pearson additionally outlined other Animal Services programs including a volunteer and foster program, community workshops and a Pet-A-Paloosa adoption event held in August. Recent efforts include A-Free-Feline-Fix event that is held the first Thursday of each month and a Be Cool-Don't Leave Your Dog in Hot Cars program. Dr. Kelly distributed packets to the councilmembers with information outlining the services provided and introduced Field Officer Erica Munoz.

Agenda Item 2. Discussion with John Miller about 5-year capital plan and method of identifying and prioritizing projects (streets, sidewalks, streetlights)

Mayor Silvestrini introduced John Miller who gave an update on various projects:

- 3300 South from Honeycutt to Melbourne – the concrete flatwork is being completed and pole for the overhead flashing beacons has been installed.
- 2300 East west side sidewalks, park strips and curb repairs – work will begin after the 3300 S project is completed. There will be shoulder closures occasionally throughout the project.
- The Achilles Drive culvert repair – a sleeve will be installed which will add approximately 30 to 50 years of life to the culvert. A contractor should begin work this season. There will be some closures that should not take longer than a week.

Mr. Miller then commented that he has been receiving complaints related to the trails construction at the roundabout and explained that the construction timeline has been extended. There have also been comments that the landscaping is dying. Additional concerns have been raised about the traffic patterns. Traffic counts will be completed once construction is complete and school is back in session to determine any problems and possible mitigation.

Mayor Silvestrini explained that he had been alerted to concerns about high charges from Salt Lake City for water at the roundabout and that the county is attempting to determine the reason for the high bills. Mr. Miller stated that there is a warranty on the landscaping and that the county is reviewing the water

bill question with Salt Lake City public utilities. There may be a break in the water line, which could explain the dying landscaping.

Mr. Miller reported that he has previously supplied information related to ongoing projects and will be beginning the process of updating the project list based on available funding. Mr. Miller explained the benefits of developing a five-year plan. Mayor Silvestrini asked Mr. Miller to create five-year plan proposal to bring back to the council for discussion.

Mayor Silvestrini then reported that at a meeting with the county there had been discussion related to the transportation bond from the state. An amount of \$1.2M is available for Millcreek for projects with a regional component. The mayor suggested two projects: milling and repaving 3900 South from 700 East to 700 West in cooperation with South Salt Lake; or partnering with Holladay to repave 3900 South between 2700 East and I-215. The mayor reported that an additional project could be repaving along 1300 East but that the project is going to be very expensive and would exceed the \$1.2 million available. Mr. Miller reported that the Holladay side of 3900 South is in greater need of repair than the Millcreek side and that he has been in discussions with Holladay about partnering potentials.

Mr. Miller stated that the deadline is July 21st for applications for the transportation funds and that the projects would be scheduled for spring 2018.

Mr. Miller indicated that the five-year plan proposal will include the funding that had been approved in the Millcreek budget as well as the transportation and safe sidewalk funding from the state. Mr. Miller suggested that a potential project could be sidewalks at Big Cottonwood Regional Park, an area that had been considered for a HAWK crossing but was denied due to the lack of sidewalks. Mr. Miller also suggested a project that is needed is the Upland Drive sidewalk project which would be a \$400,000 to \$450,000 project and includes routes to school for three schools.

Michael Lasko, JUB Engineering, added that he agrees that planning should take place now projects can be advertised in January when the construction industry is not inundated with projects. This could potentially allow for better pricing.

Mayor Silvestrini added that there had been a discussion with Jena Carver from Salt Lake County about bus benches that include advertising. The mayor outlined the timeline of the bus bench permits and discussions that had taken place with the vendors and owners of the benches. The Mayor suggested that the city consider a policy or ordinance related to bus benches as it is a public service to have benches along the bus routes but that the city should have control over the benches to allow for oversight for ongoing maintenance. City attorney John Brems will prepare a bus bench policy for consideration by the council at a future meeting.

Mayor Silvestrini also reported that beginning this week there will be a team of planners at the county that will be handling the Millcreek work and that a short-term contract for planning services is being prepared. A planner and a business license specialist will be located at the Millcreek offices. The mayor added that Millcreek will be forming its own planning department and county employees will be encouraged to apply for available positions.

Agenda Item 4. Discussion and Michelle Vargas and John Brems about options for employee share of asocial security

Mayor Silvestrini introduced Michelle Vargas and John Brems, and asked them to discuss the impact of Millcreek opting out of social security, and the 401A plan that will be available to employees. Mr. Brems gave a brief presentation explaining the component parts of social security. The Medicare amount is 1.45% and Millcreek is required to pay that amount. The amount that would be paid by the City for social security is 6.2% with an equal amount paid by the employee. Mr. Brems outlined various options available to Millcreek for those amounts.

Mayor Silvestrini explained that the City has already made the decision to opt out of Social Security and has made a commitment to contribute 6.2% into a 401A. The mayor indicated that the question is how to deal with the employee portion. He feels that the amount should be deposited but that the employee should have the option to opt out. Ms. Vargas introduced Jared Benson, Director of the Retirement Division at NFP, who suggested there should be a discussion related to part time employees who are not eligible for the mandatory URS deposit. The default for these employees would be to stay in social security or that Millcreek could develop a FICA replacement plan.

Mayor Silvestrini talked about the city's part time employee and the interns and stated that it is more complicated to create a FICA replacement plan, and that he felt it would be simpler to choose the social security option. The mayor explained that the city would have the option to make a change later and that he had discussed the question with Dave Sanderson who agreed that staying with social security for part-time employees would be the best option for now.

Mr. Benson outlined the timeline and process for a retirement plan stating that there are several providers that operate 401A plans and provide a family of mutual funds from which an employee can choose. Mr. Benson indicated that URS does offer these types of plans but that the city would not have control over the plans as they are already designed. With outside providers, the city would have the ability to design their own plans.

Mr. Benson then outlined best practice plan designs that include automatic enrollment, non-elective contributions, limit in-service options and ongoing support. Mr. Benson discussed a potential vesting plan and the mayor indicated that implementation of a vesting plan would encourage employees to continue in their employment.

Mayor Silvestrini explained that there would be a cost to the city due to administrative expenses and that as more money accrues in the plan the fees would reduce. Mr. Benson agreed and stated that the goal is to grow the plan as quickly as possible to allow employees to retire on their own terms and to reduce fees.

Mr. Benson explained that the recommendation from NFP would be to utilize ICMA, a group that provides a suite of options for the city to initially consider and pare down to a smaller menu through a committee. Mr. Benson added that NFP could perform as a third party provider to assist in the ongoing trustee responsibility and that most employers default to basic investment plans based on age. The ICMA recommendation is made because the company has experience in working with city management and has information from their experience with new cities that would be useful. NFP has already received pricing information back from ICMA and Empower. Councilmember Marchant asked John Geilmann, city manager, if he has had experience with ICMA and Mr. Geilmann responded that he has had positive experiences with ICMA. Councilmember Marchant and Mayor Silvestrini will review the options presented by NFP and will bring recommendations to the council at a future meeting.

Agenda Item 3. Discussion with Michelle Vargas of NFP about interns and about selection of a 401K vendor

Mayor Silvestrini stated that the city has two interns who should be treated as employees rather than independent contractors. Councilmember Marchant asked if the two interns would fall under social security as part time employees and Ms. Vargas answered affirmatively. Mayor Silvestrini will supply the appropriate information to Ms. Vargas.

Councilmember Uipi joined the meeting at 5:25 PM.

Agenda Item 6. Discussion with Colin Simonsen and Bryan Baggaley about their 6/9/17 demand on the city

Mayor Silvestrini introduced Colin Simonsen and Bryan Baggaley, who explained the concerns that they have related to a wall on their property boundary. The fence was built before the property was subdivided, a home was built and a retaining wall was built on the other side of the fence. Mr. Baggaley stated that they are concerned that the wall is unsafe, that a portion of it has fallen in and would like to have the wall declared unsafe under the abatement of dangerous buildings section number 15.16.010. Mr. Baggaley is having difficulty obtaining a building permit until the wall is repaired. Mayor Silvestrini stated that there is a restriction on the plat and that an amendment to the plat could allow for a building permit. Mr. Brems suggested that an amendment to the plat would allow for the construction. Mr. Baggaley answered that there are significant liability issues that would impact his property.

Mr. Simonsen asked that the city have a building official issue a notice and order to the neighbor, and have a hearing.

Mayor Silvestrini and Mr. Brems will consider the demand and make a recommendation to the council but that this could be strictly a legal matter.

Agenda Item 5. Discussion with Aimee McConkie about Millfreaks event

Mayor Silvestrini introduced Aimee McConkie, who distributed the financial report for Venture Out for 2016 and explained that the report ended in a deficit that was covered by Venture Out.

Ms. McConkie asked whether the city is interested in working with Venture Out for a Millfreaks event. Ms. McConkie gave a history of the event, how funding had been acquired in the past and stated that she felt sponsors could be obtained.

Mayor Silvestrini explained that the community councils do not have the level of funding that they had in the past and is hopeful that sponsorships could be obtained, additionally stating that the event has been very popular.

Councilmember Marchant asked if Ms. McConkie is making a funding request from the city and Ms. McConkie explained that funding is very tight and that in the past the community councils have donated \$3,500 for the event. Mayor Silvestrini asked if there are any items that could be removed from the budget and Ms. McConkie stated that would be difficult. Mayor Silvestrini suggested that there could be a discussion with the community councils and Ms. McConkie stated that Canyon Rim community council has already said they are interested in contributing funds. Ms. McConkie stated that coordination of the event should begin in September and asked for assistance from Rita Lund.

The council was encouraged to sign up on line for the Community Dinner on August 4th and Ms. McConkie explained the event as well as the rest of the Venture Out signature events. Mayor Silvestrini asked if there were funds available to assist residents who may not be able to afford the meal and Ms. McConkie responded that it would be difficult.

Councilmember Marchant asked about the Scott Avenue event and Ms. McConkie explained the event layout and that parking had been arranged at Millcreek Gardens.

The council thanked the Asian Food Truck who had given out free food at the Sunnyvale event.

Agenda Item 7. Discussion about personnel policies, including social media policy – John Geilmann

Mayor Silvestrini asked John Geilmann, City Manager, to discuss personnel policies that the city should consider dealing with issues that have been discussed in previous meetings as well as items that may arise in the future. Mr. Geilmann explained that he is developing a comprehensive policy that will eventually become an employee handbook and will include a strong social media policy. Mayor Silvestrini asked Mr. Geilmann to forward the policy electronically to the council for review and consideration at a future council meeting.

Mr. Geilmann stated that he spoken with officials in Sandy about their “ecommerce exchange” safe space and was told that Sandy provides a well-lighted space and security cameras that store footage. Mayor Silvestrini related that he has discussed the idea of the UPD moving into the space next to the city offices with Undersheriff Scott Carver and Captain Steve DeBry and both expressed an interest in relocating to the space when the lease expires at their current location. Having the UPD onsite would help the safety of an “ecommerce exchange”.

Agenda Item 8. Discussion with UPD about panhandling enforcement

Mayor Silvestrini announced that this discussion will be held during the regular meeting as no representatives of the UPD are currently in attendance.

Agenda Item 9. Ongoing discussion of municipal priorities

There was no discussion of municipal priorities.

Agenda Item 10. Discussion of new items for subsequent consideration

Agenda items for future council meetings were discussed.

- Website RFP
- Five year plan recommendation – John Miller
- Retirement plan report from Mayor Silvestrini and Councilmember Marchant
- Laura Briefer from Salt Lake City water – preliminary meeting should be set prior to discussion with the council
- Report from Lewis Young regarding potential withdraw from SLVESA
- Introduction of Millcreek planning team

Councilmember Marchant suggested that a banner with a map of the city be prepared for use at the Venture Out events.

Councilmember Marchant stated that he has had complaints from residents behind the Fat Cats property on 1100 East and Rita Lund will ask for the staff report for review by John Geilmann.

Mayor Silvestrini adjourned the meeting at 6:30 PM.

REGULAR MEETING

1. Call to order

1.1 Pledge of Allegiance

Mayor Silvestrini called the Regular Meeting to order at 7:00 PM, excused Councilmember Jackson who is out of town, and led the Pledge of Allegiance. Mayor Silvestrini then introduced City Manager, John Geilmann, and the Councilmembers then introduced themselves.

1.2 Approval of Minutes

Approval of Minutes for June 26, 2017

Motion was made by Councilmember Catten, seconded by Councilmember Uipi, to approve the minutes of June 26, 2017. Motion passed unanimously,

2. Public Comment

Eileen Grace, a Millcreek resident, told the council that she would like to create a Fire Safety education program coordinating with the STEM programs that exist in the schools. John Geilmann suggested meeting with Ms. Grace to discuss her proposal.

Bill "Bear" Willett, a Millcreek resident, commented on his concerns with capitalism.

3. Reports

3.1 Report of the Mayor, reports of City Council members

Mayor Silvestrini reported on emails and telephone calls he has received related to fireworks that resulted in several fires in Millcreek as well as concerns that fireworks curfew hours are not being observed, the size and height of fireworks and impacts on air quality. The mayor explained that fireworks are regulated by the state, that class C fireworks are allowed and that the state establishes the hours and days when fireworks are allowed including seven day periods around the 4th and the 24th of July. Mayor Silvestrini has consulted with Chief Brad Larsen, UFA Fire Marshal, who has canvassed the city and provided a list of areas where fireworks can be prohibited due to mountainous, brush covered, forest covered or urban interface area conditions. Areas east of Wasatch Blvd, within 200' of Parleys Canyon and all three sections of Big Cottonwood Park have already been designated. The fire marshal has since designated additional areas, one east of Highland Drive and another on the west side of Highland Drive and signage will be placed in those areas.

Mayor Silvestrini encouraged Millcreek residents to be responsible and careful with fireworks, particularly on red flag days, and emphasized the impact that the fireworks problem has on the UFA firefighters.

Mayor Silvestrini then announced that a consultant has been determined to work on a Millcreek General Plan and that the Wasatch Front Regional Council has agreed to increase the funding amount devoted to the plan based on the quotes that came from the applications that had been received.

Mayor Silvestrini announced that contracts with Salt Lake County for municipal services have been approved and will appear on the County Council agenda with the exception of contracts that are still in negotiation related to courts/prosecution and planning/development services.

Mayor Silvestrini announced that as part of the planning/zoning transition, a team of county employees has been designated and will be staffing a dedicated area at the county offices as well as the city offices in order to accept applications.

Councilmember Catten reported on the SSL Mosquito Abatement Board meeting she had attended where it was reported that was a mosquito pool containing the West Nile Virus had been located in Sandy. No actual West Nile Virus cases have been reported but residents are strongly encouraged to use mosquito repellent and to keep yards clear of pools of water.

Councilmember Catten also reported that the Venture Out event at Sunnyvale Park was very successful and residents are pleased that the event had been moved to that park.

Councilmember Marchant reported that residents of his district are looking forward to the upcoming Venture Out event at Scott Avenue Park.

Councilmember Uipi reported that there had been a great showing by UFA, UPD and other community partners at the 4th of July event and thanked all of the participants. The councilmember additionally thanked the participants in the Millcreek Arts Festival as well as Aimee McConkie for her work with Venture Out.

3.2 Report of the Unified Police Department

Officer Ronnie Prescott reported on the crime stats for the four community council areas of Millcreek and stated that he and Officer Michael Prettyman serve the Millcreek area. Officer Prescott reported that calls for domestic violence have gone up in all areas and assured the residents of Millcreek that the UPD is very aware of the problem and training opportunities have been increased for officers to learn how to deal with the issue. Officer Prescott reported that UPD additionally has a full-time advocate assigned to work with domestic violence victims in Millcreek.

Officer Prescott presented a short video reporting on the shooting death of a UPD K-9, Dingo, that had occurred recently in Millcreek. He additionally reported that the UPD K9 unit had won the 2014 "Top Dog" award for the state and nation. He mentioned that two of the K9 unit members, Dingo and Aldo, have died from shooting deaths in the last year.

Mayor Silvestrini thanked Officer Prescott and asked that he send condolences to the K9 handlers.

Mayor Silvestrini asked about panhandling enforcement, in particular related to a panhandler who stands on the median above REI. Officer Prescott stated that there is a law against panhandling on the

median and that the individual has been ticketed and there will be a follow up. Chief DeBry added that the UPD officers also offer assistance to individuals who are willing to accept help.

3.3 Report of the Unified Fire Authority

Mayor Silvestrini introduced Chief Brad Larsen, UFA Fire Marshal, and the liaison for Millcreek who gave a presentation related to fire hazards and the close calls with house fires that happened in Cottonwood Heights recently.

Councilmember Catten reported that she had seen a fire in her district and was very impressed at the response from all the agencies who participate through the mutual aid contracts. Chief Larsen reported that the UFA had responded to 24 fires in the days around the 4th of July and encouraged residents to check the UFA website for fire education tips and the “no fireworks” designated areas. Mayor Silvestrini stated that he is concerned about the cost of fire fighting in terms of the physical and mental impact on firefighters as well as amount of funding required to fight the fires and the damage done to residences.

Chief Larsen presented the July highlights for the UFA including the new vision, mission and values that are being prepared and measures that are being taken to increase oversight of budgets and re-allocation of resources and personnel. Officer Larsen then reviewed a safety message from the UFA as well as crew activities and run statistics showing that Station 101 is continually one of the two busiest stations in the UFA system. There was discussion of lawful fireworks and a list can be found on the state website. Chief Larsen explained how areas are designated as areas where fireworks are prohibited based on past history and conditions.

4. Appointments

No appointments appeared on the agenda.

5. Consent Agenda – Declarations of Gifts

5.1 Acceptance of gift for Fujilyte conversation easement, Albert R. Gordon and Joanne M. Gordon

5.2 Acceptance of gift for Fujilyte conservation easement, Tika Beard

5.3 Acceptance of gift for Fujilyte conservation easement, Adam Holmes

5.4 Acceptance of gift for Fujilyte conservation easement, John Knoblock and Elizabeth Haigh

5.5 Acceptance of gift for Fujilyte conservation easement, Darlene Batatian

5.6 Acceptance of gift for Fujilyte conservation easement, Clare P. Mysenburg and Mark Miller

5.7 Acceptance of gift for Fujilyte conservation easement, Jeffrey L. Silvestrini and Leslie Van Frank Silvestrini

Mayor Silvestrini explained that the listed gifts relate to open space that was purchased by Salt Lake County through a tax auction with open space funds. The listed gifts were donated to create a conservation easement for the area in the amount of \$16,000 which will be paid over to the open space fund for preservation purposes to purchase a conservation easement on the land. The mayor explained that this purchase precludes development of an open area on the mountainside. Councilmember Uipi thanked the mayor for his efforts.

Motion was made by Councilmember Uipi, seconded by Councilmember Marchant, to accept the listed gifts for the Fujilyte conservation easement. The motion passed unanimously with members voting as follows:

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

6. Planning Matters

6.1 Discussion and consideration of Ordinance No. 17-_____ - amending Chapter 19.32 of the Millcreek Code of Ordinances, by revising and updating the C-1, C-2 and C-3 zones.

Mayor Silvestrini explained the proposed ordinance changes and the public input process that had included three public hearings. The mayor introduced John Jansen who reviewed the proposed ordinance and highlighted several issues and explained the reasoning behind the proposed changes including clarifying the uses in zones and creating categories for conditions and uses.

Mayor Silvestrini explained that the changes proposed to mixed use addresses concerns related to sales tax potential in the commercial zones. The mayor has been approached by several developers who have concerns with the percentages and street facing area included in the proposed ordinance. Tom Stephens, the chair of the Millcreek Planning Commission, responded that the commission was interested in being conservative at this point and would potentially make changes when a General Plan is completed. Mr. Stephens also suggested that the Planning Commission would most likely not be concerned with changes to this section that may be made by the City Council.

Mr. Jansen then discussed prohibited uses and presented maps showing where these uses currently exist, explained the maps and the recommendations of the Planning Commission that are included. Mr. Jansen commented on concerns that had been raised related to smoke shops and tattoo parlors which may preclude other uses from being established in the area. Mayor Silvestrini commented that storage units do not provide property tax income or a very large amount of sales tax but are profitable for owners and will most likely expand.

Mayor Silvestrini then discussed building heights, the maximum heights designated in the various zones and reported that the current ordinance allows 75' and this proposal is more restrictive at 40'.

Mr. Jansen briefly described the design standards that are included in the proposals which suggest moving parking behind the buildings and development agreements that could provide for some flexibility and negotiations with developers.

Mayor Silvestrini asked for public comment at 8:20 PM.

Mike Parmley, a Millcreek business owner, commented that as a small business owner he is concerned about the limitations that are being considered for tattoo parlors and asked why there is so much

emphasis put on restricting those and massage parlors particularly in light of the fact that there are a lot of empty storefronts along 33rd South.

There being no further public comment, Mayor Silvestrini closed the public comment session at 8:30 PM.

Councilmember Uipi indicated that she has concerns about home based massage parlors and Mr. Jansen indicated that the proposal only includes commercial zones.

Councilmember Catten commented that the council is not against tattoo parlors and that the city is interested in having the prominent spaces in the city is put to the best use.

Mayor Silvestrini commented that there is a societal shift in the public perception of tattoo parlors and that he hasn't been made aware of concerns with tattoo parlors although there have been many problems with massage parlors that are not licensed with the state. Millcreek has had several massage parlor violations that are being dealt with. Currently enforcement actions and revocation of business licenses are the only tools in place to deal with violations. Mayor Silvestrini indicated that he is most concerned with locating massage parlors on major intersections than with the ½ mile radius restrictions. The mayor additionally stated that he is in favor of having just a 50% of front facing building being implemented and not implementing the proposal related to the percentage of total square footage.

Mayor Silvestrini also suggested that he might be interested in decreasing the distance that is allowed between tattoo parlors. Councilmember Catten suggested removing tattoo parlors and licensed massage parlors from the group that would not be allowed in a C-1, within 300' of an arterial and within 500' of each other.

Councilmember Uipi asked John Geilmann his experience with this type of business. Mr. Geilmann suggested that the concern may be related to a business that may want to be located between these types of businesses. Mr. Geilman added that distances and building sizes should be considered.

Mayor Silvestrini asked for the general feeling of the council related to the two concerns that had been discussed and received a consensus agreement with his suggestions.

Mayor Silvestrini asked John Jansen to amend the ordinance and bring it for consideration at a future meeting.

6.2 Discussion and consideration of Planning Application 30429 – Heather Newport, on behalf of KETM Trust – Requesting a rezone of .63 acres from C-1 (Community Commercial) zone to the C-2 (Neighborhood Commercial) zone. Location: 2827 South 2300 East. Community Council: Canyon Rim. Planner: Todd A. Draper, AICP

Mayor Silvestrini introduced Todd Draper, Salt Lake County planner, who explained the application to rezone this location. The Canyon Rim Community Council recommended approval and Mr. Draper explained that this property is adjacent to C-1 zones. Staff is recommending the change to C-2. Tom

Stephens recommended deferring this matter to a future meeting after the new commercial zone is adopted, and allow the property to become non-conforming.

The applicant, Mike Parmley, stated that there had been a recommendation to them to proceed with a rezone and feels that they should be allowed to proceed.

Michelle Jentsch, a Millcreek resident, asked if a rezone could create more substantial uses in the future.

Mr. Parmley stated that he has had no negative comments from any of the neighbors.

Mayor Silvestrini closed the public comment session at 8:55 PM.

Motion was made by Councilmember Catten, seconded by Councilmember Uipi, to continue the discussion for one week. Motion passed unanimously.

6.3 Discussion and consideration of Ordinance No. 17-_____ - adopting a flood damage prevention plan.

Mayor Silvestrini stated that this plan had been discussed at previous meetings and explained the need to adopt a flood damage prevention plan, particularly in the Mt Olympus area.

Motion was made by Councilmember Uipi, seconded by Councilmember Catten, to approve Ordinance No. 17-_____, adopting a flood damage prevention plan. The motion passed unanimously with members voting as follows:

Councilmember Uipi – Aye

Councilmember Catten – Aye

Mayor Silvestrini – Aye

Councilmember Marchant – Aye

7. Financial Matters

7.1 Public hearing on fixing the compensation of the Mayor and members of the Council

Mayor Silvestrini opened the public hearing.

Paul Cisneros, a Millcreek resident, commented that he was concerned that the proposal had been scheduled to be discussed after the candidacy period had closed. Mr. Cisneros also stated his concern that the councilmembers are considered part time and therefore might not be entitled to the same benefits as a full-time employee.

Mayor Silvestrini responded that all of the councilmembers devote many hours to the job and have not been compensated for the last seven months. Mayor Silvestrini additionally stated that there had been a compensation study completed that indicated that the amounts that had been determined, \$40,000 for the mayor and \$15,000 for councilmembers, is a comparative amount. Mayor Silvestrini also stated that there should be consideration for future candidates, and that the proposed pay is fair and

competitive. The health benefits will be optional. Some mayors and councilmembers may need to have a benefit package because the amount of time devoted to city business would generally preclude them from working adequate hours at another job to receive benefits through that position.

Councilmember Uipi thanked Mr. Cisneros for his assistance in the past with funding questions.

Councilmember Marchant asked for Mr. Cisneros's thoughts on benefits packages for councilmembers and Mr. Cisneros stated that it may be possible to reduce the benefit package for the councilmembers.

Councilmember Catten commented that there could be residents in her district who may be interested in running the election in the future that would require a benefit package in order to devote the amount of time required for serving.

Mr. Geilmann commented that it is very common that a benefit package is provided for councilmembers though it could potentially be at a lower percentage than a full-time employee.

Mayor Silvestrini thanked Mr. Cisneros for his comments and asked if anyone else in the public wanted to comment about the proposal. No one responded.

Mayor Silvestrini closed the public comment session at 9:15 PM and scheduled the item for a future agenda.

7.2 Discussion and consideration of Resolution No. 17-_____ - authorizing the expenditure of funds for the September 2017 Utah Prepare Fair Conference and Expo.

Mayor Silvestrini explained that this item had been previously discussed and that a resolution is now available.

Motion was made by Councilmember Uipi, seconded by Councilmember Marchant, to approve Resolution No. 17-_____, authorizing the expenditure of funds for the September 2017 Utah Prepare Fair Conference and Expo. The motion passed unanimously with members voting as follows:

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

7.3 Discussion and consideration of Ordinance No. 17-_____ - revising Millcreek's procurement policy to identify the City Manager as a designee of the Mayor.

Mayor Silvestrini explained that this ordinance would allow the City Manager to approve expenditures up to the amount of \$5,000 as the designee of the Mayor.

Motion was made by Councilmember Marchant, seconded by Councilmember Uipi, to approve Ordinance No. 17-_____, revising Millcreek’s procurement policy to identify the City Manager as a designee of the Mayor. The motion passed unanimously with members voting as follows:

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

8. Other Matters

8.1 Discussion and consideration of Resolution No. 17-_____ - requesting admission to the Public Employees’ Retirement System

Mayor Silvestrini explained that this resolution is required in order to allow for Millcreek employees to be part of the Public Employees’ Retirement System.

Motion was made by Councilmember Marchant, seconded by Councilmember Catten, to approve Resolution No. 17-_____, requesting admission to the Public Employees’ Retirement System. The motion passed unanimously with members voting as follows:

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

8.2 Discussion and consideration of Resolution No. 17-_____ - to join the Utah League of Cities and Towns

Mayor Silvestrini explained that this item has been discussed at past meetings and that the cost is the same as listed in the budget. Councilmember Uipi reminded the council that Carrie Nakamura, a former League employee, had told the Council that there would be a discounted amount for the first six months. Mayor Silvestrini stated that not joining the League would preclude Millcreek from joining in lobbying efforts and training opportunities. John Geilmann stated that all cities he has been involved with have been members of the League. Mr. Geilmann will contact Roger Tew at the League to discuss the fee.

Mayor Silvestrini deferred the item to a future council meeting.

8.3 Discussion and consideration of Ordinance No. 17-_____ - granting an electric utility franchise and general utility easement to Rocky Mountain Power

Mayor Silvestrini introduced John Brems, who outlined some highlights of the agreement and several additions that he had included. Mr. Brems indicated that he had a concern about relocation of poles stating that if it is for a city purpose the power company will pay but if it is a condition of approval they

will not. It was added that if it is a city project, the city will have to pay the costs. Relocation required for capital improvements would be paid for by Rocky Mountain Power.

Motion was made by Councilmember Marchant, seconded by Councilmember Uipi, to approve as amended Ordinance No. 17-_____ - granting an electric utility franchise and general utility easement to Rocky Mountain Power. The motion passed unanimously with members voting as follows:

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

8.4 Discussion and consideration of Ordinance No. 17-_____ - adding additional areas subject to the ban on the use of fireworks and any open flame fires within certain areas of Millcreek

Mayor Silvestrini explained the amended ordinance that bans fireworks in two new areas that have been added by the Fire Marshal on the east and west sides of Highland Drive. Leslie Van Frank stated that the original ordinance only included east of Wasatch Boulevard and within 200’ of Parleys Park, and that she had reviewed the map and that, for specificity, had added into the new proposed ordinance other areas that were included on the UFA map. Chief Larsen explained that the areas on the map had historically been restricted based on the topography and vegetation of the areas, and that new areas were considered based on concerns that had been received. The areas were studied and the decision made that the areas should be designated due to the vegetation and slopes and these areas pose a significant hazard. Mayor Silvestrini added that it is important the residents understand the boundaries of the areas.

Councilmember Uipi asked about education efforts for neighbors of the areas. Mayor Silvestrini responded that he had heard from residents that there was inadequate signage this year and that in the past the UFA had installed banners along the fences in two locations. The Salt Lake County sign shop had produced eight signs that have been installed on feeder streets and are not large enough. John Geilmann has worked with public works to install larger signs at various locations and the new areas will also be signed. Updates will appear in the electronic newsletters and a press release can be issued.

Motion was made by Councilmember Uipi, seconded by Councilmember Catten, to approve Ordinance No. 17-_____, adding additional areas subject to the ban on the use of fireworks and any open flame fires within certain areas of Millcreek. The motion passed unanimously with members voting as follows:

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

9. New Items for Subsequent Consideration

There were no new items for subsequent consideration.

10. Calendar of Upcoming Events

Mayor Silvestrini discussed the calendar of upcoming events.

11. Closed Session (If Needed)

No closed session was required.

12. Adjournment

Motion for adjournment was made at 9:30 PM by Councilmember Uipi, seconded by Councilmember Catten. Motion passed unanimously.