



APPROVED 06/19/17

**Minutes of the**  
**Millcreek City Council Meeting**  
**Monday, June 12, 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

**Others 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.

**1. Report from Salt Lake County**

Mayor Silvestrini reported that John Miller had asked to be excused.

Mayor Silvestrini introduced John Brems, city attorney, who reported on the interlocal agreements he has received from Salt Lake County for Planning & Development, Parks, Addressing, Surveyor, and Engineering Services. Mr. Brems has discussed a contract for Court services with Darrin Casper and will continue with that negotiation. The contracts for Animal Services and Public Works Operations have been completed, signed and will be returned to the county.

**2. Update from Michelle Vargas**

Mayor Silvestrini reported that interviews are being scheduled for applicants for Millcreek City Manager and had excused Ms. Vargas from the meeting.

### **3. Report from the Langdon Group**

Mayor Silvestrini introduced Siobhan Locke and Josh King from the Langdon Group to discuss the information that had been collected at the Venture Out event as well as at a workshop had been held with the City Council. A preliminary mission and vision statement had been developed based on the information gathered which will be finalized by the city council in coordination with the city manager when the position is filled.

Ms. Locke reported that all the materials will be made available to the council and offered to keep the online public survey open through the summer events.

Mayor Silvestrini explained that the contract amount of \$1.00 charged by Langdon basically meant this was a volunteer effort on their part and thanked Ms. Locke and Mr. King for their efforts.

Mayor Silvestrini then introduced Bruce Parker, a Millcreek resident who is overseeing the interns from the University of Utah who are working for the city. Mr. Parker indicated that the interns may be able to assist with information gathering at the Venture Out events.

### **4. Discussion of newsletter and articles**

Rita Lund led a discussion related to articles and topics for upcoming newsletter issues and deadlines. Articles will be forwarded for review by the council before being sent to layout.

Councilmember Marchant asked about a discussion that had taken place related to determining a method of transporting residents from Sunnyvale to the 4<sup>th</sup> of July event on Evergreen Avenue. Councilmember Catten will contact personnel from Sunnyvale to discuss methods to provide resources for the event.

### **5. Discussion of judgment levy property tax (which has been collected by the County)**

Mayor Silvestrini discussed a letter that had been received from the County Auditor related to the certified tax rate and explained that Millcreek must obtain the tax rate prepared by the Auditor. The rate is based on raising the same dollar amount from taxes and the rate moves up and down to produce the same amount as the previous year. The letter outlines requirements that must be fulfilled. John Brems explained that the statute allows Millcreek to keep the same certified tax rate which is variable to produce the same tax dollars and if Millcreek does not change the rate there should be no need to have a truth in taxation hearing.

Councilmember Jackson asked about the potential exit from SLVESA that would require a hearing and if that hearing could be held at the same time. Mayor Silvestrini responded that a SLVESA hearing would be held in the next year.

Mayor Silvestrini added that if a hearing is required, it will be important to educate residents to inform them that the amount of funds collected will remain the same as had been collected in the previous year by the county. The mayor explained that the valuation of homes could change due to the fact that valuations are relative to other properties.

Councilmember Jackson related that she has heard complaints from residents that a homeowner improving their property raises property taxes for the entire neighborhood.

Mayor Silvestrini stated that the certified tax rate should be determined and that the budget must be approved by June 22<sup>nd</sup>.

Mr. Brems stated that he had added a placeholder in the resolution under consideration related to the amount of the property tax levy based on the rate that the county had imposed last year but that the number will change slightly. The budget will need to be revised based on the final number received from the State Tax Commission. Mayor Silvestrini suggested that any additional funds should be placed in the capital projects line of the budget. Mr. Brems stated that if the tax commission does not respond with the correct information in time for the budget approval, wording can be added to address the problem.

#### **6. Discussion of penalty waiver requests by delinquent business licenses**

Mayor Silvestrini discussed the decision that had been made at a previous meeting regarding fee waivers. John Brems will draft a policy for the city related to the fee waiver decision.

#### **7. Update on newsletter**

Mayor Silvestrini reported that this discussion had taken place earlier in the meeting.

#### **8. Continued discussion of municipal priorities**

Councilmember Marchant asked about the setback request that had been previously discussed on 3385 South. Councilmember Uipi suggested that there should be an internal process to communicate this type of request to the city council.

Councilmember Uipi additionally suggested that Millcreek consider a 50/50 policy similar to one that had been used in the past in the county. Mayor Silvestrini suggested that the city should consider a policy to utilize to address issues such as this.

Councilmember Jackson told the council that a group of residents is developing to petition requesting a splashpad in Canyon Rim Park. The council discussed splashpad and swimming pool requests and needs. Mayor Silvestrini suggested that the parks master plan for both regional parks and those under city ownership should be addressed and asked Rita Lund to invite Wayne Johnson from the parks department to attend the next city council meeting. Mayor Silvestrini asked the council how they would like to proceed with the municipal priorities discussion including sidewalks, storm drains and other projects. Councilmember Uipi suggested that the public works personnel should be consulted and the framework that they have utilized be considered as a template for a city prioritization process. Councilmember Uipi additionally suggested that the City Manager may have some ideas as to how to proceed.

Mayor Silvestrini suggested that the county attend a future meeting to discuss methods currently utilized to prepare project lists. The mayor also stated that the capital projects list be utilized in developing the budget. Councilmember Uipi added that requests from the community councils and residents be considered.

Mayor Silvestrini then suggested that the council should meet with Salt Lake City water to discuss the city water infrastructure and will invite Laura Briefer from Salt Lake City water to a future work session.

John Brems stated that he will draft a 50-50 program that could be utilized for sidewalk requests.

Mayor Silvestrini stated that a ditchmaster from the Big Ditch company will be in attendance at the next city council meeting and requested that someone from the county be in attendance for the discussion.

Councilmember Marchant reported on a ridealong that he had participated in with the UFA, calls he had been a part of and complimented the UFA officers on their caring and professional behavior.

The council reviewed the agenda item list that had been developed by Leslie Van Frank to be discussed at future meetings.

Mayor Silvestrini then led a discussion of canceling council meetings for the summer holidays.

Mayor Silvestrini related that the Mt Olympus Improvement District may not be willing to allow the city council to continue to meet at their offices for additional time and there was discussion about potential locations for future meetings that will need to be held before the new offices are available.

Mayor Silvestrini adjourned the work session at 6:05 PM.

## **REGULAR MEETING**

Mayor Silvestrini called the meeting to order at 7:07 PM.

### **1. Call to Order**

1.1 Pledge of Allegiance

1.2 Approval of Minutes for May 23, June 5 and June 6, 2017 meetings.

Councilmember Marchant moved to approve the minutes of May 23, June 5 and June 6, 2017, with an amendment to the May 23<sup>rd</sup> minutes to remove resident addresses. The motion was seconded by Councilmember Jackson and passed unanimously.

### **2. Public Comment**

There was no public comment.

### **3. Reports**

Mayor Silvestrini reported that the City Council had attended an economic development tour with members of the county regional economic development team, explained the stops on the tour and the development potential at each location.

Mayor Silvestrini reported on a workshop that the Langdon Group had facilitated for the city council. The workshop had been noticed as a public meeting and the intent was to begin the process of developing mission and vision statements for Millcreek. The mayor pointed out the boards that had been produced at the recent Venture Out event that had collected comments from residents.

Mayor Silvestrini announced that he had signed contracts with Salt Lake County for animal services and public works operations and is continuing with negotiations related to contracts for parks, engineering, planning & zoning services and court services.

Mayor Silvestrini explained that he would be attending the upcoming MSD meeting and will be resigning from the MSD Board because Millcreek is leaving the MSD.

The mayor thanked residents who had attended the Venture Out event and reported that the new movie screen worked very well.

Mayor Silvestrini reported that negotiations on the lease for office space were nearing completion.

Councilmember Marchant talked about the drive-around he had attended with the UFA and thanked Chief Larsen for affording him the opportunity. Councilmember Marchant additionally asked Chief Larsen to tender his thank you and compliments to the officers.

Mayor Silvestrini then introduced UPD Detective Mike Prettyman who presented recent crime reports and explained the COP (Community Oriented Police) Program and the services members of the COP team provide to Millcreek. Detective Prettyman emphasized the need for residents to stay away from rivers and streams.

Detective Prettyman then talked about the 100 Deadliest Days, reported on the number of accidents that have occurred this year and outlined safe driving tips. Detective Prettyman further explained the Zero Fatality Program and the five behaviors that are generally responsible for crashes including drowsy driving, distracted driving, aggressive driving, impaired driving and not buckling up.

Councilmember Uipi requested speeding enforcement on 33<sup>rd</sup> South and Officer Prettyman responded that he would provide increased enforcement along the eastern section of the roadway.

Mayor Silvestrini then introduced UFA Chief Brad Larsen who reported on progress being made in the reorganization of the department. Jay Ziolkowski has been hired as a Deputy Chief along with Chief Higgs, Chief Andrus and Chief Watson to fill out the new organizational structure. The strategic plan is still in development and Chief Watson explained staffing changes and station closures that have occurred due to the withdrawal of Draper City from the District. Chief Larsen explained that the UFA will be receiving five tractor ladder trucks and additionally reported that the UFA has presented a \$70M budget to the Board. There was a brief discussion about the UFA budget process.

#### **4. Appointments**

No appointments appeared on the agenda.

#### **5. Consent Agenda**

No consent items appear on the agenda.

#### **6. Planning Matters**

6.1 Discussion and consideration of Ordinance No. 17-\_\_\_\_\_, adding new definitions to further define use categories. Planner: John Jansen

Mayor Silvestrini introduced John Jansen who explained the new definitions that had been developed to further define the broad use categories. Mr. Jansen listed the general definitions and explained where several of the uses fit into the definitions chapter. Mayor Silvestrini explained how the list of definitions addresses concerns that have been voiced related to the broad categories under consideration. Mr. Jansen explained that the Planning Commission has approved the list as presented.

Motion was made by Councilmember Jackson, seconded by Councilmember Catten, to approve Resolution 17-\_\_\_\_\_, adding new definitions to further define use categories. 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

6.2 Discussion and consideration of Ordinance No. 17-\_\_\_\_\_, repealing chapters 19.72 and 19.73 of the Millcreek City Ordinances, entitled, respectively, “Foothills and Canyons Overlay Zone” and “Foothills and Canyons Site Development and Design Standards,” and replacing them with a new Chapter 19.72, entitled “Foothills and Canyons Overlay Zone.” These chapters are being repealed and replaced to clarify ambiguous terms and eliminate confusing terms, to clarify and simplify development and design standards, to clarify and simplify the application process including the roles of other regulatory agencies, to reconcile conflicts with wildfire suppression standards, to bring the chapter into compliance with other recent legal requirements, and other related purposes. Changes to the current ordinance are in the following areas, among others: purpose statement, clustering, grading, trails, tree removal, stream setbacks, wildlife, limits of disturbance, lots of record, and definitions. Planner: Curtis Woodward

Mayor Silvestrini introduced Curtis Woodward, Salt Lake County Planner, who explained the FCOZ process that had been held with the Millcreek Planning Commission and reported that the Planning Commission had stated that there had been many public hearings on the issue and that since the ordinance had been adopted by Salt Lake County they recommended approval with changes that would be required to conform with city statute. Mr. Woodward additionally explained sections that have been removed because they would never apply in Millcreek including mineral extraction and minor ski resort improvements. An additional section that Mr. Brems had been recommended for removal is references to Salt Lake City Water extraterritorial rights and to the Mountain Resort Zone section. Mayor Silvestrini discussed an option had also been recommended for removal related to stream setback exceptions and open space along with a section that incentivizes cluster development in areas where FCOZ applies. Mr. Woodward then asked if the council has concerns that should be addressed in FCOZ that have not already been considered and outlined some sections that Millcreek may want to consider.

Mayor Silvestrini asked about the design standards in the ordinance and Mr. Woodward explained that some sections of that portion of the ordinance had been cleaned up to avoid vague phrases. Mayor Silvestrini explained that most of the developable land in Millcreek is located on very steep slopes in the Mt Olympus area and that clustering may allow for additional development in those areas.

Mr. Brems then explained the additions he had made to the slope waiver section.

Mayor Silvestrini opened the public comment period and closed the period as no public comment was received.

Mayor Silvestrini deferred a decision on the item to a future meeting because the latest version had not yet been published and additionally asked Mr. Brems to review road grades and waivers of slope requirements due to concerns related to access by emergency vehicles. Chief Larsen offered to provide the road grade requirements for emergency apparatus if needed.

Councilmember Uipi asked about requirements that may pertain to solar panels that are not located on rooftops. Mr. Woodward explained that panels are allowed on the ground but that the county requests the least intrusive panel colors and the current design standards have been used in past to address the question.

6.3 Discussion and consideration of request by William Miner to rezone .23 acres from R-1-8 (Single Family Residential; 8,000 sq. ft. min. lot size) to R-2-8 (Two-Family Residential; 8,000 sq. ft. min. lot size). Location: 1401 East Woodland Avenue. Community Council: Canyon Rim. Planner: Todd A. Draper

Mayor Silvestrini introduced Todd Draper, Salt Lake County Planner, who discussed the rezone application by William Miner and outlined concerns that had been brought up at the community council. Mr. Draper explained that planning staff and the Millcreek Planning Commission had both recommended approval. Councilmember Jackson asked about noticing and Mr. Draper explained that the regular noticing process had been followed. Mr. Draper introduced the applicant, William Miner, who described the conceptual layout that he had developed for twin homes to be built on the property.

Tom Stephens, Millcreek Planning Commission chair, explained that the proposed rezone received a positive response from Planning Commission members.

Motion was made by Councilmember Uipi, seconded by Councilmember Marchant, to approve a request by William Miner to rezone .23 acres from R-1-8 (Single Family Residential; 8,000 sq. ft. min. lot size) to R-2-8 (Two-Family Residential; 8,000 sq. ft. min. lot size). Location: 1401 East Woodland Avenue. 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

## **7. Financial Matters**

7.1 Discussion and consideration of Resolution No. 17-\_\_\_\_\_, adopting a policy on accepting gifts to the City.

Mayor Silvestrini explained the reason for developing a policy on accepting gifts and John Brems explained the Declaration of Gift form he had prepared that would be given to a donor. Mr. Brems explained that the policy is designed to discourage cash donations. There was discussion related to cash donations and reporting requirements. Councilmember Uipi explained that she has concerns with the

perception of residents that funds may not be properly accounted for. Linda Bagley asked for direction from the city council related to donations that may be made at the Venture Out events.

Mayor Silvestrini explained the process that would be required for depositing funds that are collected including a ledger of funds received that should be provided to Councilmember Marchant.

Motion was made by Councilmember Uipi, seconded by Councilmember Jackson, to approve Resolution No. 17-\_\_\_\_\_, adopting a policy on accepting gifts to 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

7.2 Discussion and consideration of Resolution No. 17-\_\_\_\_\_, accepting gifts in the total amount of to be used for acquisition of Grandeur open space.

Mayor Silvestrini explained that a donation has been made for the acquisition of the Grandeur open space. John Brems explained that donations would have to appear in an amended budget.

Mayor Silvestrini moved this agenda item to a future agenda.

7.3 Discussion and consideration of Ordinance No. 17-\_\_\_\_\_, adopting a final budget; making appropriations for the support of Millcreek for the time period beginning July 1, 2017, and ending June 30, 2018, and determining the rate of tax and levying taxes upon all real and personal property within Millcreek (to shift the judgment levy tax from Salt Lake County to Millcreek).

Mayor Silvestrini explained changes that will be made to the budget including donations and additional revenue from the county and moved the budget adoption to the agenda for June 19<sup>th</sup>.

## **8. Other Matters**

8.1 Discussion and consideration of Resolution No. 17-\_\_\_\_\_, providing that Millcreek not participate in Utah’s Section 218 Agreement and thereby not provide Social Security benefits/coverage to Millcreek Employees (with the intent to instead contribute to the employees’ 401(k) plan)

Mayor Silvestrini introduced and explained the resolution

Motion was made by Councilmember Uipi, seconded by Councilmember Jackson, to adopt Resolution No. 17-\_\_\_\_\_, providing that Millcreek not participate in Utah’s Section 218 Agreement and thereby not provide Social Security benefits/coverage to Millcreek Employees (with the intent to instead contribute to the employees’ 401(k) plan). Motion passed unanimously by roll call vote with members voting as follow:

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

Councilmember Jackson – Aye  
Councilmember Marchant – Aye

8.2 Discussion and consideration of Resolution No. 17-\_\_\_\_\_, authorizing the issuance of an RFP for IT services

The councilmembers indicated they had reviewed and considered the resolution.

Motion was made by Councilmember Uipi, seconded by Councilmember Catten, to adopt Resolution No. 17-\_\_\_\_\_, authorizing the issuance of an RFP for IT 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

8.3 Discussion and consideration of Resolution No. 17-\_\_\_\_\_, authorizing the Mayor to negotiate and sign a contract with Municipal Code Online, Inc. for codification services

Mr. Brems explained that he was still in discussions with Municipal Code Online for an acceptable contract. Councilmember Uipi noted that the resolution authorized the mayor to negotiate a contract, as well as to sign an acceptable one. There would be no reason to bring this back to the Council.

Motion was made by Councilmember Uipi, seconded by Councilmember Marchant, to approve Resolution No. 17-\_\_\_\_\_, authorizing the Mayor to negotiate and sign a contract with Municipal Code Online, Inc, for codification 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 Consideration**

No new items were considered.

**10. Calendar of Upcoming Events**

Mayor Silvestrini outlined upcoming events.

**11. Closed Session**

No closed session was required.

## **12. Adjournment**

Motion for adjournment was made at 8:35 PM by Councilmember Uipi, seconded by Councilmember Jackson. Motion passed unanimously.