



APPROVED 6/26/17

Minutes of the
Millcreek City Council Meeting
Monday, June 19, 2017

Councilmembers present

Jeff Silvestrini – Mayor
Silvia Catten – Council District 1
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 5:00 PM and excused District 2 Councilmember Dwight Marchant, who is out of town.

1. Discussion with Wayne Johnson, Salt Lake County Parks and Recreation, regarding department's 5-year plan

Mayor Silvestrini introduced Wayne Johnson from Salt Lake County Parks & Recreation. Mr. Johnson discussed the parks capital projects plan, and explained that projects with the most need move to the top of the list and that projects are completed as funds are available.

The request for TRCC (Tourism, Recreation, Cultural and Convention Facilities) funding applications will be posted on the county website on July 1st. Funding applications are due by September 1st. Mr. Johnson stated the parks department is willing to assist with the city's application and offered to take the city council on a tour of the four Millcreek parks. Mr. Johnson explained that the parks department prioritizes capital projects based on health & safety, ordinance, and protecting previous investment, in that order.

Councilmember Uipi asked about how maintenance of amenities are categorized and Mr. Johnson explained that regular maintenance cycles are established based on typical life of the amenity.

Mayor Silvestrini commented that the contract that is being considered with parks and recreation only applies to maintenance, not capital improvements. As an example, Fortuna Park does not have a playground and has a section that needs weed control and maintenance to avoid a fire danger and make the park appear more welcoming.

Councilmember Uipi asked about what is possible related to water features. Councilmember Jackson commented that there is a groundswell movement to install a splashpad in Canyon Rim Park. Mr. Johnson commented that the cost is generally between \$300,000 to \$500,000 as a minimum and \$2M for a high end facility. Mr. Johnson added that operational and water costs are high for splashpads and that he would be willing to determine a cost estimate if desired.

Mayor Silvestrini asked about the Parks Master Plan and Mr. Johnson explained that the Master Plan is a high-level view and that Millcreek should provide its recommendations and review plans for each park individually.

Mr. Johnson added there exists a deferred maintenance backlog of around \$13M.

Councilmember Uipi asked about open space lands acquisition and where those costs appear in the budget. Mr. Johnson explained that Julie Peck-Dabling from Salt Lake County works on land acquisition and after land is purchased it moves into the parks portfolio for management and maintenance.

Councilmember Uipi asked if future land acquisition is specifically outlined in the plan. Mr. Johnson responded that the plan does not include specific open space parcel acquisitions but does encourage exploration of any opportunities for land acquisition that may arise. Mr. Johnson additionally explained that land acquisition must be reviewed and a recommendation provided by the Salt Lake County Open Space Advisory Board. Bev asked that the tour of parks include both the regional and local parks in Millcreek.

Mr. Johnson then talked about off leash dog parks and reported that a consultant that has been engaged to study dog parks and to make recommendations of possible locations. Councilmember Jackson asked whether the distribution of off leash parks is considered and Mr. Johnson stated that distribution is one of the criteria and reported that residents should be able to travel to an off leash amenity within five miles of home. Mr. Johnson also reported that there is a shortage of dog parks in Salt Lake County but that locations are always problematic.

Mayor Silvestrini asked if there were opportunities in the ZAP funding to acquire open land such as that along Big Cottonwood Creek in west Millcreek. Mr. Johnson stated that there is a shortage in that area of park space and there is a lack of availability of land.

Mayor Silvestrini asked about the size of parcels that could be considered for open space purchase. Mr. Johnson stated that the parks department generally considers parcels of 60 acres or more but is willing to look at smaller parcels. Mr. Johnson also reported that Mayor McAdams has indicated an interest in moving forward with another round of ZAP funds soon and that all current park bond funds have been utilized.

Kurt Zimmerman, a Millcreek resident, asked about the scoreboards at Big Cottonwood Park ballfield and if there is funding available to replace the boards. Mr. Johnson stated that the structure at the ballfield should be replaced and that the cost is estimated at \$6.5M. Repairs of the scoreboards would be a maintenance issue. Mr. Johnson stated that the capital projects threshold is \$10,000 and above and that projects below that amount are placed on the maintenance list. Mayor Silvestrini suggested he would be willing to cooperate with the parks department to ask the Miller family if they would be interested in assisting with the bleacher repair/replacement.

Mr. Johnson told the council that Mayor Silvestrini had asked that Millcreek be branded on applications for reservations and advised that the parks reservation system could be linked to the Millcreek website and that it could take about a month to have the function completed. Additionally, the Millcreek logo would be placed on applications.

Mr. Johnson asked the council to consider whether Millcreek residents should be charged a lesser amount for reservations than applications that are received from residents of areas outside Millcreek.

An additional question was raised about large events such as company parties. Mr. Johnson stated that if there are more than 200 people involved, the level of scrutiny is higher and asked at what point Millcreek would like to be notified of these events. Mr. Johnson stated that the parks department would be willing to continue their current process and add notification to Millcreek of large events or events requesting use of a park for more than a one day event.

Mr. Johnson then gave an update on Scott Avenue Park, reporting that there is a community garden at the park and that about 85% of the gardeners are Millcreek residents. The parks department pays a fee to Wasatch Gardens to coordinate the community gardens.

Mayor Silvestrini requested information on variations in the costing schedule from the costs shown for similar parks. Mr. Johnson explained that these variations are related to items such as types of amenities, costs of lights and water bills that vary based on terrain and soil. Mr. Johnson further explained that the costs shown are based upon true costs rather than a flat charge based on acreage. Mayor Silvestrini asked for an explanation of the Scott Avenue Park charges and if there should be an adjustment since the park serves as a flood control retention basin. Mr. Johnson explained that Millcreek is being charged for Scott park in its entirety and that if flood control were taking care of the park, they would not handle the property in the same manner and there would potentially be no grass.

Mr. Johnson then talked about signage in the parks and asked the council for direction related to branding the parks as Millcreek, explaining that signage such as that at Canyon Rim Park sign could be easily changed to add Millcreek and the logo. New monument signs are costly and Mr. Johnson suggested installing metal signs at Fortuna and Scott Avenue Parks where there currently is no signage. The council agreed and asked Mr. Johnson to utilize the colored version of the Millcreek logo. At Canyon Rim Park the lower wood piece will be changed to show Millcreek rather than Salt Lake County.

2. Discussion with John Miller, Salt Lake County Engineering

Mayor Silvestrini introduced John Miller from Salt Lake County Engineering. Mr. Miller distributed a list of the projects as they are currently prioritized and explained that a sidewalk section on 33rd South between 27th to 29th East has been added to the list, as a grant has recently been obtained for that project.

Mr. Miller talked about the process utilized in the prioritization process, stating that engineering prepares an estimate for the work, prioritizes the project based on data collected, and considers available funding. Historically there has been about \$650,000 spent on sidewalks and active transportation projects in Millcreek. Mayor Silvestrini commented that there may be around \$2M available and Mr. Miller commented that the amount also included the pavement management program.

Mayor Silvestrini asked if any of the projects are shovel ready and Mr. Miller stated that the projects marked with a double asterisk are fully designed and that the Imperial Street project is design is nearly complete.

Councilmember Uipi asked about the outreach that will be done for the Upland Drive project. Mr. Miller outlined the outreach that will take place throughout the summer and that before construction begins there will be another round of meetings at the school and the community council. Flyers will be

distributed and information will be posted on the website. Mr. Miller explained that outreach plans vary based on the size of projects.

Mr. Miller then discussed storm drains and commented that there are not as many grants available for these projects. Mr. Miller added that historically about \$50,000 has been budgeted to Millcreek each year for storm drains.

Mr. Miller notified the council that a sinkhole is developing in the neighborhood behind Churchill Jr High that should to be moved up to emergency status and funding for the project determined as soon as possible.

Mr. Miller then stated that the project list presented include planned projects and that unanticipated projects do arise.

Mr. Miller then outlined the GIS mapping program that is ongoing around the county and that he would be interested in completing that study for Millcreek.

Mayor Silvestrini stated that he had met with Jared Steffey and will approach Mayor McAdams to ask for release of the fund balance amounts that should be paid to Millcreek with a distribution of half now and half after the end of year. Millcreek will also need to determine if there are capital projects that should have been completed but were delayed by the MSD process and that funding that had been earmarked for those projects should be paid to Millcreek.

Mr. Miller suggested that it is too late in the season to complete additional projects this year but that planning should be completed now to be ready for the next construction season.

Councilmember Jackson requested additional no parking signs along Wasatch between Warr Road and the trailhead by the Grandeur Peak trailhead. Mayor Silvestrini suggested painting a red strip on the street to indicate that is it a fire lane.

Councilmember Jackson then asked about the responsibility to keep trees trimmed away from signs and Mr. Miller stated it is the homeowner's responsibility.

3. Discussion of scheduling City Council meetings for the summer, including dates and varying locations throughout the city

Mayor Silvestrini asked to confirm the July meeting dates and the council agreed that City Council meetings in the month of July should take place on July 10th, 17th and 31st. The others will be cancelled.

Councilmember Catten stated that the meeting room at Bud Bailey would be available for the August meetings and Mayor Silvestrini added that the meeting room at the Artesian Springs facility is also available. Councilmember Uipi reported that the library meeting room is not available until 5:30 PM on those dates and that meetings would have to be completed by 8:45 PM.

Mayor Silvestrini will contact Mt. Olympus Improvement District to determine when the council would be required to change their meeting location.

Mayor Silvestrini additionally reported that he will be unable to attend the August 21st City Council meeting. After discussion, it was determined that the council should cancel the August 21st meeting and meet on August 7th, 14th and 28th.

In the month of September, the meeting on September 4th should be cancelled for the Labor Day holiday.

There was discussion about meeting locations and it was determined that the meeting on August 7th should take place at Bud Bailey, the meeting on August 28th should take place at Artesian Springs and the meeting on August 14th should take place at the Fire station in the fire station bay. Mayor Silvestrini will arrange for the space at Artesian Springs and the fire station, Councilmember Catten will arrange for the space at Bud Bailey.

4. Discussion of newsletter and articles

Rita Lund requested article topics for the August newsletter issue and councilmember suggested an article on the Night Out Against Crime event, a mayor's message, refugee stories, the Gregson Ave story that had to be moved from July, the new meeting locations and election information.

5. Ongoing discussion of municipal priorities

Mayor Silvestrini and Councilmember Catten discussed the need for green space in the Meadowbrook area, with potential green space possibilities along the creek and the addition of a footbridge about a block west of Main Street replicating the park that is located on the Murray side of the creek. The area does not appear to have adequate land to create a larger park. Mayor Silvestrini related he has been discussing the green space related to the RDA and tax increment considerations.

6. Discussion of new items for subsequent consideration

Mayor Silvestrini discussed items related to the Salt Lake County contracts that should appear on the next meeting agenda, including a contract for engineering services that is nearing completion. The engineering contract shows an amount of \$512,000 for six months. Councilmember Jackson asked about a timeline if Millcreek is considering an RFP for engineering services and Mayor Silvestrini suggested September would be a good time to let an RFP for the contract.

The planning & development services contract is still under discussion and Mayor Silvestrini had stated that the contract should be terminable on a 60-day notice and should also include an ala carte menu of services. The mayor stated that the costing is not yet complete on planning/zoning contract. In the event the negotiations are not completed in time, the county planning department has agreed to continue to provide services as negotiations continue.

Councilmember Uipi talked about animal services and a concern about HB52 that stripped the ability to use criminal charges in cases related to animal services. City attorney John Brems stated that other cities are issuing civil citations.

Items that will be coming to the City Council from the Planning Commission were discussed and should appear on a future agendas.

Rita Lund was requested to invite Kade Moncur and Kevyn Smeltzer from Salt Lake County to attend the June 26th council meeting to provide information related to the five-year pavement plan, capital projects and streetlights. Two of the ditch companies in Millcreek will be in attendance at the meeting.

It was determined that continued work on the website should be deferred until a City Manager is hired.

Mayor Silvestrini adjourned the work session at 6:35 PM.

REGULAR MEETING

1. Call to order

Mayor Silvestrini called the Regular Meeting to order at 7:00 PM and excused District 2 Councilmember Dwight Marchant.

1.1 Pledge of Allegiance

Mayor Silvestrini led the group in the Pledge of Allegiance.

1.2 Approval of Minutes

Motion was made by Councilmember Jackson, seconded by Councilmember Catten, to approve the minutes of June 12, 2017. Motion passed unanimously,

2. Public Comment

Fran Holfeltz, a Millcreek Community Councilmember, invited the City Council to attend the July 1st Breakfast event that Millcreek Community Council is sponsoring and distributed flyers advertising the event. Ms. Holfeltz additionally asked about the solicitation of funds for an emergency cache site that is ongoing. Mayor Silvestrini responded that the funds are being collected by the volunteers and then will be held by the city in a separate accounting. Ms. Holfeltz was informed that Lynda Bagley from the Millcreek Community Council has been attending meetings and that communication should take place with her. Ms. Holfeltz thanked the council for their work and invited them to attend the breakfast event.

3. Reports

Report of the Mayor, reports of City Council members.

Mayor Silvestrini reported that he had attended his final MSD meeting and that Millcreek's withdrawal from the MSD will be complete as of June 30th.

Mayor Silvestrini reported on a meeting he had attended with Jared Steffey, fiscal manager for the MSD, to discuss items that need to be resolved related to the withdrawal and funding. Mr. Steffey had suggested that the mayor meet with Mayor McAdams regarding distribution of the fund balance. Mayor Silvestrini will arrange for that meeting.

Mayor Silvestrini then announced that Millcreek owes \$90,000 to the MSD from the \$400,000 distribution made earlier in the year, and that amount will be balanced against other funds that the MSD owes to Millcreek in a final accounting.

Mayor Silvestrini reported that he had spent time with the UFA strategic planning group to discuss the information that had been gathered at their recent public outreach events and that recommendations will be created for presentation to the public and the UFA board.

Chief Brad Larsen from the UFA stated he had no issues to report.

Chief Steve DeBry did not have a report. Mayor Silvestrini asked if there had been an impact over the weekend related to the road closures at I-80. Chief DeBry stated that there had been a truck and a motorcycle accident.

4. Appointments

No appointments appeared on the agenda.

5. Consent Agenda

No consent agenda items appeared on the agenda.

6. Planning Matters

6.1 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 19.72m, 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 and application process including the roles of other regulatory agencies, to reconcile conflicts with wildfire suppression standards, to bring the chapter into compliance with recent legal requirements, and other related purposes.

Mayor Silvestrini explained that the ordinance had been reviewed by city attorney John Brems, gave a timeline of the public noticing, and asked if there was any public comment. None being offered, he asked for a motion.

Motion was made by Councilmember Uipi, seconded by Councilmember Catten, to approve 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 and application process including the roles of other regulatory agencies, to reconcile conflicts with wildfire suppression standards, to bring the chapter into compliance with recent legal requirements, and other related purposes. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye

Councilmember Catten – Aye

Mayor Silvestrini – Aye

Councilmember Jackson – Aye

Mayor Silvestrini thanked Mr. Brems for his work customizing the ordinance for Millcreek.

7. Financial Matters

7.1 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 (the resulting tax is the same amount of tax previously collected by Salt Lake County and will not result in a tax increase to residents of Millcreek).

Mayor Silvestrini explained that he had presented a tentative budget to the City Council and that the City Council had been considering the draft for a month. The mayor further added that the budget had been prepared based on information from Salt Lake County and the Lewis Young report.

The mayor indicated that two public hearings on the budget have been held where public comment had been gathered. Additionally, a complete discussion with line items has been posted on the state's public notice website and the city website.

Mayor Silvestrini explained some changes to the budget are being proposed. The mayor reported that as had been determined that at the MSD meeting, Jared Steffey stated that the distribution of judgement levy amount was increased from \$1.276M to \$1,321,735 and this change is reflected in the new proposal. The mayor also noted that the engineering contract that appeared in expenditures at \$507,430 is based on the amount that has been negotiated in the contract for a six-month term. The budget presented shows an amount of \$1,014.816 to reflect the annual cost. The mayor also explained that PTIF account has already received an amount of \$59.00 for sales taxes potentially in error. An additional deposit of \$56,000 has been made and Millcreek is required to reimburse these amounts to the MSD along with the Class C road funds to pay for services provided before June 30th. The total amount is \$646,904 and accounts for the two road funds payments and the sales distributions. The mayor explained that this amount will meet the Millcreek obligation to the MSD for these revenue distributions. On the fiscal 2018 budget an amount of \$90,000 is shown as an expenditure but likely will not have to be paid when the accounting with the MSD is completed.

The mayor reported that the proposed budget includes \$2.8M for capital projects, an amount that exceeds the funding that has been used in the past for Millcreek. The mayor additionally pointed out that the budget includes a fund balance of 7.5% which exceeds the 5% statutory requirement and will assist Millcreek in obtaining and preserving a favorable credit rating.

The mayor reported that the proposed property tax levy is the same amount previously collected by Salt Lake County, therefore the residents of Millcreek will not experience a tax increase.

The mayor noted that public comment had been received on two occasions and that no residents had voiced concern about the budget. The mayor added that the budget is fiscally responsible and detailed.

Motion was made by Councilmember Jackson, seconded by Councilmember Uipi, to approve 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 (the resulting tax is the same amount of tax previously collected by Salt Lake County and will not result in a tax increase to residents of Millcreek). Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye
Councilmember Catten – Aye

Mayor Silvestrini – Aye
Councilmember Jackson – Aye

The councilmembers thanked Mayor Silvestrini for his work on the budget and the mayor responded that he was pleased that the city will be able to apply additional funds to the fund balance at a higher rate than required by state law and complete additional capital projects.

8. Others Matters

Mayor Silvestrini announced that the contracts for public works, animal services with Salt Lake County have been completed and are awaiting approval by the County Council. The mayor additionally noted that the engineering, surveying and addressing contracts are nearing completion and the amounts for these contracts appear in the budget.

Mayor Silvestrini then noted that an additional contract for planning & development services, terminable with a 60-day notice, is under review and will provide services to the city until Millcreek forms its own planning department.

Mayor Silvestrini then asked for authority to execute the additional contracts in coordination with John Brems and advised he will not sign any contracts that are not consistent with the amounts shown in the budget and explained that there is a need to proceed quickly to complete the contracts before the beginning of the city fiscal budget year.

8.1 Discussion and consideration of Resolution No. 17-_____ - approving an interlocal agreement with Salt Lake County for planning and development services

8.2 Discussion and consideration of Resolution No. 17-_____ - approving an interlocal agreement with Salt Lake County for surveying and addressing services

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

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

Motion was made by Councilmember Uipi, seconded by Councilmember Catten, to approve the resolutions in items 8.1 through and including 8.4, with a caveat that Mayor Silvestrini will advise the city council of the amount of the planning and development services contract before signing the contract. Motion passed unanimously by roll call vote with members voting as follows:

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

Councilmember Jackson – Aye

9. New Items for Subsequent Consideration

Mayor Silvestrini reported he had received a series of contracts and maps from the UFA in order to enter into a contractual arrangement with the state wildland fire authority. This contract would allow the state to reimburse Millcreek in the event of a serious wildfire episode and to allow Millcreek to relegate the control of a major event to the state wildland fire authority. The mayor reported that there will be an annual cost to Millcreek of \$3,700 for the contract.

Additionally, Mayor Silvestrini reported that he is continuing his work with the local UFA stations to complete a coordinated community wildland protection plan.

The mayor asked for direction from the council related to signing the contract on behalf of Millcreek to allow Millcreek to receive state funds to reimburse for the cost of fighting a serious fire event. All three UFA stations in Millcreek are trained in Wildland fire fighting and this contract will allow for coordination with Forest Service, federal and state agencies. There was general consent from the council to allow Mayor Silvestrini to move forward with the contract.

UFA Chief Larsen added that the amount of money that could be spent in the event of a major wildland fire is significant. As an example, a bomber run would cost around \$50,000. UPD Chief DeBry also described a wildland fire that had taken place in the Cottonwood Heights area last year and how the dipping bucket had been utilized at that time at a significant cost.

Chief Larsen commented that there are upcoming changes in the staff at the Mt Olympus station. Mayor Silvestrini stated that there is a group of community volunteers working to establish the property value of the properties that could be impacted in the area and that group would coordinate with the Mt Olympus station. The mayor added that Mt Olympus Community Council David Baird is assisting in the effort and Mayor Silvestrini thanked Mr. Baird for his work on the issue.

10. Calendar of Upcoming Events

Mayor Silvestrini reviewed the calendar of upcoming events and announced that future Work Sessions will be beginning at 5:00 PM. The mayor additionally announced that in the month of July, the City Council meetings will take place on July 10th, 17th and July 31st.

11. Closed Session (If Needed)

11.1 Discussion and consideration of specific employee hires

Mayor Silvestrini reported that the council would be moving into closed session to discuss personnel issues and would return to the work session after the closed session with an immediate adjournment.

Motion was made by Councilmember Catten, seconded by Councilmember Uipi, to temporarily recess the Council meeting to convene in a closed session to discuss the character, professional competence, or

physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated Section 52-4-205. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye

Councilmember Catten – Aye

Mayor Silvestrini – Aye

Councilmember Jackson – Aye

The council resumed the regular session at 9:00 PM.

12. Adjournment

Motion for adjournment was made at 9:00 PM by Councilmember Jackson, seconded by Councilmember Uipi. Motion passed unanimously.