



APPROVED 4/17/17

**Minutes of the**  
**Millcreek City Council Meeting**  
**Monday, April 10, 2017**

**Councilmembers present**

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

**Other present**

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

**WORK SESSION**

Mayor Silvestrini called the meeting to order at 3:15 PM and announced that Councilmember Uipi was excused due to suffering an injury. Councilmember Catten was attending the Mosquito Abatement District meeting and joined the City Council meeting at 3:40 PM.

**1. Reports from Salt Lake County**

No report for Salt Lake County had been requested.

**2. Discussion about RFP for engineering services**

Mayor Silvestrini requested some general comments from Brad Gilson, Gilson Engineering, who was in attendance at the meeting. The mayor stated that the RFP was designed to be very general and is intended to obtain more information about itemized services such as storm water control, inspection and storm water reporting requirements.

Mayor Silvestrini stated he felt that most respondents should already be aware of the scope of services required by cities and suggested that the city could potentially attach the list of services that had been supplied by the county.

Councilmember Jackson asked about the evaluation criteria and questioned the weighting stating that she would like to see more weight on related experiences.

Mayor Silvestrini stated that the councilmembers in attendance seemed in concurrence that the RFP should be let with a change to the scoring changing the weighting to 35% for relevant experience and 20% for qualifications. The RFP additionally should include the list of services previously supplied by the county but indicate that the services would not be limited to those listed in order to attract qualified applicants. The mayor instructed John Brems, city attorney, to finalize the document with these changes for consideration at a future council meeting.

### **3. Discuss specifics of participation in Salt Lake Marathon**

Rita Lund advised the council that there was a problem with the proposed location of the city booth in front of Evergreen Jr. High as the road will only be closed to traffic in the west lane. Alternate locations were discussed including locations along Keller Lane. Councilmember Marchant offered to contact a resident along Keller Lane to ask whether a location along Keller is feasible. Rita Lund requested assistance from the councilmembers and audience members in finding residents or groups who would be willing to assist at the booth in passing out fruit, cheering and cleaning up.

### **3:45 PM – Field trip to South Salt Lake City**

Mayor Silvestrini suspended the Work Session at 3:35 PM to allow the Council to participate in a field trip to South Salt Lake City.

The council resumed the work session at the South Salt Lake City Hall. Mayor Cheri Wood and Carrie Cutler, Program Director, welcomed them. The council toured the offices of the PROMISE South Salt Lake offices and learned about the program, which began in 2012 with 2 sites. The South Salt Lake City Council formed a PROMISE department in 2014, which has grown to currently include fourteen sites. The program operates under three promises to residents:

1. Every child has the opportunity to attend and to graduate from college.
2. Every resident has a safe, clean home and neighborhood.
3. Everyone has the opportunity to be healthy and to prosper.

Ms. Cutler outlined the various programs that are part of PROMISE South Salt Lake and gave Millcreek an idea of how the program was developed and operates. Currently the program has 130 partners and operates with funding levels from donations and grants at 97%. Ms. Cutler emphasized the importance of data collection in order to develop a program that fits the needs of the community. Suggestions for

where data may be collected include the county health department, the school district, police data, state and national data sources.

Mayor Silvestrini suspended the field trip at 5:15 PM and the group returned to the Millcreek offices.

### **5:30 PM – WORK SESSION RESUMES**

Mayor Silvestrini resumed City Council Work Session at the Millcreek offices at 5:30 PM.

Mayor Silvestrini reported on the information that had been presented on their field trip to South Salt Lake related to the PROMISE South Salt Lake City program.

Councilmember Catten offered to meet with Carrie Cutler to develop more information and to determine the best way to begin the program in Millcreek. The councilmember indicated she would contact the Bud Bailey apartments and the principals of the elementary schools in Millcreek that are currently involved with the program.

Mayor Silvestrini indicated that he would ultimately want to develop a similar program in elementary schools in Millcreek. The mayor suggested that the council consider forming a committee to assist moving this type of program along. The mayor indicated that he has been approached by many residents who have asked what they can do to help in the city and who may be interested in becoming involved in this type of program. Additionally the mayor suggested that possibly Millcreek could provide some monetary resources to begin cooperation with South Salt Lake in order to utilize their expertise to assist with beginning a program in Millcreek.

#### **4. Discussion about responses to HR Request for Proposal**

Mayor Silvestrini introduced Gaylyn Larsen from Wasatch Front Waste and Recycling, thanked her for being willing to help educate the council and asked her for guidance as to the pros and cons of opting out of social security. Mr. Larsen responded that any organization in the public sector is automatically not part of the program, and a Section 218 certification is required if Millcreek were to choose to opt in.

Councilmember Marchant asked if all public employees are always in state retirement. Ms. Larsen responded that within the Utah Retirement System there is a definition of Tier 1 and Tier 2 employees. With URS there is the opportunity for Tier 2 employees to be partially enrolled in a 401K and partially in a government defined contribution program.

Mayor Silvestrini asked how other cities in the Salt Lake valley handle the social security question. Ms. Larsen indicated that South Jordan, West Jordan, Draper, Sandy as well as some Salt Lake City departments do not participate in social security.

Ms. Larsen related that WFWRD allowed their employees to hold a non-binding vote as to whether they would prefer to opt out or not and the responses were 66% in favor of staying out of social security. The board determined to opt out of social security but additionally determined that they would provide a method for employees to have a retirement option including funds that would not be subject to loans.

Ms. Larsen discussed the ICMA Retirement Corporation that only provides retirement funds for public employees. WFWRD determined to utilize ICMA with the employer contribution going into a 401A and

the employee match going into a 457 fund. When employees leave employment with the district the employee can determine to take their funds. ICMA was attractive to WFWRD due to the services provided and the fact that they do not have stockholders and only hold public employee funds.

Ms. Larsen indicated that Millcreek could set up their own vesting period. WRWRD determined employees are vested from immediately and can choose their beneficiaries. ICMA allows for more flexibility related to beneficiaries than social security where only a spouse can be a beneficiary.

Mayor Silvestrini asked about administrative costs. Ms. Larsen explained that fund costs are not quite as high as with private firms such as Fidelity and that as employees build a balance, the fees go down. ICMA offers a large variety of funds in which employees can invest.

Mayor Silvestrini asked whether the municipalities must have trustees who would select what funds are available. Ms. Larsen responded that ICMA offers the full selection of funds to all employees and provides financial advisors to the city as well as for meetings with individual employees.

Mayor Silvestrini reminded the councilmembers that they must bring their score sheets to the next council meeting for a decision that should be made on the human resources RFP and that this item will be continued to a future agenda. Score sheets should be turned in to the Leslie Van Frank, the Acting City Recorder.

Judy Thimakis then announced that she is working on job descriptions and will present them to the council at a future council meeting to assist in developing an organization chart.

#### **5. Discussion about petition to expand restricted resident parking near Grandeur Peak trailhead**

Mayor Silvestrini discussed the additional petition that had been submitted for expansion of the resident only permit parking area and stated that a study and public hearing would be required. The mayor indicated that Millcreek is required to address the petition and should begin the process.

Councilmember Jackson mentioned that she had spoken with residents who did not feel that there is a problem with parking in the area. The councilmember indicated that she had been contacted by several property owners had been included that had not wanted to be part of the program.

Terra Reilly, a resident of the Grandeur Peak area, told the council that she had never seen a problem with parking and that some residents felt they had to sign the petition because they have had continual complaints made about parking on the street when contractors were present at their homes. Ms. Reilly indicated that in her opinion the main problem is the kids who shoot the tube kids after 10:00 PM and are noisy. Ms. Reilly indicated that she is very disheartened about the number of code enforcement complaints that are made in the area.

Councilmember Marchant felt that the additional parking should be striped soon and not wait until the slurry seal crews are in the neighborhood.

Councilmember Catten asked about removing the 10:00 PM parking restriction along Wasatch Boulevard. After discussion it was decided that Mayor Silvestrini would contact Mr. Miller to ask about the possibility of updating the original parking study and that any decision should involve the UPD. Residents who have concerns should be asked to keep logs of problems that arise.

John Brems, city attorney, commented that this could be a process that would continue to create an ever expanding area. Mr. Brems suggested an ordinance change that could require a larger area be included in any future petition and there should be a requirement for two thirds of residents to sign a petition. Councilmember Jackson commented that she would like to include some ideas about the potential for seasonal permits.

Mayor Silvestrini asked Mr. Brems to develop a Resolution to be placed on a future city council agenda in order to finalize the council decision on the original petition for Warr and Cascade. Additionally, Mr. Brems was asked to consider potential ordinance changes based on the council comments.

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

Councilmember Marchant told the council about a missing sidewalk along two properties at 4705 S between 13<sup>th</sup> E & Highland Drive and suggested he would like to prioritize those sidewalk sections. The councilmember asked whether neighbors could participate in the cost. Mayor Silvestrini stated the city will have some funds for sidewalks, this one could be prioritized and funds from the neighbors may give the project a higher priority.

Mayor Silvestrini indicated that he has received some information about sales tax revenue that included a projection showing that Millcreek sales tax revenue could be about a million dollars more than originally projected. Councilmember Jackson asked if that would impact the 105% rule. The mayor responded that he felt there should not be a problem and that if there is a problem, there may be the potential to change the state law. Millcreek should not be the only municipality required to help pay for services in other municipalities and unincorporated areas in the valley.

Councilmember Jackson asked about preparation of a newsletter to announce the public hearings. It was determined that a less expensive option would be to produce a postcard should include information on the hearings as well as directions to the website and how to sign up for electronic newsletters.

Mayor Silvestrini indicated that he has been meeting with Lewis Young to determine when the MSD feasibility study would be available and that Lewis Young needs to find what the capital project costs are annually and that the study should be available in the next week or ten days. The study will be presenting information on four scenarios:

Scenario 1 – Millcreek staying in MSD

Scenario 2 – Millcreek leaving the MSD and contracting for all services

Scenario 3 – Millcreek leaving the MSD and contracting with all services except planning/zoning and economic development, which it would self-provide

Scenario 4 – Millcreek self-providing everything

Mayor Silvestrini commented that he has to begin the budget process and will be making recommendations to the council potentially before the decision about the MSD is made. He further stated that if the study is completed by April 19<sup>th</sup> or 20<sup>th</sup>, a public hearing could be set for Tuesday or Wednesday night, May 23<sup>rd</sup> or 24<sup>th</sup>.

Mayor Silvestrini adjourned the meeting for a dinner break at 6:45 PM.

## **GENERAL MEETING**

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

Mayor Silvestrini called the general meeting to order at 7:15 PM and announced that Councilmember Uipi was not in attendance due to sustaining an injury.

1.1 Pledge of Allegiance – Mayor Silvestrini led the council and public 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 April 3, 2017. Motion passed unanimously.

### **2. Public Comment**

Linda Milne, a member of the Canyon Rim Community Council, reported that residents had heard a presentation at Canyon Rim Academy about the Safe Neighborhoods program and that the school now has a preparedness kit in place that was paid for by Salt Lake County. The school additionally has a partially stocked emergency container. Ms. Milne reminded the group that on April 20<sup>th</sup>, at 10:15 AM, the Great Utah Shakeout will take place and asked the councilmembers to participate. Ms. Milne thanked Councilmember Jackson for her attendance at the recent events.

Mayor Silvestrini introduced UPD Officer Prettyman who gave a presentation showing the calls for March of 2017. Officer Prettyman told the council about National Take Back Day that will take place at the Community Center on April 29<sup>th</sup> from 10:00 to 2:00 PM and asked residents to properly dispose of their unused medications. Officer Prettyman listed items that should not be brought for disposal.

Officer Prettyman next talked about the UPD Citizens Advisory Board (CAB) that assists with events, the Officer of the Month program and Night Out Against Crime. Officer Prettyman gave the audience his phone number, 485-468-9637 and email of [mprettyman@updsl.org](mailto:mprettyman@updsl.org) and invited residents are invited to participate. Officer Prettyman then introduced Mr. John Helen, the chair of the CAB who talked about the training that they receive and how they interact with the UPD.

Mayor Silvestrini asked about the Neighborhood Watch and how the CAB is involved and Mr. Helen commented that the CAB is in transition and will be discussing that project.

Councilmember Jackson asked about a hit and run that took place in the Canyon Rim parking lot and Officer Prettyman explained what the UPD knew about the incident.

### **3. Reports**

Mayor Silvestrini reported on the League of Cities and Towns conference in St. George that had been attended by the mayor and Councilmembers Catten and Uipi.

Mayor Silvestrini then reported that the city had received three responses to the RFP for office space for locations at:

4070 South West Temple

1300 East 3300 South

700 East 3900 South

The responses would be discussed later in the meeting when Fred Healey arrives.

Mayor Silvestrini reported that he had met with Lewis Young today regarding the feasibility study and announced that the study is nearing completion and needs a few clarifications. After the study is completed and received, the city will be having public meetings on the feasibility study during community council meetings during the first week of May and then a larger meeting later in the month.

Councilmember Jackson thanked Ms. Milne for coordinating the Safe Neighborhood presentations and announced that William Penn Elementary will be holding an emergency preparedness event that is being organized by Lisa Bagley.

Councilmember Jackson then told the group that she had spent the night at a Red Cross sheltering event and was very impressed with the organization, their preparations and response to emergencies.

Councilmember Marchant presented a petition from residents in the Shady Brook Condominiums who are concerned with the ducks that are crossing the road and being hit. The councilmember will be meeting with John Miller to find locations for duck crossing signs.

Councilmember Marchant related an additional concern related to a crosswalk located at 3150 S 900 E that should be relocated for safety reasons.

#### **4. Appointments**

No appointments appeared on the agenda.

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

No consent items appeared on the agenda.

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

6.1 Continued discussion and consideration of Application 30343 – Amend Title 19 Zoning of the Millcreek Code of Ordinances, 2017, regarding the enactment of a new MD Zoning Ordinance, as initiated by the City of Millcreek.

Mayor Silvestrini introduced John Jansen, who presented the changes that had been discussed at the previous city council meeting. The changes include a section in the multi-family requiring a 24 hour onsite management for more than 50 units, revision of the phrase for new or used vehicles, a second hand store requirement for 500 sq. ft., self-storage units, added limousine to taxi businesses, and the definition of arterial/major intersections and how the distances should be determined. Councilmember Jackson suggested that West Temple should be added to the list of arterial/major streets in the Meadowbrook area as described in the small area plan. County planners are preparing a map showing the 300' and 1,000' circles around the intersections. The height standard has been addressed by referring to the height of buildings in the surrounding area and the standard could be adjusted for buildings with mixed use or exclusive office use.

Mr. Brems commented on the prohibited uses chart and reminded the council to be careful about prohibited uses. If the council has any concerns about a use, do not include it and make the applicant return for a conditional use permit. Mayor Silvestrini commented that he does not have a concern with

the M zones but there should be additional discussion related to this concern when the council considers the C zones.

Mayor Silvestrini continued the item to the next city council meeting at the request of Councilmember Uipi.

6.2 Discussion and consideration of Ord. No. 17-\_\_\_\_\_, Notifying the Public of a Pending Ordinance Regarding Changes to the Commercial Zone to Limit/Prohibit Self Storage Units, Residential Uses, Pawn Shops, Check Cashing Businesses, Tobacco Specialty Businesses, Tattoo Shops Uses in the C-1, C-2 and C-3 Zones

Mayor Silvestrini began the discussion about the proposed pending ordinance change ordinance and suggested that the city should adopt such a moratorium due to the fact that the Planning Commission is considering putting restrictions related to the listed uses with some criteria. The mayor is concerned that an application could be filed before the ordinance changes can be implemented. The resolution is drafted narrowly to only limit the listed uses while the C zone is under consideration. Mr. Jansen outlined the criteria of the moratorium limiting the uses until after an ordinance change decision is adopted.

Councilmember Catten asked why these particular uses were included and Mr. Jansen responded that the Planning Commission has been receiving complaints and comments for years related to these uses.

MOTION was made by Councilmember Marchant, seconded by Councilmember Jackson to adopt Ordinance No. 17-\_\_\_\_\_, Notifying the Public of a Pending Ordinance Regarding Changes to the Commercial Zone to Limit/Prohibit Self Storage Units, Residential Uses, Pawn Shops, Check Cashing Businesses, Tobacco Specialty Businesses, Tattoo Shops Uses in the C-1, C-2 and C-3 Zones. Motion passed unanimously by a roll call vote with members voting as follows.

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

## 7. Financial Matters

No financial matters appeared on the agenda.

## 8. Other Matters

8.1 Discussion and consideration of Resolution No. 17-\_\_\_\_\_, authorizing and directing the Mayor to negotiate a contract with \_\_\_\_\_ for the provision of human resource services

Mayor Silvestrini stated that he is grateful to Judy Thimakis for her assistance with the city human resource services but that Ms. Thimakis did not respond to the RFP and even though Ms. Thimakis has offered to perform the services at no charge, the RFP must be considered.

The mayor continued the item to the next meeting and asked the councilmembers to bring their score sheets to the next city council meeting.

8.2 Discussion and consideration of Resolution No. 17- \_\_\_\_\_ - authorizing and directing the Mayor to negotiate a contract with \_\_\_\_\_ to provide city office space

Mayor Silvestrini introduced Fred Healey who reviewed the three proposals that had been received for three locations.

13<sup>th</sup> E & 3300 S – Woodbury Corporation  
670 E 3900 S - Arrow Real Estate  
4080 S West Temple – Acres & Renaldo Hunt

Mr. Healey stated that all three buildings have potential and then summarized the rents and associated details.

Mayor Silvestrini related that he had visited the locations and he had a concern that the third location did not provide a lot of space and has inadequate parking.

Councilmember Catten commented that she has had complaints from constituents in the area of the third location, but would like to show a city commitment to rehabilitating the area. Mayor Silvestrini talked about developments that are being planned in the area. Mayor Silvestrini has concerns about the amount of space available and the limited parking.

Mayor Silvestrini asked Chief DeBry if the UPD would be willing to discuss locating a UPD office at the same location as the city. Chief DeBry felt the UPD would be very interested in discussing co-locating. The mayor commented that the building on 700 E and 3900 S would allow adequate space for both offices and for future expansion.

Mr. Healey would like the council to pick one or two locations and he would go back to the property owners to negotiate firm costs.

There was discussion about the July 1<sup>st</sup> date requirement to vacate the temporary office space and the mayor felt that the current location could be available for an additional short period of time. Mayor Silvestrini added that the Woodbury proposal includes the opportunity to have a discussion about ideas for future development on the lot and the city may have the ability to develop a city hall to Millcreek requirements on a rental basis.

Mayor Silvestrini commented that at least two offers should be considered.

Councilmember Jackson proposed that the West Millcreek application be discarded due to the lack of space to expand and the parking shortage. Mr. Healey was requested to ask the property owner if there could be a parking solution for this location. Mayor Silvestrini stated he favors the other sites but does like the commitment to develop the west side of the city, however the West Temple site also does not offer the opportunity to co-locate with the UPD.

Mr. Healey will return to the council with solid proposals on all three sites for consideration at a future meeting. Mayor Silvestrini continued this item to a future city council meeting.

8.3 Discussion and consideration of Resolution No. 17- \_\_\_\_\_ authorizing and directing the Mayor to issue a Request for Proposals for Evaluating Millcreek's Withdrawal from the Salt Lake Valley Law

Enforcement Service Area (“SLVESA”) while Continuing to Obtain Law Enforcement Services from the Unified Police District (“UPD”).

Mayor Silvestrini announced that he has had further discussions with the mayors and some councilmembers from Riverton and Herriman and is fairly confident that both will be leaving SLVESA. This study would allow Millcreek to have the opportunity to determine how those municipalities withdrawal from the district would impact Millcreek. The mayor reiterated that the city does not intend to leave the UPD services. The mayor suggested that an RFP be let with a ten day response and that such a study would give Millcreek the information it needs to make a determination about whether to withdraw from SLVESA or not.

MOTION by Councilmember Marchant, seconded by Councilmember Catten to adopt Resolution 17-\_\_\_\_\_ authorizing and directing the Mayor to issue a Request for Proposals for Evaluating Millcreek’s Withdrawal from the Salt Lake Valley Law Enforcement Service Area (“SLVESA”) while Continuing to Obtain Law Enforcement Services from the Unified Police District (“UPD”). Motion passed unanimously by a roll call vote with members voting as follows.

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

8.4 Discussion and consideration of Resolution No. 17-\_\_\_\_\_, Supporting and approving Participation in the 2017 Utah Shakeout Day of Action on April 20, 2017.

MOTION made by Councilmember Jackson, seconded by Councilmember Catten to adopt Resolution No. 17-\_\_\_\_\_, supporting and approving Participation in the 2017 Utah Shakeout Day of Action on April 20, 2017. Motion passed unanimously.

**9. New Items for Subsequent Discussion**

Mayor Silvestrini announced that Christine Balderas and Jane Holt had asked for the city to pay a tuition in the amount of \$300 each in order to attend a civility conference and explained that the Canyon Rim Community Connection (CRCC) is an organization that builds community by bringing people together to talk about their differences. The group has organized successful events on civility and public discourse. Mayor Silvestrini would like to possibly form a committee to include many aspects of community building.

John Brems, city attorney, stated that a study would be required to provide funding for this use. Linda Milne suggested that a resident from the western portion of the city should be included.

Mayor Silvestrini will contact Ms. Balderas and Ms. Holt about potential reimbursement of the amount when the city has better determined the budget.

There was discussion of future agenda items including:

Grandeur Peak – finalizing ordinance on original petition  
Salt Lake Marathon  
Report on office space

HR Proposal

C Zone Proposal and potentially an MD Zone proposal

Presentation by John Brems regarding withdrawing from SLVESA

Potential newsletter discussion

**9. New Items for Subsequent Consideration**

No items for subsequent consideration were presented.

**10. Calendar of Upcoming Events**

The calendar of upcoming events were reviewed by Mayor Silvestrini.

**11. Closed Session (If Needed)**

No closed session was required.

**12. Adjournment**

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