



APPROVED 5/1/2017

Minutes of the Millcreek City Council Meeting Monday, April 24, 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

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

4:00 PM – WORK SESSION

Mayor Silvestrini called the meeting to order at 4:00 PM.

1 - Presentation by Lewis Young concerning the results of its study determining the feasibility of Millcreek leaving the Municipal Services District.

Mayor Silvestrini introduced Mr. Jason Burningham from Lewis Young Robertson & Burningham, Inc., who gave a presentation of the study that his firm had prepared to determine the feasibility of Millcreek

leaving the Municipal Services District. Mr. Burningham presented the feasibility study and outlined the methodology used, including trends, redevelopment potential, demographics and projections.

Mr. Burningham explained the statute only required consideration of the feasibility of remaining in the MSD or withdrawing from the MSD and self-providing services. At the request of Millcreek, two additional options, i.e., Options 2 and 3, were included. The study addresses all four options.

In the first option, the municipal corporation of Millcreek would remain in the MSD. The option assumes that nothing changes in terms of municipal services provided, and the revenue streams would also not change. The entire amount of funds collected from Millcreek would be remitted to the county [MSD] and the county [MSD] would determine the services to be provided. The study has determined that revenues coming from Millcreek would exceed expenses of providing services to Millcreek. The ratio of revenue to expenses will fall at 108%, with the excess funds going to the county [MSD] fund balances or to other areas. It would be up to the county [MSD] to decide how to utilize the funds.

In the second option, Millcreek would withdraw from the MSD. It assumes that all the traditional services would be contracted back with the county. The revenues would flow to Millcreek, and the city would determine the contracts. The scenario would fall at 106% ratio of revenue to expenses. Millcreek would retain the extra 6% and decide itself how to use the funds.

The third option's ratio of revenue to expense falls at 101%. In this option, Millcreek would withdraw from the MSD and contract back with the county for all services except planning/development and economic development services. This option assumes that Millcreek would contract with the county for all other services, including public works operations, animal services, parks and others. Mr. Burningham explained that this option is taking a first logical step toward the city building its own structure and is similar to what some other cities have done. Mr. Burningham explained that this option assumes the current level of services, but the city could determine the appropriate level of services rather than being required to stay with the level of services determined by the MSD.

The fourth option assumes Millcreek withdraws from the MSD and self-provides 100% of its own services. In this option the percent of revenues to expenses would fall at 71%, reflecting significant startup costs amortized over 15 years.

Mayor Silvestrini thanked Mr. Burningham and indicated that he feels that the study clearly shows that Millcreek can withdraw from the MSD without going into a deficit position. Additionally, the study shows that staying in the MSD does not seem to be in the best interest of Millcreek because that the city would not control spending of the 8% overage, which has historically been spread throughout the rest of the county. The Mayor stated that keeping control of the revenues and deploying them within Millcreek would provide the best return for the city.

Anna Clare Shepherd, a Millcreek resident, asked about the possibility of negotiating contract amounts with the county. Jared Steffey, Salt Lake County Fiscal Manager, who was in the audience, responded that the county is required to cover its costs and that the information that had been provided to Lewis Young in the preparation of this study is based on a cost unit analysis and is not based on previous

contract rates. Mayor Silvestrini added that the county has been cooperative in the process and appears to be very interested in winning the Millcreek contracts. The Mayor added that his general impression is that the pricing from the county excludes many of the administrative costs, appears to be attractive, and that Millcreek residents are generally happy with the county services.

Mayor Silvestrini then indicated that he felt it would be monumental task for Millcreek to start on July 1st providing all services, that it would be better for Millcreek to ease into self-providing whatever services it ultimately determines it wants to self-provide. The Mayor indicated that he has been negotiating with the county to contract for a one year period so that Millcreek can determine determine the desired level of services. At that point, further negotiations will be required to receive the best services for the best price. The study is helpful in demonstrating that Millcreek can contract for services and still maintain a solid fiscal basis.

Mayor Silvestrini indicated that the population figures that had been utilized in the study were developed by the Kem C. Gardner Institute and showed the Millcreek population at just under 60,000 residents and just under 24,000 households. The Mayor further indicated that the Gardner study was also utilized to establish the Millcreek sales taxes and road funds and that the population is less than that shown in the 2010 census due to the annexation of a portion of Millcreek into Holladay that occurred after 2010 but before the incorporation of the city. Mr. Burningham indicated that 5-year projections show an increase of around 1,362 residents and 660 households. Households will be a mixture of multi-family and single family residential. The trendline developed by the Gardner Institute additionally indicated that there should be a significant increase in wealth in the city.

Mr. Burningham also stated that the study shows that sales taxes are significant and includes more than 1,600 sales tax outlets. Certain public facilities have been turned over to Millcreek including several community parks (Scott Ave, Canyon Rim, Fortuna and Sunnysvale) that add up to 28 acres of parkland and 370,640 linear feet of storm drain systems.

Mr. Burningham then explained the requirement that the study show fiscal impacts on the remaining metro township areas and unincorporated county. The annual impact to the remaining entities in scenario 1 would be \$5 on a property with a tax value of \$98,310, scenario 2 would be around \$30, scenario 3 would be around \$32 and in scenario 4 around \$81. Mr. Burningham then explained that state statute requires these impacts be considered but does not require any action unless scenario 4 showed revenues of 105% or more over costs.

Mayor Silvestrini thanked Mr. Burningham for his presentation and announced that the study will be available for review on the city's website and that the city council is interested in comments or questions from residents. The Mayor listed the dates of the upcoming community council meetings where the study will be discussed and notified residents that a public hearing has been scheduled for May 23rd at 6:30 PM at Wasatch Jr. High. A postcard notification will be mailed to all households within the city.

2 – Presentation by Curtis Woodward, Salt Lake County Planning, about potentially combining and amending Chapters 19.72 and 19.73 of the Title 19, Millcreek’s zoning ordinance – Foothills and Canyons Overlay Zone (FCOZ)

Mayor Silvestrini introduced Curtis Woodward, Salt Lake County Zoning Administrator, who reviewed revisions to the FCOZ ordinance. The Mayor then stated that Salt Lake County has had the ordinance under consideration for some time, that he had been involved in the ordinance update and that Millcreek has adopted a moratorium. Areas that fall within the FCOZ overlay zone are mostly in Mt Olympus with some along Mill Creek. Mr. Woodward explained that the county had begun work on the ordinance changes initially through the process of updating master plans for the canyons working with Envision Utah. Mr. Woodward explained that an overlay zone is an additional layer of rules related to development in the area. The Millcreek Township Planning Commission had reviewed the proposed changes, public hearings had been held and the Planning Commission had voted on some changes. The version that Salt Lake County recently adopted is very similar to the Millcreek draft with some minor changes. Mr. Woodward explained that he is willing to present both versions to the Millcreek Planning Commission for review, make suggested changes and bring the proposed ordinance back to the City Council for review if the city is interested. He suggested Millcreek might be interested in simplifying the ordinance because Millcreek does not have any ski resorts or water sources.

The Mayor indicated he thought the ordinance should be simplified. He noted that stream setbacks could be impacted at the mouth of Millcreek Canyon and down into the western section of the city. There was general agreement from the council and Mayor Silvestrini asked Mr. Woodward to take the presentation to the Planning Commission with an objective of simplifying the ordinance.

3 – Presentation by Fred Healey concerning office space

The Millcreek Council may 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 52-4-205

Mayor Silvestrini asked the council to move into closed session for discussion of this agenda item.

MOTION was made by Councilmember Uipi, seconded by Councilmember Jackson to recess the Council meeting and to convene in a closed session for the purpose of discussing the purchase, exchange, or lease of real property. Motion passed unanimously by roll call vote with councilmembers voting as follows:

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

The session was closed at 5:20 p.m.

MOTION was made at 6:00 PM by Councilmember Uipi, seconded by Councilmember Marchant to adjourn the closed session and reconvene the work session. Motion passed unanimously.

4. Discussion about administrative powers of city and the possibility of hiring a city administrator rather than a city manager.

Mayor Silvestrini resumed the discussion from the last city council meeting related to the duties of the mayor and those of a city manager. The Mayor has been involved in many different issues and indicated that he is interested in continuing to have a very involved role. Councilmember Jackson asked Dave Salazar his experience with city administrators and Mr. Salazar responded that a city administrator is generally related to a strong mayor form of government but that the City Council could give direction as to exactly how they would like to handle the duties of various positions. John Brems, city attorney, added that the City Council has the ability to delegate duties to the mayor.

Councilmember Jackson commented that an argument for a city manager may be continuity when a new mayor is elected who may have a different idea as the duties. Councilmember Uipi stated she felt that reclassification of job duties could be an option if changes were desired in the future.

Mr. Salazar stated that it would be important to define who would be in charge of hiring staff and that if the city were to begin with a good understanding of roles and responsibilities, a city administrator job could grow and the salary be adjusted along with a change of title as duties are expanded.

Councilmember Jackson stated that she has been very pleased with the way things have been proceeding, that the Mayor is performing at a very high level and that it makes sense for him to continue if he is willing to do so. The Councilmember added that based on the level of duties the Mayor is handling, a commensurate salary should be established.

Councilmember Catten added that Mayor Silvestrini as the first city mayor has been doing a lot more work than would be required in the future. Councilmember Jackson asked the Mayor if he is comfortable with the way things are developing. The Mayor responded that he does envision hiring employees, such as someone to handle the day to day duties of a planning department as an example. The Mayor added that many of the duties that need to be done now and in the future would include negotiating contracts, a process in which the City Council should be involved.

Mr. Salazar stated that the city would be paying a city manager or administrator based on their experience, and that the decision should be based on how many duties the Mayor would be willing to perform. Mayor Silvestrini responded that he is comfortable with continuing the duties he has been performing though he requires some administrative assistance and would like to hire someone to establish and run the city planning department. The Mayor would continue to serve on pertinent boards and that if he determines that there is a duty he cannot perform, the council could make the determination as to how to obtain assistance.

Mr. Salazar commented that the city mission and vision would assist in laying out the role for a city administrator and offered to obtain some examples of cities who have moved in this direction.

Mayor Silvestrini indicated that he would like to form a group to work on job descriptions and human resources. Councilmember Uipi offered to work with the Mayor to develop recommendations to bring the Council for consideration.

Mayor Silvestrini adjourned the work session for a dinner break at 6:35 PM.

REGULAR MEETING

1. Call to Order

Mayor Silvestrini called the meeting to order at 7:10 PM and asked the council and audience observe a moment of silence for the victim of a recent drowning in Parleys Historic Nature Park.

1.1 Pledge of Allegiance

1.2 Approval of 4/17/17 Minutes

MOTION was made by Councilmember Catten, seconded by Councilmember Uipi to approve the minutes of April 17, 2017. Motion passed unanimously.

2. Public Comment

No public comments were made.

3. Reports

3.1 Report of the Mayor, reports of City Council members

Mayor Silvestrini summarized the work session, including an explanation of the feasibility study that has been prepared by Lewis Young Robertson & Burningham related to the possibility of Millcreek leaving the Greater Salt Lake Municipal Services District and invited residents to attend upcoming public meetings scheduled for May 2nd at the Millcreek Community Council meeting, May 3rd at the Canyon Rim Citizens Association meeting, May 4th at the East Mill Creek Community Council meeting and May 16th at the Mt Olympus Community Council meeting. The official public hearing will be held by the City Council on May 23rd at 6:30 PM at Wasatch Jr. High.

Mayor Silvestrini then reported on a meeting that he had attended on Friday, April 21st at the county offices. The discussion had included information about street repairs, flooding concerns and other issues. The Mayor additionally reported that a flooding problem on 900 East is being engineered and that construction to resolve the concern will be funded with funds that had been designated for bike lanes along 900 East. The bike lanes will now be included in the general rebuild of the street that has been funded through a grant from Wasatch Front Regional Council and the original funds are available for other projects. The flooding that is occurring is entering a basement and the City Council has moved this project to a high priority and asked that it be completed as soon as possible. The meeting had also included a discussion with John Miller from Salt Lake County Engineering regarding the paving plan for Millcreek. Mr. Miller reported that he had found that some sections along several roads that were

scheduled for chip or slurry seal that would require changes to the schedule. Mr. Miller is preparing a revised schedule for consideration at a future council meeting.

Councilmember Jackson asked about the recent concerns that had been forwarded by a constituent related to the tone of response by a county employee. The Mayor responded that he had spoken to Scott Baird, Public Works Director, about the concern and had been assured that the complaint would be addressed with the specific employee and it does appear to be a matter of misinformation. The Mayor stated that he feels that responsiveness by the City Council to such complaints is extremely important. Councilmember Jackson reported that she has been in touch with the resident who lodged the complaint.

Mayor Silvestrini then announced that the UFA is rolling out a series of strategic planning meetings to educate people in city government as to what the UFA does and to receive an evaluation of what should be done differently in an effort to improve the department. There will be two sessions, a command staff community presentation will take place on May 17th from 2 to 5:00 PM and an educational session on May 18th from 8:00 AM to noon at the Millcreek Community Center. The City Council members are invited and the Mayor will be sending out an invitation for the meetings.

Councilmember Uipi reported on a roundtable meeting in which she and the Mayor had participated with about eight community council representatives. Councilmember Uipi indicated that the main message that came from the meeting are concerns about a lack of communication. Mayor Silvestrini added that he felt it was a productive discussion and thanked Councilmember Uipi for her work on setting the meeting up. The Mayor indicated that additional concerns included the funding for insurance for the community councils and having the special events committee up and running. Councilmember Jackson has scheduled a special events committee meeting for Saturday, April 29th at UFA Station #101. Councilmember Jackson would like to have a discussion with the Council about funding for events and expectations from organizations that would like to provide events. Councilmember Uipi pointed out that Venture Out provides a match from donations almost equal to the funding provided by the city.

Councilmember Uipi asked that the Council to consider the level of engagement from the council at community council and other meetings. The community councils were invited at the meeting to consider a method of reporting to the City Council from the community councils. Councilmember Jackson has requested agendas for the community council meetings but is not receiving them from some of the councils. Mayor Silvestrini explained that in his experience as the former chair of the MOCC, sometimes the agendas were not pulled together until just before the meetings.

Councilmember Jackson reported that CERT training will be beginning on May 25th and that a portion of the training can be done online followed by five meetings. There is a \$40 fee that includes materials and some equipment. The councilmember emphasized that volunteers are particularly needed from the Millcreek Community Council area.

Councilmember Uipi reported that on May 9th, there will be youth and substance abuse town hall meeting will be held at Skyline High at 6:30 PM and that flyers for the event will be delivered soon.

Mayor Silvestrini thanked everyone for helping out at the Salt Lake Marathon event, including Smiths Marketplace for their donation of fruit, the cheerleaders from Churchill and Wasatch Jr. Highs, Rita Lund, and Chad and Judy Hamilton for allowing the council to use their yard for the event.

Councilmember Marchant announced that there will be a discussion at the next Millcreek Community Council meeting related to the removal of several trees at Scott Ave. Park. The trees are beginning to impact the neighbors by uplifting asphalt and interfering with water and sewer lines. The trees are Chinese Elm and there will be two-three trees that will potentially be removed by county flood control.

Councilmember Catten announced that Siobahn Langdon from the Langdon Group has forwarded an invitation to set up a half day meeting to discuss the development of a vision and mission statement for Millcreek. The Langdon Group would be providing the services pro bono and has asked for contract in the amount of \$1 to ensure that insurance needs are covered. The training would include some ideas as to what do we need and what are we going to do. Councilmember Uipi asked if the Langdon Group could be contacted and asked if the training could be shortened to accommodate schedules. Councilmember Catten will continue the discussion.

4. Appointments

No appointments appeared on the agenda.

5. Consent Agenda

No consent items appeared on the agenda.

6. Planning Matters

No planning matters appeared on the agenda.

7. Financial Matters

No financial matters appeared on the agenda.

8. Other Matters

8.1 Discussion and consideration of Resolution No. 17- _____ , setting a public hearing regarding withdrawal from the Greater Salt Lake Municipal Services District

Mayor Silvestrini explained the process required by state statute for a possible withdrawal from the Greater Salt Lake Municipal Services District. The Mayor stated that the City Council initially must receive the study and determine that the study meets the requirements of the statute. The mayor stated that he and John Brems, Millcreek City Attorney, have reviewed the study and determined that it does meet the requirements.

MOTION was made by Councilmember Jackson, seconded by Councilmember Catten, to accept the study and to set the date for a public hearing on May 23rd at 6:30 PM at Wasatch Jr High. Motion passed unanimously by roll call vote with councilmembers voting as follows:

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

8.2 Discussion and consideration of Resolution No. 17-_____, regarding floodplain management

Mayor Silvestrini reported that he has signed and filed the application regarding flood plain management and that application has been approved by the state.

MOTION was made by Councilmember Jackson, seconded by Councilmember Marchant to approve Resolution No. 17-_____, regarding floodplain management. Motion passed unanimously by roll call vote with councilmembers voting as follows:

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

Councilmember Uipi asked about related costs. Mayor Silvestrini responded that this action will allow residents to apply for flood insurance and would allow Millcreek to apply for FEMA funds in the event of a natural disaster.

8.3 Discussion and consideration of Resolution No. 17-_____ - authorizing the Mayor to negotiate a contract with _____ to provide an evaluation of the possibility of withdrawing from the Salt Lake Valley Law Enforcement Service Area (“SLVESA”), while continuing to obtain services from the Unified Police Department (“UPD”).

Mayor Silvestrini discussed the RFP that had been let to obtain a feasibility study to evaluate the possibility of withdrawing from SLVESA. The Mayor reported that Millcreek had received two proposals, one from Lewis Young in the amount of \$9,400 and the second from Zions in the amount of \$9,800. The mayor indicated that he had concerns with both proposals and would like to have an opportunity to review the proposals with the applicants in order to clarify the scope of work. Councilmember Uipi added that she felt these discussions should take place in a work session in the interest of transparency.

Answering a question from the audience, Mayor Silvestrini explained the concern that has arisen regarding SLVESA, indicating that Millcreek is a member of SLVESA which is a taxing district to pay for police services and in turn SLVESA contracts with the UPD. The Mayor emphasized that the city intends to remain with the UPD services, any change would be only a change in the method of funding. The Mayor reported that the cities of Riverton and Herriman have given notice that they intend to leave the district and there were recent changes at the legislature that allows a city council to opt out without a

popular vote. When Riverton and Herriman leave, Millcreek would be the only city remaining on the SLVESA board. The Mayor further explained that the bank that was providing the tax anticipation notes was requiring an agreement that would require a portion of the fund balance to go with the two cities. The Mayor wants to make certain that Millcreek is not negatively impacted and receives a fair proportion of the fund balance. Millcreek has not made a decision to leave but is interested in moving through the process. The Mayor reported that two options are available to Millcreek. The first option would involve leaving SLVESA and forming a Millcreek police district and the second would involve withdrawing from SLVESA and substituting a city property tax for the SLVESA tax rate and utilize those funds to contract for services with the UPD.

The Mayor indicated that he wants to make certain that the taxable value in Millcreek is adequate and the that the council agrees that Millcreek wants to provide the same level of service or an increased level of service. The feasibility study will show the numbers, the costs and the financial aspects.

Councilmember Jackson added that if Herriman and Riverton leave, the voting will become a concern with the smaller communities having the same vote as Millcreek on a nine person board including three county representatives, Millcreek and the five metro townships of Copperton, Magna, Kearns, Emigration Canyon and White City. The Mayor once again emphasized that this has nothing to do with the services provided by the UPD and that Millcreek intends to remain with the UPD. If a decision is made to withdraw from SLVESA it is related to how the services are funded not the quality of service.

Mayor Silvestrini indicated the two responses are similar in price but he considers a weakness with the Lewis Young proposal is inclusion of a proposal to include information related to the timetable and the legislative requirements, as the Mayor and Council are familiar with those aspects. The Mayor further stated that a negative aspect of the Zions proposal is the length of the timeline as well as going out of the scope of the RFP related to the question of Millcreek forming its own policing district.

Councilmember Catten reminded the Council that Councilmember Uipi had suggested the study should include a community outreach component.

City attorney John Brems indicated that the Council could move forward with interviews in order to clarify the proposals. Mayor Silvestrini suggested that interviews be placed on the agenda for the next City Council meeting, and suggested tabling the proposed resolution.

MOTION was made by Councilmember Jackson, seconded by Councilmember Uipi to table the proposed resolution. Motion passed unanimously.

9. New Items for Subsequent Consideration

Rita Lund reported that South Salt Lake has indicated an interest in purchasing the old movie screen, blowers and possibly the old projector. Mayor Silvestrini indicated that he feels it would be a good idea to cooperate with South Salt Lake as a good will effort. John Brems, city attorney, indicated that an interlocal agreement for the purchase would satisfy the Millcreek surplusing requirements. After

discussion Ms. Lund was asked to continue the discussion with South Salt Lake to purchase the movie screen package for an amount of \$4,000.

Rita Lund then reported that the project to improve park strips on the west side of 2300 East will be beginning soon. Residents will be offered three options: to have their park strip left as is; to have cobble matching that on the east side of the street installed; or to have the area grubbed and filled with dirt for future improvement as the property owner's responsibility.

10. Calendar of Upcoming Events

Mayor Silvestrini reviewed the calendar of upcoming events.

11. Closed Session (If Needed)

No additional closed session was required.

12. Adjournment

MOTION for adjournment of the regular session and to return to the work session was made at 8:10 PM by Councilmember Uipi, seconded by Councilmember Marchant. Motion passed unanimously.

RETURN TO WORK SESSION

Mayor Silvestrini reconvened the Work Session at 8:10 PM to discuss future agenda items.

The council reviewed future agenda items as follows:

Resolution to sell the old movie screen to South Salt Lake

SLVESA feasibility study respondent interviews

Office space discussion – may potentially require an additional closed session, a Resolution will be required

Langdon Group strategic plan discussion to assist in determining a Millcreek mission and vision will be moved to future meeting

Budget proposal from Mayor Silvestrini

Emergency Services discussion with Clint Mecham

Discussion about agenda for feasibility study public meetings and hearing

Report from John Miller or Kevyn Smeltzer regarding the pavement plan

Community Council funds – a public hearing should be scheduled in order to fund their budget requests

Grandeur Peak Gateway petition – hold for future agenda

Councilmember Uipi asked about calendaring, and volunteer City Recorder Leslie Van Frank suggested the councilmembers utilize the Google calendar that she had prepared.

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