



Minutes of the Millcreek City Council Meeting Monday, January 17, 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, attorney
Rita Lund, deputy recorder
Leslie Van Frank, acting recorder

4:00 PM – WORK SESSION

Councilwoman Uipi joined the meeting by phone.

1. Discussion about Venture Out

Mayor Silvestrini introduced Aimee McConkie who distributed the proposed list of events for 2017. The list includes additional parks in the western portion of the City that have not been included before, Sunnyvale and Scott Park. Venture has found that the June events are large and then things fall off in July so the idea is to move July events to the Sunnyvale and Scott Parks. These two events would be a little smaller while we get a feel for how these communities feel.

Councilmember Marchant had a concern about parking problems, especially at Scott Park. Ms. McConkie responded that there are similar parking concerns at Evergreen and other parks where there is limited parking. The residents walk in and cars park in the neighborhoods but since these events are so infrequent, it hasn't seemed to be a concern. Rita Lund mentioned that in the eleven years of movie nights, she has never had a complaint about parking from neighbors.

Additional different ideas would be to bring in a car show, Questival and possibly an event at Mt Olympus Shopping Plaza. And the Millcreek Luau, as usual, is scheduled for the final event in August.

Mayor Silvestrini discussed funding concerns. Budget reflects the same amounts for special events as last year but now there is some discussion about pro-rating those funds based on when the City may potentially exit the MSD. He asked when funds are required and Ms. McConkie responded that they begin to have a need for funds in the February/March time frame.

Ms. McConkie talked about the age and condition of the screen and projector. Open Air Cinema has offered a promotion that would apply a 30% discount on a bigger screen, twice the size of current screen. Cost would be \$10,000 and they would buy back the old screen for \$3,000. Mayor Silvestrini agreed that a larger screen would be good, especially in June when there are large crowds. He asked about the set up of the larger screen and Ms. McConkie responded the setup was no more difficult than the current screen.

Mayor Silvestrini proposed forming a committee to work with Venture Out including a couple of City Councilmembers to work on the program, funding and other issues. He asked John Brems to prepare a Resolution to form this committee to be on the agenda next week.

Councilmember Catten asked about other funds that are solicited and Ms. McConkie responded that in 2016 there had been around \$23,000 in donations. There has been a partnership with the community councils in the past. Mayor Silvestrini explained the previous funding and how it had been obtained. He feels that these events should be City events now but the involvement of the community councils are very important. Millfreaks was discussed and everyone felt that the event was very valuable.

Rita Lund mentioned that there is also the old projector that hasn't been used for several years that could potentially be sold to offset costs. The old screen may be more valuable if it were sold on the open market.

David Muir reminded the Council that there are two projectors that have been donated by Cottonwood Heights.

2. Interview with David Spatafore

Mayor Silvestrini explained why the City should consider hiring a lobbyist, including a concern that there is a conflict between SB199 and another state law related to mayoral terms that would mean that the Mayor would be required to run for office again next year instead of focusing on city business. Additionally, there is a clean-up bill that will be run this session related to SB199 that does not appear to have any impact on Millcreek but should be watched. It is important to keep an eye on legislation throughout the session. Mr. Spatafore has been the only lobbyist who has approached the city.

At this point, Councilmember Uipi joined the meeting in person.

Mayor Silvestrini introduced David Spatafore, who talked about his background, qualifications and the terms under which he would perform service for the city. The League of Cities and Towns will help the city and will do a great job, Millcreek may not necessarily need a lobbyist but it is important to have someone watching for legislation that may be more specific to the city. Kara Trevino and Patrick Rehmer from the county will also be helpful. He encouraged the Mayor and/or Councilmembers to attend the Monday League Legislative luncheon on Monday during the session at noon in Room 30-H in the basement.

The terms Mr. Spatafore has suggested is the first year an arrangement of \$25,000. He understands that there is not funding available and he is willing to wait for payment until July. He also indicated that he is willing to negotiate for a lower rate if needed. He asked the Council to decide what amount they can work with and let him know.

Councilmember Marchant asked about the cost of League membership, Mayor Silvestrini responded that he does not yet know, it is based on population and assessed valuation and would be high. He has talked with people with the League who have indicated they would be willing to work with Millcreek on costs for the first couple of years. He did feel there is a need for both League membership and a Millcreek City lobbyist.

Councilwoman Uipi asked about the urgency of this proposal. Mayor Silvestrini responded he felt an urgent need and that he would like to have this as an agenda item for the next meeting for decision. Mr. Spatafore outlined the time frame for bills passage during the session. Regarding the question of the term of the Mayor, he would suggest contacting Senator Iwamoto and request she run a bill or see if something could be inserted in the SB199 clean up bill to solve the problem.

Councilwoman Uipi suggested that there be consideration of various ways of paying for a lobbyist including potentially fashioning a contract for the one specific bill to correct the mayoral term. She wants to provide complete transparency and that all options should be looked at.

Mr. Spatafore responded that he is willing to consider all options that the city would be interested in looking at and will provide a quality service under any terms.

Ms. Joanne Wong, a Millcreek resident, wanted to know who had drafted SB199. Mr. Spatafore explained the bill drafting process.

Councilwoman Jackson asked about Mr. Spatafore's other clients. Mr. Spatafore outlined his other clients and that he saw no potential conflicts. Councilwoman Uipi asked about a personal policy if a conflict does arise and Mr. Spatafore responded that he would discuss any concern with the mayor.

Rita Lund mentioned that each Thursday morning at 7:00 AM, the County holds a breakfast and the Councilmembers are invited.

2. Meet with Millcreek's community council chairs to discuss ongoing role of community councils

Mayor Silvestrini stated he had invited the community councils to the meeting to decide such items as what to do with the Millcreek Township 501(c)(3), how funding might work and their role in applications and how to expedite planning applications. The Mayor talked about the value of community councils and that he feels strongly that there is an ongoing role for them in the city. He has met with the community council chairs and would like to talk about how the relationship would work.

He then introduced Lee Ann Hansen representing the community councils. Ms. Hansen talked about how the community councils and Venture Out have partnered in the past and let the group know that the original movie equipment was purchased with community council funds by Millcreek Township, and it belongs to the community councils. Mayor Silvestrini mentioned that the community councils have in the past fully funded the newsletter and in the future he felt the city should pay directly for the newsletter and movie night expenses. The community councils still have needs for administrative and incidental business expenses and events like the 4th of July Parade in East Mill Creek and the Car Show/Luau/Bike Rodeo in Millcreek and the Night Out Against Crime in Mt Olympus. The Arts Council funds have also been administered through Millcreek Township. Some functions should properly come to the city but the community council needs and events should still be supported. He asked the community councils to put together a budget for what they would like to see, not accounting for the newsletter or movie nights. If a community council would like to provide a special event directly that they include that.

Ms. Hansen asked if he meant that the funds the community councils have received in the past would now go to the city rather than the community councils. Mayor Silvestrini responded that he feels citywide events should be paid directly by the city. It has been determined that the center section of the newsletter should be given to the community councils for their articles. Ms. Hansen asked about the ownership of the movie equipment, that the city was now taking it away from the community councils. Mayor Silvestrini responded that this is a legal question that needs to be answered, there may even be an argument that the equipment may belong to the county.

Jeff Waters asked about other costs, like the PO Box, and whether this type of thing should be in their budget proposal. Mayor Silvestrini said he would like to see a cross-pollination and that the community councils could use the city address and would not have a need for a PO Box. He also suggested that the community councils send members to the City Council meetings on a regular basis and that there needs to be a discussion about the timing of community council meetings. It has been discussed that schedules should be developed to better coincide with the Planning Commission meetings.

Councilmember Uipi stated that the City Council doesn't really need details such as the PO Box, they would like to see general requests. Mayor Silvestrini said he has all of the budgets from years past.

Fran Holfelz stated that the Millcreek Community Council has helped fund Venture Out events such as Millfreaks when they have been short of funds. Mayor Silvestrini is aware of times when this has occurred, particularly when there was a concern that Millfreaks would have to be cancelled. Mr. Waters added that Canyon Rim had funded that event in the amount of \$1,000.

Nancy Carlson-Gotts, a member of the East Mill Creek Community Council, asked who she should talk to about what the Council would like to have included in the budget. Mayor Silvestrini responded that he would be happy to have that conversation with her. An example is the Constant Contact service.

Ms. Hansen talked about other issues that the community councils have been involved with and presented a letter outlining the capital projects that have been submitted.

Councilwoman Uipi would like to further discuss how to better communicate with the communities about how municipal requests are prioritized and potentially funded.

David Baird, Chair of the Mt Olympus Community Council, suggested a meeting to talk about protocols for giving recommendations to the Planning Commission and how the information from community councils is introduced into the city process.

Fran Holfeltz, a member of the Millcreek Community Council, asked about election procedures and whether there will be elections for community council members. Mayor Silvestrini suggested that costs for elections should be included in their budgets. The city will assist the community councils with elections and calls for filling vacancies when needed.

Ms. Hansen presented three letters to the City Council. The first gives a brief overview of the Millcreek Community Councils. The second from East Mill Creek Community Council requesting that Tim Bachman be appointed the Volunteer CERT Coordination, that Millcreek City officially register its CERT program with the State of Utah, and to recommend that Millcreek City contract through the UFA to have a part time firefighter as CERT Manager. The third outlines the municipal priorities of the East Mill Creek Community Council.

Mr. Waters presented a letter from the Canyon Rim Citizens Association recommending Tim and Rhonda Bachman as Volunteer CERT Coordinators for the city.

Mayor Silvestrini then asked the City Council for agreement to move Items 4, 5 and 6 from the Work Session agenda and have them take place after the General Meeting and now proceed with Item 7, Budget 101 training by the League of Cities and Towns.

Budget 101 Training by Utah League of Cities and Towns

Mayor Silvestrini introduced Ms. Kerri Nakamura from the League of Cities and Towns who welcomed Millcreek to the League and presented the Council a brief training related to budgets and budgeting outlining the differences in city versus county budgets and processes.

She talked about the complexity of budgets and suggested preparation of “budget in brief” and adequate posting of the information on the website. Transparency is absolutely necessary and Ms. Nakamura presented information outlining transparency requirements. Monthly budget reports are a necessary component. She suggested that Millcreek initially begin using the State Auditor Chart of Accounts and be certain the due dates with the Auditor’s office are followed correctly.

The Work Session adjourned at 6:10 PM.

6:30 PM – GENERAL MEETING

1. Call to Order

1.1 Pledge

1.2 Approval of Minutes -

MOTION was made by Councilmember Uipi, seconded by Councilmember Jackson to approve the minutes of the meeting of January 9, 2017. Motion passed unanimously.

2. Public Comment

Resident Lynn Draper, 2180 E 3715 S, commented on the 23rd East construction project and his concerns related to a fence on Keller Lane that he feels interferes with the line of sight and presents a safety hazard.

The public comment session closed at 6:35 PM.

3. Reports

Report of the Mayor

Mayor Silvestrini reported that he has received the Certificate of Incorporation from the County Recorder's office.

A letter has been sent to Mayor Dolan from Sandy City thanking him for the flowers that were sent to Millcreek.

He then read a note that he had received from Lisa Simpson giving some advice to the new city leaders: 1) Just because you can doesn't mean you should; 2) Just because somewhere else has done it doesn't mean your city should do it; and 3) You are now part of the government that the Bill of Rights was written to protect the people from.

He reported that he and Mr. Brems have had a meeting with Rolen Yoshinaga related to some potential appeals on planning and zoning matters that will most likely come to the city. Both items began the process with the county.

The first is the Carden School where the Planning Commission granted a building permit. There has been a private citizen appeal of the decision. They have discussed the possibility of presenting the appeal to the State Ombudsman for a review and resolution. If no decision can be made, Millcreek will have to appoint an appeal authority.

There is another situation related to a garage construction along 23rd E where a stop work order has been issued. The property owner has requested that the appeal be lifted and the county has declined to do so. The city will have the responsibility to deal with any appeal.

He had attended a board meeting this morning for the UFA and had heard a serious report from the State Auditor that should serve as a reminder about the importance of being aware of the responsibilities involved in serving on boards.

Councilwoman Uipi thanked the mayor for his dedication and long hours spent in service to the city.

Report of Councilmembers

Councilmember Jackson reported she had attended the Women in Business luncheon sponsored by ChamberWest. They would like to attend a city council meeting to talk to Millcreek. They would like Millcreek to consider what the city will be doing related to Chambers as there are businesses waiting who are interested in what direction the city will take. There was a short

discussion about Chambers of Commerce, ChamberWest and the Murray Chamber of Commerce are interested in partnering. Mayor Silvestrini related that he felt there was value in the networking that occurs at these lunches and events. Councilmember Uipi suggested different ideas be considered as to how to assist the full range of Millcreek businesses. This could be part of the functions of a city Community Development Director. This could be a future agenda item for a Work Session.

Rita Lund directed the Councilmembers to the folders that had been distributed showing the business license renewal applications from the previous week. She pointed out that the first nine businesses listed are new applications and the rest are renewals.

Mayor Silvestrini pointed out that there were also code enforcement stats and applications for building permits in the folder.

Councilmember Catten reported that she had attended the Mosquito Abatement District meeting and is learning about the various items that are presented at the meetings. The annual report is posted on their website.

Councilmember Marchant reported that he had attended a training at the Wasatch Front Waste and Recycling District.

Councilwoman Uipi reported that the League of Cities and Towns will perform an ethics training for the Council at the next meeting. She also reported that she has been hearing from many vendors and that there is a need to determine how to proceed to address the requests.

4. Appointments

4.1 Discussion and consideration of Resolution No. 17- - authorizing the mayor to hire a part-time administrative assistant on a temporary basis.

There was discussion about Tara Whiting who is interested in the position. Additional references have been received. The terms of employment were to be \$16.00 per hour with a total of 20 hours per week.

MOTION was made by Councilmember Marchant, seconded by Councilmember Catten to approve the Resolution. Motion passed unanimously.

4.2 Discussion and consideration of Resolution No. 17- - appointing members to the Millcreek Envision Committee.

Mayor Silvestrini explained that he had distributed a list of residents who have expressed interest and that as it moves forward this committee will become self-selecting. An invitation should be extended to residents who applied unsuccessfully to the Planning Commission and to other residents who have since expressed interest.

MOTION was made by Councilmember Uipi, seconded by Councilmember Jackson to approve the Resolution. An Amended Motion was made by Councilmember Marchant, seconded by Councilmember Jackson, to extend an invitation to serve on the committee to those residents who have expressed interest and to allow the committee to accept additional members. Motion passed unanimously.

5. Consent Agenda

No consent items appeared on the agenda.

6. Planning Matters

No planning items appeared on the agenda.

7. Financial Matters

No financial matters appeared on the agenda.

8. Other Matters

8.1 Discussion and consideration of Ordinance No. _____ - ratifying and confirming all prior actions of the Council elect.

MOTION was made by Councilmember Jackson, seconded by Councilmember Catten, to adopt the ordinance ratifying the confirming all prior actions of the Council elect. Motion passed unanimously.

Mayor Silvestrini then exercised the Mayor's prerogative to move to Agenda Item 8.5, Discussion and consideration of Ordinance No. _____ - ratifying and confirming Brems and Lewis Young contracts.

MOTION was made by Councilmember Uipi, seconded by Councilmember Jackson, to adopt the ordinance ratifying and confirming Brems and Lewis Young contracts. Motion passed unanimously.

8.2 Discussion and consideration of Ordinance No. 17- - granting a cable license to Century Link to operate and maintain a cable television system in Millcreek, setting forth conditions accompanying the grant of the license; providing for city regulation and administration of a cable television system; and prescribing penalties for violation of the license.

Mayor Silvestrini introduced Ms. Georganne Weidenbach, State & Local Government Affairs Director for CenturyLink who gave a brief overview of the video franchise and the steps CenturyLink is taking to increase the service.

MOTION was made by Councilmember Jackson, seconded by Councilmember Catten to approve the ordinance. Motion passed unanimously.

8.3 Discussion and consideration of Resolution No. - authorizing the mayor to enter into a contract with The Village.

Mayor Silvestrini asked that this item be moved to the next agenda as he hasn't had time to adequately review the contract.

8.4 Discussion and consideration of Resolution No. - authorizing the mayor to enter into a contract for lobbyist services.

Councilmember Uipi expressed a concern about transparency and the need for lobbyist services. Various options were discussed including the terms previously outlined in the discussion with David Spatafore in the Work Session. There was further discussion about the needs that may arise during the upcoming legislative session that would require immediate attention. Mr. Brems reported that he had talked with Cameron from the League about the bill that would be required to resolve the concern about the Mayor's term and that the League would not work for it but would most likely not oppose it. Mayor Silvestrini told the group that he had discussed the feasibility study results and how the 105% requirement would impact the city. This may be an additional issue in this legislative session.

MOTION was made by Councilmember Uipi, seconded by Councilmember Marchant, to pass a resolution to enter into a contract for lobbyist services with David Spatafore for a term ending on December 31, 2017 in the amount of \$15,000. Motion passed unanimously.

9. New Items for Subsequent Discussion

No new items were discussed.

10. Calendar of Upcoming Events

Mayor Silvestrini announced that there would be training for Planning Commissioners on January 18th. A location for future Planning Commission meetings has yet to be determined and will need further investigation.

11. Closed Session (If Needed)

No closed session was required.

12. Adjournment

MOTION was made to adjourn at 8:05 PM and return to the Work Session by Councilmember Jackson, seconded by Councilmember Uipi. Motion passed unanimously.

8:05 - RETURN TO WORK SESSION

4. Discuss Newsletter

There was discussion of the newsletter that is being prepared. The masthead should include the new city logo with the blue colors. Rita Lund asked for the needed articles from Mayor Silvestrini and Councilmembers Uipi. It was decided that the front page should include a short message about the Inauguration with photos. Councilmember Jackson offered to prepare a short Celebrate Millcreek message. The city website and contact information needs to be highlighted.

5. Discuss Elections Procedures

Mayor Silvestrini suggested that the city should prepare a resolution to put the election power with the County Clerk. Mr. Brems stated that this should be in the form an interlocal agreement. There was general consensus that the elections should be handled by the County Clerk.

The filing date is June 1st to 7th and the primary date is August 15th.

6. RFP for website

Mayor Silvestrini would like to prepare an RFP for a website that can be published through the state website for Millcreek.

Additional Items

Rita Lund reported that UDOT will be installing ADA ramps along 45th S between I-215 and 7th East.

Ms. Lund also reported that quagga mussels have been discovered in Deer Creek Reservoir and more stringent measures will need to be put in place to try to control their spread.

Mayor Silvestrini reported he had met with UTA to discuss revising some bus routes and expanding parking lots.

Adjournment

MOTION for adjournment was made at 8:20 PM by Councilmember Marchant, seconded by Councilmember Uipi. Motion passed unanimously.