



**Minutes of the  
Millcreek City Council  
October 9, 2023  
5:00 p.m.  
Work Meeting  
7:00 p.m.  
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on October 9, 2023, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

**PRESENT:**

**Council Members**

Jeff Silvestrini, Mayor  
Silvia Catten, District 1  
Thom DeSirant, District 2  
Cheri Jackson, District 3  
Bev Uipi, District 4

**City Staff**

Francis Lilly, Assistant City Manager  
Elyse Sullivan, City Recorder  
Mike Winder, City Manager  
John Brems, City Attorney  
Kurt Hansen, Facilities Director  
Rita Lund, Communications Director  
(electronic)  
Robert May, Long Range Planning Manager

**Attendees:** Gail McComas, M. Aldenson, DJ Peifer, Stephanie Buehner, Richard Hansen, Glenn Boschetto, Michael Gura, Mark Fawkhause, Sheila Gelman, James Bekker, Vince Coley, Barb Barnes, David Tanner, Kris Shiozaki, Gerald & Elise Lazar, Kirby Croyle, Becky Sirola, Andrea Malouf, Lara Heiden, Nancy & Howie Lemcke, Craig Weir, Kathleen English, Alfred Brooks, Justin Gull, Stas Mintowt (electronic), Jennifer Smithey (electronic), Cielita (electronic), Chris Zarek, Michael Maledon, Gavin Pierce, Scott Clark, Tyler Slade, Kumar Shah, Dr. Hamid Adib, Lt. Chris Petty-Brown, Chief Wayne Dial Lorraine DeBry, Chief Steve DeBry

**WORK MEETING – 5:00 p.m.**

**TIME COMMENCED – 5:01 p.m.**

Mayor Silvestrini called the work meeting to order.

**1. First Read, Discussion of the Utility Agreement for the Utah Renewable Communities**

Mayor Silvestrini said the Utah Legislature passed H. B. 411 a few years ago and it allowed communities the opportunity to work with Rocky Mountain Power to design a renewable energy program to achieve net 100% renewable energy by 2030. This is an optout program if it is implemented. The electric power will be provided by renewable sources. The city has been involved and enacted an ordinance to participate pending the cost for participation. There are 18 member communities that are being requested to sign the utility agreement by November 17, 2023. The council will act on the agreement. The agreement would allow Rocky Mountain

Power to file a rate application with the Public Service Commission. Through the rate making process, it will be determined what the cost of participation will be. The agreement does not bind the city to the program. The city would need to pass an ordinance once the rate was determined. The forecast is that the program may be more affordable than otherwise thought. There is a low-income component of the program, and residents could opt out of it. The agreement has been worked on by legal counsel. The agreement does not require any further financial contribution to the program. More than half of the city's contribution to participate was paid by a Millcreek resident, which has subsequently cost the taxpayers very little. He presented slides that indicated the seven-step program process, which included enabling legislation and rules adopted, community net 100% resolution adopted, governance agreement signed, utility agreement (current step), program application, program approval, and participation ordinance.

Council Member Catten asked if more municipalities decided to drop out, if Millcreek would be required to pay more. Mayor Silvestrini said it could require an adjustment, but the rate making procedure would account for that. If the rate was higher than what was acceptable, the council would have the choice to not adopt it.

**Council Member Uipi moved to reorder the agenda to move item 3 to be next. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

Mayor Silvestrini noted that the council has a first reading of planning matters and has the opportunity to ask questions. Public comment is not usually taken on first readings, but because of the interest in these applications, the council would entertain public comment on them during the work meeting and regular meeting. At their next meeting, the council will make a decision on the applications and also take public comment at that time.

### **3. First Read, Discussion of ZT-23-010, Village Center Special District Enabling Ordinance, Francis Lilly Planning Director/Assistant City Manager, and Robert May, Long Term Planning Manager**

Robert May said this was an enabling ordinance for the Village Center Special District (VCSD) Zone. As part of the comprehensive zoning code update, staff was proposing a new zone to accommodate village centers. The General Plan identifies three village centers at approximately 2300 E. 3300 S. (about 16 acres), Murray Holladay/4500 S. (about 20 acres), and Mount Olympus Hills (about 40 acres). Other potential village centers included 3900 S. and 1300 E., 3900 S. and 900 E., Canyon Rim Shopping area, 4500 S. and 900 E., 4500 S. and Highland Drive, and 2300 E. and 2800 S. The VCSD would allow the city to define the manner in which significant redevelopment occurs; create distinct centers based on particular uses, unique materials, special limits on signage, quality public spaces, and one-of-a-kind streetscapes; incorporate specific design standards and use regulations that typically are not found in base commercial zones; and aggressively pursue high quality development design and view preservation in village centers. The Holladay Town Center, new park in Kimball Junction, Draper Peaks, and Millcreek's city center were examples of village centers with a special zoning district.

May reported that rezone public notice mailers, per city code, are sent to properties within a radius of 600 feet from the subject property. For the ZM-23-004 application, 162 properties were noticed. If the radii were extended to 1,320 feet (quarter mile, as recommended by the planning commission), 695 properties would have been noticed. If the boundaries were 600 feet from the village center boundaries, 359 properties would have been noticed. If the boundaries were 1,320 feet from the village center boundaries, 893 properties would have been noticed. He provided map examples of each.

May reported that staff found the proposed VCSD ordinance allows for each village center to harness its own unique traits and be planned individually, ensuring that its distinctive features are maintained; helps create purposeful development in a designated area, ensuring that resources and attention are dedicated to creating vibrant gathering areas; can provide incentives and regulations that encourage entrepreneurship and the establishment of unique, locally-owned shops and restaurants, as well as broadening the city's tax base and creating high quality jobs; promotes an enhanced community involvement process, allowing residents to have a say in the design and development of their gathering areas; and helps allocate meaningful public open spaces, green spaces, including cultural and artistic spaces, and adding vibrancy to the village center and community.

May reviewed the community council recommendations. The Millcreek Community Council recommended approval of the zone with the condition that visiting the community council be added to the pre-application process. The Canyon Rim Citizens Association and East Mill Creek Community Council recommended approval of the zone. The Mt. Olympus Community Council recommended approval of the zone with the condition to lower the minimum district size to 3 acres and add a notification requirement extending parameters to 1 mile. The Planning Commission unanimously recommended adoption of the ordinance with the following changes:

- Adding to the purpose language a mix of retail, commercial, office or business uses, directly from the General Plan;
- Require language that enforces subsequent phases as part of a development agreement with remedies if they do not occur;
- Increase the noticing distance to a quarter mile (1320');
- Remove the "sole discretion" language from the city;
- Require a percentage of green space or enhanced landscaping;
- Decrease the minimum acreage required for a VCSD from 4 to 3 acres; and
- Include in the purpose section of the proposed VCSD language from the General Plan that has to do with the intended purpose to, "serve residents of the surrounding neighborhood."

Mayor Silvestrini noted the Planning Commission's suggestions were highlighted in red text in the staff report.

Staff recommended adoption of the proposed ordinance based on the details in the staff report and findings in the presentation. Mayor Silvestrini said based on his experience with the state legislature, he had concern with increasing the public notice mailer radius because it would be deemed to be inviting public clamor and an obstacle to develop housing in the state. He said a quarter mile was more feasible than 1 mile. Council Member DeSirant agreed, he said the city did change code previously to increase the distance from 300 feet to 600 feet for rezones. Council Member Uipi brought up bearing noticing costs for nearby cities' residences. Mayor Silvestrini noted it was not uncommon to notice other cities. He said there was a cost associated with mailings and he did not want them to become a burden. He said the city published an e-

newsletter article on July 7, 2023 on the ZM-23-004 application and announced the neighborhood meeting. He encouraged people to sign up for the e-newsletter. Council Member Uipi noted there was a joint Planning Commission/City Council meeting on the subject in July as well as a neighborhood meeting. The Mt. Olympus Community Council held a meeting on the topic at their meeting in August.

Council Member Catten did not appreciate changing a new mailer radius because people complained about it. She worried about it applying equitably to other village centers. The city could not make people get involved. She expressed concern about changing the radius for this type of rezone and not others. Council Member DeSirant noted that the past should not dictate the future. Council Member Jackson noted that with the ZM-23-004 application, the mailed notice captured a lot of commercial property and not residences. Council Member Uipi appreciated the 600-foot notice from the boundaries of the village center. May said changing the boundary could create more confusion, but from a planning perspective, adding a village center radii boundary notice made sense. He said people not within the 600 feet could still provide public comments on applications. The council directed staff to have a 600-foot boundary from the village center boundaries. May agreed with the change but noted that some village centers did not have delineated boundaries. Francis Lilly pointed out that designating a future village center would be considered a General Plan map amendment and would be consistent with that notice. The council was comfortable with the Planning Commission's other recommendations.

**2. First Read, Discussion of ZM-23-004, Rezone from R-1-8 to a Village Center Special District, Approximately 4074 S Wasatch Boulevard: Francis Lilly, Planning Director/Assistant City Manager, and Robert May, Long Range Planning Manager**

Francis Lilly said the applicant, Mile High 901, LLC was requesting to rezone property located at approximately 4074 South Wasatch Boulevard from an R-1-8 Zone to a Village Center Special District (VCSD) to accommodate a mixed-use center that would include a high-end car dealership on the south side of the property and a mixed-use commercial development with public open space on the north side of the property. The village center site would be the Mt. Olympus Village Center which would include the Mt. Olympus Shopping Center and be bisected by Wasatch Blvd. He showed an image and described the site characteristics of the area. The east side had a 14-acre shopping center with 8 commercial street accesses, then a 100-foot right-of-way five-lane cross section of Wasatch Blvd. with a soft shoulder and unimproved west side, and then I-215. There were 10,000 daily vehicle trips, 4,000 daily bicycle trips, a bus hub, freeway access, and intense peak demands due to Skyline High School and freeway commutes on Wasatch Blvd. Mayor Silvestrini pointed out that UDOT would be abandoning the northbound I-215 interchange on 3900 S. in the future because it was unsafe.

Lilly said the subject property is approximately 8 acres wedged between an arterial road and an interstate highway, west of the Olympus Hills Shopping Center. The UDOT on-ramp property to the north of the property was currently un-zoned. In the unknown future, UDOT hoped to decommission the ramp and add a new ramp to the south of the subject property. That probably would not happen until the bridge to 4500 S. was replaced. The subject site property owner has the right of first refusal to purchase the ramp property (2 acres) when UDOT sells it. The rezone request was split into 3 phases. The first phase would be the southern 4 acres for the Porsche dealership. Phase 2 was north of the dealership, and would have mixed use, and come back to the city through a public process with the VCSD framework and a development agreement. Lilly said it made sense to include phase 3 because of the right of first refusal, and it would follow the

same approval process. He noted the Metropolitan Water District has a 26-foot easement on the west side of the property.

Lilly showed renderings of the site. The height impact would be as low as possible on the south end of the property. The landscape plan includes a 1,200-foot grade separated multi-use path for pedestrians and cyclists as contemplated by the Wasatch Blvd. Master Plan, paid for by the developers. The city has already received funding for this path, so the funding would be used to extend the path further, which fulfills goals of the General Plan. Mayor Silvestrini said Millcreek and Holladay secured grant funding from the Wasatch Front Regional Council for building a semi-protected bike lane from 6200 S north into Millcreek. This project would enable the continuation of the side path.

Lilly said the Phase 2 concept included parking below grade, a publicly accessible plaza, pocket park, and/or public square, office and neighborhood commercial (preferably a coffee shop or restaurant lining the plaza and anchoring the development), small-scale residential integrated into the mixed use building, and building heights averaging 35-45 feet, all of which would be subject to a phase 2 development agreement with an enhanced community engagement process. Phase 3 would be regulated under these same standards. Lilly said the “magical” part of the Holladay’s Village Center was only 2.75 acres. There was enough space and a willing developer to develop a similar good project on the north acreage of this site. The community would be involved in designing the second phase. There would be an enforceable material palette that disallowed EIFS and stucco. Lilly said there was an elevation change to the west of Wasatch Blvd. The Planning Commission recommended the heights of 27-35 from plaza grade to the northeast corner. The applicant was requesting 39-47 feet (maximum of 3 stories) from plaza grade to the northeast corner. He noted the tallest point would not be taller than the top of Macey’s across the street. This is the first proposal the city has received for a building that would maintain views from the east.

Lilly said the enhanced public participation process for phases 2 and 3 would include the developer retaining a third-party consultant, a community visioning meeting to gather input, community tours of existing village centers in the region, a second community meeting to vet proposals, and Mt. Olympus Community Council review and joint planning commission/city council meeting prior to application, and a 1,320 foot noticing radii. The public process would start by April 2024. A complete phase two application should be received by the city by October 2026. The remedy in the development agreement would be the city being able to rezone the property to agricultural and the developer losing development rights. He said the public wanted cute boutiques and restaurants, not tall buildings, and little to no residential. He provided cons of each. The city has not received proposals for any of those concepts except a high-end auto dealership in a village center, which would provide relatively low traffic impacts, keep building heights low, and allow for an appropriately scaled mix of shops and restaurants. He said it was a matter of design vs character of a car dealership in a village center, there was no reason why a dealership could not be designed to fit the village center.

Lilly went over fiscal considerations and pie charts. He said the General Plan calls out essential open space and quality of life goals that cost money. The city’s property tax receipts make up 32% of the city’s FY 2023-24 budget. Public safety alone costs \$15.7 million. He noted every dollar of property tax received from Millcreek property owners solely paid for law enforcement. The city relies on sales tax, grants, and fees for everything else the city needs or wants to do.

Adding to and diversifying the sales tax base (which is also a stated General Plan strategy) would help the city meet its needs and wants without the need for tax increases. Staff had a fiduciary obligation to the taxpayer to give significant revenue generating uses due consideration. The village center in the General Plan primary uses included retail, commercial, business and office uses intended to serve the residents of the surrounding neighborhoods. The secondary uses included townhomes, small-scale multi-family apartment or condominiums, hospitality, restaurants, offices, health services, as well as plazas, squares, pocket parks, and other community gathering places. The density included building heights ranging from 1-4 stories. General Plan considerations for this application included Economic Development Strategy 1.5 and 2.5, Vibrant Gathering Places Strategy 1.3, 4.8, 7.4, and 9.3, Great Connections Strategy 1.1B, and Open Space Strategy 3.1, 4.2, and 5.2. He noted the General Plan was not binding. Lilly said his role was to balance competing goals and navigate finding the best fit for traffic sensitivity, building height sensitivity, viewshed protection, cyclist and pedestrian safety, preference for commercial uses, placemaking, ongoing fiscal needs, and the future interchange.

Lilly reported the East Millcreek Community Council recommended the rezone as presented. The Mt. Olympus Community Council recommended denial of the rezone with the rationale that a small area plan should be prepared prior to considering the application. The Planning Commission recommended approval subject to a public engagement plan and timeline for Phase 2, a height limit of Phase 2 of 35' as benchmarked from the northeast corner of Phase 2, and noticing of 1,320 feet for village centers. He reviewed the Planning Commission's findings from the staff report which included that the village center district with the car dealership appropriately responded to traffic constraints, protects viewsheds, provides for significant commercial investment, provides placemaking opportunities, promotes cyclist and pedestrian safety, enhances and diversifies Millcreek's tax base, acknowledges the relocation of the highway onramp, and avoids a potential situation for an off premise digital sign along I-215. He said the findings for the adoption of a village center were that the associated schematic site plan does not conflict with any applicable policy and guidance of the General Plan; the associated schematic site plan would allow integrated planning and design of the site and, on the whole, better development than would be possible under the strict application of the city's zoning ordinances; and the associated schematic site plan does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, and sanitary sewers. He could not think of a less impactful use for the site and recommended adoption of the rezone.

Council Member Jackson asked about the notice being changed to what the council decided as 600 feet. Lilly would change that. Council Member Jackson said there had been concern about the impact of the business as far as delivery of new cars and the repair shop. Lilly said the council should consider the current traffic. The existing Mt. Olympus Shopping Center had 5 semi-trucks a day of deliveries. There were bus stops with multiple buses stopping each day on Wasatch Blvd. There was a junior high school and high school that had school buses going on Wasatch Blvd. He did not anticipate truck loads of inventory being delivered more frequently than the heavy traffic that already existed. He said the offloading of inventory could be done onsite instead of on Wasatch Blvd. The dealership did not consider the repair of vehicles as a major profit center. The 30 service bays would be facing I-215 and would be screened from view by the building and landscaping. He said the service bays were visible from the show room and well kempt.

Council Member Uipi asked about a “dealership” versus a “center”, a term used by the applicant. Council Member Jackson asked about the rezone tying the parcel to this project. Lilly said “dealership” was specifically defined in the rezone, it required a portion of sales of hybrid/electric vehicles, and the dealership could not be located elsewhere on the parcel. Mayor Silvestrini asked why the rezone remedy would be to the Agricultural Zone. Lilly said it was the lowest intensity zone. Council Member Jackson asked about open space. Lilly said 10,000 square feet was being contemplated.

Michael Maledon, applicant, described a master plan for the 8 acres of property, not just the 4 acres of dealership. The applicant had been in negotiations with Cowboy Partners as potential development partners for phase 2. He remarked on the proposed aesthetics of the building and noted the sales were approximately 1/10 of a regular car dealership. He said the community could use space in the dealership.

Mayor Silvestrini said he had had a number of conversations on other projects for this site with prior property owners. He brought up village centers and could not get traction with it. He asked Cowboy Partners about a village center being viable on the entire site. Chris Zarek, Cowboy Partners, said scale mattered and the smaller scale site made a lot of sense.

Council Member Uipi asked if there was a possibility for the applicant to sell the property to the state because there was a shortage of housing. Maledon said the property had been closed on without any entitlements, so they were taking risks, and they had no intention of selling it. Council Member DeSirant asked about the impact of bringing cars and supplies to the property. Maledon said the dealership may have 5 semi-trucks a week, in comparison to the 5 a day the shopping center receives. They preferred to have product dropped off onsite, but they could not control the drivers. The reason for the quantity of bays was to get customers in and out quickly due to the luxury brand. Council Member Uipi asked about test drives. Gavin Pierce, general manager of the existing Porsche dealership in Salt Lake City, said test drives were only conducted on SUVs, maybe 1-3 a day, and they are accompanied by a Porsche representative and use a pre-selected route.

#### **4. Public Comments**

Mayor Silvestrini invited public comment.

Michael Gura, Chair of the Millcreek Business Council, said the economic development opportunities with this parcel would benefit the city. He felt the applicant would be good partners with the city and business council. He said as a resident, the city needed high density housing.

Stas Mintowt expressed disappointment with 30 service bays and with the comment of the applicant only conducting SUV test drives. He felt there were oversights. He thought a Porsche dealership was odd for the clientele of Millcreek. He said the dealership may not be in business in 15 years and an empty dealership on the site would be a misuse of tax dollars. There was not enough time dedicated to the cons of the application during the presentation. He suggested the building height be lower.

Tyler Slade said the Porsche dealership had been running for 28 years. He said they were the lowest impact of any dealers, and he owned some other car dealerships. He said test drives would

be minimal, all 30 service bays would not be used regularly, and the dealership would not go out of business. He was in favor of the application as this Porsche dealership would be a showcase.

Scott Clark could not think of a lower impact than what the dealership would be providing for the property. He was in favor of the application.

Sheila Gelman said her property would not be impacted by the project, but people within 600 feet would be. She would like to see a 2-story building instead of what was proposed, and discouraged apartments.

Justin Gull had questions about other proposals for the property and why they were not successful, electrical charging, phases two and three commitments, and the type of building being built with potential future uses. He was concerned about lights at night.

## 5. Staff Reports

There were none.

## 6. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

**Council Member Jackson moved to adjourn the work meeting at 6:47 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**REGULAR MEETING – 7:00 p.m.**

**TIME COMMENCED: 7:05 p.m.**

## 1. Welcome, Introduction and Preliminary Matters

### 1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and led the pledge of allegiance. He said a bomb threat was called into the Jewish synagogue and on behalf of the council, they condemn that action and any antisemitism; threats (and actions against) are unacceptable in the community. He congratulated Dustin Eberspacher, Millcreek Code Enforcement, who discovered an unsheltered unresponsive individual whose life was saved by first responders due to his efforts.

### 1.2 Recognition of Unified Police Department Millcreek Precinct Chief Steve DeBry

Mayor Silvestrini said Chief Steve DeBry had been serving Millcreek as the UPD chief but was retiring. The city was a lot safer from his efforts. Chief DeBry thanked the council for the privilege of being Millcreek's chief. He loves Millcreek and served the city directly for 15 years and indirectly through the Sheriff's Office for another 15 years. His law enforcement career was 42 years. He relayed personal experiences. He said a city

could only hope to have elected leaders as Millcreek has. He thanked the council for their dedication to the city. He recognized his wife of 44 years, Lorraine, for being his biggest supporter. He presented her with an award for her service and retirement from 42 years of service. The mayor presented Chief DeBry with a plaque and retirement gift.

UPD Chief Wayne Dial said Chief DeBry was the best person to have your back going through a door and he would miss his friend.

UPD Lt. Christine Petty-Brown said the chief was a compassionate leader and friend for life.

### **1.3 Public Comment**

Kumar Shah said there were comments made during the most recent Mt. Olympus Community Council meeting that were not courteous. He apologized to staff for that. He appreciated future thinking in city planning and endorsed the Porsche dealership (application ZM-23-004).

Elise Lazar was opposed to the ZM-23-004 application. She felt she had not heard enough about the application. She requested an environmental impact study be done due to proximity of the highway. She said the city of South Salt Lake rejected the Porsche dealership application and wondered why.

Kirby Croyle, League of Women Voters, observed the council as being a remarkable set of leaders in the county. She introduced Rebecca Sirola as the new observer for the League.

Rebecca Sirola introduced herself to the council as a Millcreek resident.

Gerald Lazar expressed concern about the planning presentation for application ZM-23-004. He did not feel the impacts or cons of the application were presented. He wondered about the service bays, dirty grease, and accidents. He said the economics looked good, so it may discourage the council from looking at environmental impacts. The traffic problems had been minimized.

Dr. Hamid Adib said he viewed things practically. The Porsche dealership (application ZM-23-004) would be a show piece for the area. He supported the application.

Howard Lemcke said his neighborhood had issues with a short-term rental. He was looking for regulations of them in the city and direction for residents to complain about them. Mayor Silvestrini said the city had received complaints about the rental in his neighborhood. The city staff would be explaining the city's ordinance on short-term rentals at the next Mt. Olympus Community Council meeting. He encouraged nuisances to be reported to the police. Lemcke noted a Porsche dealership would not be a dirty facility.

Kris Shiozaki expressed favor for the dealership. He said reasons expressed in opposition to the application did not make sense.

Tara Heiden raised concern with short term rentals in District 4. There were many that were unregulated. She said H & R Block said rentals could not be taxed for income tax if the property was used by a host personally as a residence during the year and not rented for more than 14 consecutive days. She said hotels collected the tax and it benefited the state.

Stephanie Buehner said she was 100% in favor of the Porsche dealership (ZM-23-004) because they were willing to be community partners. She thought the employment opportunity there was a benefit to the community.

Henry W. expressed concern for the safety of students at Skyline High School walking in the area (in regard to ZM-23-004) and environmental concerns. He knew the council had to balance private property owner rights. He said this application's process had blindsided him since he was not within the mailing notice radius though he drives through the area regularly.

Andrea Malouf expressed concern with short-term rentals. She said renters sped through her neighborhood and felt there was a lot of pressure on the neighbors to enforce rental problems.

## **2. Business Matters**

### **2.1 First Read, Discussion of the Millcreek Facility Use Policy, John Brems, City Attorney**

John Brems said staff drafted a facility use policy for the new city offices. He acknowledged a fee schedule, a security deposit, a sufficient number of adults for activities, alcohol parameters, permitted uses, and more than 250 invitees requires a separate insurance policy. The Utah Local Government Trust said an insurance policy should be required of every renter, but staff decided against that. Council Member Uipi asked about the licensing agreement requiring 30 days advance notice for the event. Mike Winder said that was in line with other facilities in the county. Mayor Silvestrini said the city needed to have different policies for different rentable spaces. Brems said only water (no food) was allowed in the council chambers. Staff was unsure about renting the council chambers. Council Member Catten asked what the chambers would be used for. Mayor Silvestrini said the space was designed to be flexible. Winder noted the chairs were not fixed and it was named as a community forum. The council could potentially reconsider that provision in the future.

## **3. Reports**

### **3.1 Mayor's Report**

Mayor Silvestrini reported staff would be moving into the new city hall in two phases.

### **4.2 City Council Member Reports**

Council Member Jackson asked who would attend the luncheon with the community council chairs. Council Member Jackson and the mayor would attend. Council Member Jackson said the Harvest Market was successful.

### **4.3 Staff Reports**

Kurt Hansen reported on the city hall timeline which included moving in at the end of October. Mayor Silvestrini noted that the city had asked Layton Construction to unobstruct the sidewalk on 3300 S. John Brems said there would be a lease agreement with Unified Police Department for the lease of the third floor of city hall. He noted there may be extra space on the third floor for pooled services to join the Millcreek Precinct. The Precinct would be charged rent at \$10 a year (Millcreek pays their rent as part of the service contract), they need consent for tenant improvements, they have a maintenance repair obligation, they need their own insurance, and they will not bring hazardous substances onto the property and if they do, they will indemnify the city of any damages. Mayor Silvestrini wondered about evidence.

Winder acknowledged the successful Millcreek Business Council Awards Gala and Harvest Market. A 32-foot tree would be installed for the holiday season on Millcreek Common. The three-year cost agreement for the tree would be \$126,300.

Winder briefed the council on a Veterans Administration medical outpatient facility project being bid on by Woodbury Corporation for the old city hall site (3330 S 1300 E). He said a successful city center must have a healthy mix of evening uses (1,600+ residential units entitled) and daytime uses (only 200,000 square feet of commercial). An evening/daytime balance was important as it provides better balance for traffic and shared parking, restaurants and retail needed daytime and evening traffic to thrive, residents needed employment nearby, and employers needed housing nearby. He acknowledged the property of the current city hall space has challenges (odd shape, access, canal right of way) but had potential with location, transit, and the city center. The facility would be a two-story, 110,000 square foot clinic with a four-story parking structure and would operate from 8am-6pm. The parking would be for 600, including 200+ employees. He showed the council the site plan and building renderings. The US Government wants a 20-year lease, but because Woodbury still owns the property it would pay significant property tax. The pros to the project would be significant and timely property tax, which would be helpful to the Millcreek Common Bond payments / community reinvestment area, they would not be asking for any tax increment financing or city support, it increases city center commercial use, it could be a job creator, it could provide a workforce to complement nearby multifamily housing, it could be a quality looking project, it could provide excess area parking for evenings and weekends, it could have a corner park/plaza that could honor Millcreek's veterans, and it could provide indirect sales tax (from employees and patrons visiting nearby retail). The cons would be no chance of direct sales tax for 20 years, traffic, and not direct retail. A traffic study was being commissioned, a sales tax analysis would be done, planning staff would explore rerouting the canal, and staff would continue to meet with Check City about the corner property.

Mayor Silvestrini said Millcreek would not get more property tax, but Millcreek residents would pay less property tax as this facility would fill the gap. Taxes do not increase unless the council raises the tax rate. Council Member DeSirant said indirect sales tax would go to Salt Lake City with commercial across 3300 S.

Winder showed the council new city flag rendering proposals. The council and members of the public expressed their opinions on the options.

#### 4. New Items for Subsequent Consideration

Council Member Jackson would like an overview of the city hall grand opening at an upcoming council meeting.

#### 5. Calendar of Upcoming Events

- Historic Preservation Commission Mtg. 10/12/23 6:00 p.m.
- Planning Commission Mtg. 10/18/23 5:00 p.m.
- City Council Mtg. 10/23/23 7:00 p.m.

**ADJOURNED:** Council Member Uipi moved to adjourn the meeting at 8:50 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED:  Date 11-13-2023  
Jeff Silvestrini, Mayor

Attest:   
Elyse Sullivan, City Recorder