



**Minutes of the
Millcreek City Council
November 13, 2023
6:00 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 November 13, 2023, at City Hall, located at 1330 E. Chambers Avenue, 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
Robert May, Long Range Planning Manager
John Miller, Public Works Director
Lisa Dudley, HR-Finance Director
Laurie Johnson, HR-Finance Coordinator
Jim Hardy, Building Official

Attendees: Todd Reeder (electronic), Rick Hansen, LaRene Bautner, Paul Maritsas, Laura Renshaw, Andrew Gruber, Chief Petty-Brown

WORK MEETING – 6:00 p.m.

TIME COMMENCED – 6:04 p.m.

Mayor Silvestrini called the work meeting to order.

1. Planning Matter First Reading: ZT-23-008/ZT-23-009, Adoption of Proposed Zoning Text Amendments in R-1, R-2, and Residential Compatibility Overlay Zone (RCOZ); Robert May, Long Range Planning Manager

Robert May showed the council maps of the R-1 and R-2 zones, which consisted of about 55% of the city. He said the R-1 and R-2 zones needed to be updated with the RCOZ standards for consistency and clarity, housing stock and affordability concerns, and based on resident and staff feedback. The changes consisted of Option B from the RCOZ remaining but being renamed to the Neighborhood Compatibility Modification (NCM), removal of the RCOZ Option C, spatial requirements in tables and diagrams, and new graphics to show the building envelope options and allowances. He said a 60 degree building envelope was

proposed for lots in the R-1-6 and R-2-6.5 zones, and a box envelope at the building setback line for the R-1-3, R-1-4, and R-1-5 zones. These changes are intended to allow existing homes on smaller lots the option to add a second story. The building height would increase from 28 feet to 32 feet in all R zones. There would be a requirement which increases the rear yard setback on sloped lots exceeding 20%. There would be an option to have uncovered porches up to 10 feet into the front setback line. The front and side yard setbacks would remain the same. The option to modify requirements on the basis of neighborhood compatibility would remain. The existing exceptions for gables and dormers would remain, although staff would add definitions for the terms. The 45 degree building envelope requirement would remain for larger lots in the R-1-8, R-2-8, R-1-10, R-2-10, R-1-15, and R-1-21 zones.

May said the majority of the community councils supported combining the RCOZ standards with the R zones and the proposed changes, having alternative building envelopes based on lot size, and increasing elevations from 28 feet to 30 feet. He said there was some concern around increasing the rear yard setback and the box envelope alternative. May said the majority of the planning commission supported combining the RCOZ standards with the R zones and the proposed changes, having alternative building envelopes based on lot size, allowing covered porches to encroach into the front yard setback up to 10 feet, having 15 foot rear yard setbacks remain but supported the proposed slope language with capping the setback at 25 feet, and supported increasing the maximum building height for all R zones to 32 feet.

Mayor Silvestrini asked about the reasoning from the community councils and planning commission about the change in height. He said the city council received complaints about building heights being too tall (over 28 feet). May said there was a lot of discussion about the proposed change with two community councils. He said with current building trends, people wanted taller ceilings. Lilly said the rationale for the commission to raise the height included comments from the public and that the height limit prevented them from doing what they wanted to do on narrow lots. There was also discussion about a standard height across zones. Staff had recommended 30 feet. Mayor Silvestrini asked about public participation. May said there were three scheduled planning meetings with 8,000 mailed notices for homeowners in the R-1 and R-2 zones. Council Member Jackson expressed concern with the 32 foot height since it was not presented to the community councils. Lilly mentioned that a commissioner and member of the public presented a case for the greater 32 foot height during the commission meeting. Mayor Silvestrini supported the concept of raising the degree of the envelope on smaller lots, but he was hesitant with 32 feet. He asked about the Millcreek Community Council requesting that the 60 degree building envelope apply to all properties west of I-215. May brought up that they felt properties with greater slopes were east of I-215. Lilly said a commissioner said a good housing affordability option was to allow a second story on narrow lots. He said building height concerns have been expressed throughout the city, not just in Olympus Cove. Council Member Uipi did not want to set a precedent of going back to the community councils with a 32 foot height. Lilly was okay with reporting to the community councils during the recodification process. Mayor Silvestrini requested staff to report to the community councils and planning commission that the city council had reservations about the 32 foot height and asked that they in turn report to the city council as to why it should be raised to that.

Council Member Catten asked about staff researching daycares. May said daycares were being eliminated as a use in the zone, so the Mt. Olympus Community Council had requested staff to do more research on how many were located in residential neighborhoods.

May said staff found that the proposed updated R-1 and R-2 zoning codes achieve the goals of the General Plan and the goals set by staff to provide consistency and clarity, improve housing stock and affordability concerns, and respond to resident and staff feedback. He recommended the council adopt the proposed changes. Mayor Silvestrini said a lot of communities did not provide for smaller lots, though Millcreek did, and the state was looking at requiring them to allow for infill and affordable development.

2. Canyon Rim Park Pickleball Courts Update; John Miller, Public Works Director

John Miller said the pickleball court project went out to bid, and the received bids ranged from \$1,260,000 to \$2 million, which was over the engineer's estimate. There were 8 courts bid under \$400,000 in Highland City in the last two years. For Millcreek's 10 courts, the bid was under \$650,000. Construction costs were inflated. He said the average price for the two larger championship courts was \$44,000 each versus \$40,000 each for the other eight. The landscaping, parking lot, and removal of existing tennis courts made up the remaining expense. He said there was \$1.2 million in the budget amendment for the project. He requested the council accept the low bid and find the additional \$66,000 to complete the project. Mayor Silvestrini said the council promised the public all 10 courts and it made sense to build all of them at once. The council agreed.

3. Amendments to Short-Term Rental Ordinance Discussion; Francis Lilly, Planning and Zoning Director

Mayor Silvestrini said there was a problem with a short-term rental in a cul-de-sac in Olympus Cove that the community council and city council had received complaints about. He requested staff to look at the city's ordinance. He suggested that it might be prudent to put a radius around short-term rentals to help space them out. He would like the council to change code to stop allowing short-term license applications until staff had time to update the code to remedy problems.

Francis Lilly said the short-term license code had not been updated since 2020, and at that time the city limited the number of licenses, required owner-occupancy, set occupancy limits, and it eliminated the most egregious examples of short-term rentals. He said additional updates may be warranted. The owner-occupancy language was vague, multiple short-term rentals can cluster in one neighborhood, and staff received complaints about parking and noise associated with them. Lilly said academic research indicated a relationship with increasing short-term rentals supply leading to a decrease in affordability and housing options. He showed the council a map highlighting the licensed short-term rentals in the city. Mayor Silvestrini indicated the city was not allowed to use the rental websites to enforce code. Lilly indicated the rental ads represented a variety of rental types and situations. He reviewed what several other cities were doing to remedy problems with short-term rentals.

Lilly said staff felt a separation requirement, clarity in a specified day count of owner occupancy with proof of occupancy, an updated affidavit, and a neighborhood etiquette document may be adequate solutions. He requested time to assess the matter. Mayor Silvestrini said the ordinance on the regular meeting agenda was to set a date to the end of the

year to not allow new short-term rental applications, but he would like to extend the date on the ordinance so that council and staff had time to discuss and research the issue.

4. Staff Reports

There were none.

5. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member Uipi moved to adjourn the work meeting at 7:04 p.m. 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.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:06 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 welcomed the public to the new city hall and invited them to the open house that week. He noted the industrial theme of the building to keep costs down and thanked the Facilities Director for his work and value engineering of the building. He acknowledged the passing of resident Kumar Shah from the Mt. Olympus Community Council and Unified Police Department (UPD) Citizens Advisory Board.

1.2 Public Comment

Andrew Gruber, resident, said he was proud of the city for the efficiency and transparency with creating Millcreek Common. He said it provided a sense of place for the city.

Elyse Sullivan read an online comment received from Paul Maritsas. *“Please increase STR permits. With high housing prices and high interest rates this may be the only way some residents can stay in their homes. Please don’t take this vital revenue stream away from out residents. Thank you”*

2. Financial Matters

2.1 Public Hearing to Consider Opening and Amending the Fiscal Year 2023-24 General Fund, Capital Improvement Project Fund, and Storm Water Fund Budgets

Mayor Silvestrini said the city adopts a budget every fiscal year in June and throughout the year amendments are made. Laurie Johnson said the amendment would increase the General Fund in the amount of \$2,112,874, bring forward Capital Improvement Project (CIP) fund balance in the amount of \$34,250,000, and recognize proceeds received for the Land and Water Conservation Grant in the amount of \$2,500,000. She reviewed the

General Fund revenue changes under Licenses and Permits, Intergovernmental, Charges for Services, Fines and Forfeitures, Miscellaneous, and Contributions. Mayor Silvestrini said United Way of Salt Lake had expressed confidence in the Millcreek Promise Program and would be providing program funding. Johnson reviewed the General Fund expense budget which had changes in the Mayor and City Council, City Management, Promise Program, City Recorder, Building Services, Information Center, Economic Development, Community Life Events and Programs, Millcreek Common Adventure Hub Operations, Millcreek Common Adventure Hub Facilities, Finance, Human Resources, Non-Departmental, Business License Administration, Facilities, Fleet, Planning and Zoning, and Public Works budgets. She noted the council's meeting packet differed from her presentation and she would send the council the changes. The Capital Improvement Fund revenue budget had changes in Intergovernmental, Miscellaneous, Contributions, and Other Sources. The expenses included changes in various Capital Improvement Projects.

Lisa Dudley reported on the changes to the fee schedule which included a Board of Appeals Hearing fee of \$300 and fees with the Community Life Department.

Council Member Uipi moved to open the public hearing. 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.

There were no comments.

Council Member Uipi moved to close the public hearing. 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.

2.2 Discussion and Consideration of Ordinance 23-41, Amending the Budget for the 2023-24 Fiscal Year

Council Member Jackson moved to adopt Ordinance 23-41, Amending the Budget for the 2023-24 Fiscal Year. Council Member Uipi seconded.

Mike Winder said the city hall public market may be subsidized but the sixth floor community room was anticipated to bring in revenue.

The Recorder 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.

3. Planning Matters

3.1 Discussion and Consideration of Ordinance 23-42, Approving an Amendment to a Development Agreement with Respect to an Affordable Multi-Family Housing Project to be Known as "The Howick" Which will be Located at 4101 South Howick Street, Millcreek

Francis Lilly said this ordinance was only to change the business entity involved.

Council Member DeSirant moved to approve Ordinance 23-42, Approving an Amendment to a Development Agreement with Respect to an Affordable Multi-Family Housing Project to be Known as “The Howick” which will be Located at 4101 South Howick Street, Millcreek. Council Member Catten seconded. The Recorder 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.

4. Business Matters

4.1 Discussion and Consideration of Ordinance 23-43, Banning the Issuance of New Short-Term Rental Licenses Until December 31, 2023, and Amending Millcreek Code of Ordinances Chapter 5.19 Short-Term Rentals

Council Member Jackson wanted an enforceable ordinance because that had been a problem with the current ordinance. Mayor Silvestrini noted a lot of short-term rental operations went under the radar because of the limitations the city had to enforce. He recommended changing the date to March 1.

Council Member Uipi moved to approve item 4.1 with the amendment of changing the date from December 31, 2023, to March 1, 2024. Council Member DeSirant seconded. The Recorder 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.

4.2 Discussion and Consideration of Ordinance 23-44, Adopting a City Flag

Mike Winder said the idea of changing the Millcreek flag came about from the Youth Council a few years prior. He credited the new design to Council Member Catten and read the description of it in the ordinance. The council noted Neff's Creek was missing from the description. Mayor Silvestrini thanked the Youth Council.

Council Member DeSirant moved to adopt Ordinance 23-44 with the amendment to add Neff's Creek to the ordinance. Council Member Jackson seconded. The Recorder 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.

4.3 Discussion and Consideration of Resolution 23-49, Adopting a Community Renewable Energy Program Agreement Between Rocky Mountain Power and Community Renewable Energy Agency, Town of Alta, Town of Castle Valley, Coalville City, City of Cottonwood Heights, Emigration Canyon Township, Francis City, Grand County, City of Holladay, Kearns Metro Township, Millcreek, City of Moab, Oakley City, Ogden City, Park City, Salt Lake City, Salt Lake County, Summit County, and Town of Springdale

Mayor Silvestrini said this resolution would allow Millcreek to sign an agreement with Rocky Mountain Power but would not bind the city to anything other than moving the renewable energy program further to file a rate application with the Public Service Commission. Council Member Jackson said the council discussed this at their meeting on October 9, 2023.

Council Member Jackson moved to adopt Resolution 23-49, Adopting a Community Renewable Energy Program Agreement Between Rocky Mountain Power and Community Renewable Energy Agency, and the towns [and cities] listed. Council Member Uipi seconded.

Mayor Silvestrini thanked Council Member Jackson for her work on the renewable energy committee.

The Recorder 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.

4.4 Discussion and Consideration of Resolution 23-50, Accepting the Land and Water Conservation Fund Grant that Requires a Match in the Amount of \$4,750,492.45, and Approving the Match Requirement to be Paid from the General Fund, and Approving the Agreement with the State of Utah, Utah Department of Natural Resources Division of Outdoor Recreation

Mike Winder broke down the associated expenses; \$2,500 grant from the Millcreek Community Foundation, \$2,500,000 grant from the Land and Water Conservation Fund Grant, \$2,500,000 Millcreek match, and \$2,250,492.45 of ineligible grant costs to be covered by the city. For the grant, the city needed to begin the project by the end of August 2024 and finish the project within three years. Millcreek Common Phase II land to be built on was currently being used for parking and construction staging, so the project could not start until that was gone.

Council Member Uipi moved to approve item 4.4. Council Member Catten seconded. The Recorder 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.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini reported on the new city hall open house on November 16th. He cautioned council members on relaying information related to crimes when they are notified about them by UPD.

5.2 City Council Member Reports

Council Member Jackson encouraged residents to vote in the election on November 21st.

5.3 Staff Reports

Mike Winder gave a rundown of the ceremony for the city hall open house. Council Member Catten noted special significance for the Shoshone Nation's history in Millcreek.

Council Member Uipi asked about the Mt. Olympus Community Council meetings moving to city hall. Lilly said they were adamant about staying at their current meeting space. Mike Winder thanked Kurt Hansen for his work with the new city hall.

6. Consent Agenda

- 6.1 Approval of September 25, 2023 Work Meeting and Regular Meeting Minutes**
- 6.2 Approval of October 9, 2023 Work Meeting and Regular Meeting Minutes**

Council Member Uipi moved to approve items 6.1 and 6.2. 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.

7. New Items for Subsequent Consideration

There were none.

8. Calendar of Upcoming Meetings

- Planning Commission Mtg. 11/15/23 5:00 p.m.
- City Council Mtg. 11/27/23 7:00 p.m.

Council Member Jackson noted the Christmas tree lighting ceremony on Millcreek Common on November 24th.

Council Member Jackson moved to go into a closed meeting at 8:21 p.m. per Utah Code Ann. §52-4-205(a) discussion of the character, professional competence, or physical or mental health of an individual, and (d) strategy sessions to discuss the purchase, exchange, or lease of real property. Council Member Catten seconded. The Recorder 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.

Council Member Uipi moved to go back into the public meeting at 8:49 p.m. Council Member Jackson seconded. The Recorder 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.

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 12-11-2023

Jeff Silvestrini, Mayor

Attest:


Elyse Sullivan, City Recorder