



**Minutes of the
Millcreek City Council
November 27, 2023
5:30 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 27, 2023, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had 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 (electronic)

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
John Miller, Public Works Director
John Brems, City Attorney
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Mike Winder, City Manager
Carlos Estudillo, Planner

Attendees: Tariq Mughal (electronic), Crystal Hulbert, Chief Petty-Brown, Officer Tyrone Thammavongsa, Officer Anthony Crawford, Rick Hansen, Russell Platt

WORK MEETING – 5:30 p.m.

TIME COMMENCED – 5:33 p.m.

Mayor Silvestrini called the work meeting to order.

1. Snow Removal Update; Crystal Hulbert, Salt Lake County Public Works Operations

Crystal Hulbert, Director, addressed the street priorities for snow removal: first priority, high traffic roads, school zones, steeper hills, and arterial and collector roads; second priority, streets through residential subdivisions including roads that connect to a collector street; and third priority, cul-de-sacs, circles, and dead-end streets (could take up to 48 hours after a major snowstorm ends). When it keeps snowing, they continue to plow the bigger streets so safety vehicles can access main roads. She said residents could help with the snow plowers by not parking on the street, understanding that some roads are lower priority and to be patient with large snow events, to refrain from driving during snow events if possible, to not blow/shovel snow onto the road when clearing driveways or sidewalks, and to keep a safe distance from snowplows. Snow is pushed where it is because the weight of snow and traction on road can sometimes determine location, as can fire hydrants, ADA ramps, school crossings, driveways, and mailboxes. Plows come back after the storm to push edges back to

widen the road for future snow storage. The snow in large intersections must go somewhere. Sometimes people wonder why their street has not been plowed, and it could be because snow is still falling, people blow snow back on the road, time, large storm, and too many cars are parked on the road. John Miller told the county drivers not to go down roads they are not comfortable driving on. Hulbert asked residents to provide feedback and Operations would provide education for residents. Council Member Jackson said she received a lot of compliments on snow plowing during the prior winter. Mayor Silvestrini said Millcreek residents loved the snow removal services provided. Council Member Uipi echoed the sentiments.

2. Planning Matter First Reading: ZM-23-006, Request to Rezone from C-2 to RM at 2888 E 3300 S; Carlos Estudillo, Planner

Carlos Estudillo said the applicant previously received preliminary approval for a 19 unit hotel at the location, but the project did not come to fruition. This project would consist of residential units and not be of commercial use. He said the lot was 0.32 acres and was surrounded by R-1-8, R-M, and C-2. The new proposal consisted of 6 townhome units capped at 35 feet high. Every unit would have a two-car garage, there would be three guest parking stalls, water-wise plants would be planted, and most architectural requirements of the project had been met. Mayor Silvestrini asked about the height of the existing zone. Estudillo noted under the C-2 and R-M zones, the maximum height allowed was 45 feet, however both zones required a transition with residential uses. He showed the council an image of the existing site and a site plan for the proposed project. Mayor Silvestrini asked about the guest parking and public safety access. Estudillo said it would be located on the southern portion of the property, and a fire turnaround was not required. He showed the council renderings of the proposed buildings. Mayor Silvestrini asked about the balcony supports. Estudillo said the fire department was not worried about the trusses. Council Member DeSirant asked what was to the east and west of the subject property. Estudillo said to the west was an office and to the east was a vet clinic.

Estudillo showed the council the proposed floor plans. He said the General Plan designated the property as Mixed-Use 1, and the project met goals N-1, N-2, and N-6. The Canyon Rim Citizens Association unanimously recommended the rezone. The East Mill Creek Community Council unanimously recommended the rezone; however, members of the council proposed the following conditions or items to address in a potential development agreement:

- Units to be allowed for owner occupancy.
- No short-term rentals written in the CC&R's.
- No left turns on 3300 South, coming out of parking lot.
- A ten (10) foot fence to be placed along the south property line, against the R-1 neighborhood. The fence must be composed of sturdy materials such as brick or masonry.
- No motion lights, balcony screens, or any mitigation to protect the privacy of the R-1 neighborhood, just south of the subjected lot.

Mayor Silvestrini mentioned that in the neighborhood meeting, opinions were expressed that owner occupied residential was more favorable than the prior hotel. Mayor Silvestrini said a 10 foot fence on the south property line was imposing on the neighbors to the south. Estudillo said the fence was a carryover from the original hotel proposal. Code required a 6 foot fence with certain elements. The Planning Commission recommended approval of the application with the added condition that it be platted for owner occupancy. He noted owner occupancy

could not be enforced via code, but the applicant was amenable to it via a development agreement.

Estudillo reviewed his findings and conclusions from the staff report. The development agreement would address uses, height, setbacks, parking, landscaping and open space, exterior lighting, materials, right-of-way improvements, street lighting, and utilities. He said the owner occupancy was not in code, so he did not add it to the development agreement but would under the council's direction. He recommended approval of the application. John Brems said the owner occupancy could be addressed in the development agreement, CC&Rs, or in a deed restriction.

Russell Platt, architect, said they were favorable to owner occupancy on the plat. He was willing and able to remove the balcony trusses. Tariq Mughal, applicant, described the uses that were previously explored for the site. He noted his family would like to live on site. The intention for the project was for owner occupancy. Mayor Silvestrini and Council Member Uipi expressed appreciation for the project.

3. Grandeur Peak Bonneville Shoreline Trail Funding Request Discussion

Mayor Silvestrini said the city and Salt Lake County were able to acquire property on the shoulder of Grandeur Peak to construct a segment of the Bonneville Shoreline Trail. The trail was constructed by Trails Utah. He said it was a great amenity for the city and was already well loved. Trails Utah, due to unforeseen issues, were in the hole on the project by about \$19,000 and had asked the city to help alleviate that. The city had already given them \$10,000, but the mayor asked the council if they would be willing to provide an additional \$5,000. The council said it was worth commissioning a study on the appropriation.

4. Millcreek Historic Preservation Scope of Collection Policy Discussion; Francis Lilly, Assistant City Manager

Francis Lilly said one of the roles of the Historic Preservation Commission (HPC) is to be a repository for Millcreek's history. The commission received grant money from the State Historic Preservation Office to set up a digital historical archive, which presented questions of what and how to collect artifacts. The HPC recommended only collecting digital documentation. The scope of collections policy would articulate what would and would not be collected, how it was collected, and what to do with collections. They want digital copies of historical documents and photographs, digital audio files or oral histories from Millcreek residents if done in the right way, official documents pertaining to the grassroots efforts to incorporate Millcreek, digital copies of historic video footage of public life in Millcreek, and any news or documentary footage involving Millcreek government, as well as interview footage of elected officials. They do not want any physical object, unless collected temporarily for digitization, digital copies of personal artifacts, letters, or documents that do not pertain to Millcreek's history, or video interviews, unless initiated by the city. He said Cottonwood Heights had a similar digital archive the council could view as an example.

Lilly said the purpose of the collection was to increase the awareness of Millcreek's history and to serve as a repository for important documents, artifacts, and other items of historical significance to Millcreek, and to commemorate particular moments in Millcreek's history, including but not limited to the time periods the HPC would be interested in – the role of Black pioneers in the founding of the community, Millcreek's development in the mid-20th

Century as a suburb, and the incorporation of Millcreek as a municipality in 2016. Council Member Jackson asked why pioneers were limited to Black pioneers, and suggested Millcreek's historical families be included. Lilly said the eras were to include them but would not be limited to them. The sub collection eras reflected Kirk Huffaker's reconnaissance survey of:

1. Pre-Pioneer Settlement, Pre-1847
2. Early Settlement and Milling Period, 1848-1877
3. Community Building, Black Settlement & Transition Period, 1878-1904
4. From Prosperity to the Great Depression, 1904-1938
5. Subdivision Development, 1939-1957
6. Suburban and Late Twentieth Century Development, 1958-1977
7. Millcreek from 1978 to Today's eras.

Lilly said there were two ways artifacts would be collected, digital and physical. There was a process to return artifacts. Mayor Silvestrini said this policy provided guidelines for collection. Artifacts could be collected by the city, but the city did not want to be a storage unit for them. He mentioned the Baldwin Radio Factory had artifacts of products produced in the early days. He felt things of that nature could be collected and put on display. Lilly said this policy addressed ownership and custody. He was concerned about the city being too eager to take possession of artifacts without having the resources to protect them. Lilly requested the council adopt the policy via resolution. Council Member Catten asked about accepting something that was subject to being offensive, though part of history. Lilly said that would be decided during the HPC's determination discussion (as described in the policy). Council Member Uipi commended Lilly for his leadership with the commission. She wanted to convey utilizing the commission's priorities with artifact intake. She noted existing families in Millcreek who could be added to the timeline. Lilly said the HPC recommended approval of the policy. He suggested changing the purpose of the collection to add a line addressing the heritage of Millcreek families still in existence.

5. Staff Reports

There were none.

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

There was none.

Council Member DeSirant moved to adjourn the work meeting at 6:46 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.

**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.

1.2 Unified Police Department Millcreek Precinct Officer of the Month for October 2023

Chief Petty-Brown announced Officer Tyrone Thammavongsa and Officer Anthony Crawford as the Officers of the Month for October 2023. An elderly resident called and requested assistance with a large tree that had fallen during a storm that had blocked the roadway and her driveway. The officers cut and removed the tree though it was not a routine call for service. The chief said these officers were always finding ways to solve problems, even when the problems were not typical for the police.

1.3 Public Comment

There was none.

2. Business Matters

2.1 Discussion and Consideration of Resolution 23-51, Authorizing the City to Intervene in and Participate in any Proceedings Before the Utah Department of Environmental Quality, Division of Air Quality, Regarding any Approval Order Granted to Granite Construction Company, its Successors or Assigns, for a Proposed Permanent Aggregate Mining, Crushing and Screening Facility Known as the I-80 South Quarry and to Engage Legal Counsel to Advise and Represent the City in such Proceedings

Mayor Silvestrini said this resolution would formalize the city's position in opposing the application for a mine in Parley's Canyon. Millcreek filed an opposition comment to the Division of Air Quality. The city's outside counsel had been meeting with stakeholders on the issue. There was an objection by the applicant that the city did not have authority. This resolution would give the council authority to pursue a potential appeal.

Council Member Jackson moved to adopt Resolution 23-51, Authorizing the City to Intervene in and Participate in any Proceedings Before the Utah Department of Environmental Quality, Division of Air Quality, Regarding any Approval Order Granted to Granite Construction Company, its Successors or Assigns, for a Proposed Permanent Aggregate Mining, Crushing and Screening Facility Known as the I-80 South Quarry and to Engage Legal Counsel to Advise and Represent the City in such Proceedings. Council Member DeSirant seconded.

Council Member Jackson said residents in her district were directly impacted by the dust from the canyon. Mayor Silvestrini said it may be effective to have a resident directly affected by the current dust testify. Council Member Uipi agreed and appreciated the council's support.

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.

2.2 Discussion and Consideration of Ordinance 23-45, Adopting Millcreek's 2024 Regular Meetings Schedule

Elyse Sullivan said the annual schedule was required by code and it reflected the same recurring days/times as the prior year.

Council Member Catten moved to approve Ordinance 23-45, Adopting Millcreek's 2024 Regular Meetings Schedule. 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.

3. Reports

3.1 Mayor's Report

Mayor Silvestrini reported a successful grand opening for the new city hall. He commended staff for putting the event together. He thanked Council Members Jackson and Uipi for participating in the tree lighting on Millcreek Common the prior week. The Millcreek Magic Ice Show would be that week. He congratulated Council Member Jackson for winning the District 3 race in the recent election.

3.2 City Council Member Reports

Council Member Uipi echoed the success of the city hall grand opening.

3.3 Treasurer's Report

Council Member Jackson reported:

- As of November 27, 2023, the balance of the Series 2021 Bond Construction Fund is: \$0. The final draw was sent that morning. (City Hall construction)
- As of November 27, 2023, Millcreek's PTIF account balance is: \$42,035,674.07.
- As of November 27, 2023, FY24 property tax has been received in the amount of \$2,239,013.43. Last year at this same time, Millcreek had received \$2,353,220.70.
- As of November 27, 2023, FY24 sales tax has been received in the amount of \$3,750,506.48. Last year at this same time, Millcreek had received \$3,816,869.02.

3.4 Staff Reports

Mike Winder reported on the executive holiday party the following week. He requested the council attend the first Millcreek Magic ice show to welcome residents. He said staff anticipated cancelling the December 18th council meeting. He reported a memorial bench for Winnie Watson had been designed for Canyon Rim Park and would be installed in the spring.

3.5 Unified Police Department Report

Chief Petty-Brown reported that she selected Lt. Luis Lavado as the Executive Officer for the precinct. She reported the October crime statistics. There were 2,797 calls for service, 960 cases, 433 citations, and 22 booking arrests. There were 40 assaults, 9 burglaries, 17 drug offenses, 74 family offenses, 87 larcenies, 4 robberies, 5 sex offenses, and 22 stolen vehicles. Millcreek C.O.P. detectives joined with Salt Lake County Health, Salt Lake City Public Works, Salt Lake City Police, and Advantage Services to clean up garbage from illegal encampments on the north and south side of Van Winkle Expressway from 900 East to 1300 East. Over 4.5 tons or 9,800 pounds of waste was collected. The East Mill Creek Lion's Club donated 15 turkeys to families in need for Thanksgiving. Millcreek C.O.P. detectives worked with the Millcreek Promise Program to identify families in need to receive the turkeys from the Lion's Club. The detectives picked up the turkeys on the Wednesday before Thanksgiving and handed them out to the families in

time for the Thanksgiving meal. In the month of October, Millcreek's Community Crime Suppression Unit had 8 arrests, 151 traffic stops, 12 stolen vehicles investigations, 5 recovered stolen vehicles, 14 drug investigations, and 5 agency assists, and seized 97.4 grams of meth, 13 pills of Buprenorphine, 1.3 grams of Marijuana, 201 pills of Fentanyl, and 24.6 grams of Cocaine. In the month of October, officers responded to 18 transient calls, 63 mental health calls, 110 traffic accidents, and 24 hit and runs.

Council Member Uipi brought up the decrease in bookings but increase in citations. She mentioned repeat callers and asked if they pulled resources from high priority calls. Chief Petty-Brown said calls were prioritized as they were called into dispatch. Lower priority calls did take longer to be responded to, but they were not pulling away resources from higher priority calls.

4. Consent Agenda

4.1 Approval of October 26, 2023 Work Meeting and Regular Meeting Minutes

Council Member Jackson moved to approve the work and regular meeting minutes from October 26, 2023. Council Member Catten 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.

5. New Items for Subsequent Consideration

There were none.

6. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 12/4/23, 6:00 p.m.
- Millcreek Community Council Mtg., 12/5/23, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 12/6/23, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 12/7/23, 6:30 p.m.
- City Council Mtg. 12/11/23, 7:00 p.m.
- Historic Preservation Commission Mtg., 12/19/23, 11:30 a.m.

ADJOURNED: Council Member DeSirant moved to adjourn the meeting at 7:39 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: _____

Jeff Silvestrini, Mayor

Date

12-11-2023

Attest: _____

Elyse Sullivan, City Recorder