



**Minutes of the
Millcreek City Council
May 28, 2024
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 May 28, 2024, 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

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

Attendees: Chief Petty-Brown, Detective Jacob Werner, Jenn Burgess, Erika Chmielewski, Carrie Sibert, Talia Butler, Captain Karl Carpenter, Assistant Chief Zach Robinson

WORK MEETING – 5:30 p.m.

TIME COMMENCED – 5:32 p.m.

Mayor Silvestrini called the work meeting to order.

1. Salt Lake County Animal Services Report; Talia Butler, Director and Carrie Sibert, Liaison Coordinator

Carrie Sibert said Animal Services celebrated their first decade of a no-kill status. Ten organizations and individuals received an award in a ceremony at the annual "Spayghetti Gala" for providing crucial support in achieving and maintaining the no-kill mission. They officially launched the "Hang Ten Shelter Club Campaign" challenging other municipal shelters across the nation to join the no-kill movement. In 2023, they received two NACo Achievement awards and were a Best of State winner for the 16th time. She provided 2024 first quarter statistics on shelter count, intake totals, adoptions, transfers/rescues, redemptions, and euthanasia. The live release rate was 95%, with 188 animals fostered, and 100 animals rescued. She broke down the intake by species and type, and provided the field statistics for

Millcreek. Animal Services participates in "Pets for Patriots" which is an adoption program that provides veterans with free pet adoptions. Animal Services follows a cost per capita metric to determine the price for services as it is transparent and fair amongst participating cities, includes animal control, sheltering, and veterinary care, and is the closest model following the national average of pets per household. The rate increased \$11.41 per citizen. This will help with raising employee minimum wages, veterinarian market salary adjustments, covering the average length of stay for shelter animals increase and license revenue decline from the pandemic, and help with major shelter repairs. There will be a 17% contract increase for Millcreek. Mayor Silvestrini asked why the length of stay increased. Bulter said during the pandemic, a lot of animals were adopted. She said a lot of people adopted all at once, and those pets are still alive. Also, some animals are having behavioral issues and people have returned animals after having to go back into the office.

Council Member Jackson asked about educating citizens on what services are provided and their responsibilities as pet owners. Bulter encouraged public awareness with licensing and microchipping. She said the national average is two pets, but in Salt Lake County it is four pets. Council Member Jackson said there are a lot of complaints about pets being off leash. Field Captain Karl Carpenter said enforcement is a 24-hour service, but education was a key component. Council Member Catten asked about wildlife. The pass-through contract with Urban Wildlife does raccoons and skunks. Butler said to call dispatch with wildlife issues. The council brought up issues with coyotes.

2. Unified Fire Authority Station 112 Status Discussion; Assistant Chief Zach Robinson

Chief Robinson said the seismic retrofit of Station 112 was completed. The station was supposed to be rebuilt, but was delayed, so the retrofit moved forward. It is the oldest station in UFA, built in 1965. The driveway is badly damaged, and the roof is in poor condition. The challenge is a limited budget because of the FEMA floodplain guidelines. They can only spend 50% of the value of the building over a five-year period, so \$230,000, and they just spent \$165,000 on the seismic upgrade. The height of the apparatus bay doors is too low for current apparatus. The lot is 0.42 of an acre. Most other lots are 1-1.5 acres. He hoped to discuss options to relocate the station. The 2 acres next to the recently approved Porsche dealership on Wasatch Boulevard was considered though that property is currently under contract. Mayor Silvestrini brought up requesting a waiver or exemption with FEMA.

The council wished to tour the Millcreek UFA stations. Winder encouraged the chief to speak with the Olympus Hills Shopping Center property owner about extra space.

3. First Reading of ZT-24-001, Adoption of Amendments to Code Chapter 19.89 Accessory Dwelling Units (ADUs); Sean Murray, Planner

Sean Murray said that staff was proposing a text change to alter rules and regulations surrounding ADUs. The current ADU ordinance was adopted in 2021, with minor changes made since adoption. The changes included how size is calculated for detached ADUs, lot coverage requirements for detached ADUs, parking standards, adding attached and detached ADUs as permitted uses on flag lots, and allowing for lots under 6,000 square feet to have internal ADUs. The current code reads, "The total area of an ADU shall not exceed fifty percent (50%) of the square footage of the habitable area of the building footprint of primary residence and in no case exceed eight hundred fifty (850) square feet." The proposed code reads, "The size of the ADU cannot exceed the gross square footage of the existing main

building footprint and can be up to maximum of 1000 sq ft, whichever is less.” He has spoken with residents, and the 50% footprint of the home requirement is restrictive for them. A lot of residents have large lots and small homes. Mayor Silvestrini brought up the lot coverage restriction already in code and wondered about also needing a size restriction on the ADU. Murray said the ADU should be secondary and accessory to the main dwelling. Council Member Jackson asked if the change was significant enough to assist residents. Murray said inquiries had been varied. The 50% rule is what stopped a lot of residents. Mayor Silvestrini said an unintended consequence would be tearing down the affordable primary residence to build a larger house because an ADU was not allowed. He wondered if requiring a parking space per bedroom, up to 2, was too burdensome. Murray said the current standard for detached ADUs was per bedroom with no maximum. Internal ADUs require just one parking stall. The proposed code would remove from code that a detached ADU can only cover up to 25% of the rear yard area.

Murray said the current code reads that no property that is less than 6,000 square feet can have an internal or attached ADU. Planning staff is proposing removing this requirement rule for lots under 6,000 square feet. The Planning Commission recommended keeping this lot size rule due to potential parking issues on these smaller lots. Council Member Jackson wondered if parking site plan approval on lots smaller than 6,000 square feet would resolve any potential parking issues. Murray thought so. Other proposed changes were parking requirements changing to one spot per bedroom in the ADU with up to two spots total and removing language outlining guesthouses found in R-1-21 zones. Council Member Jackson asked about allowing two adults and any number of children. Murray said a suggestion of four unrelated adults was removed at the Planning Commission’s request. He said the General Plan considered Choice Goal N-2 with strategies 1.1, 1.5, and 1.6 and Infill Goal GP-9 with strategy 9.5 with regard to ADUs.

Murray reported the community councils recommended the proposal with minor modifications. The Planning Commission recommended approval with conditions that added that total lot coverage calculations should be used instead of rear yard calculations, one parking stall per bedroom up to two parking stalls per ADU, flag lots should be allowed to build attached and detached ADUs so long as they meet all the ADU standards in code, keeping the two adults and any number of children language for attached and detached ADUs, and keeping the limit on lots under 6,000 square feet from having internal ADUs. This motion passed five to two. The two dissenting votes stated that they wanted to see four adults allowed per ADU, allowing larger ADUs for large lots, and removing the limit on lots under 6,000 square feet. Murray reviewed the staff findings and conclusions from the staff report. Mayor Silvestrini encouraged removing the 6,000 square foot limitation.

4. Staff Reports

Mike Winder said the Finance Director was working on updating the budget based on the council’s last meeting. Staff did discover that the Scott Avenue playground was not in need of updating as they had decided in the budget meeting, so the budget would not specify that playground. There will be a brief council meeting on June 18th to adopt the certified tax rate.

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

There was none.

Council Member Jackson moved to adjourn the work meeting at 6:33 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: 7:02 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 April 2024

Chief Petty-Brown announced Detective Jacob Werner as the Officer of the Month for April 2024. Through Detective Werner's proactive investigation, a stolen firearm and narcotic paraphernalia was recovered, and two arrests were made, one of which will lead to federal firearms charges.

1.3 Public Comment

Mike Winder said that Millcreek received federal support for the Neffs Canyon debris basin, which would help reduce the need for those who are within that floodplain to carry additional insurance should it be constructed. The city needs about \$5 million to match the funding to make the basin happen. He was curious about the council considering a special improvement district for the properties that would benefit from the basin, to split the \$5 million among them. Mayor Silvestrini said the city had been successful in lobbying for congressional appropriation to help stave this problem. To get the funding, the city needs to match 25%, or \$5 million. He thought this was an appropriate use of a special improvement district, which would increase the property tax on the people that are in the floodplain to help pay for the solution. In order to proceed, the city would need to do a study to find out how much to assess and for how long in order to solve the problem. Special improvement districts have only come into effect if they are voted in by the property owners because the property owners would be imposing a tax on their own properties. The council expressed favor of the study.

Council Member Catten asked if the district would be dissolved once the basin was built or would be ongoing. Mayor Silvestrini said it would just be for the one improvement, which would hold back trees and mud and have a large storm drain underneath it. Council Member Jackson asked if the neighborhood had a storm drain system. Mayor Silvestrini said no, and it would help with Neff's Creek flooding. The study would cost \$10-15,000. The district would go away when the structure was constructed, and the bond paid. Mayor Silvestrini said most of the people who would benefit are in the floodplain. Council Member DeSirant asked how long the city had the grant. The mayor did not know. Winder said the Public Works Director was worried if the city did not act quickly,

the federal funding would not be enough due to inflation. The council discussed the bond being on the 2024 ballot. The council gave staff direction for pursuing the study and looking at the election parameters.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 24-24, Adopting the Murray North Station Area Plan as an Element of the Millcreek Together General Plan

Erika Chmielewski, GSBS Consulting, said about ¼ of the Murray North Station Area was in Millcreek, the rest in Murray. In order for the area to be a viable neighborhood, the cities needed to work together. The plan was based on a 5-year implementation. The vision for the area is to become an accessible, vibrant, complete community that provides residents and visitors alike with an interesting, engaging mix of land uses to serve their needs. The consultants are trying to get the collection of housing to become a complete neighborhood. The plan framework includes quality of life, safety, land use changes, connectivity, and livability and urban design. Millcreek implementation includes enhanced gateways, pedestrian environment, and crossings, implementing trails and parks along Big Cottonwood Creek, connecting Meadowbrook with Fireclay, implementing more housing for all incomes, and increased connections across the state. Robert May said the Millcreek Community Council and the Planning Commission recommended approval of the plan. The staff recommendation was approval based on four findings:

1. The vision and implementation initiatives of the proposed MNSAP are in direct alignment with the goals and objectives outlined in the seven vision themes that make up the Millcreek General Plan.
2. The proposed MNSAP embraces the principles of the Millcreek General Plan around creating vibrant gathering centers arranged around public transit, particularly for the Meadowbrook Area.
3. The implementation of the MNSAP will serve as a catalyst for economic development, attracting investment and revitalizing underutilized areas surrounding the transit station.
4. The Murray North Station Area Plan includes the necessary components and objectives required per HB 462 of Utah State Code.

Mayor Silvestrini was looking forward to presenting this plan to the Wasatch Front Regional Council. He asked when the Murray Council would adopt the plan.

Chmielewski said in June.

Council Member Catten moved to adopt Ordinance 24-24, Adopting the Murray North Station Area Plan as an Element of the Millcreek Together General Plan. 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.

Mayor Silvestrini encouraged the Murray Council to consider changing the name to Fireclay.

2.2 Discussion and Consideration of Ordinance 24-25, Amending Title 19 (“Zoning”) of the Millcreek Code of Ordinances, and Revising Chapter 19.71 (“Residential Compatibility Overlay Zone”) by Making Certain Additions and

Deletions Pertaining to Building Height and Setbacks, Building Envelope, Allowable Deviations, and Special Exceptions

Mayor Silvestrini said this would implement changes the city was contemplating changing as part of the recodification but would allow them to happen sooner for residents waiting for the changes. May said the proposed changes included raising the maximum building height elevation from 28 feet to 30 feet for R-1-3, R-1-4, R-1-5, R-1-6, and R-1-8 Zones, adding two additional building envelope types which would provide flexibility to those properties located in the R-1-5 and R-1-6 zones, revising the 25% combined side yard setback requirement essentially making it only apply to lots which are 50% larger than the required minimum lot width of the zone they reside in, and removing the RCOZ Option C Special Exception.

Mayor Silvestrini asked for public comment. There was none.

Council Member DeSirant moved to adopt Ordinance 24-25, Amending Title 19 of the Millcreek Code of Ordinances, and Revising Chapter 19.71 Residential Compatibility Overlay Zone based on the findings identified by staff and recommendations made by the Planning Commission. 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.

2.3 Discussion and Consideration of Ordinance 24-26, Approving and Amending a Development Agreement with Respect to a Townhouse Development Known as “Opus Green” on Property Located at 4186 South Main Street

Francis Lilly said this was a simple amendment to the development agreement. Due to circumstances, the commercial component on Main Street has been delayed. The development agreement required the commercial component sooner, but staff was requesting to extend the deadline to construct the commercial to February 3, 2026. Mayor Silvestrini said based on the council’s site visit, he was open to something different than what was called out in the development agreement.

Mayor Silvestrini asked for public comment. There was none.

Council Member Jackson moved to adopt Ordinance 24-26, Approving and Amending a Development Agreement with Respect to a Townhouse Development Known as “Opus Green” on Property Located at 4186 South Main Street. 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.

3. Business Matters**3.1 Discussion and Consideration of Resolution 24-12, Approving the Renewal of a Civil Legal Services Contract Between Millcreek and John N. Brems**

Mayor Silvestrini said the purpose was to extend John Brem’s contract. This does provide a cost-of-living adjustment and a merit increase. The mayor commended Brems for his work.

Council Member Jackson moved to adopt Resolution 24-12, Approving the Renewal of a Civil Legal Services Contract Between Millcreek and John N. Brems. 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.

3.2 Discussion and Consideration of Resolution 24-13, Approving Appointments to the Planning Commission

Mayor Silvestrini recommended reappointing two members of the Planning Commission, Diane Soule and Ian Wright, whose terms end June 2024.

Council Member Jackson moved to adopt Resolution 24-13, Approving Appointments to the Planning Commission. 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.

3.3 Discussion and Consideration of Ordinance 24-27, Amending the Procurement Code with Respect to Acquisition of Nonprofessional Services or Supplies Codified in Section 2.22.040 of the Millcreek Code

John Brems said this ordinance was to fix a problem identified by the risk committee on who can approve contracts for less than \$5,000. This would allow department directors to approve on \$5,000 or less and the mayor or designee on more than \$5,000.

Council Member Jackson moved to adopt Ordinance 24-27, Amending the Procurement Code with Respect to Acquisition of Nonprofessional Services or Supplies Codified in Section 2.22.040 of the Millcreek Code. 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. Reports

4.1 Mayor's Report

Mayor Silvestrini reported he visited the Utah International Charter School. This a public charter school run through Granite School District which serves immigrants and refugees. The school is in poor repair and does not have good security. The kids are engaged and excelling academically. He met with an educator there about considering relocating the school to Millcreek Elementary. He also reported that he had dinner with UFA Station 106 to discuss the ambulance changing stations and labor issues. The mayor said he discussed transit issues and an enhanced bus service with Holladay, UTA, Salt Lake City, and Wasatch Front Regional Council.

4.2 City Council Member Reports

Council Member Jackson said the Skyline High School Super Reunion occurred the prior week and it was a great event. The first Venture Out program would be June 7th at Canyon Rim Park. Council Member Catten said she attended UTA's transit academy. Council Member DeSirant reported from the Wasatch Front Waste and Recycling District Board meeting where they discussed the dumpster rental program.

4.3 Treasurer's Report

Council Member Jackson reported that as of May 28, 2024, the total shared cash between the operating account and state public treasury fund account is \$45,279,826. Millcreek had received 99.82% of property tax in the amount of \$11,799,226. The city had received eight months of general sales tax revenue in the amount of \$11,437,915 and \$1,707,360 in building permit fees. The total general fund revenue is \$37,811,066. The city is projected to meet or exceed budget amounts in all of those revenue sources. In the month of April, 193 checks were written for the amount of \$5,025,365. There were 18 bank drafts in the amount of \$309,212. There were two pay periods with a total amount of \$304,572. The total April disbursements was \$5,639,149.

4.4 Staff Reports

There were no reports.

4.5 Unified Police Department Report

Chief Petty-Brown reported the crime statistics for April 2024. There were 2,322 total calls, 770 total cases, 366 total citations, and 27 booking arrests. She presented the UPD Investigations numbers from the various units. In Millcreek, there were 3 assaults, 7 burglaries, 20 drug offenses, 67 drug offenses, 21 frauds, 38 larcenies, 1 robbery, 3 sex offenses, and 8 stolen vehicles. Millcreek traffic officers responded to 76 traffic accidents and investigated 17 hit and runs. The Community Crime Suppression Unit had 6 arrests, 84 traffic stops, 3 stolen vehicles investigated, 1 nuisance home investigation, 9 narcotics investigations, 3 fleeing vehicles, and assisted patrol with 17 calls. They also seized a firearm and drugs. Millcreek Investigations Detectives were assigned 87 cases. During the same month, 43 cases were submitted for charges with either the District Attorney's Office or the Holladay Justice Court. Officers responded to 60 mental health related calls for service, and 22 calls related to transient activity. The Millcreek C.O.P. Detectives gave a building tour of UPD's floor at city hall to an after-school youth group who enjoyed seeing where officers worked and asked questions of what police officers do every day.

The chief reported that beginning July 1, the domestic violence detective and fraud detective would become part of shared services and not specific to Millcreek. There was an officer involved in a critical incident recently. It was handled professionally, though hard on both sides. She thanked the council and staff for accommodating more UPD officers for pooled services. The shared services were generally housed at the Salt Lake County Sheriff's Office, but they would be moving in June. Millcreek would house legal, HR, and forensics. The mayor said Millcreek is paying for the space in city hall anyway, so it was not productive to charge the shared services rent. The buildout expenses would be billed though. This would help keep costs down for everyone, at least during the transition period.

5. New Items for Subsequent Consideration

There were none.

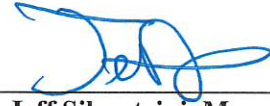
6. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 6/3/24, 6:00 p.m.

- Millcreek Community Council Mtg., 6/4/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 6/5/24, 6:30 p.m.
- East Mill Creek Community Council Mtg., 6/6/24, 7:00 p.m.
- City Council Mtg. 6/10/24 7:00 p.m.

ADJOURNED: Council Member DeSirant moved to adjourn the meeting at 8:08 p.m. 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.

APPROVED: _____



Jeff Silvestrini, Mayor

Date

6-24-2024

Attest: _____



Elyse Sullivan, Recorder