



**Minutes of the
Millcreek City Council
June 24, 2024
6:30 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 June 24, 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

City Staff

Mike Winder, City Manager
Elyse Sullivan, City Recorder
Jim Hardy, Building Official
John Brems, City Attorney (electronic)
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Francis Lilly, Assistant City Manager
Lisa Dudley, HR-Finance Director

Attendees: Rick Hansen, Mark Riley, Julia Riley, Brenda White, Joyce Crossley, Shea McDonough, Dan Worley, Kadee Worley, Russ Johnsen, Shauna Johnsen, Tanya Beal, Maragaret Douglass, Sandra Walker, Amanda Clark, Brian Clark, Kerwin Ipsen, Cindi Ipsen, Nicole Curtis, Jarvie Curtis, Mickey Burnaam, Renee Hansen, Toj Zaharias, Leslie Blackham, MaryAnn Mackley, Micah Mackley, Detective Darren Paul, Chief Christine Petty-Brown

WORK MEETING – 6:30 p.m.

TIME COMMENCED – 6:30 p.m.

Mayor Silvestrini called the work meeting to order.

1. Annual Fraud Risk Assessment; Lisa Dudley, HR-Finance Director

Lisa Dudley said each year, Millcreek undergoes a self-assessment known as a progress assessment designed and procured by the State Auditor's Office to mitigate the risks of fraud, abuse, and non-compliance within local government. This assessment serves as a foundational tool for ongoing growth and development, allowing Millcreek to exceed basic requirements as it evolves. It aims to enhance the management of internal controls and ensure adherence not only to city council policies but also to state and federal regulations. The initiative stems from concerns raised to the State Auditor's Office regarding fraud and abuse, prompting the need for preventive measures. The key to these efforts is implementing robust internal controls aligned with COSO standards, emphasizing factors like leadership commitment, risk assessment, control activities,

communication, and monitoring. The goal is to establish policies and procedures that safeguard public funds effectively without outweighing the associated costs. Last year's assessment identified areas for improvement, such as conflict of interest policies and ethical behavior standards, which have since been revised and reinforced. Moving forward, Millcreek aims to enhance policies around procurement, purchasing cards, and internal fraud reporting, and exemplifying their commitment to continuous improvement and transparency in governance. She said Kurt Hansen was working with Les Olson to create a fraud hotline email to report fraud and abuse. Council Member Jackson asked who would receive the emails. Dudley said the hotline was for use by the public and employees and the emails would go to the audit committee (two council members, city manager, city attorney, and finance director). Mayor Silvestrini brought up emails being hard to keep anonymous. So that would still need to be figured out. Council Member Catten suggested a form on the website. Dudley said the report would be addressed by the audit committee.

The State Auditor's Office recommended measures: separation of duties, establish and maintain an ethical environment, specific written policies, hire and train qualified staff, provide effective training, implement a hotline, implement an internal audit function, and use an audit committee. The fraud risk assessment scoring areas were an all or nothing point system on basic separation of duties, written policies, annual statement of ethical behavior, degreed, licensed, or certified accountant, and required CEUs or formal training. There were 395 points possible, and Millcreek scored 375. Mayor Silvestrini said at all staff meeting, the film, "All the Queens Horses" was shown. It is about a finance director in a small town in Illinois who embezzled millions from the town and purchased horses. The public held the town council responsible for not watching the budget.

2. Staff Reports

Council Member Jackson gave the Treasurer's report:

As of June 24, 2020, the operating account has \$1,272,196. The PTIF, which is the state treasury fund account, has \$41,382,179. So, the total available shared cash is \$42,654,376 of revenue sources. The current property tax received is over 100% from what was had last year at this time, at \$11,875,732. The sales tax, which is eight months' worth of revenue, is at 77.55%, \$11,437,915. The building permits, which are up significantly, are at 112.20% and \$1,683,054. General Fund total revenue, as of this year is 96.56% received with \$38,572,937. The disbursements include 131 written checks in the amount of \$3,810,345, 14 bank drafts in the amount of \$1,788,238, and three payroll periods in the amount of \$458,875. So total disbursements are \$6,057,457.

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

There was none.

Council Member DeSirant moved to adjourn the work meeting at 6:53 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: 7:02 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 May 2024

Chief Petty-Brown announced Detective Darren Paul as the Officer of the Month for April 2024. Detective Paul investigated forged checks and 44 suspects were identified in fraud to a financial institution totaling \$1.4 million. He trained the institution's employees to be able to identify the fraud. The suspects were charged federally. Mayor Silvestrini noted federal prison sentences were longer than state sentences. He said the Unified Police Department (UPD) was separating from the Salt Lake County Sheriff's Office as a reorganization from state legislation. He discussed how Millcreek City Hall would be housing some of the shared services since UPD would be leaving the Sheriff's Office building.

Council Member Jackson moved to reorder the agenda to move item 3.4 next, ahead of public comment. Council Member DeSirant seconded. The Mayor 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.

3.4 Staff Reports

Francis Lilly reported in regard to a proposed group home at 827 E 4280 S. City staff met with the property owner and informed them of the need to obtain a building permit for the interior remodel. At a second meeting with the property owner, the fire marshal was involved because the owner intended to exceed the maximum occupancy allowed in the zone (4 unrelated adults) through reasonable accommodation. The owner had not yet made an application for the reasonable accommodation. After an onsite meeting, the Building Official informed the property owner of the building permit process. Lilly requested that the property owner hold a neighborhood meeting. That was the last he had heard from the property owner.

Mayor Silvestrini said interior improvements needed a building permit to ensure the structure is safe. When work is done without a permit, the city can issue a stop work order to cease construction until a permit is obtained, and the city can charge double the fees. The city did issue a building permit for the property and the fees were paid. The city will inspect the construction. Occupancy cannot start until a certificate of occupancy is issued. The owners have not yet applied for reasonable accommodation. If the city treats this class of resident differently, it presents a legal challenge. Mayor Silvestrini said the State of Utah requires cities to review plans, give corrections, and approve or deny plans within a certain period of time, same with inspections.

Lilly said he has researched the topic over the last two weeks. He observed the narrow road, the house is smaller than most other group home configurations in Millcreek. He is prepared to sign a contract with a third party analyst for reasonable accommodations. If the owner makes an application, he would like to retain the consultant to get a better understanding about reasonable expectations for return on investment and other kinds of categorical limits. He felt there were physical constraints to this home and neighborhood for a large group home. He is trying to be fair to everyone. Mayor Silvestrini said the city would follow the law and not discriminate, but appreciated the concern expressed by the neighborhood. Mayor Silvestrini said the city would hold a neighborhood meeting if the property owner did not.

Jim Hardy added that there was a new wall built within the home, but it was not used to build a new bedroom. The plan review was done quickly. Every building permit receives review, timing can differ by permit type. The Building Department tries to get permits issued as quickly as possible for residents. As long as a building permit application meets qualifications, the city cannot fail a building, only redline the plans and pass it along. The permit was expedited but in a manner standard for the department.

1.3 Public Comment

Renee Hansen expressed concern about Millcreek's ordinances, that any organization can buy a home and turn it into a group home without consulting neighbors or making zoning changes. This seems to allow group homes in single-family zones without restrictions. The neighborhood believes the zoning laws should be revised to reflect the reality of neighborhoods, distinguishing between single-family and group home zones. They feel let down by the city's regulations, which do not protect single-family neighborhoods. They are asking for restrictions on permits to avoid negative impacts on the community. The neighborhood is revitalizing with many young families investing heavily in their homes, and she wants to ensure they have a say in such significant changes.

Jarvie Curtis said the neighborhood feels the need to remind the council that a special use permit is an accommodation. The joint statement from the Department of Justice on reasonable accommodations under the Fair Housing Act is for a person with a disability to have an equal opportunity to use and enjoy a dwelling including public and common spaces. It is not an accommodation to allow investors or nonprofit organizations to make profits from people with disabilities. Organizations should not cram people into homes to maximize profits. Instead, permits should be used to support the needs of individuals with disabilities appropriately, without compromising neighborhood integrity. Millcreek's current zoning laws and city council practices seem to enable misuse and exploitation. The neighborhood needs clear explanations on why current zoning adjustments are necessary and beneficial for those with disabilities, rather than for business interests.

Dan Worley wanted to discuss the necessity of granting special use permits for this location. According to the Department of Justice and HUD, not all modifications to zoning laws are reasonable if they impose undue burdens or fundamentally alter land use. In Millcreek, citizens should also be considered in these decisions. Altering single-family zoning laws should only be necessary if the location is crucial for disabled individuals, such as proximity to treatment facilities, or if suitable properties are unavailable. However, a recent Zillow search shows there are many other properties available that

could serve this purpose. The home in question appears to have been purchased specifically to be converted into a recovery facility, suggesting there are other appropriate locations. He proposed that the permitting process should include a requirement to demonstrate why this specific location is essential for the disabled individuals. The proposed location is not exceptional.

Mickey Burnaam said this was a family neighborhood. The neighborhood believes that granting this permit would fundamentally alter the neighborhood and negatively impact its character. This proposal feels like a disregard for the community's values. She reviewed other group home locations and found that those situated on major thoroughfares did not significantly affect those neighborhoods, while those in residential areas did cause increased traffic and safety concerns. The proposed facility would increase traffic through her neighborhood significantly, affecting up to 55 homes. This is much greater than the impact seen in other group home locations. Additionally, while a large family under single-family zoning might have a smaller traffic impact, a group home would have ongoing traffic issues due to the high turnover of residents and vehicles.

Amanda Clark relayed a timeline of dishonest behavior from someone associated with the facility and unlawful acts associated with the remodel construction of the home. She felt since the leader of the recovery program was dishonest the residents of the facility would be too.

Nicole Curtis felt the property owner did not have the best interest of the disabled people. She thought 16 adult men would be the occupants of the proposed facility. The plan to overcrowd this small space and use inadequate basement windows raises serious issues about the well-being of the residents, suggesting the facility's focus is more on maximizing profit than on providing proper care. This situation seems to lack compassion and proper planning for the recovering individuals. Additionally, the organization's disregard for building codes and failure to communicate with neighbors undermines trust and raises doubts about their commitment to supporting the residents. She noted that she had reached out to someone affiliated with the property but had not heard back.

Sandra Walker said the zoning ordinance should include specific information on what property characteristics were needed for a group home. There were gaps in code on special accommodations. She expressed concern with lack of sidewalks and with the increased traffic, people would not have a vested interest in the neighborhood and would likely speed.

Leslie Blackham had two concerns, neighborhood protection and business validity. She wondered how many permit violations or instances of criminal behavior would lead to a special permit being denied or rescinded. She felt that one act was too many with vulnerable residents in the neighborhood. She said three businesses seemed to be associated with this facility. She asked the city to vet businesses.

Brian Clark was surprised that a building permit could be turned around so quickly after a number of infractions. He said the city website acknowledged that remodels required a

test for asbestos and lead based paint. He asked how those tests could be done within 24 hours.

Kadee Worley expressed concern for an increase in traffic. She assessed other facilities in the city and they compared drastically to the proposed ones. Others had large rooms, ample parking, were located on a major thoroughfare, and were professional. This facility would not be well placed. She would like more information on the proposed facility. She felt the business would create more harm than good.

Mayor Silvestrini said a neighborhood meeting would be organized.

2. Financial Matters

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

Mayor Silvestrini briefly mentioned the UPD separation from the Salt Lake County Sheriff's Office. He said a new unit would be shared with Midvale, Direct Enforcement Unit, and it would replace the Community Crime Suppression Unit. He mentioned that five officers would be leaving the Millcreek Precinct, and the city would need to pay \$240,000 as part of a compensated leave policy.

Lisa Dudley reviewed the adoption date of the FY24 budget being June 12, 2023, and four subsequent amendments had taken place since then. She reviewed the General Fund budget amendments that were added after the council meeting packet had been distributed the prior week. She highlighted the changes to the General Fund budget, Millcreek Center CRA budget, West Millcreek CRA budget, Woodland Avenue CRA budget, Olympus Hills CRA, Millcreek Community Foundation budget, and Capital Improvement Projects (CIP) fund.

Council Member Jackson moved to open the public hearing. Council Member Uipi seconded. The Mayor 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.

Elyse Sullivan noted Ordinance 24-32 referenced this budget amendment being the 4th for the fiscal year, but it was actually the 5th and should be changed accordingly.

Council Member DeSirant moved to close the public hearing. Council Member Jackson seconded. The Mayor 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 24-32, Amending the Budget for the 2023-24 Fiscal Year

Council Member Uipi moved to adopt item 2.2 as amended (changing from fourth amendment to the fifth). 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.

2.3 Discussion and Consideration of Ordinance 24-33, Adopting a Final Budget and Making Appropriations for the Support of Millcreek for the Time Period Beginning July 1, 2024, and Ending June 30, 2025

Lisa Dudley noted that no changes had been made since the last council meeting.

Council Member Jackson moved to adopt Ordinance 24-33, Adopting a Final Budget and Making Appropriations for the Support of Millcreek for the Time Period Beginning July 1, 2024, and Ending June 30, 2025. 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.

Mayor Silvestrini said the budget included a 4% cost of living adjustment and 1.5% merit for employees. Mike Winder commended the council.

3. Reports

3.1 Mayor's Report

Mayor Silvestrini reported a successful Juneteenth observance. He acknowledged an email the council had received about gay pride events that took place on Millcreek Common that did not feel they were consistent with community values. Mayor Silvestrini attended the car wash, and he did not see anything inappropriate. He said there were people in swimming suits washing cars. He also received comments that felt the events were inclusive and important. He felt the newly adopted budget was cleaner and more transparent. The 2000 E and 900 E projects were almost complete. The city had received complaints about road work done on Hillview Avenue. The city did a 2 inch overlay, which is normally pavement preservation. However, the road base under the pavement either deteriorated or never existed. The improvements improved the road surface but ended up being not as satisfactory as expected. There is no budget to reconstruct the road at this point. He also noted the west woonerf of Millcreek Common would be closed temporarily for a concrete pour on June 26th. The city also celebrated World Refugee Day.

3.2 City Council Member Reports

Council Member DeSirant felt the Pride events were successful. Council Member Uipi attended the National League of Cities and Towns Conference in DC and spoke on a panel for the Asia Pacific American Institute of Congressional Studies. She was also recruited to speak at the Asia American Pacific Islanders Lead Summit in Vegas. She networked with a representative with Comcast in DC. Council Member Jackson announced the Independence Eve event on Millcreek Common and the 4th of July parade. The Canyon Rim pickleball court construction was moving along. Council Member Catten said Rocky Mountain Power did a ceremony for a new fast EV charging station on Wasatch Boulevard and 3900 S.

3.3 Treasurer's Report

See work meeting.

3.4 Staff Reports

There were no reports.

3.5 Unified Police Department Report

Chief Petty-Brown reported the crime statistics for May 2024. There were 2,444 calls for service, 859 new police reports, 358 citations/tickets, and 8 booking arrests. In the Violent Crimes Unit, there were 154 active cases. In the Special Victims Unit, there were 125 active cases. There were 10 call outs for the Crash Accident Reconstruction Unit and 8 new calls for the K9 Unit. In Millcreek, there were 34 assaults, 7 burglaries, 15 drug offenses, 77 family offenses, 30 frauds, 63 larcenies, 8 sex offenses, and 9 stolen vehicles. Millcreek detectives were assigned 79 cases and 37 were submitted for charges. There were 17 transient related calls and 42 mental health calls.

Council Member Uipi asked how the mental health officer was handling the caseload. Chief Petty-Brown said they were busy. With the UPD separation, Millcreek did not have access to the county social worker anymore. She planned to partner with the mental health detective in Holladay. Mayor Silvestrini mentioned that mental health may become a countywide service.

During the month of May, Millcreek Community Oriented Policing (COP) officers and school resource officers from various schools in Millcreek actively participated in after-school and end-of-year activities. The COP detectives also hosted a building tour for a youth group, providing an engaging and educational experience. The highlight was the delivery of ice cream by Millcreek's UPD Ice Cream Truck, which brought lots of happy faces to the community. The Chief noted the year had been stressful with the separation from the Sheriff's Office.

4. Consent Agenda

- 4.1 Approval of May 28, 2024 Work Meeting and Regular Meeting Minutes**
- 4.2 Approval of June 18, 2024 Special Meeting Minutes**

Council Member Uipi moved to approve item 4.1 and 4.2. Council Member Jackson seconded. The Mayor 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., 7/1/24, 6:00 p.m.
- Millcreek Community Council Mtg., 7/2/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 7/3/24, 6:30 p.m. – not meeting
- East Mill Creek Community Council Mtg., TBD – meeting on July 11th
- City Council Mtg. 7/8/24 7:00 p.m.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:48 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 8-12-2024
Jeff Silvestrini, Mayor

Attest:  Elyse Sullivan, Recorder