



**Minutes of the  
Millcreek City Council  
July 22, 2024  
5:00 p.m.  
Work Meeting  
7:00 p.m.  
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on July 22, 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 (left at 5:55pm, back at 7:05pm)  
Cheri Jackson, District 3  
Bev Uipi, District 4 (excused)

**City Staff**

Mike Winder, City Manager  
Elyse Sullivan, City Recorder  
Francis Lilly, Assistant City Manager  
John Brems, City Attorney  
Kurt Hansen, Facilities Director  
Rita Lund, Communications Director  
Brad Sanderson, Current Planning Manager  
Shannon Schmidt, Facilities Manager

**Attendees:** Rick Hansen, Chase Freebairn, Justin Whittaker, Cori Semon, Jeff Frala, Lt. Luis Lovato, Pam Roberts, Chief Zach Robinson, Pete L.

**WORK MEETING – 5:00 p.m.**

**TIME COMMENCED – 5:02 p.m.**

Mayor Silvestrini called the work meeting to order.

**1. Great Salt Lake Watershed Water Conservation Program Pilot Project Demonstration, Justin Whittaker, WETx**

Justin Whittaker said WETx is a water rights management software platform that also does water consulting. A year ago, they received a grant from the Governor's Office of Economic Opportunity to build something for water conservation. They created a water conservation experience, to incentivize people to conserve water. Water Heroes is designed to educate and motivate people to conserve water with the goal of helping people change behaviors and attitudes. It is a sweepstakes platform to reward users for saving water. He asked if Millcreek would participate as a pilot partner. The water user's utility bills will integrate with the system for tracking. Mayor Silvestrini noted Millcreek had four different water providers and asked if that would be a problem. Whittaker said if they could get historical water usage data, it should be okay. A sample population could be used. If residents conserve water, they earn points to work towards prizes. The system will track water savings across the system and from year to

year. The prizes can be whatever the council decides. The system selects winners in a fair and transparent manner.

Whittaker said they could design and define Water Heroes implementation that will help Millcreek reach water conservation targets. The software would be free of charge for the pilot program period. To get started, they would need a Millcreek staff member to work with. The target to get started would be 20-100 households. They would support Millcreek in securing prizes for the sweepstakes from private donors and sponsors. As far as the water provider, he said wherever the data could be obtained first and easiest would help determine a population subgroup. Mayor Silvestrini asked if Whittaker needed consent from the rate payer. Whittaker said that would happen when they sign up for the program. Mayor Silvestrini thought Salt Lake Public Utilities might be the easiest to work with. Mike Winder asked if Whittaker partners with Utah Water Savers. Whittaker said they were not partners but they were in communication with them. Winder did not want to create a redundancy. Whittaker said this program did not duplicate what Utah Water Savers was doing.

Whittaker gave an overview of an implementation timeline over 12 weeks.

Council Member Catten asked if WETx would be doing most of the work. Whittaker confirmed. Council Member Jackson said the council could find interested residents. Council Member Catten reiterated buy-in from the utilities beforehand. Mayor Silvestrini felt there was interest in the community for the program. Winder recommended Sean Murray from the Millcreek Sustainability Committee be the staff contact. The council was in favor of moving forward with the program.

## **2. Unified Fire Authority Quarterly Report; Assistant Chief Zach Robinson**

Chief Zach Robinson presented the 2024 second quarter statistics which included 1,463 incidents with 485 emergent (33%). He highlighted call types, and engine/truck and ambulance responses from various stations. The total emergent time was 4:36, 50<sup>th</sup> percentile, and 7:11, 90<sup>th</sup> percentile. The UFA Board approved the FY25 budget, which can be found online. They held two open houses for nearly 200 people interested in testing with UFA for recruitment. There were five testing sessions held in July and 333 candidates participated. They received three of six new ambulances and three type 1 fire engines. There have been several large fires in the west and southwest. There has been an increase in fire activity locally, mainly due to the hot and dry conditions. He encouraged people to stay vigilant in efforts to prevent wildfires. He briefed the council on the staffing for Pioneer Day. The July safety message is to not leave children in vehicles, especially during summer heat. There was one retirement, David Mau.

Winder relayed an incident of ducks being stuck in an irrigation canal and UFA responding and getting them out. Mayor Silvestrini visited with two platoons at Station 106 and those firefighters supported having the ambulance move to Holladay.

## **3. Wasatch Front Waste and Recycling District Quarterly Report; Pam Roberts, General Manager/CEO**

Pam Roberts reported that ten new trucks were put into service. There was a "Garbage Person Day" celebration. She noted she and the executive team attended the "Mind Body Bridging Workshop" in June to learn how to help promote productivity in the workplace as individuals

and teams. The management team met with a consultant to help tackle current and upcoming challenges as an organization. The objective is to get back to the basics of leadership and focus on strengths as individuals and as a team to advance goals and the organization. The district participated in the Millcreek, Brighton, Magna, Copperton, and Taylorsville Days parades. Millcreek's diversion rate from January-June 2024 was 23%. The district created a district statistics page on their website for reporting collection tonnages by commodity. She presented graphs on 2023 and 2024 tonnage comparisons and the use of landfill vouchers (272 in Millcreek in 2024 Q1-Q2). Winder asked about recycling since China did not accept materials anymore. Roberts said China was not a buyer of their commodities. She discussed "hot loads" when items get recycled that should not be recycled, like fireworks, batteries, and chemicals, which ignite the truck load. She said the District Board was considering various fee increases and she would review them with the council in the next quarter.

#### **4. Planning Matters First Reading:**

##### **a. ZM-24-004, Request to Rezone from R-2-8 to R-M at Approximately 950 E Grape Ivy Way; Brad Sanderson, Current Planning Manager**

Council Member DeSirant expressed concern with this item since Grape Ivy Way was a narrow road. He then left the meeting. Brad Sanderson said the subject property was 1.44 acres and contained existing structures. An HOA controls the portion of Grape Ivy Way that connects to 900 E. He said a prior rezone was considered in 2019, recommended denial by the Planning Commission, and the application was withdrawn. This proposal was for 20 townhomes, and a traffic study and geotechnical study were conducted. Egressing onto 900 E was a concern without a good clear view due to large vegetation and parking. Increasing the radius would help. Elyse Sullivan noted that a street labeled as 4500 S on Sanderson's presentation was actually 3825 S.

Sanderson showed the council a zoning map, land use map, density map, site plan, and landscape plan for the proposal. The density of 13.3 units per acre falls within the General Plan's guidelines. There are some concerns about parking, particularly on the north side of Grape Ivy Way, due to the proximity of fences. To address this, the traffic study recommends restricting parking on the north side. There would be four parking stalls on the south side of Grape Ivy Way and four guest stalls within the development. All units will have two-car garages. He showed the council building renderings. The site plan includes various mitigation measures based on neighborhood feedback, such as increased setbacks and enhanced landscaping. The development agreement and zoning conditions will be applied to ensure compliance and prevent future changes to the density or other aspects of the project. Staff recommended approval of the application subject to a zone condition and development agreement.

Council Member Jackson asked how big the units would be. Mayor Silvestrini said there was a need for 3-bedroom units that were owner-occupied in the city. Council Member Jackson asked what had changed significantly since 2019. Sanderson said the traffic study and the developer had been easier to work with. Council Member Catten asked if the units to the west of the property were rentals. Sanderson thought they were owner occupied. Council Member Jackson asked about Grape Ivy Way ownership. The western property owned the road to the north of it, accessing 900 E. The developer would own the property to the north of it and would have legal access to 900 E. The developer and HOA of the other property would make a shared maintenance agreement.

**b. ZT-24-004, Proposed Updates to the Wireless Telecommunication Facilities Code in Chapter 18.75; Brad Sanderson, Current Planning Manager**

Sanderson said wireless telecommunication facilities, while infrequently applied for, can be contentious depending on their location and design. The last major installation was a 60-foot-tall facility near Home Depot, which has been noted for its unobtrusive appearance. The current code regulating these facilities has not seen significant updates in decades and mostly involves minor changes, primarily to definitions. Due to federal regulations by the FCC, cities have limited authority over safety and design, leading to the proposal of removing many conditional use requirements in favor of clearer standards. The updated code will now include specific guidelines for wall-mounted, roof-mounted, freestanding steel structures, and monopoles, eliminating conditional uses. Wall and roof mounts will have stricter standards regarding height and placement, with antennas required to be close to the wall and set back further from roof edges. New provisions include restrictions on the visibility of these structures and introducing standards for freestanding structures like flagpoles and water towers, designed to blend into the environment. The aim is to ensure that installations are aesthetically pleasing while meeting necessary operational standards.

Mayor Silvestrini asked about regulating poles differently when they are located on sensitive land or natural landscapes. There was an existing one that was controversial on Grandeur Peak. Sanderson said context mattered. There were regulations about size of property, proximity to residential property, and proximity to another monopole. The mayor asked about camouflaging requirements. Sanderson said standards changed between freestanding structures and monopoles. Mayor Silvestrini recommended more camouflaging in the FCOZ zone. Council Member Jackson wondered if a monopole would benefit the residents near Wasatch Cemetery and if more than just the FCOZ Zone should have camouflaging standards. Mayor Silvestrini requested the Planning Director to have more discretion with sensitive lands. Sanderson would add some language to the proposed ordinance.

**5. Staff Reports**

There were none.

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

Mayor Silvestrini said there was an email inquiry about a new establishment on Highland Drive advertising itself as a tobacco retailer and its proximity to a school. He said there were first amendment issues with regulating signs. The use is permitted in the city. The mayor asked the Planning Director to investigate the matter. Francis Lilly would speak to the property owners about the appropriate store distinctions between a convenience store and tobacco specialty business. Mayor Silvestrini said the store is permitted though the signage was unfortunate. Lilly noted the proximity requirements only pertained to tobacco specialty businesses. Mayor Silvestrini said that proximity requirement was door to door, not property line to property line.

**Council Member Jackson moved to adjourn the work meeting at 6:37 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson 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 June 2024**

Lieutenant Luis Lovato announced Officer Erickson as the Officer of the Month for June 2024. He assisted officers and an unconscious male (who attempted suicide) out of the Jordan River.

### **1.3 Public Comment**

Pete L. acknowledged that he brought up a conversation about a slurry seal on 1500 E with the mayor prior to the meeting starting. He commended the city for the new city hall. He wondered about different project sites around the city center.

## **2. Planning Matters**

### **2.1 First Reading: ZT-24-002, Proposed Application Procedures Ordinance Chapter 18.13; Francis Lilly, Planning Director**

Francis Lilly introduced an ordinance that was a compilation of the land use application procedures. He reviewed the chapter sequencing of the proposed chapter: purpose and applicability, land use authority designation and application procedures in general, land use application steps, and specific application procedures by category and type. The document will act as a ready reference. There were not any significant changes to noticing or land use authority designations except the possibility of condominium requirement of a five-year waiting period. He was not sure the waiting period made sense anymore. It was created to avoid a loophole in the code. There was a minimum number of units needed to qualify for a planned unit development (PUD) and a minimum number of units for an owner occupied condominium. The thinking was the more homeowners subscribing to an HOA, the more likely the HOA would succeed. One reason to remove the waiting period is that a condo conversion is one of the most effective ways to deliver rapidly owner occupied housing that is affordable since these buildings are already there, they tend to be more affordable than something that is not yet built. Mayor Silvestrini was in favor of removing the waiting period. Council Member Jackson asked about the loophole. Lilly said the council's balance of interests has changed to more affordable housing.

Lilly presented a summary table including land use authority designations, role of recommending bodies, public noticing requirements, application steps, and specific application procedures. He would be adding a section on special accommodations for residential solely for persons with a disability. He felt the Planning Commission should consider public street or municipal utility easement vacations. He presented tables on

noticing requirements. Council Member Jackson brought up adding the Village Center noticing changes the council implemented recently. Lilly would add it.

Lilly reported that the community councils recommended adoption of the proposed code. The Planning Commission recommended approval of the proposed with the addition of an application procedure for reasonable accommodations and any technical review by staff. Staff found that:

1. The Application Procedures Ordinance provides a consolidated, clear, and understandable roadmap for application approval procedures, for the benefit of applicants, staff, and reviewing and recommending bodies.
2. The use of consistent language throughout the Application Procedures Ordinance will aid in discussion and interpretation of expectations regarding applications with applicants and reviewing and recommending bodies.
3. The inclusion of summary tables for application procedures requiring public meetings and notice will aid in readability and in the consistent enforcement of application requirements.
4. The delineation of administrative and legislative actions, and the corresponding recommendations, complies with Utah State statutes.

Lilly said there are also corresponding checklists to be adopted along with the ordinance.

### 3. Business Matters

#### **3.1 Discussion and Consideration of Ordinance 24-37, Amending Millcreek Code of Ordinances Section 2.24.060 Regarding the Consolidated Fee Schedule**

John Brems said the ordinance removed the right hand column in the fee schedule and a change in reference to line 115 and 119.

**Council Member Jackson moved to adopt Ordinance 24-37, Amending Millcreek Code of Ordinances Section 2.24.060 Regarding the Consolidated Fee Schedule. 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, and Mayor Silvestrini voted yes. The motion passed unanimously.**

### 4. Reports

#### **4.1 Mayor's Report**

Mayor Silvestrini announced upcoming events on Millcreek Common.

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

Council Member Catten commended the recent bingo night event. Council Member Jackson said the Canyon Rim Cares Day of Service had a great turn out with their 25 projects.

#### **4.3 Treasurer's Report**

Council Member Jackson reported:

#### **4.4 Staff Reports**

Mike Winder reported that a demolition permit for Linda's Furniture had been issued.

Mayor Silvestrini asked about the special accommodation application for a facility at 827 E 4280 S. Lilly said the application was denied and an appeal had not been filed.

Rita Lund acknowledged the Mountair streetscape utility box art that was installed.

#### 4.5 Unified Police Department Report

Lt. Luis Lovato reported the Community Crime Suppression Unit changed to the Directive Enforcement Unit. The unit is in plain clothes and unmarked cars. They will be introduced to the council at the next meeting. Mayor Silvestrini suggested a recess in the next meeting to tour the third floor and basement of city hall to see the police operations. Lt. Lovato reported that a K-9 received a new ballistic vest. The Department of Corrections signed an MOU with UPD to add 5-10 members to the SWAT team. The new online reporting system and interactive maps were live on the UPD website.

#### 5. New Items for Subsequent Consideration

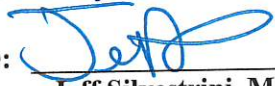
There were none.

#### 6. Calendar of Upcoming Meetings

- City Council and Planning Commission Special Mtg. 7/29/24 5:00 p.m.
- East Mill Creek Community Council Mtg., 8/1/24, 7:00 p.m.
- Mt. Olympus Community Council Mtg., 8/5/24, 6:00 p.m.
- Millcreek Community Council Mtg., 8/6/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 8/7/24, 6:30 p.m.
- Historic Preservation Commission Mtg., 8/8/24, 6:00 p.m.
- City Council Mtg. 8/12/24 7:00 p.m.

**ADJOURNED:** Council Member Catten moved to adjourn the meeting at 7:43 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, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED: \_\_\_\_\_

  
Jeff Silvestrini, Mayor

Date

8-12-2024

Attest: \_\_\_\_\_

  
Elyse Sullivan, Recorder