



**Minutes of the
Millcreek City Council
August 26, 2024
5:00 p.m.
Site Visits
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in site visits and a regular meeting on August 26, 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 at 8:25pm)

City Staff

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

Attendees: Chief Christine Petty-Brown, Rick Hansen, Brenda White, Joyce Crossey, Mickey Burham, Nicole Curtis, Susan Swidnicki, Tanya Beal, Matt Trodden, Sandra Walker, Margaret Douglass, Shea McDonough, Brian Clark, Kadee Worley, Sam & Mark Riley, Cindy Ipsen, Kerwin Ipsen, Sam Watson, Dr. Hamid Adib, Officer Erickson, Officer Schroeder

SITE VISITS:

1. Unified Fire Authority Millcreek Stations Visits: Station 101, 790 E 3900 S; Station 106, 1911 E 3300 S; and Station 112, 3612 Jupiter Drive

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 Proclamation Declaring Sam Watson Day

Mayor Silvestrini said the city gets to celebrate an Olympic athlete. Sam Watson, speed climber, set an exceptional world and Olympic record and won the bronze medal in the recent Paris Summer games.

Mayor Silvestrini honored Watson with a lifetime pass to the city hall climbing wall and proclaimed the following:

*PROCLAMATION
SAM WATSON DAY IN MILLCREEK*

*WHEREAS, Speed Climbing is a fast-growing international sport and made its Olympic debut as a stand-alone discipline for men and women at the Paris Summer Games 2024; and
WHEREAS, Sam Watson is the most dominant American male in this sport; and
WHEREAS, Sam broke the world speed climbing record twice at the World Cup in Wujiang, China in April 2024; and then broke his records twice again at the Summer Games in Paris this month; and*

WHEREAS, on August 8, 2024, Sam climbed the 15 meter / 49 foot wall in 4.74 seconds in Paris, creating a new Olympic record, world record, and cementing his claim as "the fastest climber in the world," and

WHEREAS, Sam brought home the Bronze Medal from Paris this month in Competition Speed Climbing; and

WHEREAS, Sam Watson is a Millcreek resident, a student at the University of Utah, and trains at Momentum Climbing Gym in Millcreek and brought Olympic and athletic glory to his nation, his state, and this city.

NOW, THEREFORE, I, Jeff Silvestrini, Mayor of Millcreek, do hereby declare today, Monday, August 26, 2024, as "Sam Watson Day" in Millcreek, and bestow upon him a Lifetime Pass to the Millcreek Climbing Wall, which is the tallest outdoor wall in the state of Utah.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Millcreek to be affixed this 26th day of August 2024.

The council then saw a video of Watson's bronze medal race. Sam Watson said he moved to Millcreek in April. He planned to win gold in the Los Angeles 2028 Summer Games. The mayor appreciated Watson's show of sportsmanship to his opponent, Iran's Reza Alipour (seen in the video), regardless of country politics. Watson said his opponent was the former world record holder and a legend in speed climbing. He said the athletes were human and hoped the sport could be a base for potential political healing in the future.

1.3 Unified Police Department Millcreek Precinct Officer of the Month for June and July 2024 and Introduction of Directed Enforcement Unit

Chief Petty-Brown announced Officer Mike Erickson as the Officer of the Month for June 2024. Officer Erickson jumped into the Jordan River to help rescue officers who had previously jumped in to save an individual who attempted suicide. Officer Chris Schroeder was announced as Officer of the Month for July 2024. Officer Schroeder showed repeated empathy to a victim of a vehicle strip and was able to get four tires donated to them and he paid for the rims.

Chief Petty-Brown said the Directed Enforcement Unit was on duty investigating a homicide and unable to make the meeting.

1.4 Public Comment

Neighbors surrounding a proposed residential facility at 827 E 4280 S collectively read a statement (see attached). Those who spoke were Brenda White, Cindy Ipsen, Matt Trodden, Kadee Worley, and Kerwin Ipsen. Worley requested information on how to update city ordinances.

Nicole Curtis did not know about or agree with the neighborhood's requested prohibition on allowing parole/probation officers to make regular visits. She wondered how parole officers would check in if they were not allowed to visit the site.

Margaret Douglas agreed that disabled people deserved to be treated normally and having 16 people in one house was not normal. She felt that the neighbors deserved to have a normal neighborhood. She has been threatened to be sued but does not know why. She felt intimidation through fear and did not know how to work with the neighbor (of the proposed facility).

Francis Lilly noted the reasonable accommodation application for the residential facility was not a matter for the council as the review of the application happens with the Planning and Zoning Department and the City Attorney. The mayor said the city would try to do what was right and consistent with law and accommodate some of the neighbor's concerns to the extent the city could.

Elyse Sullivan read a comment received online from Jones M. in regard to the Salt Lake City Public Utilities stabilization fee. *"The stabilization fee being charged is inconsistent and has unintended consequences for homeowners with fire sprinklers. I represent a small HOA where homeowners are being charged a fee that is up to 6,500% of the billed amount. We need representation from Millcreek City to resolve this situation."*

2. Planning Matters

2.1 First Reading: ZM-24-008, Request to Rezone from A-1/A-2 to M at 4100 S 650 W; Carlos Estudillo, Planner

Carlos Estudillo said the site's current use was manufacturing with a trucking and storage business. The site is 8.17 acres and surrounded by multi-family, agricultural, and manufacturing. Most of the property is already zoned M, but this rezone would make the whole site M. The subject property is within the "Light Manufacturing" land use designation of the General Plan, which envisions neighborhoods comprised of, "A range of employment uses, including a wide range of commercial uses, small-scale manufacturing, light industrial, processing, wholesaling, flex space.

Estudillo relayed the conclusions from his staff report:

1. The Subject Property is within the "Light Manufacturing" land use designation, which complies with the vision of the Millcreek General Plan.
2. The property has been historically utilized for the following uses, including trucking and storage business, overnight rental and storage of truck, trailer, and automobile equipment, truck, trailer and automobile repair and warehousing. Continuing the uses envisioned by the Millcreek General Plan.
3. No development is currently proposed, as the application's purpose is to consolidate the current zoning of the lot into one zone (Manufacturing zone).

4. In a future application, the City Council will be considering the land swap/vacation of a portion of 700 W, along the property's frontage, with the purpose of realigning the right-of-way to match existing improvements, through the dedication of the swapped land.

Mayor Silvestrini asked if the community council and planning commission would review the vacation application. Lilly said no. Mayor Silvestrini asked if there was any development planned. Estudillo said no, the main component of the request is to be able to have a consistent zone for any possible future land use applications. The mayor said it was in the city's interest to clean up parcel zoning.

John Brems said this will be a three-stage proposal. Part of the property will be vacated, surplused, and exchanged for another piece of property along 700 W. Estudillo noted a neighborhood meeting was held on June 18, 2024, where people expressed comments on undesired multi-family development and had questions about a potential road extension of 700 West to 4170 S. The Millcreek Community Council held a meeting on July 2, 2024, and voted 7-2 in favor of the proposed zoning consolidation. The two dissenting votes felt the property would be better served with multi-family housing. The Planning Commission unanimously recommended approval on July 17, 2024. Staff recommended approval of the application.

Mayor Silvestrini asked if there was public comment on the application at the planning commission meeting. Estudillo said there was not. Council Member Catten asked if the property owner had intent to sell. Estudillo said there was no intention of discontinuing the current use that he was aware of. Mayor Silvestrini noted multi-family housing was an option in the M zone (refuting the community council dissenting vote rationale).

2.2 Discussion and Consideration of Ordinance 24-41, Approving an Amended Development Agreement for Austin Dent for Property Located at or Near 3564 South 1100 East

Lilly said the current development agreement includes an exhibit that refers to the "buildable area." Staff wants to clarify the buildable area phrase applies to the primary residential structure and not necessarily any accessory buildings. This change would be consistent with city policy.

Council Member DeSirant moved to approve Ordinance 24-41, Approving an Amended Development Agreement for Austin Dent for Property Located at or Near 3564 South 1100 East. 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 24-18, Approving an Amended Interlocal Cooperative Agreement with Salt Lake County for Public Works Services
Mayor Silvestrini said Millcreek contracts with Salt Lake County to do the work the city designs and pays for. This is an amendment to the fee schedule.

Council Member DeSirant moved to approve Resolution 24-18, Approving an Amended Interlocal Cooperative Agreement with Salt Lake County for Public Works Services. 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. Reports

4.1 Mayor's Report

Mayor Silvestrini reported on the Parley's mine. The applicant filed for an air quality permit with the Division of Air Quality Division of Natural Resource and the city, among others, submitted opposition to the permit. An expert was hired to go through why the analysis that the Division of Air Quality had utilized to issue the permit was flawed. The expert convinced the Division of Air Quality to reconsider the permit, and they submitted a request to Granite Construction, which would be the operator of the mine, for additional information. Granite Construction took the whole summer to do so. The opposition is concerned there was not enough time to respond to the new information in a scientific way. The city will join others and request an additional extension to file a comment and get more expert information to critique what Granite Construction had submitted. He requested an additional \$7-10,000 from the city to pay the expert for the additional work. The council agreed to spend more money.

The mayor said the county and Utah League of Cities and Towns were able to head off legislation allowing any mine in the state to expand as it preempted local zoning authority. The tradeoff was the need for aggregate, gravel and sand. The Legislature passed a bill calling for a study, with a variety of factors, on the demand expected for gravel aggregate over the next 20 years. The study would allow the legislators to use data to make decisions. He wondered where gravel was coming from and what is the incremental cost of transporting it. The company selected to study it held a meeting with stakeholders to outline what was going to be studied. The mayor would continue to work on the issue. Council Member Uipi asked how adjacent cities felt. Mayor Silvestrini said he would be talking to other cities.

The mayor reported he would be continuing to work with the League on housing issues, such as city building inspections and allowing lots to develop without garages (to be constructed at a future time) to assist with housing affordability.

4.2 City Council Member Reports

Council Member Catten reported that September is "Get to the River" month for the Jordan River.

4.3 Treasurer's Report

Council Member Jackson reported the operating account has \$2,988,540 and the PTIF state fund account has \$31,932,484, for a total amount of pooled cash of \$34,921,024. The revenues to date include \$154,579 in property taxes, general sales tax, which is one month's revenue, is \$1,200,572, and building permits is \$274,655. The General Fund revenue year to date is \$2,978,592. She noted the fiscal year started July 1. The city's

disbursements totaled \$5,493,519. The city is doing well. The sales tax continues to remain strong. There is plenty of work for the building department, so that keeps building permits and fees at a solid amount. Mayor Silvestrini noted that over half of the budget was sales tax.

4.4 Staff Reports

Lilly said staff is recommending code change to prohibit parking within a certain proximity of a mailbox. He asked the council if it should be a 24-hour prohibition or restricted to business hours of when mail is delivered. Staff has received a number of requests for this code change, particularly on the west side of the city. Mayor Silvestrini said there was no reason to prohibit parking outside of mail delivery hours. He mentioned semi tractor and trailer parking on roads had become an issue as well.

Lilly reported that Cowboy Partners was delaying their village center special district application on Wasatch Boulevard for another month to add more detail.

Rita Lund noted the Communications/Marketing Coordinator resigned and she was looking to fill the position.

4.5 Unified Police Department Report

Chief Petty-Brown reported a homicide at Monaco Apartments involving a 14-year-old. They suspected it was gang related. Mayor Silvestrini complimented the precinct on their recent police work. He brought up the consideration of funding a Millcreek officer to be part of the metro gang task force. The chief said there were currently 9 vacancies in the Millcreek precinct.

The chief reported the July crime statistics. There were 2,631 calls for service, 905 new police reports, 187 citations, and 11 booking arrests. The Directed Enforcement Unit made 6 arrests, and 600 fentanyl pills were seized during an operation. The Unified Police Motors Unit conducted a saturation patrol in Millcreek on the first day of school for the Granite School District, focusing on school zones and speed enforcement. The patrol, which lasted 2.75 hours, involved 6 motors. Enforcement was carried out in 6 school zones and 2 additional locations for speed. In total, officers made 22 stops, 10 in school zones and 12 for speeding. UPD Motors plans to conduct more saturation patrols in the future. Special thanks to Officer Mike Erickson for leading this effort. The Violent Crimes Unit had 156 active cases, the Special Victims Unit had 98 active cases, SWAT had 5 new call outs, the CAR Team had 10 call outs, and the K9 Unit had 21 new calls.

The Millcreek Precinct had 31 assaults, 16 burglaries, 16 drug offenses, 79 family offenses, 22 frauds, 51 larcenies, 2 robberies, 9 sex offenses, and 21 stolen vehicles in July. Millcreek detectives were assigned 103 cases and 22 of those were submitted for charges. There were 20 transient related calls and 64 mental health calls. During the month of July, Millcreek COP officers and school resource officers actively participated in five community events. These included Venture Night Outs and Night Out Against Crime held at Big Cottonwood Regional Park. School resource officers from Millcreek and Holladay City assisted the administration at Wasatch Jr. High School in teaching their faculty what to expect during an active shooter situation. The training was well received by all faculty members. The Investigations Unit was able to apprehend a suspect

who confessed to six residential burglaries in Millcreek. The patrol officers, UPD Forensics, and detectives worked collaboratively on the case.

5. New Items for Subsequent Consideration

There were none.

6. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg. TBD
- Millcreek Community Council Mtg., 9/3/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 9/4/24, 6:30 p.m.
- East Mill Creek Community Council Mtg., 9/5/24, 7:00 p.m.
- City Council Mtg. 9/9/24 7:00 p.m.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:45 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.

APPROVED:



Jeff Silvestrini, Mayor

Date

9-23-2024

Attest:



Elyse Sullivan, Recorder

Introduction:

On behalf of our neighborhood, we respectfully submit this petition to reiterate our perspectives, propose necessary amendments to Ordinance 19.87, and request the imposition of reasonable conditions should the special use permit for the property at 827 E 4280 S be granted. We also ask that this statement be put on the record for this meeting.

We have recently been made aware that the property owners at 827 E 4280 S have reapplied through an attorney for a special use permit for 15 people. We respectfully submit that the proposed occupancy of 15 individuals in a facility of this size raises significant concerns about the adequacy of space and the potential for heightened stress and relapse among residents. Overcrowding in such facilities can exacerbate the challenges faced by individuals in recovery, undermining the therapeutic environment necessary for their rehabilitation. Furthermore, the proposed occupancy exceeds what is reasonable for the property, suggesting that the accommodation may not align with the intent of ADA, which is to provide reasonable, not excessive, accommodations.

We urge the city of Millcreek to fight back against individuals and organizations that use ADA accommodations as a loophole to make a profit at the expense of disabled individuals and communities.

Currently, the existing legal framework creates opportunities for the operation of group homes that may not prioritize the best interests of disabled individuals. The laws and ordinances in Millcreek, as well as in other cities across Utah, lack the necessary protections to prevent the potential exploitation of individuals with disabilities. As the law stands, investors can purchase real estate and establish group homes in locations that may be unsuitable, leading to overcrowded conditions that do not serve the needs of the residents. This practice not only undermines the intent of zoning laws but also disrupts the character of residential neighborhoods by introducing commercial operations into areas where they do not belong.

The responsibility for determining the appropriateness of these group homes currently falls heavily on municipalities. However, we have observed that the city of Millcreek and similar jurisdictions are often reluctant to deny permit requests due to the fear of facing discrimination claims. This has led to a situation where local authorities may feel constrained by vaguely written laws that do not provide clear guidance or adequate safeguards. It is imperative that we address these deficiencies to protect both the rights of disabled individuals and the integrity of

our communities. We also understand that the definition of discriminatory acts is largely determined by what kind of precedent a city sets for special circumstances. We ask that Millcreek stands firm in respecting zoning laws in a way that sets a precedent for defining what a reasonable accommodation is for future circumstances.

The current legal framework lacks sufficient specificity to balance the rights of disabled individuals with the rights of homeowners to maintain the integrity of their neighborhoods. We propose that clearer standards be established to protect both the rights of disabled individuals and the character of residential zones, ensuring that any reasonable accommodations are genuinely necessary and not exploitable by entities with profit-driven motives.

There is currently insufficient language in the laws stating what a reasonable accommodation is. Based on our experience, the above mentioned individuals felt they could put a recovery residence in our neighborhood with little to no push back from city zoning laws even though this location is probably one of the least suited locations in Millcreek for a large group home. This illustrates the need for more specific parameters for where a recovery residence can be located. Millcreek should not be copying laws from other cities. We have unique characteristics that require ordinances created specifically for our city. Some examples of these characteristics include areas with: narrow streets, inadequate sidewalks, and no street lamps. We feel that these characteristics make certain parts of Millcreek unsuitable for businesses such as group homes. We are here to start the process for amending ordinance 19.87 to provide more clarification and better protections for disabled individuals and single-family zoned neighborhoods.

Proposed Amendments to Ordinance 19.87:

A. Safety and Accessibility:

1. **Adequate Sidewalks:** All group homes must be located in areas with accessible sidewalks connecting to all major thoroughfares. This is essential to ensure safe passage for residents, especially those with disabilities, and to comply with ADA standards.

2. **Street Lighting:** Mandate street lights on all corners between the facility and major thoroughfares, as well as directly in front of the facility, to enhance safety for residents and the community.

B. Infrastructure to Support Increased Traffic:

1. **Road Shoulders:** Require adequate road shoulders near the facility to accommodate increased traffic, including visitors, deliveries, and emergency services.
2. **Speed Bumps and Caution “Kids at Play” Signs:** In areas with children, require the installation of speed bumps to protect both residents and the local community from the dangers of increased traffic.

C. Proximity to Major Thoroughfares:

1. **Location Criteria:** Establish that group homes must be within five houses of a major thoroughfare, minimizing traffic impacts on residential streets and ensuring better access to public services.

D. Language defining “operation costs” We feel it necessary to point out that operating costs are very subjective and the city of Millcreek is not responsible for granting allowances for people who make poor investment choices or have elevated profit projections. Operating costs should also be more clearly defined under a reasonable accommodation. This would protect against unreasonable occupancy requests and would likely encourage good faith actors trying to do genuine social work and discourage unethical or inhumane profit-driven practices.

E. We propose that a special use permit application must be approved prior to any construction for a group home. The application would be complete with plans for projected renovations. Operations cannot commence until a post inspection is completed to ensure plans are carried out and codes have been met. This would ensure that anyone purchasing a property for this purpose will not waste time or money on unnecessary renovations to accommodate a group home. We propose a six month penalty if a property is caught doing renovations prior to obtaining a permit before they would be allowed to reapply.

While it is important to comply with federal mandates requiring reasonable accommodation for disabled individuals, it is equally important to ensure that the integration of these facilities into residential neighborhoods is done thoughtfully and with consideration for the existing community. By adding these specific requirements to the ordinance, the city can better balance the needs of disabled residents with the legitimate concerns of the broader community. This

approach would allow for the successful inclusion of these facilities in residential areas while mitigating potential negative impacts.

Amending the ordinance to include these specific criteria would not only improve the safety and accessibility of residential facilities for persons with disabilities but also ensure that their integration into neighborhoods is done in a way that is respectful of the existing community. These changes would provide clear guidelines for both the city and applicants, helping to prevent conflicts and ensuring that the needs of all residents are met. It would also prevent situations such as ours in which an organization purchases a property in a single-family zoned area, fully expecting to get the maximum amount of profit from it only to be denied for their projected income. Investors who are truly trying to create reputable and successful recovery programs would greatly benefit from clearly written laws that outline appropriate locations for reasonable accommodations.

Have the other locations in Millcreek been investigated for legitimacy? We were told by Courtney Averett herself that she runs recovery residences all over the valley. We found nine different locations associated with the LevelUp Recovery LLC. To this date, we have been told by Salt Lake City officials that the locations there do not have any reports of being a recovery residence. We respectfully request that the city exercise its legal authority to investigate whether the identified locations associated with LevelUp Recovery LLC are operating in compliance with all applicable licensing and zoning laws. Should these properties be found to be operating unlicensed recovery residences, we urge the city to take appropriate law enforcement actions to ensure compliance and protect the welfare of both residents and the community.

Locations of Homes For LevelUp Recovery LLC:

Millcreek

865 E 4125 S

Cottonwood Heights

3145 E Creek Rd

Salt Lake City

408 E 600 S

410 E 600 S

308 E 900 S

1093 S 900 E

1095 S 900 E
2721 S Aldean St
910 E Yale Ave

Should the special use permit be granted, we request the following conditions be imposed to safeguard public safety, maintain neighborhood character, and ensure the accommodation remains reasonable and appropriate under the ADA:

- Condition on Offenders: Prohibit violent felons or sexual offenders from residing at the facility, given the increased traffic and interaction with vulnerable community members.
- Parole/Probation Officers: Restrict occupants from requiring regular visits from parole/probation officers to minimize traffic impacts and maintain the residential nature of the area.
- Parking: Enforce a no street-side parking rule to prevent traffic congestion and ensure safe access for emergency services.
- Occupancy Limitations: Limit occupancy to one resident per bedroom to prevent overcrowding.
- Smoking Restrictions: Prohibit smoking within 25 feet of the property line to protect the health of neighboring residents, particularly those with medical conditions.
- Fencing Requirements: Require an 6-foot minimum opaque fence to maintain privacy and mitigate any visual or noise impacts on the surrounding community.

In conclusion, we believe that the proposed amendments to Ordinance 19.87 and the conditions on the special use permit are necessary to ensure that the integration of residential facilities for disabled individuals is conducted in a manner that respects both the rights of these individuals and the character of our neighborhoods. We urge the city council to consider these proposals carefully and to take action that reflects the best interests of all residents.

