



**Minutes of the
Millcreek City Council
October 28, 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 October 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 (excused)
Cheri Jackson, District 3
Bev Uipi, District 4

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
Carlos Estudillo, Planner
Brad Sanderson, Current Planning Manager
Jake Green, Development Review Specialist

Attendees: Rick Hansen, Chief Dominic Burchett, Tony Hill, Rachel Anderson, Dr. Courtney Flint (electronic), Pam Roberts, Chief Christine Petty-Brown, Detective Tracey Creno, Ron Lillie, Dale Bennett, Brandon Wixom, Ms. Woodier, Pete L.

WORK MEETING – 5:00 p.m.

TIME COMMENCED: 5:04 p.m.

Mayor Silvestrini called the work meeting to order and excused Council Member DeSirant.

1. Utah Wellbeing Project Presentation; Dr. Courtney Flint, Quinney College of Natural Resources at Utah State University

Dr. Courtney Flint said the survey project goals are to provide Utah city and town leaders with information on the wellbeing and perspectives of residents to inform local planning processes and decision making, to support comparative research on community wellbeing, and to support statewide and regional policy and planning efforts with data representing the lives of Utahns. The reports are publicly available online. Millcreek's survey took place in spring 2024. There were 291 survey responses compared to 274 in 2022. She thanked Millcreek for advertising the survey and a \$500 donation. She then reviewed the demographics of respondents; 99.3% were fulltime residents with an average length of residence being 21.9 years, and 24.5% lived in

Millcreek 5 or fewer years. The survey underrepresented people aged 18-29, adult males, those without a college degree, and renters. There was good coverage on ages 30+, income, and employment.

The average personal wellbeing ranking was 4.23; 83% of respondents said 4 or 5 (on a scale from 1-5). The community wellbeing ranked average was 3.82; 68% said 4 or 5. There had been little change in these rankings from the survey conducted in 2022. Dr. Flint gave an overview of the Millcreek Wellbeing Matrix. The most important domains included mental health, physical health, and safety and security. The highest rated domains included family life, living standards, and mental health. The lower than average rating was local environmental quality. The domain ratings over time showed mixed trajectories since 2022 with two new categories of “family life” and “transportation.” Millcreek’s community connection compared to other cities was above average with 57% feeling not connected and 43% feeling connected. The presentation illustrated community connection with overall wellbeing and mental health, by length of residency, owning/renting, income, disability, and participation in recreation and nature-based activities. Fifty-two percent of respondents said population growth was too fast. Forty-eight percent said the pace of economic development was just right while 28% said it was too fast. The top concerns in Millcreek are air quality, water supply, open and green space, homelessness, the great Salt Lake, water quality, public safety, and climate change. People value the central location, proximity to outdoors, sense of community, and nature and beauty. Things that could be done to improve the wellbeing in Millcreek based on comments are public transit, green spaces, homelessness, infrastructure, and long term sustainability. Dr. Flint briefly reviewed additional comments received. She said she would provide the council with the survey comments. Mayor Silvestrini thanked Dr. Flint for the report. Council Member Jackson appreciated the comparison with 2022.

2. Unified Fire Service Area Tax Increase Presentation; Chief Dominic Burchett, Tony Hill, CFO, and Rachel Anderson, UFSA District Administrator

Mayor Silvestrini said Millcreek’s fire service was provided by Unified Fire Authority and taxed/funded through the Unified Fire Service Area. Rachel Anderson said UFSA is a taxing entity that uses collected taxes to go directly towards fire service costs. UFA is a governmental entity that provides emergency services on behalf of its member entities. Twelve jurisdictions are served, including Millcreek. UFSA was proposing a two part tax increase. The purpose for the part 1 (phase 2) proposed tax increase is for cost of service, upgrading fire stations, additional staffing, and maintaining the UFA Board approved minimum fund balance. Based on the average 2024 residential and commercial value of \$525,300, the annual UFSA tax for residential is \$405.35 and commercial is \$737.00. The cost of 2024 phase 2 tax increase for \$5,088,123 is \$41.35 annual increase for average residential and \$75.17 annual increase for average commercial.

Chief Burchett said the increased cost of service factors in part 1 of the increase are for general inflation, wages, capital replacement, and building construction. General inflation includes an 86% increase in turnouts, 32% increase in fuel, and a 21% increase in medical supplies. Wages would increase 22.10%, an average of 4.4% per year from 2018. The capital replacement inflation shows a 32% increase in Type 1 engines, 27% increase in ambulances, and 69% in ladder trucks. He mentioned the 2021 bond to seismically proof fire stations. Building inflation from 2017 to 2023 increased 91%. Part 2 of the tax increase is for additional staffing in Magna

and Kearns based on population and call volume, and Eagle Mountain based on response time and area served.

Troy Hill reviewed part 2 of the tax increase, the cost of additional staffing in Kearns and Magna. The total of \$6,385,095 would be a \$51.88 annual increase for average residential and \$94.34 annual increase for average commercial. The 2024 phase 2 increase and part 2 increase for additional staffing would amount to a total of \$11,473,218. The proposed 2025 annual tax is \$498.58 per residential and \$906.50 per commercial (phase 2 plus part 2). UFSA has had tax increases in 2018 and 2024 since inception in 2008. He showed graphs of fund balance with and without the increase, and property tax rates and revenue. There will be a public hearing on December 10, 2024, at 6pm on the proposed tax increase.

Mayor Silvestrini said he values the service UFA provides. The council wants to ensure the city is provided with the best fire and paramedic protection available. The mayor and Council Member Uipi acknowledged personal benefits from UFA services.

3. Unified Fire Authority Quarterly Report; Assistant Chief Zach Robinson

Chief Robinson gave the third quarter statistics for Millcreek. There were 1,505 incidents with 487 emergent (33%). The quarter prior had 1,463 incidents. He reviewed the top fire calls, top EMS calls, and other top calls. There were 1,350 total unit responses for engine/trucks and 1,099 total unit responses for ambulances. The emergent total time was 4:44 (50th percentile) and 7:13 (90th percentile) from dispatch to arrival. Fall recruitment started October 16th. There have been 17 new hires and UFA is planning for 36 new hires in the spring recruit camp beginning in February. The October safety message was on smoke alarms. Every bedroom needs a working smoke alarm. The death rate of home fires drops by 69% when smoke alarms are present and functioning.

4. Wasatch Front Waste and Recycling District Quarterly Report and 2025 Budget and Fee Increases Review; Pam Roberts, General Manager/CEO

Pam Roberts mentioned the number of trucks and their replacement schedule. In January to September 2024, Millcreek had a 23% diversion rate from the landfill between curbside green waste, recycling, and glass; district-wide had an overall 18%. She reported on the seasonal container reservation program. In Millcreek's four and a half weeks from April 8 to May 6, 1,202 tons of bulky waste was collected. The district was able to accommodate 1,349 of the 1,941 requested reservations.

Roberts said for 2025, the district is anticipating a \$6.00 per home increase in fees. The main cost is driver wages, an increased cost of \$6,000,000. The last fee increase was \$2.50 in 2023, and it was not enough. She reported figures on cost considerations. The WFWRD Board would adopt the 2025 budget on December 16, 2024.

5. Staff Reports

Mike Winder was optimistic about grants for Millcreek Common Phase II and pleased that progress was continually being made. There was an open house on Millcreek Common Phase II to get public input. He gave an overview of the EPG public outreach summary of the event. People are most excited about the splash creek, the treehouse, and Milo the Moose play structure.

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

There was none.

Council Member Uipi moved to adjourn the work meeting at 6:34 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten 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: 7:03 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. He excused Council Member DeSirant.

1.2 Unified Police Department Millcreek Precinct Officer of the Month for June and September 2024

Chief Petty-Brown announced Detective Tracey Creno as the Officer of the Month for September 2024. Detective Creno guided a new officer through a road rage investigation. She also taught a mental health training class for all of UPD. Mayor Silvestrini commended Detective Creno for her work.

1.3 Public Comment

Pete L. said he had asked the council for more lights on 1500 E a year and a half ago and none have been added. He brought up winter street parking and how people are still parking on the street. He asked what was needed to get things done and expressed frustration that Canyon Rim Park got a new pickleball court, but no work was being done on city roads. He felt UPD was not adequately policing.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 24-49, Rezoning 0.43 Acres of Real Property Located at Approximately 4181 South 900 East from the Residential (R-1-10) Zone to the Multifamily Residential (R-M) Zone and Imposing a Zone Condition Limiting the Property to 5 Residential Units

Mayor Silvestrini said the application had gone through the public process the last couple of months. The initial proposal consisted of six units but through discussion, an agreement had been reached to limit the units to five and restrict them to owner occupancy. The proposed deed restriction allows the city to purchase the property if the units are ever rented in the first five years. Estudillo said the development will have five units each with two car garages and there will be four outside parking stalls. John Brems said the restrictive use agreement should reflect the deed restriction.

Dale Bennett, subject property owner, accepted the terms of the agreement and deed restriction and wanted to proceed with the project.

Mayor Silvestrini asked for public comment. Ron Lillie, neighbor, confirmed the terms of the deed restriction. There would be no exception to rent if the units did not sell. Lillie said the neighborhood did not support the project; they would prefer more single family homes. He asked about guarantees. Mayor Silvestrini said the rezone was subject to the development agreement. He pointed out at the last council meeting Lillie said the neighborhood was okay with the development which differed from his current opinion. Lillie said he felt the city was trying to accommodate the developer and he was put off by the developer's response that the city was imposing on their constitutional rights. Mayor Silvestrini noted that was unfair for the developers since the city made the agreement with the neighborhood input in mind. Council Member Jackson mentioned that the deed restriction was enforceable by the city whereas CC&Rs would not be.

Ms. Woodier, 995 Montana Vista Lane, did not feel spot zoning was good and asked about the life of the deed restriction. Mayor Silvestrini said it was for five years.

Mayor Silvestrini appreciated conversations with the applicant and neighborhood to find a solution. This project was a good opportunity for owner occupancy. Council Member Catten recommended the city prioritize looking at the area holistically for density through the General Plan.

Council Member Uipi moved that the city council approve Ordinance 24-49, Rezoning 0.43 Acres of Real Property Located at Approximately 4181 South 900 East from the Residential (R-1-10) Zone to the Multifamily Residential (R-M) Zone as presented subject to the development agreement in Ordinance 24-50. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten 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 24-50, Approving a Development Agreement Concerning 0.43 Acres of Real Property Located at Approximately 4181 South 900 East

Francis Lilly said amendments were added to the deed restriction, adding section 3, since it had been provided to the council in the meeting packet. Mayor Silvestrini said instead of the city being able to foreclose the property, the city could instead purchase the property if the deed restriction was violated.

Council Member Uipi moved to approve Ordinance 24-50, approving a development agreement, with the revised deed restriction, concerning 0.43 acres of real property located at approximately 4181 South 900 East as presented in order to match the deed restriction. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.3 First Reading of ZT-23-017, Updating the Fence and Retaining Wall Code; Brad Sanderson, Current Planning Manager

Brad Sanderson said the Planning Commission held a public hearing on the application on September 18, 2024 and recommended favor of the proposed code update with the following changes: allow a single retaining wall to be as high as 12 feet, no limit on the

diameter of trees within the clear view area, continue to require the clear view area to be 20 feet as measured from the center of the driveway as per current code rather than ten feet from the edge of the driveway as had been proposed, and a clarification to change the figure/exhibit to show the street side yard fence to allow a six foot tall privacy fence once beyond the front plane of the home. Sanderson reviewed the main points of the proposed fence ordinance. The main points on fences included consolidated standards, chain links prohibited in front yard areas, clear view areas better defined, new requirements for recreational fencing, new standards between new development, incompatible uses, and existing uses, and new graphics. Any fence and/or walls in existence prior to the adoption date of this ordinance may remain, provided that the fence and/or wall meets all three of the following: 1) legally complied with the standards/codes at that time, 2) has been properly maintained in good condition, and 3) it does not encroach into a public right-of-way or cause a clear vision safety concern as determined by the City Engineer.

Sanderson showed a table describing city comparisons of residential fence codes with fence height limits and permitted materials between Millcreek, Salt Lake City, Holladay, Cottonwood Heights, and Sandy. The proposal includes general requirements for recreation fencing which Sanderson described. Fencing on incompatible uses says that whenever a property is being developed with a use that is incompatible with a different existing use located on an abutting property, the new development shall install a fence or wall along the property line between the incompatible uses as provided in that section. He presented a new graphic describing interior side yard and rear yard fences and front yards and street side yard fences. The clear view areas were defined as, "No fence, wall, or view obscuring object(s), in excess of three feet (3') in height shall be placed within a ten foot (10') triangular area formed by the edge of any driveway or automobile access and the street right-of-way line or within a thirty foot (30') triangular area formed by intersecting street right-of-way lines (see figure). A lesser or greater clear view triangular area may be approved or required by the City Engineer based upon traffic speeds, flows, volumes and other traffic related variables." There were two graphics to illustrate the existing driveway clear view and proposed driveway clear view areas.

Jake Green reviewed the main points of the proposed retaining wall ordinance. The proposal changed the criteria used to determine if a building permit is required for a retaining wall from measuring from the bottom of the foundation, footing, or wall system to measuring the unbalanced fill height. This change updates the code to be consistent with recent state code amendments to the International Residential Code (IRC). The proposal updated submittal and approval requirements to better protect the city from retaining wall failures due to poor design, changed the maximum height of a single retaining wall from 8 feet to 12 feet, allowed more than two walls in a terraced wall system, eliminated a single wall height requirement of 6 feet, and allowed the terraced wall system to be a max height of 16 feet, and added new graphics (needs further updates) to show the options and restrictions. He showed images and the new graphics to illustrate these changes.

Mayor Silvestrini brought up seismic and safety concerns with a 12 foot retaining wall. Green said a 42 inch guardrail would be required within 36 inches of a walking path or property line or if the wall exceeded 30 inches in height. He noted fences on top of the retaining wall would be included in the height maximum unless it was set back four feet.

The requirements reflect the building code. Mayor Silvestrini asked about situations when a taller wall had been allowed as an exception. Green said properties with limited space, ultimately, have been granted exceptions. Mayor Silvestrini asked how the standards worked with special zones, such as the Foothills and Canyons Overlay Zone. Green said most of the properties that needed tall retaining walls were in sensitive land zones. Mayor Silvestrini expressed favor with limiting the wall to 10 feet. Green noted the terracing wall standards were being updated too so that would help with breaking up retaining wall heights.

Council Member Uipi appreciated the proposed changes. Council Member Catten asked if adding the section on extra inspections would take away work from city staff. Lilly said that type of follow up peer review is important because walls were being installed not according to the engineering. He wanted the liability removed from the city staff. Council Member Catten asked if there were a lot of requests for variances. She would be inclined to change the wall height to lighten the staff's load but if there were not many, she was inclined to keep the maximum height lower. Green said staff does a lot of retaining wall reviews.

Sanderson discussed the proposed code for retaining walls for additional vehicle access. If fill is required to raise the elevation from the original grade, a minimum 48 inch opaque screen fence shall be utilized. The community councils recommended favor of the application with additional considerations that Sanderson did not review. He showed the council images of different kinds of fencing.

Lilly said planning staff had just received the recodified ordinance draft from the consultants. The city would then have public engagement options to receive feedback. He felt the recodification draft would be ready for the council in January. He would be bringing the council the sensitive lands ordinance next.

3. Reports

3.1 Mayor's Report

Mayor Silvestrini reported Lt. Governor Henderson and her staff visited Millcreek Common to discuss housing. He attended the Utah Land Use Institute the prior week. It is important for cities to increase occupied housing of all types. The Governor wants to work with municipalities. The mayor has been working on a state housing plan with various committees.

The mayor reported that people have complained about the use of the Bonneville Shoreline trail extension by motorized vehicles. The trail is not designed to be used by motorized vehicles. He thought the city should consider implementing an ordinance to prohibit the use of motorized vehicles on trails. Council Member Uipi wondered about enforcement and wanted to be mindful of manpower. Mayor Silvestrini noted police could do some patrolling. Council Member Catten wondered if neighboring cities had similar ordinances. Mayor Silvestrini was not sure. Chief Petty-Brown suggested a civil citation with a fine for offenders. Mayor Silvestrini brought up receiving a complaint about a potential telecommunications tax. The tax would balance revenue sources.

3.2 City Council Member Reports

Council Member Uipi reported the first annual red ribbon family network event around Skyline High School neighborhood.

3.3 Treasurer's Report

Council Member Jackson reported as of that day in the operating account has \$1,169,981, the PTIF state fund account has \$32,910,732, for total combined shared cash of \$34,080,712. The current property taxes received, which is just 2% of the estimated revenues at this point, is \$245,714. The general sales tax received, which is two months amount, is \$2,451,171. The city has received \$344,741 in building permit fees. The total general fund revenue is \$6,236,754. For disbursements, the city has written 147 checks in the amount of \$3,654,253, had 12 bank drafts of \$295,746, and had two payroll periods, which is direct deposit for \$347,842. The total disbursements for September was \$4,297,840. The city is doing well but must be mindful and aware that the economy can turn.

3.4 Staff Reports

Francis Lilly said the owners of a ten acre parcel on Ledgemont Drive have approached the city about purchasing their property for the purposes of conservation. The owners do not want to pay taxes on the property anymore. Council Member Jackson asked what public purpose the land could serve. Lilly said it was undevelopable due to the slope and not near any trails. The only value is preserving the hillside and open space. Council Member Jackson said if the property was undevelopable, then preservation would not be very hard. Mayor Silvestrini said the property would go to a tax sale where anyone could buy it. He noted the owners could give the property to the city as a donation to relieve paying taxes on it. Council Member Jackson asked if there would be maintenance involved. Lilly said very minimal.

3.5 Unified Police Department Report

Chief Petty-Brown reported the September 2024 crime statistics. There were 2,597 calls for service, 937 new police reports, 356 citations/tickets issued, and 31 booking arrests. DEU detectives tracked a stolen vehicle and arrested two suspects. The suspects had also committed burglary in South Salt Lake. Motors unit did a Millcreek traffic saturation where they focused on two school zones and four speed zones. Six motor officers participated from 8:15 AM to 10:30 AM. A total of 31 tickets were issued, including 5 in school zones and 26 for speeding. This enforcement effort demonstrates ongoing commitment to traffic safety, particularly in high-risk areas such as school and speed zones. VCO added 7 new cases, SVU added 10 new cases, SWAT had 4 new call outs, the Drone Unit had 2 new call outs, the CAR Team had 4 call outs, and the K9 Unit had 33 new calls. Millcreek Precinct had 28 assaults, 19 burglaries, 19 drug offenses, 68 family offenses, 27 frauds, 5 larcenies, 2 robberies, 3 sex offenses, and 18 stolen vehicles. Millcreek detectives were assigned 58 cases and 11 of those were submitted for charges. There were 16 transient calls and 50 mental health calls.

The chief relayed an incident with the Millcreek Investigations Unit. On August 14, 2024, a case involving a fraudulent contractor was assigned for further investigation. A homeowner hired a contractor in October 2023 to build a deck, paying \$15,000. Despite the payment, the contractor never started the project or purchased materials. The homeowner attempted to contact the contractor in the spring, but he became unreachable.

Further investigation revealed that the contractor had been involved in several similar cases. After legal efforts stalled, charges for theft by deception were filed against the contractor on October 14, 2024.

4. Consent Agenda

4.1 Approval of September 23, 2024 Work Meeting and Regular Meeting Minutes

4.2 Approval of October 14, 2024 Regular Meeting Minutes

Council Member Uipi moved to approve items 4.1 and 4.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten 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

Council Member Jackson asked about meeting with staff to discuss social media use strategies. The council requested it be during a council work meeting. Mike Winder announced recent new staff hires and upcoming meetings.

6. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 11/4/24, 6:00 p.m.
- Millcreek Community Council Mtg., 11/5/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 11/6/24, 6:30 p.m.
- East Mill Creek Community Council Mtg., 11/7/24, 7:00 p.m.
- City Council Mtg. 11/12/24 7:00 p.m. (Tuesday)

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 9:00 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED: Jeff Date 11-12-2024
Jeff Silvestrini, Mayor

Attest: Alex Wat
Alex Wendt, Deputy Recorder