



Minutes of the  
Millcreek City Council Meeting  
Tuesday, May 30, 2017

**Councilmembers present**

Jeff Silvestrini – Mayor  
Silvia Catten – Council District 1  
Dwight Marchant – Council District 2  
Cheri Jackson – Council District 3  
Bev Uipi – Council District 4

**Other present**

Leslie Van Frank – Acting Recorder  
John Brems – City Attorney  
Rita Lund – Deputy Recorder

**WORK SESSION**

Mayor Silvestrini called the meeting to order at 5:00 PM. He noted that there had been discussion with Fred Healey before the meeting about revisions to the office space floor plan.

1. Presentation by John Jansen about revisions to C zones.

Mayor Silvestrini introduced John Jansen who reported that a public hearing has been scheduled for the C zones for June 21<sup>st</sup> and Mayor Silvestrini noted that there had been a large number of returns of the public meeting notices. John Jansen stated notices would also be mailed for the M zones.

John Jansen discussed the various approaches that could be taken regarding the C and M zones. Mayor Silvestrini stated that Mr. Jansen, City Attorney John Brems and the mayor had met and discussed the philosophy of the various methods.

Mr. Jansen discussed how codes are generally set up with use lists, gave examples of the different ways they can be set up, and outlined the pros and cons of each. Mr. Jansen explained the three parts generally used in zones – purpose/intent, uses, design and other standards and explained uses that are permitted can proceed with staff, and conditional uses go to the planning commission. Traditional zoning generally has setbacks and heights but there is a potential to go further and include what the building should look like as well as what impacts need to be addressed.

Mr. Jansen explained three options, including a list of very specific uses; broad categories of uses coupled with prohibited uses; form based code with no lists, just design; and all uses prohibited except specifically listed ones. Specific use lists generally include a statement that precludes any use not mentioned (most common in Utah) but nationally the trend is to move to broad categories which logically pair with some prohibited uses. Mr. Jansen explained that form based codes have some type of broad category use list but many also include prohibited uses.

Mr. Jansen then outlined the pros and cons of utilizing specific use lists, those related to the broad categories/prohibited use list and those related to utilizing form based codes.

Mr. Jansen indicated that one of the cons to the specific use list approach is the time it takes to get an ordinance change. Leslie Van Frank suggested the timeline for zone changes could be completed in about eight weeks. John Brems stated he is concerned about the broad categories approach, as it could potentially open the city up to lawsuits, and it would allow the first applicant for an undesirable use to go forward before a zone change could be made. Mayor Silvestrini stated that he feels listing permitted uses is difficult as it is almost impossible to anticipate all potential uses.

Councilmember Marchant asked whether there could be a hybrid of the broad categories and use lists. Mr. Jansen stated that that could be an option.

Mr. Jansen distributed the current county ordinance that covers three zones and includes sixteen pages of listed uses. Mr. Jansen then distributed the use list table from West Valley City which is very specific and contains a combination of uses along with some broad categories discussion. This list was developed by a process considering uses that the city did not want to have allowed in certain zones.

Mr. Jansen then distributed the draft proposal that has been developed for Millcreek and has been reviewed by the Millcreek Planning Commission and outlined the process and status of the zone changes. Mayor Silvestrini noted that he preferred the table format and felt it was easier to utilize. Mr. Jansen then discussed the process that the county had gone through and that he had participated in to develop the table concept but had never been adopted.

Mr. Jansen explained that the C zone draft tables are in process and that the M zones would be considered next. Additionally, the conditional use chapter has been updated and there will be a hearing in June. There are also plans for a design chapter.

Mr. Jansen then discussed proposed options including proceeding as proposed or to create a hybrid philosophy for the commercial zones.

Tom Stephens, chair of the Millcreek Planning Commission, stated that the Planning Commission has not discussed the different approaches, but has mainly discussed the uses that should be limited. For example, storage units or smoke shops should not be considered for prime corner locations, other uses would over time degrade the commercial base for the area. Fred Healey added that the PC has looked at the broad-based category idea and spent time talking about specific exclusions. Mayor Silvestrini explained that the Planning Commission also is considering limiting the spacing between storage unit facilities.

Mr. Healey stated that the Planning Commission is also being sensitive to the tax base. For example, certain areas such as along 33<sup>rd</sup> South could just have storage units prohibited and open other areas for more commercial use. Mr. Healey stated that the Planning Commission is also considering allowing no residential in C zones.

Mayor Silvestrini stated that he would like to work with the Planning Commission and asked for some general feelings from the council members. Councilmember Jackson stated she is concerned about taking an approach that could allow for uses that the city would not prefer not to have.

Mayor Silvestrini stated his concern that in either method the city would have to be nimble and make changes as needed, and asked the council if they are comfortable with moving forward. Councilmember Uipi stated she would prefer to have a little more time to review the most recent draft.

Mr. Stephens stated that if the city wanted to move to a specific use list, the Planning Commission would most likely move to a list similar to that utilized by West Valley City.

Mr. Stephens commented that the Planning Commission is hopeful of discussing and determining the method of moving forward at their meeting on June 21<sup>st</sup> with the idea of passing the draft on to the City Council after that meeting.

There was additional discussion related to the fact that the M zone and the FCOZ moratoriums will be expiring soon and will need to be addressed.

## 2. Discussion with Michelle Vargas about employee benefits

Mayor Silvestrini then introduced Michelle Vargas and Dave Jackson from NFP who distributed the summary of rates that had been developed for the benefits and paid time off option based on the comments that had been received from the council at a previous meeting.

John Brems stated that the process should include a resolution including the benefits and time off decision. Mr. Brems additionally suggested that the option of opting out of social security or not should be delayed. Mayor Silvestrini noted that adoption of a benefits package would allow for discussion with applicants for city positions.

Mayor Silvestrini noted that he has had additional inquiries about the city manager/administrator position and Ms. Vargas stated that she has received about seven applicants that should be considered. Ms. Vargas asked the councilmembers to forward any inquiries that they may receive to NFP. Ms. Vargas added that applications are being received both from local and national areas and that most applicants seem to have family connections to the Millcreek area.

Ms. Vargas asked how the council would like to proceed with the process. Councilmember Uipi suggested that Ms. Vargas keep in mind who might be the best fit, not only those with the best experience. Ms. Vargas stated she will contact each applicant and as the process progresses will bring her suggestions to the council. Mayor Silvestrini asked for a report on all applicants, including those that Ms. Vargas does not recommend. Councilmember Uipi asked that Ms. Vargas to advise the council if she encounters an applicant who could be a better fit for another position with the city.

Mayor Silvestrini stated he would prefer hiring a city manager/administrator by July 1<sup>st</sup>.

Councilmember Uipi asked about the process moving forward and suggested interviews by a panel that could include members outside of the city councilmembers. Mayor Silvestrini suggested pursuing a process that includes vetting by Ms. Vargas and a decision by the city council.

Mayor Silvestrini commented that the city will most likely be leaving the MSD at the end of June but will continue having services through a contract with the county.

Councilmember Uipi suggested that interviews should be at least an hour in length. Mr. Jackson suggested that there should be a short briefing with each applicant prior to the city council interviews. Ms. Vargas suggested that the city council should utilize a scoring mechanism though not necessarily a score sheet.

Mayor Silvestrini talked about the process that Ann Ober had undergone in her interview discussions in Milwaukie, WA, that included several meetings with various groups. Councilmember Uipi asked how the process could be developed that would allow the applicants to become familiar with Millcreek. Mayor Silvestrini suggested sharing the visioning process with the applicants to assist them in making their decision.

Mayor Silvestrini suggested that there should be additional discussion related to the interview process at a future council meeting.

### 3. Discussion about codification of ordinances

Leslie Van Frank, volunteer City Recorder, explained codification and demonstrated how it allows one to search and find ordinance sections. She explained how the weekly ordinances passed by the Council need to be enfolded into the part of Millcreek's code that is already codified. Sterling and Municode are both companies that provide codification services to various cities. Ms. Van Frank suggested that Millcreek has a need to keep their ongoing ordinance changes codified. She said she had contacted Sterling Codifiers and had been quoted an amount of \$30,000 annually plus charges for any changes. Municode has similar rates.

Ms. Van Frank stated she had been in discussion with a local company that has developed an online system that would vastly simplify the codification process. The local company has proposed signing Millcreek to a five-year contract for \$2,535 for the first year including licensing, training, support and initial codification and an \$2,000 for the remaining four years. Mr. Brems indicated that he had seen a demonstration of the local company's system and thought it was very good, but was concerned about training a permanent City Recorder on the system. He said that in most other cities, the City Recorder handles codification and sends it to Sterling or Municode to be codified.

Mayor Silvestrini suggested a phone interview with the online service to be held at a future meeting.

4. Continued discussion of municipal priorities

There was no discussion of municipal priorities.

Mayor Silvestrini adjourned the work meeting at 6:40 PM.

## **REGULAR MEETING**

### **1. Call to Order**

Mayor Silvestrini called the Regular Meeting to order at 7:10 PM. and led the group in the Pledge of Allegiance

#### **1.1 Pledge of Allegiance**

#### **1.2 Approval of Minutes**

Motion was made by Councilmember Jackson, seconded by Councilmember Marchant, to approve the minutes of May 22, 2017. Motion passed unanimously.

### **2. Public Comment**

Ms. Rashelle Hobbs, a Millcreek resident, distributed a letter she had prepared related to the proliferation of fireworks in Millcreek. Ms. Hobbs requested that the city council address the issue and suggested potentially increasing enforcement of the noise ordinance. Mayor Silvestrini thanked Ms. Hobbs and stated that there are many concerns from residents but that unfortunately there is a state law that preempts local regulations. Urban interface wildland fire danger above Wasatch Boulevard allows for restrictions in that area. The mayor stated that there has been discussion among city mayors related to the concern and suggested that Ms. Hobbs contact the UPD when she sees an offense taking place as well as discussing the concern with legislators.

### **3. Reports**

#### **3.1 Report of the Mayor, reports of City Council members**

Mayor Silvestrini reported that he had met with Salt Lake County representatives to discuss contract negotiations. There had been a discussion with Rick Graham and Rolen Yoshinaga about a contract for planning and zoning services potentially for a period of two or three months with a termination clause and an ala carte menu that could be utilized until the city department potentially takes over all services. The mayor additionally stated that contracts are nearing completion for engineering, operations and animal services.

Mayor Silvestrini reported that there had been a successful bid from Salt Lake County for a potential open space parcel adjacent to Grandeur Peak. The property enables an extension of the Bonneville Shoreline Trail as well as additional open space. This purchase leaves only one parcel that is needed to complete the Shoreline Trail from Parleys Canyon to Millcreek Canyon. The mayor has had several

residents who are interested in providing funds that would allow Millcreek to purchase a conservation easement to ensure that the property remain as open space.

Mayor Silvestrini additionally reported on the MSD public hearing which was lightly attended by 32 residents. The study was explained in the same manner as it had been presented at the community council meetings. The public hearing was the final step in the required process prior to a decision about potentially leaving the Municipal Services District.

Councilmember Jackson reported on the recent emergency preparation meeting and stated that there had been a good, diverse attendance. There had been a discussion about the Citizens Corps and Councilmember Jackson would like to bring this discussion to the council at a future meeting.

Councilmember Jackson then distributed a flyer announcing an emergency prepare fair that is planned for September, stated that the city could purchase tickets at a rate of \$5.00 each and suggested purchasing tickets in the amount of \$1,000. The Councilmember added that a presentation will be made by Kevin McCauley from the State Department of Health at the next emergency preparedness meeting.

Councilmember Marchant gave a financial report stating that the balance in the investment account is \$690,000 and is earning a small amount of interest. Mayor Silvestrini added that Millcreek had received an installment in the amount of \$344,711.00 from the class C road funds distribution and \$56,106 representing a portion of sales tax income.

Councilmember Catten discussed the visioning process interviews that had been suggested by the Langdon group and interviews were discussed. The information collected will be provided to the city council at 7:30 AM on June 10<sup>th</sup>.

Councilmember Uipi reported on the annual Sheriff's Banquet and Awards and stated that the detective of the year was from Millcreek. Several SWAT teams were recognized and the police dog, Aldo, had been killed in a Millcreek event. Mayor Silvestrini added that Lt. Tom Wilkinson was also received an award for an apprehension that involved a PIT maneuver.

Councilmember Uipi also reported on a meeting of the UPD board where the budget and the interlocal agreement had been approved. Councilmember Uipi additionally reported on the Council of Governments meeting where there had been a report on emergency preparedness that included Millcreek as part of the MSD. Mayor Silvestrini added that Gina Chamness had been approved as a member of the UTA Board.

#### **4. Appointments**

No appointments appeared on the agenda.

#### **5. Consent Agenda**

No consent items appeared on the agenda.

#### **6. Planning Matters**

No planning matters appeared on the agenda.

#### **7. Financial Matters**

7.1 Discussion and consideration of Resolution No. 17-\_\_\_\_\_ - authorizing the Mayor to negotiate a contract with \_\_\_\_\_ to provide audit services.

Mayor Silvestrini tabled this item for discussion at a future meeting.

## **8. Other Matters**

8.1 Discussion and consideration of Resolution No. 17-\_\_\_\_\_ - approving a lease of office space

Mayor Silvestrini reported that John Brems has met with the Woodbury Corporation and included the changes that had been suggested in the lease agreement. When the document is returned by Woodbury, the resolution will be brought to the council.

Mayor Silvestrini also reported on the changes that had been made to the layout of the office space located at 33<sup>rd</sup> S & 13<sup>th</sup> E. Fred Healey had made suggestions including an additional hallway, a larger break room, combining the shower space as a unisex shower, a raised dias, and some ADA issues. Mr. Healey had reported that the cost would be less with the potential changes.

Mayor Silvestrini tabled this item for discussion at a future meeting.

8.2 Discussion and consideration of Resolution No. 17-\_\_\_\_\_ - approving a package of benefits for employees

At the suggestion of city attorney John Brems, Item 8.2 was tabled to allow for changes to be made to the Resolution that had been discussed at the work session related to the decision of whether to opt out of social security or not.

8.4 Discussion and consideration of Resolution No. 17-\_\_\_\_\_ - determining to withdraw from the Municipal Services District (MSD)

Mayor Silvestrini reported that there had been four public meetings and a public hearing to discuss the withdrawal of Millcreek from the Municipal Services District (MSD) and that the feasibility study prepared by Lewis Young showed that Millcreek would benefit from a withdrawal. Most residents who had attended the meetings seemed favorable to the withdrawal. Mayor Silvestrini outlined the requirements that had been met by the process and in the resolution.

Motion was made by Councilmember Jackson, seconded by Councilmember Uipi, to approve Resolution No. 17-\_\_\_\_\_ - determining to withdraw from the Municipal Services District and to give notice to the Municipal Services District of the intent to withdraw effective June 30<sup>th</sup> according the statute. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye

Councilmember Catten – Aye

Mayor Silvestrini – Aye

Councilmember Jackson – Aye

Councilmember Marchant – Aye

## **9. New Items for Subsequent Consideration**

Rita Lund discussed the July newsletter and suggestions were made to include an article on the UPD honorees, Gregson Avenue trees and longtime resident and candidate bios. A June 14<sup>th</sup> deadline was established.

Rita Lund then reported that she had been in contact with organizers of the Holi Festival and suggested that councilmembers may be interested in participating.

Mayor Silvestrini reported that Jani Iwamoto had requested a call for volunteers for the 4<sup>th</sup> July Evergreen Avenue Parade. Volunteers should contact Nancy Carlson-Gotts or Bill Morey.

Councilmember Merchant reminded the council that there were still envelopes available that had been used for chocolates at the inauguration event and it was decided to use 1,000 envelopes with chocolates for the July 4th parade.

## **10. Calendar of Upcoming Events**

Mayor Silvestrini reviewed the calendar of upcoming events.

## **11. Closed Session**

Mayor Silvestrini reported that the council would be moving into closed session and would return to the work session after the closed session.

Motion was made by Councilmember Jackson, seconded by Councilmember Uipi, to temporarily recess the Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated Section 52-4-205. Motion passed unanimously by roll call vote with members voting as follows:

Councilmember Uipi – Aye  
Councilmember Catten – Aye  
Mayor Silvestrini – Aye  
Councilmember Jackson – Aye  
Councilmember Merchant – Aye

The council moved into closed session at 8:25 PM.

The council resumed the regular session at 8:40 PM

The council came up with a list of agenda items for next week:

Tickets for emergency preparedness fair  
Donations for open space easement.  
Fundraising for an emergency preparedness cache site at VO by Millcreek CC  
Approval of lease  
Contracts with Salt Lake County for certain services  
Approve audit services