





MILLCREEK, UTAH RESOLUTION NO. 18-49

A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING APPOINTMENTS TO THE PLANNING COMMISSION

WHEREAS, the Millcreek Council ("Council") met in regular session on September 24, 2018, to consider, among other things, approving appointments to the Planning Commission; and

WHEREAS, Millcreek Code of Ordinances 19.05.020 provides that Members of the Planning Commission shall be appointed by the Mayor, with the advice and consent of the Council and it also provides that the appointment shall be by resolution of the Council; and

WHEREAS, the Mayor hereby nominates David Allen and Russell Booth as members of the Planning Commission; and

WHEREAS, the Council has given advice regarding the appointment of such members and hereby consents to such appointments; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety, and welfare of the citizens of Millcreek to consent to such appointments.

NOW, THEREFORE, BE IT RESOLVED that the Council consents to the appointments of David Allen and Russell Booth as members of the Planning Commission.

This Resolution shall take effect immediately.

PASSED AND APPROVED by the Council this 24th day of September, 2018.

	MILLCREEK
A TOTAL CITY	Jeff Silvestrini, Mayor
ATTEST:	
Elyse Greiner, CMC, City Recorder	Roll Call Vote:
	Silvestrini Yes No
	Marchant Yes No
	Jackson Yes No
	Catten Yes No
	Uipi Yes No

MILLCREEK, UTAH ORDINANCE NO. 18-54

AN ORDINANCE APPROVING A PLAT VACATING A PLATTED CUL-DE-SAC AT APPROXIMATELY 945 EAST SAGEHILL DRIVE

- **WHEREAS**, the Millcreek Council ("Council") met in regular meeting on September 24, 2018, to consider, among other things, an ordinance approving a plat vacating a platted cul-desac at approximately 945 East Sagehill Drive; and
- **WHEREAS**, Millcreek Code of Ordinances 14.48 et seq. requires compensation to the city for the vacation and/or transfer of its interest in public streets; and
- WHEREAS, Utah Code Ann. § 10-9a-208 provides in part that for any proposal to vacate some or all of a public street, right-of-way, or easement, the legislative body shall hold a public hearing; and give notice of the date, place, and time of the hearing at least 10 days before the public hearing and the notice shall be mailed to the record owner of each parcel that is accessed by the street being vacated; mailed to each affected entity; posted on or near the street being vacated in a manner that is calculated to alert the public; and published in a newspaper of general circulation in the municipality in which the street being vacated is located; and published on the Utah Public Notice Website created in Section 63F-1; and
- **WHEREAS**, staff has advised the Council that the interest in the public street being vacated was obtained by mistake and has no real economic value; and
- **WHEREAS,** as required by state statute, notice regarding such hearing was mailed to the record owner of each parcel that is accessed by Sagehill Drive on August 29, 2018; and
- **WHEREAS**, as required by state statute, notice regarding such hearing was given to all affected entities on August 29, 2018; and
- **WHEREAS**, as required by state statute, notice regarding such hearing was posted on or near 945 East Sagehill Drive in a manner that was calculated to alert the public; and
- **WHEREAS**, as required by state statute, notice of the proposed vacation was published in the *Deseret News* and *The Salt Lake Tribune* on August 30, 2018 and published on the Utah Public Notice Website created in Section 63F-1 on August 28, 2018; and
- **WHEREAS**, on September 10, 2018, the Council held a public meeting and hearing in which public comment was received regarding the proposed vacation; and
- **WHEREAS**, the Council finds that the interest in the public street being vacated was obtained by mistake and has no real economic value; and

WHEREAS, the Council finds the cul-de-sac was established by plat but was never constructed; and

WHEREAS, the Council finds that a cul-de-sac will be established as part of an amended plat for the V Clark Subdivision in approximately the same location of the cul-de-sac to be vacated; and

WHEREAS, the Council finds that it is in the best interest of the residents of the City and that good cause exists to vacate a platted cul-de-sac at approximately 945 East Sagehill Drive as depicted in the attached plat.

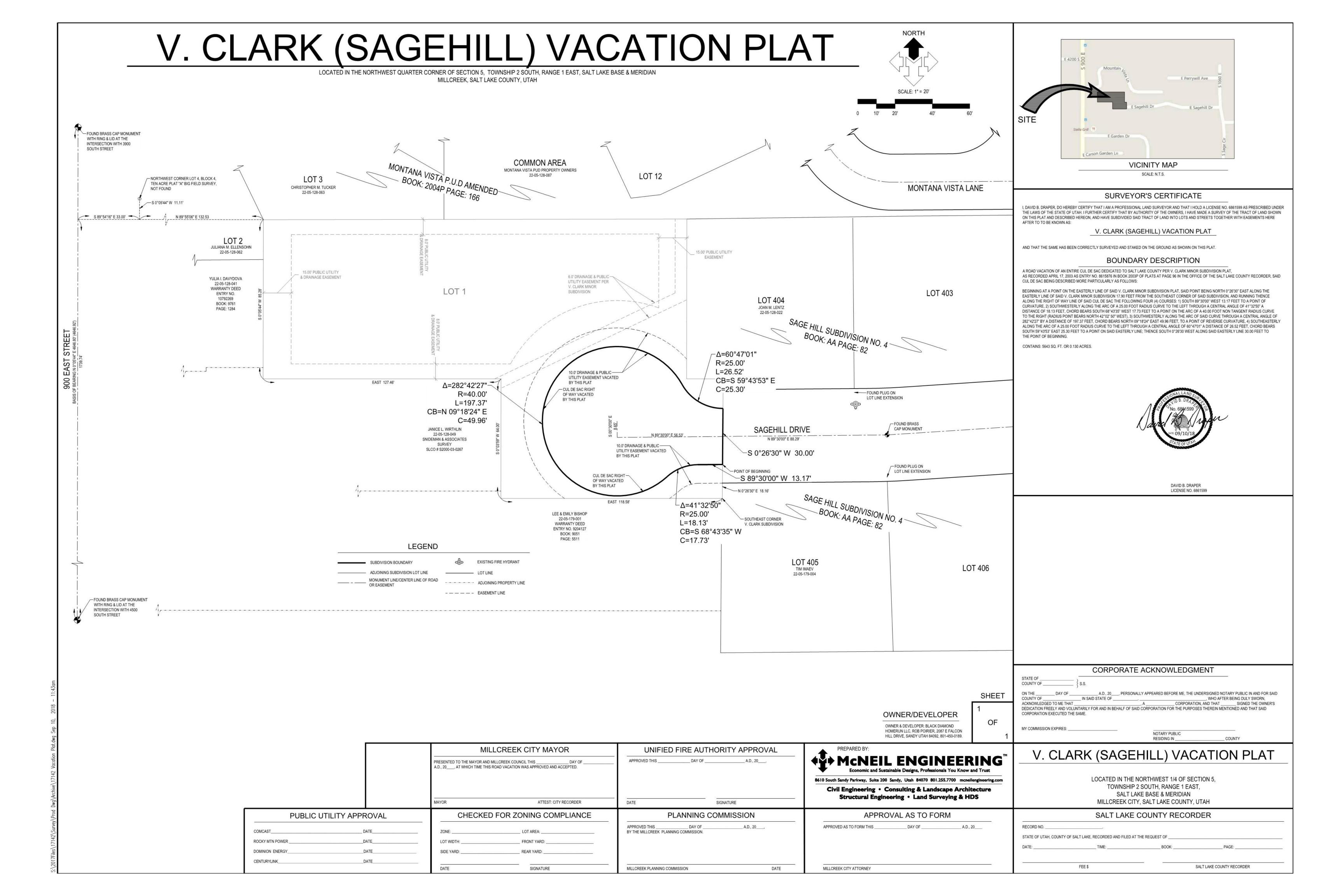
NOW, THEREFORE, BE IT ORDAINED that the Council approves the attached plat vacating platted cul-de-sac at approximately 945 East Sagehill Drive, and the same is declared to be no longer necessary as a public street, alley, or public way.

PASSED AND APPROVED this 24th day of September, 2018.

	MILLCREEK		
ATTEST:	By:		
ATTEST:			
Elyse Greiner, CMC, City Recorder	Roll Call Vo	ote:	
	Silvestrini Marchant		
	Jackson		
	Catten	Yes No	
	Uipi	Yes No	

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 18-54: AN ORDINANCE APPROVING A PLAT VACATING A PLATTED
CUL-DE-SAC AT APPROXIMATELY 945 EAST SAGEHILL DRIVE
was passed and adopted the day of2018 and certifies that copies of the
foregoing Ordinance 18-54 were posted in the following locations within the municipality this
day of
1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106
Elyse Greiner, City Recorder



MILLCREEK, UTAH ORDINANCE NO. 18-55

AN ORDINANCE OF MILLCREEK VACATING A PORTION OF DEDICATED RIGHT-OF-WAY AT APPROXIMATELY 1612 EAST 3300 SOUTH

WHEREAS, the Millcreek Council ("Council") met in regular meeting on September 24, 2018, to consider, among other things, vacating a portion of dedicated right-of-way at approximately 1612 East 3300 South; and

WHEREAS, Millcreek Code of Ordinances 14.48 et seq. requires compensation to the city for the vacation and/or transfer of its interest in public streets; and

WHEREAS, Utah Code Ann. § 10-9a-208 provides in part that for any proposal to vacate some or all of a public street, right-of-way, or easement, the legislative body shall hold a public hearing; and give notice of the date, place, and time of the hearing at least 10 days before the public hearing and the notice shall be mailed to the record owner of each parcel that is accessed by the street being vacated; mailed to each affected entity; posted on or near the street being vacated in a manner that is calculated to alert the public; and published in a newspaper of general circulation in the municipality in which the street being vacated is located; and published on the Utah Public Notice Website created in Section 63F-1; and

WHEREAS, staff has advised the Council that the interest in the public street being vacated was obtained by mistake and has no real economic value; and

WHEREAS, as required by state statute, notice regarding such hearing was mailed to the record owner of each parcel that is accessed by 3300 South on August 29, 2018; and

WHEREAS, as required by state statute, notice regarding such hearing was mailed to all affected entities on August 29, 2018; and

WHEREAS, as required by state statute, notice regarding such hearing was posted on or near 1612 East 3300 South in a manner that was calculated to alert the public; and

WHEREAS, as required by state statute, notice of the proposed vacation was published in the *Deseret News* and *The Salt Lake Tribune* on August 30, 2018 and published on the Utah Public Notice Website created in Section 63F-1 on August 28, 2018; and

WHEREAS, on September 10, 2018, the Council held a public meeting and hearing in which public comment was received regarding the proposed vacation; and

WHEREAS, the Council finds that the interest in the public street being vacated was obtained by mistake and has no real economic value; and

WHEREAS, the Council finds that a quit claim deed recorded on September 15, 1971 as entry number 2409488 dedicated right-of-way to Salt Lake County; and

WHEREAS, the Council finds that the dedication was made in error; and

WHEREAS, the Council finds that the developer of a residential development at approximately 1612 East 3300 South will be required to dedicate a portion of right-of-way along 3300 South in a manner acceptable to the City and to the Utah Department of Transportation; and

WHEREAS, the Council finds that it is in the best interest of the residents of the City and that good cause exists to vacate a portion of dedicated right-of-way at approximately 1612 East 3300 South as depicted in the attached map and described in the attached legal description.

NOW, THEREFORE, be it ordained by the Council that a portion of dedicated right-of-way at approximately 1612 East 3300 South is hereby vacated as described in the attached legal description, and the same is declared to be no longer necessary as a public street, alley, or public way and the Mayor and Recorder are hereby directed to record a copy of this ordinance in the office of the Salt Lake County Recorder.

PASSED AND APPROVED this 24th day of September, 2018.

	MILLCREEK		
A PERMANANTAL AND	By:		
ATTEST:			
Elyse Greiner, CMC, City Recorder	- 		
Eigse Gremer, Civic, City Recorder	Roll Call Vote:		
	Silvestrini Yes No		
	Marchant Yes No		
	Jackson Yes No		
	Catten Yes No		
	Llini Ves No		

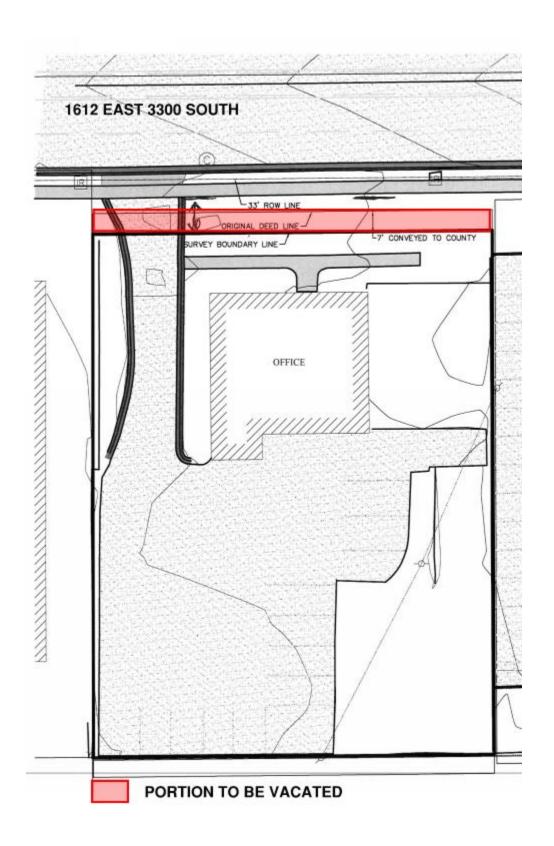
CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 18-55: AN ORDINANCE OF MILLCREEK VACATING A PORTION OF
DEDICATED RIGHT-OF-WAY AT APPROXIMATELY 1612 EAST 3300 SOUTH
was passed and adopted the day of2018 and certifies that copies of the
foregoing Ordinance 18-55 were posted in the following locations within the municipality this
day of, 2018.
1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106
Elyse Greiner, City Recorder

LEGAL DESCRIPTION OF AREA TO BE VACATED:

Commencing 68.9 rods North and South 89° 31' West 436.8 feet from the South quarter corner of Section 28, Township 1 South, Range 1 East, Salt Lake Meridian, thence running South 89° 31' West 231.6 feet, thence South 7.0 feet; thence North 89° 31' East 231.6 feet, and thence North 7.0 feet to the point of beginning.

1612 East 3300 South Parcel No. 16-28-377-027-0000



MILLCREEK, UTAH ORDINANCE NO. 18-53

AN ORDINANCE OF MILLCREEK AMENDING THE MILLCREEK CODE OF ORDINANCES CHAPTERS 5.01, 5.02, AND 5.22 TO PROVIDE THAT RENTAL OF ONE OR MORE RESIDENTIAL DWELLINGS IS INCLUDED IN THE DEFINITION OF BUSINESS AND THEREBY REQUIRES A BUSINESS LICENSE AND OTHER TECHNICAL CHANGES

WHEREAS, the Millcreek Council ("*Council*") met in a regular session on September 24, 2018, to consider, among other things amending the Millcreek Code of Ordinances Sections 5.01.10, 5.02.020, 5.02.030, 5.22.040, 5.22.080, and 5.22.120 to provide that rental of one or more residential dwellings is included in the definition of business and thereby requires a business license and other technical changes; and

WHEREAS, staff has informed the Council that licensing residential rentals will help resolve the detrimental impacts of rental homes where property and building maintenance is lacking, over-parking both on- and off-street, noise code violations, and excessive use of city services such as police and code compliance inspections may be due to the fact that the owner of the property does not reside on site; and

WHEREAS, based on the information presented by staff the Council finds that rentals of one- and two-family dwellings require more attention from city services and that by licensing one- and two-family residential dwellings will help resolve the detrimental impacts of poor or lackadaisical management; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the inhabitants of the City to adopt an amendment changing the City code.

NOW, THEREFORE, BE IT ORDAINED by the Council that the following be adopted as amendments to sections 5.01.10, 5.02.020, 5.02.030, 5.22.040, 5.22.080, and 5.22.120 (designated by interlineating the words to be deleted and underlining the words to be added):

5.01.010 - Definitions.

"Director" means the director of Salt Lake County the city community development department, or a designated agent of the director.

"License department" means the license office of the county planning and development services division of Office of Township Services <u>city</u>.

5.02.020 - Persons subject to licensing.

A. Any person or corporation engaged in a business or occupation, or which performs or attempts to perform a business or occupation in the city, shall be subject to the requirements of

this chapter if, either personally or through an agent, employee or partner, the person or corporation actively or passively solicits patronage therefor. Independent contractors are individually subject to this chapter.

B. For purposes of this section, a business includes rental of <u>one</u> three or more residential dwellingsat the same location.

5.02.030 - License—Application—Contents.

A. In the absence of clear provisions to the contrary in specific chapters of this title, all applications for licenses and permits required by ordinance shall be made in writing to the license official. Each application shall provide all the following information:

- 1. The name of the business;
- 2. The name of the applicant;
- 3. The permit or license desired;
- 4. The location to be used, if any:
- 5. The time covered and the fee to be paid;
- 6. The name and address of the business agent residing in the county who is authorized to receive:
 - a. Service of process, and
 - b. Any communication regarding applicant's license via certified mail, return receipt requested.
- 7. The Dwelling Unit Rental Affidavit.
- 8. Such additional information as may be needed to assist the license official in issuing the permit or license.
- B. Any change in the above information furnished by the license applicant shall be forwarded, in writing, within ten calendar days of the change, to the license official.
- C. Forms for all license and permits, and applications therefor, shall be prepared and kept on file by the license official.

5.22.040 - Application for a business license.

Application for all mobile food businesses shall be made prior to the commencement of operation. The applicant shall submit the following information:

- A. Name and address of applicant.
- B. Name and address of the approved commercial supply source and primary licensed food establishment, if applicable.
 - C. Verification of a completed background check on owner/driver(s).
 - D. License plate number.
- E. A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
- F. A description of the vehicle to be used in conducting business, and a description of any method to display food or products to be offered for sale.
 - G. The anticipated volume of food to be stored, prepared, and sold.
- H. A valid copy of all necessary licenses or permits required by state or local health and transportation authorities.
- I. A certificate of insurance produced by an insurance company or association authorized to sell insurance in Utah, on standard ACORD forms or forms approved as to form by the District

Attorney and city's attorney, evidencing that the applicant has active insurance policies as required herein in full force and effect at the time of the application. Applicants shall purchase and maintain commercial auto insurance and commercial general liability insurance, or a business owners policy (BOP) that includes auto liability, with coverage limits not less than the amounts required by Utah law. Such policy(s) shall include coverage of all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the license official at all times that applicant is licensed in the city, verifying such continuing coverage and naming the county and city and additional insured. The certificate shall contain a statement that the license official and city will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage, without reservation of non-liability for failure to so notify the license official and city. Cancellation shall constitute grounds for revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

- J. A signed statement that the licensee shall hold the county and city and their officers and employees harmless from any and all liability and shall indemnify the county and city and their officers and employees for any claims for damage to property or injury to persons arising from any activity carried on under the business license or health or transportation permit.
 - K. The written consent of the property or business owner to operate at the proposed location.

5.22.080 - Design and operation guidelines.

Mobile food businesses shall comply with the following design requirements:

- A. Mobile food businesses shall be designed to meet all applicable Salt Lake County Health Department requirements relating to the handling and distribution of food.
 - B. The mobile food business shall not have a drive-through.
- C. Mobile food businesses shall be kept in good operating condition; no peeling paint or rust shall be visible.
- D. No mobile food business shall operate in the public right-of-way except by special event permit issued by the license official under Section 14.56.060 of the city code, as set forth in Section 5.22.120.
- E. No mobile food business shall operate within two hundred feet of a door to a restaurant, other mobile food business, or license official-authorized special event selling food, except:
 - 1. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or vendor. The consent shall be on forms deemed appropriate by the Director. Such waiver shall not exempt the applicant from compliance with the other location and distance restrictions of this chapter; or,
 - 2. Mobile food businesses that are operating under an approved "mobile food court" or an approved special event permit are exempt from the spacing requirement.
- F. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.
 - G. Trash and recycling containers shall be provided for use of the business patrons.
 - H. Mobile food businesses are encouraged to source local products when available.
- I. Any enclosures or canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto the public sidewalk or any other part of the public right-of-way not authorized by the eountycity transportation engineering manager or designee.

5.22.120 - Special events.

The restrictions of this chapter notwithstanding, nothing herein shall prohibit the license official from authorizing mobile food businesses other than those licensed under this chapter to conduct vending operations within the public right-of-way, or such other areas as the license official may deem appropriate, during special events ("special event vendors"). The special event vendors shall not be governed by this chapter, but shall be governed by such other ordinance, city policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization of special event vendors shall not prohibit a licensee under this chapter from operating within his/her designated permit operating location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under the city's ordinances. If the countycity is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, the mobile food business may not access that right-of-way unless specifically authorized by the countycity.

This Ordinance assigned Ordinance No. 18-53, shall take effect immediatly except the changes to 5.02.020 and 5.02.030 which take effect January 1, 2019.

PASSED AND APPROVED this 24th day of September, 2018.

	MILLCREEK		
ATTEST:	Jeff Silvestrini, Mayor		
Elyse Greiner, CMC, City Recorder	Roll Call Vote:		
	Silvestrini Yes Marchant Jackson Catten Uipi	No Yes Yes Yes	No No No No

CERTIFICATE OF POSTING

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Elyse Greiner, City Recorder



Minutes of the
Millcreek City Council
September 10, 2018
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 September 10, 2018 in the City Hall Annex, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members

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

City Staff

John Geilmann, City Manager
John Brems, City Attorney
Elyse Greiner, City Recorder
Kurt Hansen, City Services Director
Francis Lilly, Community Development Director
Mike Winder, Economic Development Director
Rita Lund, Communications & Programs Director
Blaine Gehring, Planner
Robert May, Planner

Mayor Silvestrini participated via telecommunications during the work meeting.

Attendees: Adam Von M., Scott G., Bonnie Cavill, Scott York, Joan Lentz, Wilhelm, Mariko Mimnaugh, Ronald Speirs, Jacque Faust, Susan Del, Matt Sorenson Carol Elliott, Suzanne Dunbar, Janice Kimball, Officer Shannon Bennett, Doug Smith, Robert Poirier, Aimee McConkie, Steve Parkin.

WORK MEETING – 5:00 p.m. TIME COMMENCED: 5:05 p.m.

Council Member Uipi, as Mayor Pro Tempore, called the meeting to order. She said Mayor Silvestrini was on his way back from Idaho.

1. Housing Authority of the County of Salt Lake Presentation No presentation.

2. Discussion of Potential Community Development Block Grant (CDBG) Application for Sunnyvale Park

Francis Lilly said the park is at approximately 4000 S. 700 W. The City would like to apply for Community Development Block Grant funding for the park. Staff does not know what all the improvements need to be, but what some ought to be which includes: better lighting, better all-

ages playground, and proper soccer or futsal field. The City obtained a landscape architect to help draw up a concept plan to use to apply for grants over the next few years. In collaboration with the Promise Program, the City will host a series of neighborhood meetings to get feedback from residents on what they would like to see in the park.

Council Member Uipi said residents were present at the work meeting for the street vacation public hearings noticed for the regular meeting. She said the Council would accept public comment during the work meeting at the end of the work meeting agenda.

3. First Reading of Planning Items:

a. 30346 - 3360 S Ararat Street – Rezone to R-1-3 for a 9-unit Townhome PUD, Subject to a Development Agreement

Lilly said this is a potential rezone to R-1-3, which is the Planning Commission's recommendation. The developer would like to develop a 9-unit planned unit development that consists of three three-unit buildings, 6 parking stalls, and a landscaped area of at least 15 feet that includes a playground and a community garden. This item went to the Planning Commission last year and went through a couple iterations. The final iteration was a recommendation from the Planning Commission to adopt a zone change to R-1-3 subject to a development agreement that would limit the development to 9 units and the height to not exceed 28 feet. Subsequent to this project, the City adopted a policy that addresses development agreements and how they function in city code. This project modifies the PUD requirements; it is less than 1 acre. The property is identified in the general plan as an area that is available for moderate change. Lilly said Salt Lake County Planning staff did receive concerns about the proposal not being harmonious with the existing neighborhood. The City staff recommends that the rezone be subject to a development agreement. If that is approved, the project will return to the Planning Commission for approval of a conditional use permit. Lilly showed the Council renderings of the buildings and the site plan. The applicant requested the rezone be to R-M, but the Planning Commission recommended R-1-3. Council Member Marchant asked Lilly to describe the public comment he has received on the project. Lilly said public comments were summarized in the staff report.

Council Member Uipi asked for public comment.

Scott York, 3341 S. 700 E., said he went to a meeting on the project in February 2017 but did not get notice of subsequent meetings. He said his property is to the west of the subject property and it is a working farm. He has concerns about the fencing and said the applicant said he would put in a substantial permanent fence. He said there are trees that border the property that act as a windscreen. He has concerns about anything that may pollute the farm. There is an irrigation canal going through the subject property on to his and he wants to make sure it is not impeded. He would like to meet with Millcreek staff about future developments on each side of his property. Council Member Uipi said with other projects, there has been community engagement. Lilly said the development agreement template does require fencing to be specified. Lilly said staff could do a tree survey to see which trees should be saved. He also said the canal would be piped.

b. ZT-18-009 – Amendment to TCOZ to Allow Additional Height Subject to Conditional Use Permit for Properties along Gunn Avenue between 1300 East and Highland Drive / Adoption of Development Agreements

Lilly said the Planning Commission will be reviewing this item in a couple of weeks. Staff has been working with developers along Gunn Ave. Project 1 has received a preliminary entitlement for a couple hundred units and a mixed-use/multi-family housing building of about 40 feet and Project 2 could do something similar. The developers communicated to the City that they would like additional building height. In turn, the City told them some things that were wanted which included improvements to the lilac strip, a safer and better pedestrian street environment, more retail/commercial opportunity, and open space between Villa Theatre and Project 1. Staff is bringing a proposal to the Planning Commission to amend the Town Center Overlay Zone to allow for additional height subject to a development agreement. Lilly said the key characteristics of the city center include a diverse mix of land uses, space for local community events and daily socialization. The City hired a traffic consultant to consider ways to mitigate increased traffic on Richmond St. and Highland Dr. There is an expected increase in traffic by over 5,000 trips between the two projects. One solution is a pedestrian activated stop light. Project 1 was 188 units and 11,000 square feet of commercial space but will grow to 330 units and 13,000 square feet of commercial space with the development agreement. The developers will have the frontage on Richmond St. be commercial, will maintain the same parking ratio, add angled parking on Richmond St., and there will be an increase in height to 75 feet. Project 2 starts at 50 feet and will increase in height as it moves west, more than doubling the commercial space, and adding angled parking on Gunn Ave. The development agreement conditions include Mountair area street landscaping, public plaza on Gunn Ave., a complete street with angled parking, parking limits on streets for residential parking, additional 10,000 feet of commercial space, and high-quality design and durable materials. Lilly said store fronts have failed because there are not enough roof tops. Lilly showed the Council renderings of the projects. He said three of the four community councils recommended approval of the project. Millcreek Community Council had concerns about impacts of traffic, safety on Richmond Ave., and scale. Lilly said another team is working on a traffic study for the city center. Lilly said residents have said they do not want the City to look like Sugarhouse, so the City is inviting residents to join staff in Sugarhouse on Wednesday at 6:30 p.m. to do a walking tour.

Council Member Jackson asked about sidewalks on Richmond St. Lilly said the developers will do at least an 8-foot-wide sidewalk where there is frontage. He said the City will have to decide how to make sidewalks work elsewhere. Council Member Marchant said he heard concerns about pedestrian traffic to get to the Brickyard mall and there are no sidewalks on the west side of Richmond St. Lilly said the City could put pedestrian activated signals on Gunn Ave. and there will be new sidewalk on the south side of Gunn Ave. He said Richmond St. to the north has a narrow cross section. One of the goals of a community reinvestment area is the additional tax increment generated to help solve these problems; it might require an arrangement with property owners to get the sidewalks. Council Member Marchant would like the area to be as safe as possible.

4. Discussion of agenda items, correspondence, and/or future agenda items

Council Member Uipi said items 2.1 and 2.2 from the regular meeting would also be heard in the work meeting.

2.1 Public Hearing on Right-of-Way Vacation at 945 E. Sagehill Dr.

Blaine Gehring said at the end of Sagehill Dr. is a subdivision. The applicant is asking for an amendment to that to allow for a future two-lot subdivision. On June 20, 2018 the Planning Commission approved a preliminary subdivision plat with a protective strip. An error was noticed in the description of the original subdivision. The cul-de-sac description cut into the property to the south and it was not developed so no improvements exist at that end. He said the legislative body may vacate ROW dedication if there is good cause and neither the public interest nor any person will be materially injured. In order for the subdivision to proceed, the original subdivision ROW needs to be vacated by the City Council. Gehring said vacations can be done by a plat or by an ordinance. Gehring said this will be done by a plat.

Council Member Uipi asked Gehring to explain the impact to the residents. Gehring said this culde-sac does not affect anybody on Sagehill Dr. It only affects the south property of the cul-de-sac in correcting an error on the original subdivision plat. Council Member Catten asked about the scale of the change. Lilly said it is about 3 ft. He said the cul-de-sac is there legally but not there in fact.

<u>Joan Lentz</u>, 959 E. <u>Sagehill Dr.</u>, said her house is the last house on the north side of the street. She asked if this would affect her property at all. Gehring said no.

Ron Speirs, 1031 Sagehill Dr., asked if the intentions are known for the development. Gehring said the amended subdivision will have two lots with two single family homes. He asked if the cul-de-sac will be big enough for a garbage truck to turn around. Gehring said yes. Gehring said the cul-de-sac will be constructed prior to the homes being built.

Mariko Mimnaugh, 1041 E. Sagehill Dr., asked if there was connection from the cul-de-sac to 900 E. Gehring said there will be a protection strip between the cul-de-sac and the property line and for any future connection there would be some fee to connect. Lilly said there is no contemplation of extending Sagehill Dr. to 900 E.

2.2 Public Hearing on Right-of-Way Vacation at 1612 E. 3300 S.

Gehring said on May 16, 2018, the Planning Commission approved a conditional use permit for a 10-unit townhome development. The applicant discovered a portion of the frontage of the property was improperly dedicated by Salt Lake County in 1971. A 3-foot dedication is recorded in the wrong location. Gehring highlighted the 47 feet that should have been dedicated and the original dedication on a map. Gehring said this vacation will be done through an ordinance. Council Member Jackson asked if the property next to this property needed to be corrected. Gehring said dedications are done property by property. Lilly said the property to the east was done correctly.

Council Member Uipi asked for public comment. A resident asked if the property is the Tuttle property. Lilly said Robert Renza owns the property. Council Member Uipi said the Council will have the public hearings at the regular meeting at 7.

The meeting adjourned for dinner at 6:04 p.m.

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 then led the pledge of allegiance.

1.2 Public Comment

Mayor Silvestrini extended an invitation to the public to address the Council.

Janice Kimball, Director of the Housing Authority of the County of Salt Lake, said their mission is to provide affordable housing. She said they currently serve about 4,000 households daily in the valley. She asked the Council for a letter of support in the disposition of 23 housing units in Millcreek. The units are part of public housing with the 1937 Federal Housing Act. She said the Authority receives about \$.70 cents per dollar to operate and manage the units. She rhetorically asked how to care for units when there is not enough funding. The Housing Authority would like to dispose of the units then take the proceeds and invest the funds into other properties they know they could maintain for the long term. Council Member Jackson asked where the properties were located. Kimball said she would not disclose that publicly because it is a real estate transaction and there is a need to protect the residents. Kimball distributed letters to the Council and said she would like to submit an application with the letter of support in November. Council Member Uipi asked about the process with getting approvals with other cities. Kimball said they have 127 units that she is looking at disposing in 12 jurisdictions. She has met with the other jurisdictions and has letters of support from 7 and an indication that others will follow suit. Council Member Marchant asked for more information and asked about the nature of the units. Mayor Silvestrini said these units are in Millcreek and the Housing Authority would like to sell them. Kimball said most of the units are duplexes and one single family home. Council Member Marchant asked who is living in them. Kimball said they are low-income individuals with an annual average income of \$13,000 and they live in the units for 2-5 years. Council Member Marchant asked if the Housing Authority would rebuy in Millcreek. Kimball said it depends on the available property. The Council did not object to the letter of support.

Mayor Silvestrini said last week retired officer from the Millcreek Precinct Mikal Wersland passed away in Flaming Gorge and he held a moment of silence in his honor. Council Member Uipi said he served for 23 years with South Salt Lake and Millcreek.

1.3 Wasatch Front Waste and Recycling District Presentation on Recycling; Pam Roberts, Executive Director

Pam Roberts said she was there to provide education. She presented a video from CBS on recycling plastics. Roberts said recycling is worth it. WFWRD uses Rocky Mountain Recycling in South Salt Lake and Waste Management in West Jordan. She said most of the material goes to Rocky Mountain Recycling. The Board has been discussing whether to continue recycling services or not. She said it costs \$.25 more to take loads to recycling plants instead of the landfill. The Board decided to continue recycling services and to push education about what is recyclable. She said some stores and cities have banned plastic bags. She asked that products not be bagged when put into the can.

Council Member Marchant thanked Pam Roberts for the work that she does. He said that what goes into the recycle can needs to be clean. Roberts said WFWRD posted a video on social media about how clean the recyclables need to be.

2. Planning Matters

Francis Lilly said he wanted to acknowledge the hard work of Robert May who has taken over the entire subdivision process. He announced May as the "Subdivision Superhero" and provided him with an award. May accepted the award and said subdivisions are a pain. Mayor Silvestrini said the Planning Department has made great strides this year with the work they have done. Council Member Uipi reiterated the Mayor's comments.

2.1 Public Hearing on Right-of-Way Vacation at 945 E. Sagehill Dr.

Mayor Silvestrini said this matter was discussed in the work meeting. Council Member Uipi said public comment was taken then. Mayor Silvestrini opened the public hearing. There was no public comment.

Council Member Jackson moved to close public comment on the Right-of-Way Vacation at 945 E. Sagehill Dr. Council Member Uipi seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

2.2 Public Hearing on Right-of-Way Vacation at 1612 E. 3300 S.

Mayor Silvestrini said this matter was discussed in the work meeting and said public comment was taken then. He opened the public hearing. There was no public comment.

Council Member Uipi moved to close the public hearing. Council Member Catten seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

2.3 Discussion and Consideration of Resolution 18-48, Approving an Exception to the Minimum Front and Rear Yard Setback of the Proposed Subdivision Lot #2 Known as the Faust Subdivision, Located at 3062 South Connor Street

Mayor Silvestrini said the Council considered this issue at the last meeting. Council Member Jackson asked if there was any other public input from surrounding residents. May said there was one concern about the sidewalk master plan and if there should be exceptions to it. May said this lot is extremely exceptional, with a narrow lot and in a zone that requires 30-foot setbacks. The subdivision code allows for the exceptions. The Planning Commission did approve the preliminary plat. May said the front yard setback exceptions is 20 feet instead of 30 feet and rear yard setback from 30 feet to 8 feet. May illustrated the property to the Council. He said by turning the lot to fit setback requirements, it makes the lot consistent with the neighborhood. The sidewalk would be continued on Connor St. and 3070 S. would be curb and gutter like the other side of the street. Staff recommends the approval of the exception to the front and rear setbacks of the proposed subdivision to accommodate the front yard setback of 20 feet from 30 feet and a rear yard setback of 8 feet from 30 feet based on the findings:

- Due to a lot width of 61 feet, some exceptional conditions exist. The A-1 zone setback distances would render the proposed lot unbuildable.
- The property owner can enjoy a substantial property right possessed by other property owners in the neighborhood.

- The vacant unused area could accommodate the creation of a single-family dwelling with functional yard space, which in turn, is the best interests of the general public and the surrounding area.
- Staff finds that granting this exception does not create a substantial detriment to the public good, due to many of the dwellings located in the area are situated with similar front yard setback and would be subject to any future public improvements.
- Staff finds that granting this exception would not substantially impair the intent and purpose of the subdivision code and A-1 Zone requirements. All other subdivision and A-1 Zone requirements can be met through the Millcreek Code.

The applicant said Robert May has been amazing to work with. Mayor Silvestrini asked if there was public comment. There was no public comment.

Council Member Jackson moved to approve Resolution 18-48, Approving an Exception to the Minimum Front and Rear Yard Setback of the Proposed Subdivision. Council Member Marchant seconded.

Mayor Silvestrini said he supports the subdivision because it makes the lot conform to the lot immediately north of the property and to deny it would be to leave the area unproductive. He thinks there are many nonconforming properties in the area and it will be an improvement to the neighborhood. Council Member Jackson said it is very consistent with the look and feel of the neighborhood.

The City Recorder called for the vote. The motion passed unanimously.

3. Financial Matters

3.1 Public Hearing to Consider an Appropriation of \$45,000 to the Community Councils, \$100,000 for events (Utah Venture Outdoors, Millfreaks, & Millcreek Community Theater), \$5,000 for the Rain Barrel Program, and \$3,500 to the Millcreek Arts Council

Mayor Silvestrini said a study was performed that establishes that the appropriations are consistent with promoting the general welfare of the citizens of Millcreek.

Mayor Silvestrini asked for public comment. <u>Amy McConkie</u> said she was in support of the appropriation.

Council Member Uipi moved to close the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

3.2 Discussion and Consideration of Ordinance 18-52, Appropriation of \$45,000 to the Community Councils, \$100,000 for events (Utah Venture Outdoors, Millfreaks, & Millcreek Community Theater), \$5,000 for the Rain Barrel Program, and \$3,500 to the Millcreek Arts Council

Mayor Silvestrini said this is the ordinance to approve the appropriations in the prior agenda item. Council Member Uipi asked if this is for the calendar year or fiscal year. Mayor Silvestrini said this is according to the fiscal year. Council Member Uipi asked if there was a process for financial reports. Geilmann said there was one.

Council Member Catten moved to approve Ordinance 18-52, Appropriation of \$45,000 to the Community Councils, \$100,000 for events, \$5,000 for the Rain Barrel Program, and \$3,500 to the Millcreek Arts Council. Council Member Jackson seconded.

Council Member Uipi said there has been discussion about Venture Out taking over the Luau. Council Member Jackson said there is a need for emergency preparedness in the Millcreek Community Council area and asked if the Council could strongly suggest that the money be used towards emergency preparedness. Council Member Catten suggested they skip the luau one year to focus on emergency preparedness. Mayor Silvestrini said the Council should have the conversation with the Millcreek Community Council.

The City Recorder called for the vote. The motion passed unanimously.

4. Business Matters

4.1 Discussion and Consideration of Resolution 18-44, Adding a Medical Insurance Waiver Stipend to the Benefit Package for City Employees

Mayor Silvestrini said the Finance Director, Laurie Johnson, was out ill. Geilmann said Johnson prepared the handout which illustrated premium costs (\$208.64) and savings (\$1,050.07). Geilmann said there are opportunities when people have other sources of insurance through a spouse or partner or another organization. Geilmann said it is hard to recruit good people to work for the City. The City is already paying the 85% single coverage for everyone who is not waiving coverage and 7 employees can currently waive the insurance. The stipend of \$208.64 would be paid to the employees who waive the insurance. He said it is a good deal for the City and the employees. Mayor Silvestrini said Johnson conducted a survey among Cottonwood Heights, Herriman, Lehi, Midvale, Murray, Sandy City, and South Jordan and this program is consistent with what they do so this allows Millcreek to stay competitive with peers.

Council Member Uipi moved to approve Resolution 18-44. Council Member Jackson seconded. The City Recorder called for the vote. The motion passed unanimously.

4.2 Discussion and Consideration of Resolution 18-47, Approving Amendment No. 2 to an Interlocal Cooperative Agreement with Salt Lake County to Reimburse Salt Lake County Cost for Justice Court Indigent Defense Services

Mayor Silvestrini said this pays for the defense of those that are charged with crimes that are entitled to a free defense. This is an amendment to the current contract. John Brems said indigent defense is required by the Constitution. Legal defenders provide the service to the County and this is a reimbursement of what they charge the County. Council Member Jackson asked if this went out to bid with other entities. Brems said Millcreek reimburses the County for the County expense for Salt Lake defenders, but the County did not go out to bid on this. Mayor Silvestrini said Johnson was able to acquire savings with the County.

Council Member Jackson moved to adopt Resolution 18-47, Approving Amendment No. 2 to an Interlocal Cooperative Agreement with Salt Lake County to Reimburse Salt Lake County Cost for Justice Court Indigent Defense Services. Council Member Uipi seconded. The City Recorder called for the vote. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini said he missed the work meeting because he was in Boise, Idaho with the Wasatch Front Regional Council Active Transportation Committee for which he is the Chair. They did an evaluation of bicycle and other walking infrastructure. They were hosted by Boise and Compass, which is equivalent to the Wasatch Front Regional Council. Boise is gold certified by the American League of Bicyclists. He said they have a trail system along the river and a wave machine amenity in the river. He said Millcreek has ATP, active transportation program, used from the County but Millcreek has not adopted a bicycle plan. He has talked about applying for a TLC grant for creating a bicycle plan with other cities that do no have a plan which includes Taylorsville, Murray, Midvale, Holladay, and Millcreek.

5.2 Reports of City Council Members

Council Member Catten: None Council Member Marchant: None Council Member Uipi: None Council Member Jackson: None

5.3 Staff Reports

Kurt Hansen said there was a preconstruction meeting today on the City Hall expansion. This week the contractor will demo what is inside the abandoned space. They have already done the asbestos remediation. He said the proposed schedule says they will be done early December. Mayor Silvestrini said the costs are all in the budget. Council Member Marchant asked about a new estimate of the cost. Geilmann said the bid that came back from Big Tree Construction was \$595,000.

Unified Police Department Sergeant Shannon Bennet introduced himself to the Council. He transferred into and supervises the Community Oriented Policing Division.

Mayor Silvestrini said the Utah League of Cities and Towns meetings are this week. John Geilmann said the Legislative Policy Committee (LPC) starts tomorrow at noon. Council Member Uipi asked about voting in LPC. Geilmann said the Council needs to attend the business meeting. He said the caucus meeting is on Friday.

6. Consent Agenda

- 6.1 Approval of August 13, 2018 Work Meeting and Regular Meeting Minutes
- 6.2 Approval of August 27, 2018 Work Meeting and Regular Meeting Minutes

Council Member Jackson moved to approve item 6.1 and 6.2. Council Member Marchant seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

7. New Items for Subsequent Consideration

8. Calendar of Upcoming Events

- Envision Committee Mtg. 9/12/18 at 6p.m., City Hall Annex
- Planning Commission Mtg. 9/19/18 at 5 p.m., City Hall Annex
- City Council Mtg. 9/24/18 at 5 p.m., City Hall Annex

Council Member Jackson reminded the audience about the Community Councils Meet the Candidates Night tomorrow at 6:30 p.m. Council Members Jackson and Marchant said they attended the Millcreek Arts Council's Arts Festival event. Mayor Silvestrini went over the calendar of events. He said staff is hosting a walking tour of Sugarhouse with residents. The Youth Council will be meeting on the 17th at 3:00 p.m. The application period for the Youth Council is still open. Council Member Marchant asked about having community council applications. Lund said she would distribute them to the Council and get them posted online. She said the next newsletter issue will be mostly candidate bios and pictures for the community council elections. It was mentioned that there are some residents who could be highlighted in the newsletter that have accomplished amazing feats, such as turning 100 and riding bicycles across the country.

<u>ADJOURNED:</u> Council Member Uipi moved to adjourn the meeting at 8:14 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

APPROVED:		Date
	Jeff Silvestrini, Mayor	
Attest:	Elyse Greiner, City Recorder	_