



**Minutes of the
Millcreek City Council and
Planning Commission
January 23, 2019
5:30 p.m.
Special Joint Work Meeting**

The City Council and Planning Commission of Millcreek, Utah, met in a special public work meeting on January 23, 2019 at City Hall, 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

Planning Commissioners

Fred Healey, Chair (left at 7:20 p.m.)
Tom Stephens, Vice Chair
David Allen (not in attendance)
Russ Booth
Dave Carlson (not in attendance)
Scott Claerhout
Mark Mumford
Heather Wilson (not in attendance)

City Staff

John Geilmann, City Manager
Elyse Greiner, City Recorder
Francis Lilly, Community Development Director
Kurt Hansen, City Services Director
Laurie Johnson, HR-Finance Director
John Miller, Public Works Director
Mike Winder, Economic Development Director
Rita Lund, Communications & Programs Director
Alexandra Muller, Deputy Recorder/Law Clerk
Robert May, Planner
Blaine Gehring, Planner
Erin O'Kelley, Planner

Attendees: Kumar Shah, Kevin McCulley, France Ross, Wayne Johnson, Joan Haven, Chip Spencer, Jeff Waters, Matt Johnson, Richard Williamson, Howard Hoffeth, Clark Smith, Kurt Zimmerman, Gardner Reid, Jamie Walker, Nick Morgan, Suzanne Dunbar, Amber Measom, Jack Vettorli, Elijah Lewis, Nancy Carlson-Gotts, Kelly Winslow, Nate Gibby, Nicholas Dyson, Rob Hunsaker, Phong Nguyen, Mark Maxwell, Kory Meyerink, Alan Westenskow, Rob Peterson, Braden Saunders, Brian Jorgensen, Tammy Murillo, Steve Knox, and Diane Angus.

WORK MEETING – 5:30 p.m.

TIME COMMENCED: 5:41 p.m.

Mayor Silvestrini invited Scout Troop 710 to lead the pledge of allegiance.

1. Introduction of City Department Heads and Their Roles; Mayor Jeff Silvestrini

Mayor Silvestrini said the purpose of the meeting was to talk about ways to improve the way the City serves the residents. He thanked the community councils and Planning Commission for their work in meetings. He described the services provided by the City which were taken over from the County, and they include building department functions, business licensing,

planning, engineering, economic development, community relations and finance. The Department Directors introduced themselves and their responsibilities; Kurt Hansen, Francis Lilly, Rita Lund, John Geilmann, John Miller, Mike Winder, Laurie Johnson, and Elyse Greiner.

Mayor Silvestrini said he wanted to give the new community council members tools to do their job the Millcreek way. He said the City tries to engage with the residents whenever they can. When an application comes into the City, the applicant works with staff, the application goes to the community councils, then a recommendation from the community council goes to the Planning Commission. He said the Planning Commission makes administrative decisions, other matters that are legislative in nature go to the City Council with a recommendation from the Planning Commission. Mayor Silvestrini said the recommendations should include a rationale.

2. Training

2.1 Planning Role of the Community Council; Francis Lilly, Community Development Director and Rita Lund, Communications and Programs Director

Francis Lilly said there are two types of planning decisions; administrative and legislative. Administrative decisions apply existing law or policy to a particular application or petition from a citizen or developer. They typically apply to an individual or small group of citizens. Examples of administrative decisions include: conditional use permits, planned unit developments, special exceptions, legalization of nonconforming uses, and sidewalk exceptions. The community councils make recommendations to the Planning Commission and the Planning Commission makes the decision. Lilly showed a video on conditional use permits provided by the Land Use Academy of Utah.

Lilly said legislative decisions make law or create policy and apply equally to anyone in a community or are categorical in nature. Legislative decisions include zone text changes, zoning map amendments, and adoption and amendments to the General Plan and small area plans. The process is that the community councils make recommendations to the Planning Commission, the Planning Commission makes recommendations to the City Council, and the City Council makes the final decision. Lilly said for legislative actions, the City should look to the General Plan for guidance. He said the public bodies could also request staff to look into ordinance changes. Millcreek Code identifies the possible detrimental effects caused by conditional use. Lilly went through a parking and rezone example of what could be conditioned. Mayor Silvestrini said the rezone example was a real case that came before the City Council. A reason for a condition on the rezone was not provided as part of the recommendation. He said the City's decisions can be attacked if they are arbitrary. The Council followed what was permitted with the zone. He said it is helpful to have reasons and evidence of conditions, and by providing reasons for decisions in the meeting, the public trusts and respects the decisions and finding. He expressed concern about legal challenges to decisions. Lilly said the City inherited a rough general plan for guidance. The proposed general plan is a lot more prescriptive. He said the community councils and Planning Commission provide an indispensable function for the City.

Amber Measom, Millcreek Community Council, asked how the community councils' comments filter to the City Council. Lilly said ideally the recommendations would come

in writing. Lilly said he documents their votes and summarizes the concerns of the prevailing and minority votes of each application to the Planning Commission. He said the community councils could document that themselves in a letter/email to the Planning Commission. Mayor Silvestrini said the City Council values the councils' opinions.

Kumar Shah, Mt. Olympus Community Council, said the resources the community councils have are limited. Rita Lund read from Code 2.56.100 Community Councils; Planning and Zoning Recommendations, "The staff of the city planning and development services shall act as the staff to each community council on planning and zoning matters, and shall also arrange meetings between the applicants and community councils when so requested." She said staff is there to help the community councils.

Chip Spencer, Millcreek Community Council, expressed concern that the community council could make a decision on a rezone based on what they think the applicant wants to do with the property, but the applicant does not have to do what was presented. Mayor Silvestrini said that used to be the way with the County, but the City now requires a development agreement that stipulates the applicant will build what was approved and conditioned on for the rezone.

Amber Measom relayed an example of a rezone case involving agricultural property in an area that the general plan allows for higher density. Lilly said the general plan talks about rezones being compatible with surrounding zones and neighborhood character. He said the general plan shows the upper bound for zoning, so the Planning Commission could scale the zoning back. Lilly said the general plan is a new tool for Millcreek to use.

Rita Lund said as an applicant works through the planning process, changes may need to happen, but if a project substantially changes, the application must go through the approval process again.

2.2 Planning Role of the Planning Commission; Francis Lilly, Community Development Director

The Planning Commissioners introduced themselves; Russ Booth, Shawn LaMar, Tom Stephens, Mark Mumford, Fred Healey, and Scott Claerhout.

2.3 Role of the City Council; John Geilmann, City Manager

John Geilmann passed out a memorandum. He then went over Section II in the handout which included State Code 10-8-84, and it read, "The municipal legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city." He said, "Black's Law Dictionary defines an Ordinance as an 'authoritative law or decree.' Ordinances are the 'local laws of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform and permanent rules of conduct relating to the corporate affairs of the municipality..." It should be noted that the Legislative Body not only adopts ordinances, but that body also adopts resolutions and creates legislative and administrative policies. All municipal entities, such as the Planning Commission,

Community Councils and City Staff are subject to the ordinances, resolutions and legislative and administrative policies adopted by the City Council. Hence, whenever the municipal entities are reviewing or making recommendations to the City Council, those entities must function within the boundaries of and pursuant to the policies adopted by the City Council. He said the community councils' job was to take the information they are reviewing for a recommendation and filter through the policy, resolutions and ordinance. If they go outside of them, they have gone beyond their job. He gave a metaphor of a baseball diamond with policy and budget outside the foul lines. He said we can hit homeruns every time at bat, but we cannot hit foul balls.

Mayor Silvestrini commended the community councils and Planning Commission for the way they conduct their meetings.

2.4 Open and Public Meetings Act; Elyse Greiner, City Recorder

Mayor Silvestrini said the City Council and Planning Commission are required to have the training, but the Community councils are not, though they can learn from the Act. He said meetings needed to be open and gave some preliminary information on reasons for closed meetings.

Elyse Greiner went over the Open and Public Meetings Act. The policy behind the Act is that public bodies exist to aid in the conduct of the people's business and their actions and deliberations should be taken and conducted openly. Greiner defined a public body, a quorum, and meeting. She went over the noticing, agenda, recording, and minute requirements. She described emergency meetings and closed meetings, then went into detail about the process and record of closed meetings. She ended the training with mentioning that disruptive people could be removed from meetings and mentioned the penalties for violating the Act.

Chip Spencer asked about City policy in removing disruptive people from a meeting.

Joan Haven, Community Council, asked about discussing business and minute changes via email. Greiner told her that the community councils were not subject to the Act, but recommended they deliberate about such matters during their meetings.

2.5 Meeting Decorum; Mayor Jeff Silvestrini

Mayor Silvestrini said if there is a controversial item on the agenda, the community councils and Planning Commission could request that Unified Police Department have a presence at the meeting if they are worried about disruptive behavior. Mayor Silvestrini said the Chairs could make an appeal at the beginning of the meeting that everyone involved are neighbors and there should be a respectful discussion about an application. He suggested that the Chairs could recess the meeting and come back when the public calms down. He said it is the prerogative of the Chair to control the meeting. Mayor Silvestrini invited the community councils to hold their meetings at City Hall. He said the City's resources were available to them. He also said that he would like the community councils to have more of a presence on the City's website. He mentioned the Council's and Planning Commission's meeting packets are posted online.

Diane Angus, Millcreek Community Council, asked about recusing themselves when a conflict of interest application came before the public body. Mayor Silvestrini said the City Council, Planning Commission, and community councils fill out a conflict of disclosure form when they start their term. He said they could also disclose conflicts of interest as they arise during the meeting. Council Member Catten asked about the Chair's using their prerogative to reorder the agenda. Mayor Silvestrini said they can but it would require a motion to do so.

Jamie Walker, Millcreek Community Council, suggested getting quicker agenda items out of the way first. Mayor Silvestrini said it is a balancing act, but it is up to the Chair's discretion. Mayor Silvestrini said the State has put requirements on how timely cities process applications. Walker said they did not get to some items on the agenda at the last meeting because there were too many. Mayor Silvestrini suggested that they could have two meetings a month depending on the volume of items.

The training portion of the meeting ended and there was a break from 7:17 to 7:54 p.m.

3. Break Out Sessions

3.1 Planning Commission Discussion on Off-Premise Signs; Promise Room; Francis Lilly, Community Development Director

Francis Lilly explained the history of billboards in the area and how other cities handled different aspects such as setbacks, height, and size. He spoke about the billboard bank that capped the number of billboards in cities and how state law affected use of electronic signs. Dewey Reagan, owner of Reagan Outdoor Advertising, said he would like to see ordinances with flexibility and wanted to work with the City in being a good partner in the community. He further explained that many signs were from local companies instead of national companies. Lilly discussed the tradeoffs between having fewer larger billboards or more smaller billboards, given that the total square footage of billboard sign area will remain the same. He cited the public process he went through when he worked at South Salt Lake. Some Commissioners commented on how the signs looked shabby in the Millcreek area or that it did not seem to have uniformity in placement while other Commissioners expressed a desire to remove smaller signs in exchange for larger signs in a more high-traffic area. The meeting concluded with Francis Lilly stating they needed to begin making decisions and crafting the ordinance with a timeline to bring it before the Planning Commission in March.

ADJOURNED: Commissioner Claerhout moved to adjourn the Planning Commission meeting at 9:00 p.m. Commissioner Booth seconded. Vice Chair Stephens called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED:

Fred Healey, Chair

Date

2/24/19

Thomas Stephens
Vice-Chair

Attest:

Elyse Greiner, City Recorder

3.2 Community Council Roles and Responsibilities; Millcreek Room; Rita Lund, Communications and Programs Director

John Miller discussed with the community councils the capital improvement budget process and the need for them to recommend projects to him in February. He also discussed policy creation and requested the community councils review the draft Traffic Calming Policy in preparation for presentation of it to the City Council at a later date.

Rita Lund discussed the web page “maps” and “report a concern” functions. They discussed the Salt Lake County Operations contract and the frequency and cost of snow removal. Lund also went over the City’s funding sources and restrictions; gas tax, property tax, sales tax, and grants. The community councils then filled out the required volunteer packet forms.

The meeting ended at 8:55 p.m.

3.3 City Council Work Session and Strategic Planning; East Mill Creek Conference Room; Laurie Johnson, HR-Finance Director

Laurie Johnson asked the council members what a strategic plan was, and each council member provided feedback. She said it was a systematic process of envisioning a desired future and translating this vision into broadly defined goals or objectives and a sequence of steps to achieve them. In contrast to long-term planning (which begins with the current status and lays down a path to meet estimated future needs), strategic planning begins with the desired-end and works backward to the current status. A strategic planning process includes vision, gathering information, formulating a strategy, implementing a strategy, and evaluating and updating the strategy. She said there are consultants who can help facilitate the process.

Baldrige Performance Excellence Program is part of the United State Department of Commerce and it oversees the nation’s only Presidential award for performance excellence while offering a wide array of award-winning products and services, including the world-renowned Baldrige Excellence Framework. She said Malcom Baldrige was the Secretary of Commerce and he developed a program to reward and recognize manufacturers who were doing very efficient things. She said it now incorporates health care and local government. She described her experience with the program on the Baldrige Board of Examiners. The framework emphasizes leadership, strategy, customers, measurement, workforce, and results.

Johnson said she has started to work on a 5-year budget and asked the Council if they wanted to proceed in creating a strategic plan. Johnson said the community councils and staff would provide input, but it would be the Council’s strategic plan. John Geilmann said the Council could start the plan now or financial and capital improvement projects now that build into a strategic plan next year. Council Member Catten said this year plus the next term, if she is re-elected, would let her see the 5-year plan. Council Member Uipi requested a public process being the first step. Council Member Marchant asked how many cities are involved in Baldrige. Johnson said she did not know but at least South Jordan was. She mentioned conducting a public survey was critical. It was brought up that an election year does not provide time for other projects. Council Member Uipi asked about using Qualtrics as a public survey resource. Mayor Silvestrini said the Utah

State University extension offers that service. Council Member Jackson said there needs to be multiple avenues for the outreach to the public. Johnson went through Fort Collins, Colorado application as an example. Johnson said if the award is on applications that meet a standard, there is not a set number of winners. The idea is to use the resources in the best way possible.

Johnson asked what the Council would like prepared for the budget planning work session tentatively planned for March 11. She said insurance costs would go up about \$36,000. She said two issues are the Unified Police Department contract and the Salt Lake County Public Works contract. Mayor Silvestrini said John Miller said the County could raise the City's contract by about \$1.5 million for the same level of service. He said Millcreek may join other cities if they are not able to come to an agreement with the County. Mayor Silvestrini said the Unified Police Department contract might go up by inflation. Council Member Uipi asked about the legislation allowing the Unified Police Department Board being able to hire a chief. Mayor Silvestrini said that legislation should not make the fees go up. Mayor Silvestrini said Millcreek does not have an option for public works in the short term. He would explore partnering with Taylorsville and Holladay.

Geilmann said over the next 5 years, he anticipates the population of the City to be about 74,000 or more. He said Millcreek has maxed out the employee ratio. He anticipates over the next 3-4 years a \$29 million budget that does not include the Unified Police Department property tax. He is still working on history which will help with that projection. He mentioned that the City Center will bring in more money. Mayor Silvestrini said the City needs to make a commitment to start the strategic plan process. He said the second phase of the City Center is in the works. Mayor Silvestrini said he went to the Salt Lake Christian Center to scope out the property for future public use. Mayor Silvestrini said the owner is looking to sell and would be willing to set terms of purchase with the City. Geilmann said the property owner is asking \$3.3 million. Johnson said she could start to build a visual representation of the strategic planning.

Hansen brought up that the County Animal Services contract would not be going up in price. Mike Winder showed the Council a video put together by the City Center consultants. He also showed renderings of what the video represented.

ADJOURNED: Council Member Uipi moved to adjourn the Council meeting at 9:03 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED:

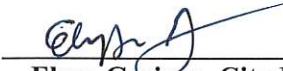


Jeff Silvestrini, Mayor

Date

2-18-19
JK

Attest:



Elyse Greiner, City Recorder

