



**Minutes of the
Millcreek City Council
May 28, 2019
5:30 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 May 28, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members

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

City Staff

John Brems, City Attorney
John Geilmann, City Manager
Elyse Greiner, City Recorder
Rita Lund, Communications & Programs Director
Laurie Johnson, HR-Finance Director
Kurt Hansen, City Services Director
Francis Lilly, Community Development Director
Erin O'Kelley, Planner
Blaine Gehring, Planner

Attendees: Marv Poulson, Richard Hansen, Paula & Gary Fox, Mark Snow, Diane Wenzl, Amber Wilson, Sandra Coffinan, Lupe Jimenez, Herbert Jimenez, Angela Kirsling, Lou Kirsling, Brandi Southard, Ella Loveland, Steve Schaller, Shaura Cole, Bill & Pauline Knutson, Nicole Handy, Grant Handy, Robert Mallinckrodt, Officer Justin Zabriskie, Lt. Mitchell, and Officer Easton Story.

WORK MEETING – 5:30 p.m.

TIME COMMENCED: 5:31 p.m.

Mayor Silvestrini called the meeting to order. He said the Council would not act on the first reading items nor take public comment on them.

1. First Reading:

a. ZM-19-001, Rezone from R-2-10 to R-1-5 at 4277 S. 500 E.; Erin O'Kelley, Planner

Erin O'Kelley said the applicant would like to rezone the property to create another buildable lot for a single-family home. The surrounding properties are zoned R-2-10 with a mix of single-family dwellings and duplexes. The proposed lot widths for this project are roughly 50 feet which would be in compliance with the R-1-5 zone, but it does not meet the R-2-10 requirements. O'Kelley showed the Council a site plan of the property. She said the proposed zone would allow a 25-foot lot width and a 20-foot front yard setback. The Millcreek Future Land Use map classifies this property as Neighborhood 1; the least dense classification with a range of density/scale of 1-6 units. O'Kelley went through questions

found in the General Plan pertaining to this project and found that the rezone met all requirements. At their meeting on February 5, 2019, the Millcreek Community Council recommended that the proposed rezone be approved in accordance with the exhibits in the staff memo. Staff received one neighborhood comment from a property south east of the applicant. The neighbors were not opposed to the project and had no complaints or concerns to offer staff. The Planning Commission recommended approval of the proposed rezone. Staff recommended that the rezone not be subject to a development agreement. Based on the similarities in regulation between the current zone R-2-10 and the proposed zone R-1-5, staff felt including a development agreement in this rezone would be an unnecessary burden to the applicant. The goal of the rezone is to allow the new single-family home to be owner-occupied. The owner can currently build another unit on the property, but it would not be eligible for owner occupancy. Staff felt that a development agreement would be too restrictive in this circumstance. Staff did not identify any concerns with the proposed rezone, recommended the finding that the proposed rezone is compatible with the Millcreek General Plan, and recommended the finding that the proposed development with the rezone is compatible with the surrounding neighborhoods.

b. ZM-19-007, Rezone from R-1-8 to R-1-6 at 3125 S. 2300 E.; Erin O’Kelley, Planner

Erin O’Kelley said the property currently has two single family homes, one of which has fire damage and has not been used since. This property is designated as Neighborhood 1 in the General Plan. Under the City’s adopted flag lot policy, a property in the R-1-8 Zone is required to have 20,000 square foot minimum to subdivide and create a flag lot. With this rezone approval, the applicant would be able to take a nonconforming lot and make it conform to current City ordinances. At their meeting on May 1, 2019, the Canyon Rim Citizens Association voted unanimously to recommend approval of the rezone not subject to a development agreement. At their meeting on May 15, 2019, the Planning Commission voted to recommend approval of the rezone not subject to a development agreement.

Mayor Silvestrini asked about access to the east lot. O’Kelley said there would be an access easement to it. Lilly added that he has talked to a lot of people about the property who wanted to keep the non-conforming use. He said he liked this application because it conforms with the use.

c. ZM-19-008, Rezone from R-1-8 to C-2, Subject to a Zone Condition Limiting Uses to Public and Quasi-public Uses at 3608 S. Jupiter Drive; Francis Lilly, Community Development Director

Francis Lilly said Unified Fire Station 112 at 3608 S. Jupiter Drive is in dire need of reconstruction. The General Plan identified it as a necessary project. The Unified Fire Authority would prefer to rebuild the station on site. In order to accommodate a modern fire station with a modern footprint, the property would need to be rezoned to C-2 to allow a zero-lot line on the west property line with the Olympus Hills Shopping Mall. Lilly did not recommend a development agreement, but a zoning condition that the use remain public or quasi-public. Mayor Silvestrini said as the Chair for the Unified Fire Service Area (UFSA), there is an urgent need to replace the station because it is falling apart. The station serves parts of Holladay, Parley’s Canyon, and Millcreek Canyon and it is important for the City to have a fire station east of I-215 for emergency disaster purposes. He said all the currently facilities of the station are inferior. The new station will be smaller and less imposing. UFSA owns the property and the rebuild would be within budget. Mayor

Silvestrini said the owner of the Olympus Hills Shopping Center did not object to the reduced setback. The Mt. Olympus Community Council and Planning Commission recommended approval of the rezone. There were two residents who inquired about the application but did not have problems with it.

d. ZM-19-010, Rezone from C-2 to R-1-6 at 3244, 3260, 3261, 3273, 3280, and 3290 S. 1000 E.; Blaine Gehring, Planner

Blaine Gehring said there are six single-family homes located north of 3300 South on 1000 East which are zoned C-2. Under the C-2 zoning, these homes are considered legal non-conforming because the current C-2 Zone does not allow single-family dwellings as a permitted or conditional use. Millcreek is seeking a rezone of the properties to align their use with the zone. Adjacent uses include single family homes in the R-1-6 Zone and commercial uses in the C-2 Zone. The homes were built between 1921 and 1947 according to the Salt Lake County Assessor's records. Based on official Salt Lake County zoning maps and ordinances, these properties were zoned C-2 in 1953 with single-family dwellings a permitted use. By 1965, the zoning ordinance had changed, and single-family dwellings were no longer a permitted or conditional use in the C-2 Zone. These homes have been legal non-conforming uses since at least 1965 because of the change in the zoning ordinance. This rezone came to the attention of city staff during the General Plan open houses and hearings. The future land use map in the General Plan calls for these specific properties to be Neighborhood 1, which is single family residential. At their meeting on May 7, 2019, the Millcreek Community Council recommended approval of the zone change by unanimous vote. Staff recommended approval of the zone change. No development will occur, so it will not be subject to a development agreement. At their meeting on May 15, 2019, the Planning Commission voted to send a favorable recommendation to the City Council to approve the rezone request. The public in attendance at the Planning Commission meeting spoke in favor of the rezone.

Mayor Silvestrini said he spoke in favor of the rezone at the Planning Commission meeting. He said the rezone was a promise to people who were involved in the community reinvestment area and with the blight study. He said there is a height transition required between commercial properties and residential properties, so these properties would not benefit from the height transition if something were to be redeveloped on 3300 S. while being zoned C-2. Mayor Silvestrini said he made a commitment to those residents that he would assist with a city-sponsored rezone. The residents that were affected signed a petition in agreeance with the rezone.

e. GP-19-001, City Center Master Plan; Francis Lilly, Community Development Director

Francis Lilly said the proposed city center is between Richmond (1300 E.) and Highland Drive and Elgin Avenue and 3400 South. He highlighted that the idea of the center in this location came from the Wasatch Choice 2050 Plan, which is a regional planning effort to project and anticipate where growth might occur while being economically conservative and as effective as possible with a transportation investment. The 2050 Plan identified the proposed city center area as a town center. The current demand for mixed-use, commercial, and multi-family projects is a product of the success of market absorption. Millcreek has iconic buildings and uses that go back decades, so people have seen this area as a gathering place. The planning efforts were an attempt to address existing market forces. Staff wants

to be proactive in transportation choices, complete streets, and a vibrant, active, mixed-use center. The City Center Master Plan will create a walkable urban space that is iconic. There will be multiple spaces between 1300 E. and Highland Drive, including a long linear park (Mill Park) that will be the focus of the City's investment. The investment will be in the form of utilizing projected revenues off of tax increment financing to fund a public open space. That open space will be along the fault line, where building is not allowed, and it will create an amenity and open gathering space for the whole city. The fault line creates opportunity for focal point parkway and a link to the McClelland Trail in Salt Lake City. Lilly showed the Council a building rendering and said elements of a future code will include active ground floor uses, step backs as necessary to preserve view corridors, and a store front width maximum.

The City Center Master Plan contemplates civic and public gathering spaces. Lilly mentioned that movies could be broadcasted on the back of the Villa Theatre. The Plan should create an engine of population and tax base to help keep taxes low for Millcreek. The conservative estimate is that the Plan anticipates 1,300 new residential units and 580 potential employees, an additional annual tax revenue of \$102,000 specifically to the City, and 40,000 square feet of retail and 100,000 square feet of office space. The design should support transportation alternatives. There will be a new 3-lane design for Highland Drive that promotes pedestrian safety. The Plan will also respect surrounding existing neighborhoods by promoting height transitions and protecting view corridors.

Lilly said the guiding principles for the City Center Master Plan are: that it should emphasize walkability, and minimize internal traffic and parking demand; should include municipal property owned by the City and designated for public use; the design should represent the City in ways that are distinctive from other cities and unique to Millcreek; and should emphasize culture, art, ideas, and interaction between citizens. Lilly said the implementation goals are to adopt a code that impose design standards, a light form-based code approach, create a temporary gathering place, assemble property for the Mill Park open space, and complete the Highland Drive/Mountair streetscape.

Mayor Silvestrini asked about there being more public engagement on the Mountair streetscape. Lilly said the architect consultant will lead the design based on the feedback previously provided. Mayor Silvestrini said the consultant should have engagement at the front-end and engagement on the plan they come up with. Lilly said before the consultant goes through the design development phase, they will solicit more feedback. He said the scope is small enough to not do an RFP and he would work with Oak City Design who has done work previously for the City in the area. John Brems said city ordinance does not require an RFP for professional services. Mayor Silvestrini mentioned that the Gunn Avenue projects developers bought the Mountair streetscape property and gave it to the City with an additional \$100,000 for maintenance.

Lilly said staff was receiving applications for significant projects in the area and they wanted to harness that energy to create something of value for the community. The community councils all recommended approval of the City Center Master Plan, three of which had unanimous votes, but the Millcreek Community Council had a 10-3 vote. Those opposed expressed concern that the City was moving too fast on the plan and had concerns about traffic and density. Lilly said their questions would exist without the Plan and that

the Plan is a proactive attempt to get ahead of those concerns. Staff has asked developers to wait until the Plan is adopted to develop. Lilly said the Planning Commission's recommendation for approval of the Master Plan was unanimous with the following findings: 1) The Proposed City Center Master Plan creates a framework to implement the General Plan Goal to establish the City Center as the City's hub of commerce, governing, innovation, entertainment, art and culture. 2) The City Center Master Plan establishes standards for building heights and designs that promote an iconic, walkable community and that respect surrounding neighborhoods. 3) The City Center Master Plan establishes street standards that advance the General Plan goals for active transportation, walkability, and bikeability. 4) Implementation of the City Center Master Plan will result in the creation of a significant urban park that will be a benefit to existing and future residents and be a legacy for the community.

Mayor Silvestrini said the Council was considering whether to adopt a plan or not. The development and density this area currently allows are only affected by the Plan by reducing the height that would potentially be allowed. He said staff was not coming up with a plan that increases density but one that potentially reduces it. He said allowing redevelopment to happen in the area without a plan would be haphazard and the City would miss out on possible amenities. Mayor Silvestrini rhetorically asked if Millcreek should have a plan or not and if this plan was a good one. He said Millcreek has engaged with the public repeatedly on this concept and it has been vetted extensively by the Millcreek public.

2. Reports from Millcreek Staff

Rita Lund said Venture Out was coming up and a new printed newsletter would be coming out. She mentioned that the newsletter paper is thicker and cost more because she had to use another printer. This paper would cost \$1,500 more per issue but would come with additional pages. She mentioned that there would be a crossing guard appreciation luncheon the next day. The Millcreek Community Council car show would be June 8th.

Lund said there were meetings taking place on the Parleys Interchange Environmental Impact Statement with UDOT. There will be meetings with specific residents, businesses, and the general public. Mayor Silvestrini said the interchange reconfiguration has more room on the west side of I-215 so there can be a fly over bridge, and it will be done without taking any houses on Wasatch Boulevard. Part of one yard will be condemned, but the impact has been severely mitigated. UDOT will also be preserving the Parley's Crossing trailhead and the alignment of Wasatch Boulevard. Lund said that the Valley Street culvert would have a road closure to work on repairs. She said she was also working on getting information to residents in the new FEMA floodplain area and will have an open house about it.

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

Mayor Silvestrini said he circulated a letter to the Council that was written to Sheriff Rivera after meeting with the mayors of Taylorsville, Holladay, and Midvale, the cities' managers, and finance staff. He said in reviewing the Unified Police Department's (UPD) budget proposed by the Sheriff, there were a couple of issues. He said some cities would have financial distress with how the budget was proposed. The budget contemplated a 2% cost of living adjustment, a 2.5% merit increase, and a 4% market adjustment. The market study performed for UPD showed that salaries significantly trail those of other police departments in

the Salt Lake valley; UPD was in the bottom half. They have heard about wage increases discussed by other departments in the valley. Mayor Silvestrini said UPD would have a fund balance, but it would not be accounted for in normal standards. He said things were not as dire as he previously reported. He said Midvale is struggling to meet the Sheriff's budget request. It is of the opinion of the four cities, that given the departure of Herriman and Riverton, there were not enough cuts in shared pooled services. They felt that further cuts needed to be made in pooled services to be able to increase officer compensation. He said Millcreek is fortunate to have additional funds to apply towards the UPD contract. He had conversations with Sheriff Rivera about the budget and there will be a meeting about it on June 4th. Mayor Silvestrini said all four cities are firmly committed to staying in the Unified Police Department and they are entitled to have a role in designing the structure of the department.

Council Member Marchant thanked Mayor Silvestrini for his collaboration and leadership. He expressed concern about cities exiting UPD and losing the strength of shared services. He asked if UPD was subsidizing the cities on shared services that are not with them. Mayor Silvestrini said every police agency in the State has a mutual aid agreement to help each other, but that aid is temporary. Midvale presented budget numbers over time which showed that when they joined UPD, the bill for pooled regional services a year was around \$1 million but it has gone up to \$3 million. Mayor Silvestrini said cities are paying 32% for pooled services. The cities do want shared services because of economies of scale achieved. Council Member Uipi said she has spoken with people who speak highly of Mayor Silvestrini's leadership. She asked how many UPD officers could retire today and if there was a succession plan to train new officers. Mayor Silvestrini said there is a significant number of officers who could retire. He mentioned that UPD would try to relocate current positions so there would not be layoffs and try to look at a solution that does not include demotions. He said he was trying to balance everyone's needs. Council Member Uipi asked about gaging officer morale. Mayor Silvestrini said the police department is an organization that is highly structured by rank and he wants to appropriately observe that chain of command. He said he has been talking to the labor group and the precinct Chief. He wants to do the right thing for morale without overstepping his position on the UPD Board.

John Geilmann said he did not have any updates on the public works contract with Salt Lake County. Mayor Silvestrini said he met with representatives of Holladay and Taylorsville and they came up with a common set of objectives. The first option is to stay with the County at an affordable rate and not have feathered adjustments. The three cities will move forward with a study of public works services which will show other options of whether the cities should start their own department or share services through an interlocal agency. Mayor Silvestrini said there was not favor for creating a local district. Geilmann said the draft RFP has been distributed to the other cities for review, but staff had not heard back.

Council Member Jackson moved to adjourn the work meeting at 6:39 p.m. Council Member Marchant seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:05 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and a scout from Troop 202 led the pledge of allegiance.

1.2 Unified Police Department Officer of the Month for April 2019 and Special Awards Presentation

Mayor Silvestrini said there were special presentations for members of the Unified Police Department (UPD) Millcreek Precinct. He said he attended the Sheriff's award banquet where awards were given to Millcreek Officers and he wanted to recognize the officers. The first was Officer Justin Zabriskie who helped deliver a baby without complications. Mayor Silvestrini said he exemplified values of the UPD. Mayor Silvestrini said Officer Jeff Nelson was awarded a Sheriff's star because he and two others played a crucial role in stopping an armed burglary. Officer Nelson is currently in Afghanistan for military service and was unable to attend the meeting. Officer Tracy Creno, also unable to attend the meeting, was awarded a Sheriff's star for the same incident as Officer Nelson and one for a domestic violence call in which she took command of the situation and helped save the life of one of the two victims.

Lt. Mitchell announced Officer Easton Story as Officer of the Month for April 2019 and then read a letter to the Council from a grateful citizen that appreciated the wellness check that Officer Story conducted. Mayor Silvestrini said the citation written by a resident is what Millcreek wants to see. The Citizens Advisory Board presented Officer Story with a gift.

1.3 Public Comment

Marv Poulson, 3631 Carolyn Street, asked who the audience was for the Millcreek website. The Council responded that it is for the public. He then passed out handouts from the website to the Council. He pointed out confusion of the meeting agenda and packet posted on the website. He asked for the prefix of the agenda item to be added to the listed files. He also expressed concern over the word, "packet." Council Member Uipi thanked him for bringing the item to the Council's attention.

2. Business Matters

2.1 Discussion and Consideration of Ordinance 19-18, Adding Code Chapter 2.11 Regarding Election Code

John Brems said the ordinance was for a Millcreek election code. Mayor Silvestrini said the County runs the City's elections, but the election standards were not codified in Millcreek's code. This ordinance calls for a candidate filing fee of \$50, but a waiver is available if the candidate collects 50 signatures on a petition. Council Member Jackson requested that the petition signature requirement for those running for a council seat collect signatures from residents who reside within that district.

Council Member Uipi moved to approve item 2.1 with the amendment to the petition of signatures that the residents be within that district or something similar to that. Council

Member Jackson seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously. Mayor Silvestrini excused Council Member Catten from the meeting.

2.2 Discussion and Consideration of Ordinance 19-19, Amending Various Sections of Code Replacing All References to Fee or Fees and a Dollar Amount to Reference a Consolidated Fee Schedule and Other Matters

Mayor Silvestrini said the ordinance was to simplify code to reference fees in one place. He mentioned that Millcreek had commissioned a fee study for business license fees, so those amounts would change. Laurie Johnson said the department heads have updated the fee schedule to better meet the needs of Millcreek. Council Member Jackson asked about the building permit fees. Johnson said the City Services Department updated the fees inherited from the County. Kurt Hansen said staff has not changed every fee but clarified the fee schedule and changed a couple that were not taking care of the services provided. He said when someone builds a new building, there is a valuation put on it. The building valuation table is nationally published by the International Code Council twice a year and it was incorporated into the Millcreek fee schedule by reference.

Council Member Uipi moved to approve item 2.2. Council Member Marchant seconded. Mayor Silvestrini thanked Kurt Hansen for referencing national standards. **The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

3. Reports

3.1 Mayor's Report

Mayor Silvestrini said there was a free land use course available for staff, the Planning Commission, and the community councils offered by the Utah League of Cities and Towns in Taylorsville that coming weekend. He said he has had ongoing budget discussions with Sheriff Rivera and will be meeting with her on June 4th. He said staff is continuing to work on negotiations with Salt Lake County on the public works contract. He said there has been talk from advocates on installing a bicycle skills park in the Mt. Olympus Park. The organizers have approached the Salt Lake County Parks Department, Millcreek, and Holladay.

3.2 Reports of City Council Members

Council Member Uipi attended the Olympus High School grade reconfiguration meeting and it went well. Mayor Silvestrini said the Granite School District is opening it up to recommendations from the school community councils. Council Member Uipi said she would be meeting with the Millcreek community councils at 4:00 p.m. on June 10th. Mayor Silvestrini said there have been issues with their expenditure of public funds provided by the City. Staff will educate the community councils about charitable contributions. Council Member Uipi said all the organizations who are provided funding from the City are treated the same.

3.3 Staff Reports

John Geilmann said the engineering department wanted to remind the Council about the three Rs followed by a P; Rain, Roads, and Ruts followed by Patience. He said it has been a wet spring and the water is getting under the asphalt, which creates more ruts. He

said it has not been warm enough and there has not been enough time to fix those things. He asked for the public's and Council's patience. Mayor Silvestrini said the scope of work within the budget will be reduced due to the snowplowing expenses this year. Mayor Silvestrini said there was recently a substantial flooding event. A mile up Neff's Canyon there was a diversion point and logs across the creek created a blockage and caused the creek to jump back into its original channel which is where homes are now. City staff worked to resolve the issue with County staff. He thanked the Church of Jesus Christ of Latter-Day Saints for filling sandbags. He said the creek had since been put back into its regular channel. The Olympus Cove area is in a floodplain. Rita Lund said the sandbags are still in place and encouraged residents to move them away from their driveways instead of driving over them until they have been picked up.

3.4 Unified Police Department Report

Sergeant Jared Nichols introduced Detective Thompson as Detective Bettina Allen's replacement in the Community Oriented Policing Unit since she went to patrol. He said in the month of April during the last five years, calls have gone up and cases have stayed the same. In that same time frame, he said the citations have increased by a lot because officers have been more proactive. Sgt. Nichols went over the crime review trends over the last five years during the month of April, which included: a 1% increase in assault, 11% decrease in burglary, 10% increase in family offense, no change in homicide, a 17% decrease in kidnapping, a 7% decrease in larceny, a 58% decrease in robbery, a 50% increase in sexual offenses, and a 32% decrease in stolen vehicles. He said the National Take Back Day for prescription drug disposal was on April 27th. The UPD did bar checks and all businesses were complying with code. They also did an Eliminating Alcohol Sales to Youth (EASY) check and 1 of 22 businesses was in violation.

3.5 Unified Fire Authority Report

There was no report.

4. Consent Agenda

4.1 Approval of May 13, 2019 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve the May 13th work meeting and regular meeting minutes. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

5. New Items for Subsequent Consideration

There were none.

6. Calendar of Upcoming Events

- Mt. Olympus Community Council Mtg., 6/4/19, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 6/4/19, 6:30 p.m. at City Hall
- Canyon Rim Citizens Association Mtg., 6/5/19, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 6/6/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., 6/10/19, 5:00 p.m. at City Hall
- Planning Commission Mtg., 6/19/19, 5:00 p.m. at City Hall

Mayor Silvestrini went over the calendar of events and said there would not be a Council work meeting in June.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 7:57 p.m. Council Member Marchant seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: Jeff Date 6-10-19
Jeff Silvestrini, Mayor

Attest: Elyse
Elyse Greiner, City Recorder