



**Minutes of the
Millcreek City Council
August 12, 2019
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on August 12, 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

City Staff

John Geilmann, City Manager
John Brems, City Attorney
Elyse Greiner, City Recorder
Rita Lund, Communications Director
Francis Lilly, Planning & Zoning Director
Mike Winder, Economic Development Director
Jim Hardy, Building Department Director
Jared Bowling, Information Center Manager

Attendees: Linda Milne, Jose A. Salinas, Richard Hansen, Megan Stone, Marv Poulson, Adbul Mansoor, Diane Wenzl, Stephanie Steele, Gary E. Hanneman, Chief Duane Woolsey, and Chief Steve DeBry.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:00 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and led the pledge of allegiance. He then welcomed members of the Youth Council in the audience.

1.2 Public Comment

Marv Poulson, 3631 Carolyn Street, said he reviewed the draft City Center Overlay Zone ordinance and had some concerns. He said the ordinance lacks the requirements of trees, the color description for awnings is vague, and the parking requirements in the City's master plan is inadequate in the number of stalls required for businesses. Mayor Silvestrini invited Poulson to be involved in the engagement for the City Center Overlay Zone. Poulson endorsed H.B. 411 Community Renewable Energy Act and said the City should not wait on joining the other cities in looking to the future.

Diane Wenzl, 3240 S. 1000 E., said she sent Council Member Marchant an email about Mixed Use 1 designations on the Future Land Use Map in the General Plan. She said

when the General Plan was adopted, there was not and currently is not zoning ordinance support for Mixed Use 1 designations. She said it was problematic because there is no overlay zone to address it. The designated properties in commercial zones abut existing residential neighborhoods. Mixed Use 1 does not allow heights greater than 30 feet. The C-2 zone is more in line with Mixed Use 2 allowing up to four stories in height except within 100 feet of residential zoning. She said 100 feet was not a great distance to separate uses. The north side of 3300 S. and on Highland Drive is designated as Mixed Use 1 in the General Plan but they are on C-2 zoned properties which makes the Mixed Use 1 designation obsolete. She said properties will develop as C-2 zoning allows, not as Mixed Use 1. The General Plan does propose to protect existing residential neighborhoods, but the lack of zoning support does not. She raised concern with rezoning for residential multi-family development and conditional use permits. She said rezoning to residential multi-family is an extreme zone change and a conditional use is the most extreme impact. She compared the differences between rezoning and conditional use permits with public noticing, density differences, detrimental effects, and whether the application goes to the community councils. She said the community input is directly related to the amount of noticing and meetings.

Mayor Silvestrini invited her to meet with staff to discuss the information she raised. He said Millcreek has not had time to do some of the things she brought up because the focus has been on the City Center. He said the City Center Overlay Zone and the Millcreek Center Community Reinvestment Area offered more protections to residents, but the residents did not want to be in the designated area. He thanked Wenzl for her involvement. Council Member Marchant thanked her for her comments.

2. Planning Matters

First Reading:

a. ZT-19-002, Amendments to Title 19 Regarding Noticing and Hearing Requirements for Land Use Hearings

Francis Lilly said he would like to make changes to the processes for the Land Use Hearing Officer. That office is the official appeal authority designated by State statute and Millcreek code. The Hearing Officer works in a quasi-judicial manner on variances or on decisions Millcreek officials/staff make. Millcreek has established the position as a single person rather than a Board of Adjustments. There are a range of decisions that can be appealed, and the Hearing Officer can make decisions on: conditional uses; variances; decisions made by the Planning Director with single family developments and on parking requirements; certain Planning Commission decisions; certain approvals of lots and buildings on private rights-of-way; clarification on zone boundaries and decisions on the Geologic Hazards Ordinance; and alterations, enlargements, relocations, or reconstructions of a noncomplying structure or a structure occupying a nonconforming use.

Lilly said there have been recent projects that have come before the Hearing Officer that have had implications on surrounding neighbors. He said the hearing is not subject to public clamor, but the neighbors should be aware of the appeal. There are certain determinations that need to be made or be done by the Hearing Officer that does not create an unreasonable burden on surrounding property owners and is the intent of the land use code. In the proposed ordinance, staff had recommended mailing notice of the

hearing to property owners within 150 feet of properties with land use appeals though the Millcreek Community Council and Planning Commission recommended that the notice be to properties within 300 feet. The proposed code allows the Hearing Officer to make two additional findings; that enlargements meet the standards of the Residential Compatibility Overlay Zone (RCOZ) special exception building envelope requirements, and to empower the Officer to impose limitations on the issuance of a permit to minimize adverse effects to the neighborhood. He said making the power explicit will result in better applications and stronger grounds for approval/denial. The code also adds the language that a person seeking to participate in a land use hearing must file an application to intervene within 5 days of the hearing. Lilly said he worked with the City Attorney on the ordinance. He said he tried to strike a balance between the quasi-judicial nature of the hearings and allow potentially affected parties to communicate on an application that goes to the Hearing Officer.

Mayor Silvestrini said there was previously an issue with a nonconforming structure and this ordinance amendment aims to fix that loophole. There was no mechanism to provide notification to the neighbors without an ordinance. He said in that specific circumstance the Hearing Officer approved the application because there was no reason in code to deny it. State law does not allow the public to make comment on the appeal, the decision is to be made on strict legal requirements. The public can legally intervene, but this code requires them to provide notice and their basis for standing which then allows the Officer to be ready for their argument. The RCOZ standards would also be applicable with the ordinance. The Council said they were okay with the 300-foot notice boundary. Mayor Silvestrini said the public is limited on what they can raise in the quasi-judicial proceeding. Council Member Marchant asked about the cost of the noticing the public. Lilly said the applicant would pay for it. John Brems said the ordinance is a good solution to a problem but creating more rules could create new problems.

3. Business Matters

3.1 Discussion and Consideration of Resolution 19-28, Approving an Interlocal Cooperative Agreement with Salt Lake County for the Second Amended Agreement for Addressing

Mayor Silvestrini said Millcreek contracts with Salt Lake County for addressing services for new developments. The resolution is a renewal of the agreement at the same cost.

Council Member Jackson moved to adopt Resolution 19-28, Approving an Interlocal Cooperative Agreement with Salt Lake County for the Second Amended Agreement for Addressing. Council Member Catten seconded. The City Recorder called for the vote. The motion passed unanimously.

3.2 Discussion and Consideration of Ordinance 19-38, Amending the Financial Administrative Ordinance Creating a Director of Finance

Mayor Silvestrini said the ordinance creates the position of Director of Finance, which Laurie Johnson currently holds. The ordinance also allows the position to sign for certain things, do minor purchasing, and adds the position to the procurement code.

Council Member Uipi moved to approve item 3.2. Council Member Marchant seconded. The City Recorder called for the vote. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini said he attended the community council meetings and Night Out Against Crime the prior week. He said Millcreek has made property acquisitions in the city center area. He reported that he went on a ride-along with Unified Fire Authority Station 112 and they responded to flooding and wildfire calls. The Millcreek Pop Up dinner was a success and a great conclusion to Venture Out. He announced there would be a presentation on H.B. 411 with Rocky Mountain Power at the next regular Council meeting on August 26th. He said he would also invite a Salt Lake City representative to attend the meeting who had helped fashion the legislation. He said the Council needs to make a decision about the legislation by December 31st. He offered that the public could send the Council their input on the matter. He said that he, Council Member Jackson, and staff met with Salt Lake City about boundary issues for an interlocal agreement. He said the public would have the opportunity to make comment on the agreement before anything is adopted.

4.2 City Council Member Reports

Council Member Catten said the "Get to the River" Jordan River celebration would be in September. Millcreek will participate in partnership with Sunnyvale Farmers Market. There will be a boat race and rootbeer floats. The event will be on September 7th.

Council Member Jackson announced the Promise Fiesta on August 14th at the Jean Massieu School of the Deaf and Blind.

Council Member Uipi said she attended the East Mill Creek Community Council meeting the prior week. She thanked Unified Police Department (UPD) for the Night Out Against Crime. She announced that the Mt. Olympus Community Council meeting would be held at City Hall on August 13th.

4.3 Staff Reports

Mike Winder said the Business Council would be having an event on August 21st at Golden Customer Care and Senator Mitt Romney would be speaking at it. He said the event is in conjunction with other entities and he invited the public to attend.

John Geilmann said the Mt. Olympus Community Council Chair David Baird would make a proclamation presentation to Barbara Bruno because she has been providing outstanding value to the community for over twenty years by voluntarily picking up trash on Oakview Drive at dawn while dodging drowsy speeders. Mayor Silvestrini said Millcreek should be recognizing residents who contribute to the community. The Council consented to proclaiming Barbara Bruno as a highly valued resident.

Council Member Jackson moved to issue a proclamation recognizing Barbara Bruno as a highly valued Millcreek resident. Council Member Uipi seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

5. Consent Agenda

5.1 Approval of July 22, 2019 Regular Meeting Minutes

Council Member Jackson moved to approve the July 22, 2019 regular meeting minutes. Council Member Uipi seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

Chief Steve DeBry thanked the Council for participating in Night Out Against Crime. He said school starts August 19th and there will be an increased presence of officers in the school zones. The State has given UPD a grant for crosswalks and they will enforce jaywalking. He said during the coming Friday through Labor Day there would be a national push to keep highways safe. There are many accidents during that time of year. He said when firefighters are hurt, it affects police. There was a situation in Pennsylvania where three children at a daycare perished in a fire who were the children of a firefighter there. He offered condolences to the family.

6. New Items for Subsequent Consideration

7. Calendar of Upcoming Events

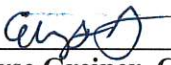
- City Council Work Mtg., 8/19/19, 5:30 p.m. at City Hall
- Planning Commission Mtg., 8/21/19, 5:00 p.m. at City Hall
- City Council Mtg., 8/26/19, 5:00 p.m. at City Hall

Council Member Jackson moved to go into closed session pursuant to Utah Code Ann. §52-4-205(1)(d) to discuss the purchase, exchange, or lease of real property at 7:51 p.m. Council Member Marchant seconded. The City Recorder called for the vote. The motion passed unanimously.

Council Member Uipi moved to go back into the open meeting at 8:25 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:25 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED:  Date 8-26-19
Jeff Silvestrini, Mayor

Attest: 
Elyse Greiner, City Recorder