



**Minutes of the
Millcreek City Council
September 9, 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 September 9, 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
Kurt Hansen, Legislative Policy Director
John Miller, Public Works Directors
Jared Bowling, Information Center Manager
Alexander Wendt, Business License Administrator

Attendees: Hanna Hutcheson, Richard Hansen, Brad Wagstaff, Marv Poulson, Brad Reynolds, Kirk Bradford, Jose S., Sidney Harrison, Angel Vice, Christine Brown, Eric Sheer, Chief Duane Woolsey, and the Millcreek Youth Council.

WORK MEETING – 5:30 p.m.

TIME COMMENCED: 5:30 p.m.

Mayor Silvestrini called the meeting to order.

1. Discussion of a Resolution and Interlocal Agreement for a Boundary Adjustment with Salt Lake City for an area bordered by 1300 East Street, Highland Drive, Miller Avenue and Woodland Avenue, and the roundabout at approximately 2300 East Street 2700 South Street

Mayor Silvestrini said the Council would discuss the item then take action on it at the September 23rd Council meeting. Mayor Silvestrini said Millcreek worked with Salt Lake City Council Members and staff on the interlocal agreement. He said the Salt Lake City Council considered the matter at their meeting on September 3rd and the Millcreek Council was present. John Brems handed out an amended interlocal agreement to the Council and highlighted the changes. The changes were; in Section 3, language about disparagement was removed, and in Section 19, each city would bear its own litigation costs and expenses. Mayor

Silvestrini said Salt Lake City would agree to two boundary adjustments in the areas of 1300 East Street, Highland Drive, Miller Avenue and Woodland Avenue, and the roundabout at approximately 2300 East 2700 South. The County Surveyor will supply local entity plats for the cities by mid-October. Millcreek has agreed to pay Salt Lake City the current property tax revenue (\$61,000 per year) for the area in the Millcreek city center for the next ten years and any increase in revenue the property generates will go to Millcreek. Council Member Marchant said even though Millcreek would pay Salt Lake City what they had been previously receiving, Millcreek would get the future revenue and increases. Brems said the tax rates between the cities may be different. Mayor Silvestrini said the advantage of the agreement is that Millcreek will own the property and can plan for it in the city center.

Mayor Silvestrini gave a history on the drafting of the interlocal agreement. He said Millcreek initially approached Salt Lake City in a collaborative way to acquire the entirety of the Brickyard Plaza, then the State Legislature took the matter up, but Salt Lake City would not give up the Brickyard Plaza without a fight. He said it would have ended in a bidding war with property owners in the Plaza. He said this agreement was a good deal for Millcreek. The agreement also has the two cities working together collaboratively on future transportation and planning efforts. Council Member Jackson said she was happy with the outcome. Mayor Silvestrini said he had received comments on the roundabout property. The roundabout has not been maintained by the owner, the Department of Transportation, in Salt Lake City. He said owning the property will help keep the property well maintained as a gateway to the City. Council Member Marchant said the highest priority was having full control over the city center area. He said without the Salt Lake City piece, the City could not have a cohesive city center.

Mayor Silvestrini said the Council will address the agreement as an action item at the September 23rd Council meeting and will then set a date for the public hearing on the boundary adjustment for November. Both cities will adopt an ordinance on the boundary adjustment and then the adjustment will go into effect July 1, 2020, per state law.

2. Planning Items First Reading:

a. **ZM-19-015, (1) rezone from R-1-21 to R-1-10, (2) adjust the boundary of the Foothills and Canyon Overlay Zone (FCOZ) and Residential Compatibility Overlay Zone (RCOZ), and (3) request a setback reduction from 30 feet to 18 feet for a project located at 3898 East Thousand Oaks Circle**

Robert May said the item was a multi-level request. May highlighted a map of two cul-de-sacs abutting each other; Thousand Oaks Circle and Covecrest Drive. The six parcels and lots of property between the cul-de-sacs are under the ownership of the applicant, and the request is to reconfigure them into a five-lot subdivision. Lots 4 and 5 would be rezoned to R-1-10, Lot 1 would remain R-1-10, Lots 2 and 3 would remain R-1-21, and Lot 4 will have FCOZ removed and RCOZ added. Mayor Silvestrini asked if the removal of property from the FCOZ would restrict the City's ability to designate the building area on the lot. May said no, RCOZ would allow that and would also limit the height. May said staff found that the request was in compliance with the General Plan Future Land Use Map and the proposed rezones and boundary adjustments were consistent with the neighborhood. He recommended that the reduction of the setback be approved through the subdivision plat process and that the rezone be approved with a development agreement that limits the density and prohibits a through street connecting the cul-de-sacs. The Mt. Olympus

Community Council recommended approval of the rezone and map amendment with the condition that Covecrest Drive and Thousand Oaks Circle be prohibited from being connected by way of a private or public street. The Planning Commission recommended the density be limited to six lots though the applicant was proposing five. May said the Commission felt they would not want to cap the density because six parcels were there originally. Council Member Marchant said the Commission felt that the property owner should be able to divide their lot (lot 2) as a property right. He said there is currently a large home on the property and the owner would most likely not want to subdivide the property anyway. May said the existing home had many amenities that did not conform with property boundaries, so this reconfiguration would keep them all in one lot.

b. ZM-19-014, rezone from R-1-8 to R-2-8 subject to a development agreement for a single duplex located at 3419 South 1300 East

Blaine Gehring said the applicant was seeking to rezone property located at 3419 South 1300 East from R-1-8 to R-2-8 to facilitate construction of a new duplex. The subject property is a .38-acre parcel and is adjacent on the south to a new planned unit development (PUD) by the same developer. There is an existing single-family home between the subject parcel and the PUD. Currently the subject property is located adjacent to R-2-8 Zoning to the south and across the street on 1300 East and adjacent to R-1-8 Zoning on the east and west. The property has an existing single-family dwelling located on the premises which will be demolished. The duplex will be similar to those in the PUD, though not part of it. The Planning Commission sent a favorable recommendation of the rezone subject to a development agreement with the following condition: each unit shall have similar appearance, with slight variance of color and material to the units in the adjacent PUD known as The Meadows of Millcreek.

3. Reports from Millcreek Staff

Mike Winder said on 3900 S. and Main Street the Moda Meadowbrook development will have a ribbon cutting on September 25, 2019. He invited the Council to attend.

Rita Lund announced that Millcreek's meetings will be live streamed from the City's website instead of Facebook in the coming months. The new streaming service will include closed captioning. Mayor Silvestrini asked about the next printed newsletter timing so that an announcement about it could be made. He requested that during the transition, someone monitor Facebook. He said the website streaming should provide better compliance to the Americans with Disabilities Act (ADA) requirements.

Elyse Greiner acknowledged Alexander Wendt's presence and said that he had expressed interest in learning about recorder duties. She said he would be shadowing her and training for the next month to become a deputy recorder.

Council Member Jackson said she met with Ed Blake, Director of Habitat for Humanity, to learn about their program for assisting anyone in need and deserving to help make their home more habitable. She said they are looking for quality referrals from the City on who might need help. Council Member Catten asked if the homeowners could nominate themselves. Council Member Jackson said Habitat would prefer referrals from the City. Council Member Uipi recommended the Millcreek Senior Center as a point of contact for referrals. Council Member Catten recommended checking with code enforcement officers. Council Member

Jackson said the homes do not have to be owner-occupied. Council Member Jackson said a development was being built in Taylorsville that is a pilot program for sustainable housing that operates on less than \$2 a day in utility costs.

Mike Winder said the monthly “Meet and Eat” with the Millcreek Business Council was the following day. Francis Lilly said the City Center Open Space Evaluation Committee short-listed four teams; Landmark Design Team, MHTN Team, EPG Team, and MGB+A Team. The teams will submit proposals for the open space that the City will own. Lilly said there were seven teams total who applied. Mayor Silvestrini said the proposals, from what he saw, seemed impressive. The Evaluation Committee will interview the teams and make a recommendation to the Millcreek Mayor for selection.

Mayor Silvestrini said he would be presenting at the Utah League of Cities and Towns (ULCT) Convention on September 12th as part of the Wasatch 2050 day on the Millcreek City Center. He said he was asked to present at the ULCT Legislative Policy Committee on a resolution regarding what local governments can do to with respect to air quality control. The resolution would be up for approval at the ULCT’s meeting on Friday. He requested the Millcreek voting members of the Committee be present at the Friday meeting. Council Member Marchant brought up the Planning Commission having a special meeting on the City Center Overlay Zone amendment the following day. Mayor Silvestrini said the proposal went to the community councils and three of the four have not made a recommendation to the Planning Commission. He said some of them have expressed concerns about the building heights and requested more time to review it. Mayor Silvestrini said there would be a “Meet the Candidates” night at 6:30 p.m. at Skyline High School on September 10th. Candidates from Millcreek and Holladay would be present. The event is sponsored by the PTAs of Cottonwood High School, Olympus High School, and Skyline High School, and the East Mill Creek Community Council.

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

There were none.

Council Member Jackson moved to adjourn the work meeting at 6:15 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

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 welcomed the Millcreek Youth Council to the meeting. He expressed appreciation for their participation in the Youth Council. The Youth Council introduced themselves to the Council. Council Member Catten thanked those that volunteered at the Get to the River Festival. Rita Lund said the Youth Council is amazing and she also recognized Jordan Hatch on Millcreek staff who works with the Youth Council.

1.2 Public Comment

Marv Poulson, 3631 Carolyn Street, handed the Council an article from the Millcreek e-newsletter that was distributed the prior week titled, "Millcreek City Government Gets Top Marks from Residents" with some of his comments on it. He said in the article, about a resident survey that was conducted on residents' opinions of the City's government, it labeled certain residents in a negative light. He expressed frustration from perceived arrogance from the editorial. Mayor Silvestrini said there would be more information on the survey in a coming printed newsletter. The survey was sent by mail and conducted by a third-party analytics firm. Poulson said the residents who received the survey said it was superficial and vague. Mayor Silvestrini said the questions were formulated by the consultant and he encouraged the survey respondents to provide feedback to the Council about it.

2. Business Matters**2.1 Discussion and Consideration of a Proclamation Recognizing Constitution Week 2019**

Mayor Silvestrini said the Council adopted the same proclamation in 2018 and it coincides with the Governor's declaration on the anniversary of the ratification of the Constitution of the United States of America. Council Member Jackson confirmed that the proclamation was in support of the State's declaration.

Council Member Jackson moved to adopt the Proclamation Recognizing Constitution Week 2019. Council Member Uipi seconded. The City Recorder called for the vote. The motion passed unanimously.

2.2 Discussion and Consideration of Resolution 19-30, Approving an Interlocal Cooperative Agreement with Salt Lake County for Public Works Services

John Miller said the contract was for one year until June 30, 2020. The agreement is to continue services with Salt Lake County for the budgeted amount with the same services provided as last year. The agreement will cover services while the City does a survey for other public works service options. Council Member Jackson asked if there would be better recordkeeping and accounting for costs. Miller said there will be better accounting for the public works operations. He said the administrative overhead was lacking details. Miller said the past year contract was for \$4 million which included snow removal, pavement preservation, potholes, and general maintenance. He said because of accounting issues, the County was not billing all the shared services, such as truck maintenance, to all the contractees. The County then increased the contract amounts for Millcreek, Taylorsville and Holladay. Millcreek's contract went up to \$5.7 million. Millcreek contracted with an independent consultant to initiate a feasibility study of whether to continue services with the County, do the services independently as a city, do the services with a service district. Millcreek has a strong partnership with Taylorsville and Holladay. The cities have decided they enjoy the services provided by the County but do not feel some of the costs are justified. Mayor Silvestrini said he has met with the Mayors and staff of the other cities and the County. He said Millcreek is doing the study with Holladay and Taylorsville.

Council Member Marchant asked about the impact of the maintenance of the roundabout on 2300 E. being acquired from Salt Lake City. Mayor Silvestrini said the maintenance of

the roundabout would be for the landscaping because it is a UDOT road. Miller said it would impact the parks budget. Mayor Silvestrini said the City should engage the public for what they want in the roundabout landscaping. Miller said Millcreek has not previously maintained it because it is UDOT property in Salt Lake City. Miller said the County has an interlocal agreement with UDOT to maintain the roundabout right now. Mayor Silvestrini said the total contract price is \$5 million, an increase of \$1 million from last year. He said Millcreek could afford it because of increased tax revenue.

Council Member Marchant moved to approve an interlocal cooperative agreement with Salt Lake County for public works services identified as Resolution 19-30. Council Member Catten seconded. The City Recorder called for the vote. The motion passed unanimously.

3. Reports

3.1 Mayor's Report

Mayor Silvestrini said the Surveyor's Office has approved the application petition to a name change of Gunn Avenue to Villa Vista Avenue in honor of the Villa Theatre. He said the next printed Millcreek newsletter would have a better story of the conducted survey (referenced during public comment) and the full survey would be published on the City's website. He announced the Meet the Candidates Night on September 10th at Skyline High School in conjunction with Holladay City. He said he presented a proposed resolution to the ULCT Legislative Policy Committee on improving air quality encouraging state and federal governments to do the same, such as to modernize code standards to cut down on air pollutants and not weaken vehicle emission standards. The resolution was adopted by the Legislative Policy Committee on a split vote and he hoped the convention would vote in favor of it at the ULCT Convention on September 20th.

3.2 City Council Member Reports

There were none.

3.3 Staff Reports

There were none.

4. New Items for Subsequent Consideration

There were none.

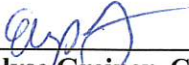
5. Calendar of Upcoming Events

- Planning Commission Special Work Mtg., 9/10/19, 5:15 p.m. at City Hall
- City Council Work Mtg., 9/16/19, 5:30 p.m. at City Hall
- Planning Commission Mtg., 9/18/19, 5:00 p.m. at City Hall
- City Council Mtg., 9/23/19, 5:00 p.m. at City Hall

Mayor Silvestrini reviewed the calendar of upcoming events. Council Member Jackson said she would not be at the September 16th Council work meeting.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 7:27 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED:  Date 9-23-19
Jeff Silvestrini, Mayor

Attest: 
Elyse Greiner, City Recorder

