



**Minutes of the
Millcreek City Council
December 9, 2019
5:00 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work and regular meeting on December 9, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1 (left at 5:36 p.m.)
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (arrived at 5:10 p.m.)

City Staff

John Geilmann, City Manager
John Brems, City Attorney
Elyse Greiner, City Recorder
Mike Winder, Economic Development Director
Francis Lilly, Planning & Zoning Director
Kurt Hansen, Legislative Policy Director
Jim Hardy, Building Department Director
Rita Lund, Communications Director
Laurie Johnson, HR-Finance Director
Jared Bowling, IT and Facilities Manager
Blaine Gehring, Planner
Robert May, Planner

Attendees: Dave Spatafore, Richard Hansen, Aldo Arnone, Marv Poulson, Steven Gilbert, McKay Quinn, Jason Burningham, John Janson, Kirk Bradford, Tom Stephens, Robert Steiner, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 5:00 p.m.

TIME COMMENCED: 5:00 p.m.

Mayor Silvestrini called the meeting to order. He said Council Member Uipi would be late. He mentioned that the Council would be meeting in a special meeting the next morning, December 10th, with Millcreek's State Legislators to talk about municipal and legislative priorities.

1. Legislative Update; Capstone Strategies, LLC

Dave Spatafore said he appreciated working with Kurt Hansen. He said nearly 1,000 bill files had been opened with about six weeks to go before the 2020 Legislative session began. He said there would be a special session on December 12th regarding taxes. He did not think there would be a reduction in taxes, but there might be increases. He said 2019 H.B. 411 involved an administrative service fee that would be paid to Rocky Mountain Power. If about 20 cities participated, then the fee would be relatively acceptable to the communities. If there were less

than 20 cities, then the fee would be more expensive. He had not seen a final 2020 bill for tier 2 retirement and not foresee a significant change that would affect the cost structure. In regard to housing affordability, he had been participating with the commission during the interim and there would be an attempt to fund the Olene Walker Housing Loan Fund with \$15-20 million for more projects. There would also be an appropriation for vouchers in the bill. Nonprofits would get the vouchers and work with the various school districts to get them to the families who needed them. He said more than 1,000 students in the Granite School District and 13,000 state-wide were housing challenged. He said he did not see additional requirements on cities for affordable housing. Mayor Silvestrini asked about limiting plastic bags in the City. Spatafore said Logan City just banned plastic bags. He said the bags create a big issue in the landfill and he thought the issue was with education. Mayor Silvestrini said he would work with grocery stores in Millcreek. Council Member Uipi requested two or three legislative reports during the legislative session to the Council during their meetings. Spatafore said he could work out a schedule with Kurt Hansen in addition to weekly written communication.

2. Potential Hospital Area Community Reinvestment Area; Mike Winder, Economic Development Director

Mayor Silvestrini said Millcreek had communications with St. Marks Hospital about expanding. Their property is principally zoned residential multi-family. Staff had considered writing a new zone for them. As the largest employer and a significant tax generator, the Mayor would like to work with them. Mike Winder showed the Council an aerial photo of the area near St. Mark's. Council Member Marchant said St. Mark's was expanding the size of patient rooms and bringing the hospital up to date. Winder asked the Council if there would be value in creating a community reinvestment area in the area near the hospital that could benefit with tax increment. Mayor Silvestrini asked Winder if he had had discussion on increment. Winder said he would start the conversation with the Granite School District and said St. Mark's was interested in investing in the community. Council Member Catten asked about the relocation of Mill Creek Elementary. Mayor Silvestrini said it may be rebuilt at the old Hillview site. The District was trying to keep surplus property for long range planning. Winder said the District may lease property for a public benefit. Council Member Marchant said the elementary site was too small for a school. He thought a new school would be reasonable elsewhere. He felt that expanding the hospital was good but wanted to also protect the neighborhoods immediately next to it. Council Member Catten said the boundaries recently changed and about 100 students would now be going to Mill Creek Elementary. Council Member Marchant said the area around the Hospital should be reserved for medical uses. Council Member Catten said the residents were used to the hospital being there, so similar uses might get less pushback. Council Member Uipi requested a formal presentation and a plan on how to engage the community before the process for a community reinvestment area was started. Francis Lilly said the Hospital was proposing an overlay zone to Millcreek staff. He had requested that the Hospital hold a neighborhood meeting and they have agreed to hold one after the holidays.

3. Planning Items First Reading:

- a. ZM-19-017, Rezone from R-2-10 to R-1-5 at 828 E. 4125 S.; Blaine Gehring, Planner**
Blaine Gehring said Aldo Arnone was requesting the rezone of property located at 828 E. 4125 S. from R-2-10 to R-1-5 to facilitate a subdivision to create two new single-family lots at the end of Grand Cayman Drive. The property is a narrow deep parcel fronting on 4125 South and adjacent to Grand Cayman Drive, .57 acres in size, and adjacent to R-1-5,

R-1-10 and R-2-10 zoning. The proposed subdivision would provide a hammerhead turnaround rather than a cul-de-sac to enable a future connection of Grand Cayman Drive to 4170 South to the east when warranted. At their meeting on November 5, 2019, the Millcreek Community Council voted unanimously to recommend the rezone to the Planning Commission. At their meeting on November 20, 2019, the Planning Commission voted unanimously to send a favorable recommendation to the City Council for the rezone.

Mayor Silvestrini said there would be three lots, one with an existing home on it. Council Member Jackson asked about the compatibility of the zoning of surrounding lots. Gehring said R-1-5 would be compatible because it was directly adjacent to the property and said the neighbors were in favor of the rezone.

b. Discussion of Mountair Streetscape

Francis Lilly said Steven Gilbert, architect, was there to provide two concepts to the Council on the Mountair streetscape, a recommended option and an economy option. One of the major changes would be a vinyl wrapped chain link fence.

Steven Gilbert presented the Council with a budget for the recommended option and economy option for the Mountair streetscape. He said the Council could use different fencing types, Amstar fencing, between the brick wall sections. He showed the Council different renderings of barrier options, brick and chain link. The economy budget also did not contemplate burying the power lines. Gilbert said the project could go out to bid with the recommended project specs but could have a note that the fencing could be changed out. Council Members Jackson and Marchant expressed disfavor for the chain link fence. Mayor Silvestrini said he was not interested in the chain link fence and wanted the brick wall. Council Member Uipi agreed. Laurie Johnson said if the project was funded at \$1 million from the General Fund, the fund balance would be left at 15%. Mayor Silvestrini said he would like to invite the community to provide some of the labor to save money. Council Member Marchant favored burying the power lines. Mayor Silvestrini asked if the final fence was ever presented to the public. Lilly said no. Mayor Silvestrini said he would like the public to weigh in. He then asked about the height of the wall. Council Member Jackson said residents requested that it be taller than 4 feet. Mayor Silvestrini said if it was taller, it would become a target for graffiti. Lilly said residents wanted to create a barrier from the commercial uses. He brought up that Council Member Catten had recommended in an email to utilize some of the old brick from The Old Meeting House in the wall. Lilly said he had been in communications with the owners of The Old Meeting House about using the bricks and there was enthusiasm for it. Gilbert said the wall and monument would have more meaning with recycled bricks but there would be a lot of work needed to prepare the old bricks for new use.

c. Discussion on Planning Priorities; Francis Lilly, Planning and Zoning Director

Francis Lilly handed the Council a list of his land use ordinance priorities. Lilly said fences and retaining walls was his highest priority because there was a lack of specificity and it invited questionable materials and heights. Mayor Silvestrini said there had been instances of retaining walls being thirty feet in height in the City. The next priorities listed were the sign ordinance which needs a second reading with the City Council and the billboard ordinance which needs a first reading with the Council. Mike Winder said there

were no strong opinions from the Millcreek Business Council on the sign ordinance. Lilly said his staff approves at least one new sign a week. The third ordinance priority was the medical facility overlay zone in tandem with a potential community reinvestment area. St. Mark's would like to add a new patient tower in March or April. The fourth ordinance priority was accessory dwelling units. There would be another public engagement event on it with an open house on January 23, 2020. Council Member Jackson would like a report on what other cities have done with accessory dwelling units. The fifth staff priority was the historic preservation updates. Lilly said he was meeting with the State Historic Preservation Office soon.

The other priorities were flag lots, fixes to the commercial and RM codes/incorporation of mixed-use standards, variance and permits of the Land Use Hearing Officer, developing a maximum developable slope, and technical corrections in Title 19. Lilly said flag lots were controversial and wanted to wait until the accessory dwelling units process was underway to tweak the flag lot ordinance to compensate. He said there were interpretation and layout questions with the C and RM Zones, and he wanted to further incorporate and refine mixed use standards. He was concerned that the process to expand homes was too difficult for homeowners in Millcreek by going to the Land Use Hearing Officer. He said there was a maximum developable slope that was only applicable in the FCOZ (Foothills and Canyons Overlay Zone) and he felt there should be a city-wide standard. Council Member Marchant asked about the current slope percentage standard. Lilly said in FCOZ, it was 30%, but there were other areas with a great slope that were not in FCOZ. Council Member Uipi said she was good with Lilly's priority list. Mayor Silvestrini said he was on the St. Mark's Hospital Board, in an uncompensated volunteer capacity, and requested that the new medical facility overlay zone be moved to a higher priority because of their timing for expansion and the City's engagement with the public on it.

4. Reports from Millcreek Staff

a. Discussion on Ordinance Priorities; Kurt Hansen, Legislative Policy Director

Kurt Hansen said he would propose an anti-idling ordinance and street dedication ordinance to the Council in the future. He was working with staff on a clear view at intersections and driveways ordinance and working with Dave Fenton with Romac Industries on a shopping cart ordinance that he would present at an upcoming meeting. Council Member Jackson asked about H.B. 411 Community Renewable Energy Act. Hansen said the rules were with the Public Utilities Commission and there would not be more information until the first of the year. Mayor Silvestrini requested Hansen to reach out to West Valley and Bluffdale about approving a resolution for H.B. 411. Council Member Jackson said the January printed newsletter would be a good way to get information out to residents.

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

There was none.

Council Member Jackson moved to adjourn the work meeting at 6:28 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:02 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.

1.2 Public Comment

Marv Poulson, 3631 Carolyn Street, said the Mountair streetscape was a narrow space. He said sycamore trees were dirty and could raise sidewalks and showed the Council examples of such in the City. He said there were more desirable trees than sycamores that could be planted there. Millcreek needs an urban forestry plan and a horticulture expert. He recommended having dog bag facilities in the streetscape. He gave the Council Denver's tree ranking list and sycamores were at the bottom.

2. Planning Matters

2.1 First Reading: ZT-19-003 Adoption of City Center Overlay Zone; Francis Lilly, Planning and Zoning Director

Mayor Silvestrini said the Council would have a first reading on the matter and would make a decision on it at the next meeting. Francis Lilly said the City Center Overlay Zone (CCOZ) would replace the Town Center Overlay Zone which would be compliant with the adopted City Center Master Plan. The overlay zone accomplished significant things, it was more detailed and prescriptive than any other ordinance Millcreek had. Each application would be required to go through the conditional use criteria of identifying and mitigating detrimental effects, even if it was not a conditional use. The overlay zone would protect the rights of existing businesses. Applicability of the standards would be triggered either when 50 percent or more of a building was remodeled, or when a building was added to by 15 percent. There would be neighborhood-based standards that vary by district; Neighborhood, Mill Center, and Marketplace. There would be a new process for Planning Commission review and public input, triggered by the intensity of the building. Conditional uses would be based on an intensity threshold; total square footage greater than 25,000 square feet, a ground floor footprint greater than 15,000 square feet, or a height greater than 36 feet. There would also be a detailed approach to building height that reflects sensitivity to views, mass, and neighborhood input. Proposals would go through a preapplication meeting, site plan review application, staff analysis of detrimental effects, conditional use permit application and Planning Commission review if required, staff site plan approval/preliminary conditional use permit, final development plan/final conditional use permit, then a building permit. There would be a high standard for building design in building form and materials, streets, signs, open space, and resiliency and broadband service.

There had been community input on the CCOZ through the General Plan process with city-wide outreach; City Center Master Plan process throughout the City, especially with the Mountair neighborhood; Town Center Overlay Zone as a temporary overlay; and hearings, workshops, open houses, studies, designers, and meetings on the City Center

Overlay Zone. There had been input from residents on trees and rooftop features, from park designers on mixed use components and setbacks, from developers on window offsets and building separation, and the Planning Commission on height, conditional uses, safety, and transitions and façade variation. All the community councils recommended approval of the overlay zone. The Millcreek Community Council's input provided an addition to the fee-in-lieu to trade the 20% open space requirement for pedestrian improvements and concerns about height. The Canyon Rim Citizens Association's input resulted in height adjustments to the southside of 3300 South to preserve views. The East Mill Creek Community Council's input resulted in changes to the street tree list for Neighborhood streets. The Mount Olympus Community Council's input resulted in more non-residential use requirements for corner buildings on the northeast and northwest corners of 3300 S.

Lilly said the City would need to continue working on other items after the CCOZ adoption, including: Highland Drive corridor improvements, Mountair streetscape, Villa Vista Avenue redevelopment, Millcreek Common design, parking district/parking structures, residential parking restrictions, Millcreek Common construction, initial development around Millcreek Common and along 3300 S. and Highland Drive, implementation of a business improvement district, potential code revisions, and pedestrian improvements. He added the annexation concept with the boundary line adjustment with Salt Lake City that would take effect in July 2020 to the list. The General Plan addresses building heights that range from 2-6 stories and that development abutting lower intensity in established neighborhoods should provide height transitions in massing and height. This ordinance would accomplish what the General Plan wanted to accomplish. The City Center Master Plan adopted guiding principles to guide future ordinance development, public-private partnerships, and land use decisions. The City Center should emphasize walkability, minimize internal traffic and parking demand, and include municipal property owned by the City and designated for public use. The design of the City Center should represent the City in ways unique to Millcreek and emphasize culture, art, ideas and interaction between citizens. Lilly highlighted the proposed building height map from the ordinance to the Council with the greatest allowable height, 48-74 feet, around the open space. Staff recommended approval of the ordinance as recommended by the Planning Commission. Lilly thanked John Janson for his work on the ordinance.

Mayor Silvestrini asked about the conditional use process. Lilly said the Planning Commission felt that public input was needed for most of the buildings in the City Center, hence the conditional use process. Council Member Marchant asked about assessing a tax value to projects to be able to pay the bond back. Lilly said developers were eager to participate in the project, so he did not feel it would be a problem meeting the amount needed. Lilly said his challenge had been trying to craft the development into something that the community wanted. Jason Burningham from Lewis Young Robertson & Burningham, Inc., the financial advisor to the City, said they were involved in putting together the project area budget for the City Center Community Reinvestment Area. When they figured projects into the tax increment, they used a traditional development scenario. The proposed code would be a higher standard for development than what the projection was based on. He said it depended on the timing of the increment being absorbed.

Mayor Silvestrini asked about the tree list. Lilly said specific trees were identified in the ordinance, though he felt based on comments received that the City should come up with workable tree standards that may vary from block to block. Mayor Silvestrini suggested that the tree list be a priority. Council Member Uipi said Salt Lake City had tree expertise. Mayor Silvestrini asked if the ordinance was flexible enough for Millcreek to come up with traffic solution recommendations. Lilly said yes; every applicant was required to come up with their own traffic study and one of the mitigations for detrimental effects dealt with vehicular access and traffic.

Mayor Silvestrini asked for public comment.

Marv Poulson, 3631 Carolyn Street, said the flowering tree list should be removed from the ordinance. He passed out to the Council his recommendations. He brought up Salt Lake City narrowing lanes on Highland Drive and said Millcreek should not narrow Highland Drive until Salt Lake City did. He said the tree list needed input from a horticulturist because the spacing required for some trees did not fit where they were being proposed. The urban forestry plan should have trees in it for the community. Lilly said he received a recommendation from the Planning Commission to remove sycamores from the ordinance. He said there had been input from others on the tree list.

John Janson clarified that the flowering trees were for the neighboring streets and only certain streets were considered neighboring streets. Mayor Silvestrini said there would be opportunity for the public to make comment on the ordinance at the next meeting.

2.2 Discussion and Consideration of Ordinance 19-54, Rezoning Certain Property Located at 1643-1647 E. Woodland Avenue from R-1-8 to R-1-6; Robert May, Planner

Robert May said the rezone would accommodate a flag lot on Woodland Avenue. The rezone would not increase density but would fix an access and non-conforming use. There were two existing homes on one lot. Mayor Silvestrini said the Council does a first read on planning items.

Robert Steiner, applicant, said the existing lot had an access through the Jean Massieu School of the Deaf. The forthcoming subdivision would bring the lot into conformity and provide for a private access. Mayor Silvestrini noted that the Canyon Rim Citizens Association, East Mill Creek Community Council, and Planning Commission recommended approval of the rezone.

Mayor Silvestrini asked for public comment. There were no comments.

Council Member Jackson moved to adopt Ordinance 19-54, rezoning the property on Woodland Avenue subject to the development agreement. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously. Mayor Silvestrini thanked the applicant for his patience and said the flag lot conformed to the neighborhood.

2.3 Discussion and Consideration of Ordinance 19-55, An Ordinance Approving a Development Agreement Located at 1643-1647 E. Woodland Avenue; Robert May, Planner

Council Member Jackson moved to adopt Ordinance 19-55, approving a development agreement for the property on Woodland Avenue. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Financial Matters

3.1 Discussion and Consideration of Resolution 19-39, Authorizing the Issuance and Sale of Not More Than \$4,350,000 Tax and Revenue Anticipation Notes, Series 2020A Of Millcreek, Utah; and Related Matters

Mayor Silvestrini said the resolution was for the borrowing Millcreek inherited from the Salt Lake Valley Law Enforcement Service Area each year to fund the Unified Police Department (UPD) contract price. The borrowed amount enabled Millcreek to fund police services through the rest of the fiscal year. Millcreek has been able to reduce the borrowing amount by a couple million dollars. The process authorizes the Mayor to sign a note with a lender to borrow the amount to pay by the end of the year. Jason Burningham said they had solicited lenders and received two bids from entities with proposals for tax exempt and taxable rates. He provided a handout to the Council with those details. He said both entities, Zions Bank and Bank of Utah, had purchased these notes in the past. There were two issuances a year based on the fiscal and calendar years. The amount in the resolution was not to exceed \$4,350,00 and Burningham was anticipating the notes would be closer to \$4,335,000. The resolution would put parameters in place and authorize the Mayor the ability to execute and finalize the agreement with the selected lender. Mayor Silvestrini said Millcreek had been receiving property tax money early that year. Ideally the City would borrow all on a tax-exempt basis but there were parameters qualifying for tax-exempt borrowing and due to Millcreek's high General Fund balance, Millcreek was not able to borrow as much on a tax-exempt basis. Laurie Johnson said she did a cash flow model with UPD to keep Millcreek whole between property tax collection and the cost of UPD. She said she validated the amount Millcreek was borrowing. Council Member Marchant asked how the Council could reduce the debt the coming year. Burningham said the Council could use fund balance though Millcreek's bond rating was based on a high fund balance so the Council should not dip that too much. Johnson said a property tax increase would have reduced the amount borrowed. Burningham said the Council was going in the right direction. Council Member Marchant reiterated that Millcreek did not create the debt but inherited it and have since reduced it. Burningham said the borrowing was not debt on the books but a short-term obligation. John Brems said the Council should adopt the current version since an updated one was distributed that morning.

Council Member Marchant moved to approve Resolution 19-39, which includes the latest modifications made mentioned by Mr. Brems, authorizing the issuance and sale of not more than \$4,350,000 tax and revenue anticipation notes, Series 2020A of Millcreek, Utah; and related matters. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Business Matters

4.1 Discussion and Consideration of Resolution 19-38, Adopting Council Districts as Voter Participation Areas for Purposes of Initiatives, Referenda, and Other Political Activities

Mayor Silvestrini said the State Legislature made changes to the initiative and referenda provisions in statute as they affected municipalities. He said it made the signature gathering requirement to be done by council districts or other districts, not at-large anymore. He said the resolution would be helpful to make the designation before the issue came up.

Mayor Silvestrini asked for public comment. There were no comments.

Council Member Uipi moved to approve item 4.1, Resolution 19-38. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4.2 Discussion and Consideration of Ordinance 19-53, Adopting Millcreek's 2020 Regular Meetings Schedule

Mayor Silvestrini said under state law the Council needed to adopt a fixed meeting schedule and publish it. The schedule was what the City has normally done. Council Member Uipi pointed out that Council meetings would be held on a Tuesday if there was a holiday on the regular Monday.

Council Member Uipi moved to approve Ordinance 19-53, Adopting Millcreek's 2020 Regular Meetings Schedule. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini said he and Council Member Jackson attended the Unified Police Department Millcreek Precinct bid, which is when officers pick the shifts they work based on seniority. He said Salt Lake City adopted the boundary adjustment ordinance with Millcreek and the adjustment would take place July 1, 2020. He said he was invited to participate in the Festival of Trees by Senator Iwamoto. She sponsored a bill that increased the penalty for killing police dogs in the line of duty. Millcreek had two law enforcement dogs killed in the line of duty, so the Senator and others decorated a tree in the fallen dogs' honor. The Mayor won the bid for the tree and the tree was placed in the City Hall lobby.

5.2 City Council Member Reports

Council Member Jackson said she went on a ride along with Unified Fire Authority (UFA) Station 101.

5.3 Staff Reports

Chief Duane Woolsey said the appointment of Assistant Chief Riley Pilgrim took place. UFA had recently hired 25 new full-time employees but would need 35 more to keep up with retirements. He brought up a propane leak case at Hillcrest High School.

Jim Hardy introduced the Council to the building permit reports that the Building Department was required to run each month for various entities. He explained the report which included the permit types and quantity issued each month. There were 168 permits issued in September, 180 in October, and 146 in November. Mayor Silvestrini said the reports were important because they were utilized by the State to help assess the population, new growth, and sales and property taxes. Council Member Marchant requested the permit reports from surrounding cities and asked how many staff members work on permits. Hardy said he could supply those reports and that the Building Department had seven staff members. Council Member Uipi requested trend reports.

Francis Lilly said John Brems would be proposing ordinance amendments to the procurement code. One of the changes would be a provision to allow staff to select a construction manager/general contractor for the Millcreek Common project. The construction manager/general contractor would be hired based on qualifications with the assumption that they would become the general contractor and agree by contract to a fixed limit construction cost, participate with the design team on preparing bid documents, finessing cost estimates, and managing the overall cost of the project.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- City Council Mtg., 12/16/19, 5:00 p.m. at City Hall
- Planning Commission Mtg., 12/18/19, 5:00 p.m. at City Hall

Mayor Silvestrini went over the calendar of upcoming events.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 8:42 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____



Jeff Silvestrini, Mayor

Date

Jan. 13, 2020

Attest: _____



Elyse Greiner, City Recorder