



**Minutes of the
Millcreek City Council
August 24, 2020
5:45 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 August 24, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website with an option for online public comment.

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 Brems, City Attorney
Elyse Sullivan, City Recorder
Kurt Hansen, Legislative Policy Director
Laurie Johnson, HR-Finance Director
Francis Lilly, Planning and Zoning Director
Mike Winder, Economic Development Director
John Miller, City Engineer
Jared Bowling, IT/Facilities Manager

Attendees: Janice Kimball (electronic), Audry Wood (electronic), Kory Holdaway, Brian Pickett, Halle Pickett, Josie Pickett, K. Kumar Shah, Thom DeSirant, Elaine Janeway, Susan Ferrin, Linda V., Bahati Kaberuka, Sophia Taylor-Swanson, Coral Borack, Josie Pickett, Doug Owens, Officer Adam Page, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 5:45 p.m.

TIME COMMENCED: 5:49 p.m.

Mayor Silvestrini called the work meeting to order.

1. Housing Connect Presentation; Janice Kimball, Chief Executive Officer for Housing Connect

Janice Kimball said Housing Connect was the Housing Authority for Salt Lake County and also a resource for municipalities in the County to reach affordable housing goals. Their mission is to connect people and communities to quality affordable housing opportunities while promoting self-sufficiency and neighborhood revitalization. She reviewed housing resources and said they serve 4,465 households with the majority being elderly, having a disability, or are families with children. The households have an average annual income of \$12,956. She said there was a good presence in Millcreek as she highlighted a map of properties and various voucher types in the city. Mayor Silvestrini asked if Housing Connect

was connected with Moda Meadowbrook on 3900 S. Kimball said no. Council Member Marchant asked how Housing Connect was funded. Kimball said the majority of their funding came from the federal government through HUD assistance and then tenant rents. She said she has been working to look for other resources to meet the needs of the community. Council Member Marchant asked if Housing Connect owned Bud Bailey Apartments. Kimball said yes, and they owned 5 other units in Millcreek. She showed the Council examples of apartments they had done in other communities to promote affordable housing. She said they had also worked with Salt Lake County on a mobile home park in Midvale.

2. Ranked Choice Voting Presentation; Kory Holdaway, Utah Ranked Choice Voting

Mayor Silvestrini said Millcreek's next opportunity for an election would be the next year. He said there could be new legislation to encourage municipalities to do ranked choice voting in primaries.

Kory Holdaway said with the current national challenges, he saw ranked choice voting as a remedy. He explained the process of ranked choice voting via a process graphic. He highlighted the recent Utah gubernatorial primary election with the top candidate winning 36% of the plurality vote. He said ranked choice voting saved cities money by eliminating the need for a primary election and that candidates had shorter campaigns. He said ES&S was awarded a state contract and capable of running ranked choice voting elections in Utah. Salt Lake County uses Dominion election equipment. He said every County Clerk in Utah hated ranked choice voting except Utah County. Ranked choice voting empowered voters to be able to more fully express their will, a winner could get a majority vote, and longshot candidates did not draw votes away from a candidate who is preferred by most voters. The two cities that ran the trial in Utah in 2019 were Payson and Vineyard. He said 86% of voters liked ranked choice voting and 82.5% wanted to see it in the future. He also said that 87.5% of the candidates reported a positive experience with it.

He said if cities were interested in doing ranked choice voting and the county clerk was not willing to do it, cities could run their own elections. He had providers willing to do it. Mayor Silvestrini asked if it would still be vote by mail. Holdaway said yes. He recognized Sherrie Swensen, Salt Lake County Clerk, for establishing vote by mail in Utah. He said there was an established ranked choice voting organization, Utah Ranked Choice Voting. He suggested that the Council write a letter to the County Clerk about wanting to do ranked choice voting. Council Member Uipi had Holdaway explain the 2020 gubernatorial primary race if ranked choice voting was used. Holdaway did and said the outcome may have been different. Council Member Jackson asked if other states used the model. Holdaway said Maine and other cities in the country were using it with positive feedback. Mayor Silvestrini asked about criticisms. Holdaway said ranked choice voting was perceived as too confusing and in some cases the majority vote did not necessarily win. Council Member Catten asked about the election cost for Vineyard and Payson. Holdaway said there was a built-in cost of \$10,000 per County, so each of the cities paid \$5,000. Council Member Uipi asked if the cost would be by population. Holdaway said counties currently charged by the number of registered voters for mailing and tabulation of votes, roughly \$2 per registered voter. Council Member Uipi asked about future legislation affecting ranked choice voting. Holdaway said the pilot program bill was different than the current draft bill. Mike Winder said he was working on a bill that would mandate all government funded primary elections in Utah to use ranked choice voting. The Republican and Democratic conventions used the model this year and there was over an 80% approval

rating. Winder said the draft legislation would not force a primary election, but if there was one, it would have to be by ranked choice voting.

Holdaway said the ballot would be designed so each of the candidate names were listed down with columns next to them for 1, 2, 3, and so forth rankings. Mayor Silvestrini said in terms of a debate or a town hall meeting for candidates, they became problematic if there were too many candidates. Holdaway said leading up to the gubernatorial race, there were seven candidates for the Republican open seat. Those seven candidates had to reach out and moved towards a more technological outreach. Council Member Uipi asked about the cost of ranked choice voting. Holdaway said it would be equal to or less than what the County charged. Council Member Jackson asked about Salt Lake County's equipment. Holdaway said it was possible for the County to use their existing equipment for ranked choice voting with a two-step process. Council Member Marchant asked about the reliability of the vendor if Millcreek ran its own election. Mayor Silvestrini said he would invite someone from the County Clerk's Office to present to the Council about ranked choice voting. Holdaway said the Council had until March 15th to make a declaration to opt into ranked choice voting for the 2021 election.

3. Millcreek Common Project Update; Francis Lilly, Planning and Zoning Director

Francis Lilly said an evaluation committee consisting of city staff looked at five proposals for a construction management/general contractor and their recommendation to the Mayor and Council was to proceed with negotiations on an agreement with Hogan and Associates Construction. Their proposed administrative fees were competitive, they had the appropriate technical skill set, and they had a working relationship with the established architect for the project. He said the architects were in the process of picking out lights and getting the subdivision plat ready for the plaza. Council Member Marchant asked about the request for proposals (RFP). Lilly said there was one advertised, and five firms submitted proposals. He said the administrative costs ranged from \$300,000 to almost \$1 million and Hogan and Associates Construction was on the low end. Mayor Silvestrini said the Council could look at the RFP responses.

Lilly said that through the procurement process, ACME Construction would be constructing the Mountair streetscape at budget. The contractor submitted three alternates to the project for the Council to consider, the first being an off grid solar LED bollard versus a grid-connected LED bollard for \$69,580.00. Lilly recommended the Council go with the grid-connected bollards. The second alternate was a bronze bus shelter versus a UTA standard bus shelter for \$16,970.00. The Council agreed to the bronze bus shelter. The third alternate was a decorative bronze fence versus a black metal picket fence for \$23,670.00. Council Member Jackson asked about the anti-climb feature on the bronze fence. Lilly did not know. Council Member Jackson said if the fence could easily be climbed, not to get it, otherwise get it. Mayor Silvestrini said the Council already decided to put money into the project to make it look nice. Lilly said ACME had been sent a formal notice to proceed on the project. Council Member Jackson asked about a groundbreaking for the streetscape. Lilly said he would set one up. Lilly said he received an email from someone contemplating buying a house in Mountair who inquired about the streetscape and was pleased with the plans Lilly shared with him.

4. Staff Reports

Mike Winder said the Millcreek Small Retail Business Grant was going well. He had 69 signed agreements in place so far and his staff had made over 500 phone calls and sent out

1,100 letters to inform businesses about it. The deadline to apply was August 31. He said the Salt Lake County Small Business Grant had more Millcreek applicants than any other city.

5. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member Uipi moved to adjourn the work meeting at 6:55 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:04 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order then led the pledge of allegiance. He said public comments could be submitted on the meeting live stream page of the City's website.

1.2 Unified Police Department Millcreek Precinct Officer of the Month for July 2020

Chief Steve DeBry announced Officer Adam Page as the July 2020 Officer of the Month. Officer Page was able to establish a positive rapport with a domestic violence victim and helped her recognize that he was there to help her. The Citizens Advisory Board presented Officer Page with a gift. Mayor Silvestrini thanked Officer Page for his service and said domestic violence was a priority for Millcreek.

1.3 Kids and Cops Art Presentation

Chief DeBry said this was the fourth year of hosting the Kids and Cops Art Contest. He recognized Sorensen Legacy Foundation for enabling the competition. The purpose of the grant is to increase police-community relations and the art competition was a great way to promote positive relationships with children and their families. The competition had 6 categories: anti-drug, anti-bullying, distracted driving, anti-violence, and police in my community. Officer Bettina Allen announced the following winners and presented them with prizes: Bahati Kaberuka won 1st place in the Middle School Division; Sophia Taylor-Swanson won 3rd place in the Middle School Division; Coral Borack won Honorary Mention in the Middle School Division; and Josie Pickett won Honorary Mention in the Elementary School Division.

Mayor Silvestrini said building relationships with the police and community was critical especially considering the current issues facing the country.

1.4 Proclamation of Constitution Week in Millcreek

Mayor Silvestrini said September 17th marked the anniversary of the U.S. Constitution and every year the Council recognized it through a proclamation. He read the

proclamation and presented it to the Daughters of the American Revolution. The proclamation read:

“PROCLAMATION OF CONSTITUTION WEEK IN MILLCREEK

WHEREAS, September 17, 2020, marks the two hundred and thirty-third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, The Constitution, together with the Bill of Rights, have provided the organic structure for our Democratic Republic and our Individual Liberties, enabling our nation to rise from a collection of ragtag former colonies to a United Nation in which our people have created opportunity and built the greatest economy in the world, based upon freedom, creative genius and hard work; and

WHEREAS, our federal system has welcomed generations of immigrants from every part of the globe to participate in the freedom, opportunity and rule of law our Constitution affords, creating out of many groups, one indivisible nation; and

WHEREAS, Public Law 915 guarantees the issuing of a Proclamation each year designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, Jeff Silvestrini by virtue of the authority vested in me as Mayor of the city of Millcreek, in the state of Utah do hereby proclaim the week of September 17 through 23 as:

CONSTITUTION WEEK

AND ask our residents to affirm the ideals of the Constitution of the United States of America and the Bill of Rights by vigilantly protecting the freedoms guaranteed through this magnificent document, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the city of Millcreek to be affixed this 24th day of August, 2020.”

1.5 Public Comment

Doug Owens, District 36 Legislature candidate, introduced himself to the Council.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 20-46, Adopting the Millcreek Transportation Master Plan as an Element of the Millcreek General Plan

Mayor Silvestrini said the Council had a first reading of the planning items at the prior meeting. Francis Lilly said the plan would give the Council guidance to prioritize capital improvement projects, set a baseline for transportation needs, and set a legal basis for roadway dedications and cross section requirements. He said it was important to rely on an adopted document. Mayor Silvestrini said concerned constituents contacted him over the weekend about a street that did not have curb and gutter. He said this type of document would ensure that future improvements would happen. He said the plan established street typology too.

Mayor Silvestrini asked for public comment.

Thom DeSirant, 718 E. Nibley View, congratulated the Council on a well-made plan. He said he had lived in Sugarhouse and had seen plans that were not effective.

Council Member Uipi moved to approve item 2.1. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 20-47, Amending Title 14 and Title 19 of the Millcreek Code of Ordinances with Respect to Fencing, Walls, and Clearview Requirements

Francis Lilly said staff recommended a continuance of the item to allow the City Attorney time to technically review the ordinance. He mentioned that at the last meeting the concern was raised about prohibiting electrified fencing along public trails, so that provision was added to the draft ordinance in section 19.95.030. The Council had asked about an allowance for fences along a major corridor. Lilly said typically, a front yard fence could be up to 6 feet tall if it was semi-transparent or 4 feet tall if it was solid, however higher traffic roads could have a solid 6-foot tall fence. He did not feel a need for a special exception was necessary on those roads. He said sound walls do not extend beyond the right-of-way lines for UDOT. Lilly pointed out that every existing fence could continue as a non-conforming use. Mayor Silvestrini looked at the term “weathering steel” in the draft ordinance. Lilly said it was a common term, but he could add a definition of it if need be. Council Member Jackson asked about clear view. Lilly said his staff gets a lot of complaints about clear view and he tried to strike a balance between the complainant and the property rights of residents. John Miller said clear view with roads was not negotiable, it was based on national standards adopted by the State though clear view with driveways was more flexible. Council Member Marchant said according to Planning Commissioner Dave Allen (referencing an email he sent to the Council) there was no evidence there had been injuries as a result from clear view in neighborhoods. Miller said there was evidence of clear view-related accidents all the time. Council Member Uipi asked about complaints from Keller Lane. Miller said he had not received any recent complaints. He said it was hard to report almost accidents. Lilly said the ordinance was forward looking for future fences. Council Member Catten asked if the code would help staff. Lilly said yes.

Council Member Jackson moved to continue item 2.2. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Business Matters**3.1 Discussion and Consideration of Resolution 20-36, Amending the Millcreek Employee Policy and Procedure Manual-Second Edition to Add Section 3-03 1. B with Regard to Retirement for Elected Officials**

Laurie Johnson said the City went through an audit done by the Utah Retirement Systems and it was determined that language was needed in the City’s policy and procedure manual to specify retirement eligibility for elected officials and this amendment would accomplish that. Mayor Silvestrini said Council Member Uipi would be the only current elected official that qualified for retirement benefits.

Council Member Catten moved to approve item 3.1, Resolution 20-36, amending the policy. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Resolution 20-37, Approving an Agreement with Avenue Consultants, Inc. for On Call Engineering Services

John Miller said Avenue Consultants did the storm drain utility video. He had the idea of having a more visual based code and Avenue provided some proposed ordinance code changes. He said the on-call contract would be based on their proposals. Council Member Jackson liked the concept. Miller said the contract would be mostly for engineering concepts.

Council Member Jackson moved to adopt Resolution 20-37, Approving an Agreement with Avenue Consultants, Inc. for On Call Engineering Services. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Resolution 20-38, Approving an Agreement with Salt Lake City Corporation for a Sugar House Circulation Plan

Mayor Silvestrini said the program was funded by a transportation land use connection grant funded by the Wasatch Front Regional Council. He said Salt Lake City made the application to study the area as far as Holladay. John Miller said the transportation contract included Holladay and extended beyond Sugarhouse. Millcreek would contribute \$10,000 to the project.

Council Member Jackson moved to adopt Resolution 20-38, Approving an Agreement with Salt Lake City Corporation for a Millcreek/Sugar House Circulation Plan. Council Member Catten seconded. Council Member Catten asked about the timeline. Miller said the study had already started and would be done by next spring. **The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

4. Reports

4.1 Mayor's Report

Mayor Silvestrini said he attended the Arts Council concert in the park, and it went well. He said he received positive comments from Unified Command on the policing town hall. He said he participated in the "Love, Listen, and Learn" police forum with the Utah League of Cities and Towns. He said that discussion was similar to what the Council had heard about policing and that school resource officers were not a good thing. He felt school resource officers were a good component of community-oriented policing.

4.2 City Council Member Reports

Council Members Jackson and Uipi said they received resident feedback about the recent policing town hall.

Council Member Marchant said he helped with the Utah Food Bank distribution. He said the area cleanup in Millcreek with the Wasatch Front Waste and Recycling District had an increased amount of refuse compared to other years and the new method saved the District \$268,000. Council Member Catten said she used it and her complaint was that the postcard mailer she received gave her a reservation date for logging in and it was not yet open when she tried to log in. Council Member Jackson asked if there were more requests than containers. Council Member Marchant said there were enough if it was within the correct date window. Mayor Silvestrini said he heard that people were worried about the weight of the dumpster in their driveway though they weighed the same as a truck.

Mayor Silvestrini said Salt Lake City Public Utilities would be doing an aqueduct project in Millcreek.

Council Member Catten said there was West Nile Virus detected in mosquito pools in the County during the prior week, but not in Millcreek. She thanked John Miller for being a Millcreek advocate on transportation projects.

4.3 Staff Reports

John Miller updated the Council that Millcreek had received the Neff's Creek Grant for \$125,000. He then gave updates on pavement preservation, and capital improvement projects at 3900 S., Main Street, and Central Avenue. He reported that the Public Works Department would be hiring two new employees for storm water duties in the coming weeks.

4.4 Unified Police Department Report

Chief Steve DeBry went over the crime statistics and Precinct on goings for July 2020. There were 3,393 calls for service, 1,305 cases, 348 citations, and 57 booking arrests. There were 32 assaults, 75 family offenses, 25 burglaries, 123 larcenies, 5 robberies, 22 drug offenses, 6 sex offenses, 43 stolen vehicles, and 121 vehicle burglaries. The Millcreek Precinct recently received a JAG grant from the Utah Commission on Criminal Juvenile Justice in the amount of \$4,500. The grant would be used to purchase needed equipment for officers. Millcreek Precinct currently employs one fulltime victim's advocate and was in the process of adding eight additional volunteer advocates to provide 24-hour essential services to victims of crime in Millcreek. The Precinct had seen a string of residential and garage burglaries and launched a two-day operation to suppress criminal activity which resulted in nine arrests and additional suspects and suspicious vehicles were identified. The Chief reported that another residential burglary suspect, two catalytic converter theft suspects, and a car burglary suspect had all been arrested. Due to the construction of the new Skyline High School, illegal parking would be enforced through citations and proactive patrols by Unified Police. A Millcreek Precinct speed trailer was vandalized in the East Mill Creek community with a "Black Lives Matter" sticker. Millcreek Precinct Traffic Units would continue to enforce illegal parking issues throughout the City such as prohibited parking in bike lanes, extended parking, handicap parking and others. From July 15th to August 15th, 57 citations had been issued which was a 16% decrease from last month.

4.5 Unified Fire Authority Report

Chief Duane Woolsey said he had received a summary report of Covid-19 in Salt Lake County. In May, the County had an average of 86 positive cases a day: in June, 199 cases and in July, 253 per day. In the State, there were 166 positive cases in May, 419 in June, and 571 in July. There were some testing difficulties in July. He said in Unified Fire Authority (UFA) there had been a decrease in call volume, but it had picked back up. UFA was in the middle of their new hire process with 20 openings. UFA got approval for their new physical fitness standard. They would run everyone through the test this year, next year they would run through timing, and the next year they would establish a standard time. UFA had established a mandatory staffing policy to have 108 firefighters on shift per day. UFA sent type 3, type 6, and command vehicle to California to assist with wildfires.

5. Consent Agenda

- 5.1 Approval of July 27, 2020 Work Meeting and Regular Meeting Minutes
- 5.2 Approval of August 10, 2020 Work Meeting and Regular Meeting Minutes

Council Member Uipi moved to approve item 5.1 and 5.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Mt. Olympus Community Council Mtg., 9/1/20, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 9/1/20, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 9/2/20, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 9/3/20, 6:30 p.m. TBD
- City Council Mtg., 9/14/20, 5:00 p.m. at City Hall
- Planning Commission Mtg., 9/16/20, 5:00 p.m. at City Hall

ADJOURNED: Council Member Uipi moved to adjourn the regular meeting at 8:57 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____

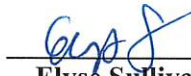


Jeff Silvestrini, Mayor

Date _____

9-14-2020

Attest: _____



Elyse Sullivan, City Recorder

