



**Minutes of the
Millcreek City Council
September 14, 2020
5:00 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 14, 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
Rita Lund, Communications Director
Jared Bowling, IT/Facilities Manager
Blaine Gehring, Legislative Policy Analyst

Attendees: Courtney Bovee (electronic), Lynn Jacobs (electronic), Thom DeSirant, Lisa Bagley, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 5:00 p.m.

TIME COMMENCED: 5:02 p.m.

Mayor Silvestrini called the work meeting to order.

1. Discussion on Future City Hall; Kurt Hansen, Legislative Policy Director

Mayor Silvestrini said there was about 3 years left on the current lease for City Hall. Kurt Hansen said the previous City Manager sent out questions to city department directors about a future city hall. Hansen reviewed those questions and the responses. Council Member Jackson asked how many other cities had a police department as part of their city hall. Mayor Silvestrini said this was a preliminary discussion and the Millcreek Unified Police Department (UPD) Precinct would need to relocate soon, too. Council Member Marchant asked what Chief Steve DeBry wanted. Hansen said the objective was to review the questions and note the things that stood out to the Council. Mayor Silvestrini said the City was renting space so in the future it would make sense to own a city hall. There would need to be public engagement at some point. Council Member Uipi suggested proposing several plan options to

the public for their opinion. Council Member Marchant requested feedback from Murray City since they were building a new city hall. Mayor Silvestrini said several cities had new city halls and staff could get their input. The Council liked the idea of have a large community room, especially for rent. Council Member Uipi asked for a timeline for the process. Mayor Silvestrini asked Hansen for a plan on the process. Hansen said Woodbury Corporation could end the City's City Hall lease at any time and would pay to move city hall until June 30, 2023 when the lease was up. Council Member Marchant asked about finding a city hall location. Mike Winder said there would be a process for finding a location, but he anticipated finding a final one in the next 90 days.

2. Discussion on Millcreek Property Maintenance Code; Kurt Hansen, Legislative Policy Director

Kurt Hansen said he met with the community councils and some were in favor of and some were not for adopting a property maintenance code. He said the code enforcement officers would enforce by what they could see from the street. He gave the Council an overview of the proposed code that was largely based on the International Property Maintenance Code. Mayor Silvestrini pointed out that "damaged trees" would need specific requirements. Hansen said he could add that if the "damaged tree" posed a safety risk or was a public nuisance, that it would need to be removed. Hansen pointed out that the City would need to have a contract with a certified arborist. Mayor Silvestrini said the code enforcement officers needed tools for enforcement and property owners were obligated to maintain their property. Hansen said he would take the proposed ordinance back to the community councils for their review.

3. Discussion on Bus Benches and Bus Bench Advertising; Kurt Hansen, Legislative Policy Director

Mayor Silvestrini said the Council needed to make a policy decision on this item because they had reviewed the topic multiple times. Kurt Hansen said an email from UTA was received by staff about the maintenance of bus benches. He said he used components of West Jordan's code to write a proposed code for Millcreek. He reviewed the proposed code on bus shelters and benches. Mayor Silvestrini requested an affidavit from the applicant instead of written documentation from the property owner (per the proposed code) about the refusal of a bus shelter being located behind the sidewalk in order for one to be approved in the right-of-way. Council Member Catten asked about free-standing bus benches that did not have a shelter. John Brems said the proposed code would make those illegal. Council Member Catten suggested not having a garbage can in or near bus shelters. Brems said the City could phase out bus benches and phase in bus shelters through a franchise agreement. He said one of the conditions of the agreement could be to pick up the trash at those sites.

4. LocalLink Presentation; Rita Lund, Communications Director and John Miller, City Engineer

Courtney Bovee, LocalLink, said Salt Lake City teamed up with Millcreek, South Salt Lake, and Holladay to look at transit options. There were two studies being conducted, circulation and transit. One of the areas of the circulation study was the Sugar House Business District to Millcreek City Center and Brickyard. She said the priority projects were bicycle lanes on Highland Drive, connecting the McClelland Trail, having a shared path on 1300 East, and adding bicycle lanes on 900 East.

Council Member Marchant asked about the McClelland trail. Lynn Jacobs, Salt Lake City, said it would be a lower speed bike trail.

Bovee said the transit study would impact Millcreek. They were analyzing possible transit improvements on 1300 E. and have started with a transit survey on their new website, locallinkstudy.com. She said the team would develop alternatives from the feedback. She said they would be sending out a mailer to residents who lived along 1300 E. for their input. She requested feedback from the Council about the website and the survey.

5. Staff Reports

Kurt Hansen said the City needed to update code signs in the parks. He reviewed Millcreek and County code about alcohol in the parks which said that alcohol was allowed at Canyon Rim Park but not in the other ones. The State's code said liquor was not allowed to be consumed in any public park. Council Member Uipi pointed out that liquor did not include beer or wine. Hansen said he would do more research on the issue.

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

There was none.

Council Member Uipi moved to adjourn the work meeting at 6:40 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: 7:03 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 Millcreek suffered a natural disaster, high winds, the prior week, and some areas had been hit particularly hard. He said some people were still without power and Rocky Mountain Power was calling on crews from other states to assist in restoring it. The remarkable thing was the community support in cleaning up the City. Hundreds of volunteers collected and hauled green waste. He thanked area churches, block captains, residents, and city staff. He personally recognized some city staff: Jordan Hatch, Jana Stratford, and Kalie Boska in the Information Center at City Hall for answering the phones well; Rita Lund, Communications Director, and Hatch for assisting with the social media; Brandon Johnson in Public Works for sawing tree limbs; Andrew Clark, the Emergency Manager, for coordinating response efforts; and Rich Novasio, Building Department, for inspecting homes for safe power reconnections. He also recognized Lisa Bagley in the audience for volunteering. He requested that the volunteers report their time and expenses for the cleanup to City Hall to be used for potential disaster funding. The City Council also volunteered in the cleanup. Council Member Marchant mentioned that volunteers came from other cities because they heard about the damage and cleanup effort in Millcreek on the news. Council Member Uipi thanked the volunteers. Council Member Catten thanked

her husband, the Council, and the volunteers. Council Member Jackson echoed the sentiments. Mayor Silvestrini said the green waste lot collection on 3800 S. and Wasatch Boulevard would be open all week.

1.2 Public Comment

Lisa Bagley, 3387 S. Honeycut Road, said she was running for House District 36. She mentioned all of the organizations and committees that she served on that benefited the community.

2. Planning Matters

2.1 First Reading: ZT-20-005, Amendments to the Commercial Zone Text

Regarding Mixed-Use Development; Francis Lilly, Planning and Zoning Director

Francis Lilly said up until 2018 residential uses were conditionally allowed in the commercial zones. Since then, the City had a policy that residential uses in commercial zones had to be a mixed-use project. He said the proposed changes to the code were to ensure better quality projects since the current code was difficult to apply and interpret. Residential development in mixed use zones were not held to the same standard as residential development in multifamily zones, so staff wanted to avoid the incentive or rezoning to commercial in order to develop a substandard residential project. He said commercial ground floor requirements were inadequate and inflexible, the City was not getting the type of wanted commercial, the design standards were inadequate, and the current zone preferred a vertically integrated mixed-use building type.

Lilly critiqued and showed the Council photos of mixed-use developments in the City. He said 3300 S. was a mixed-use corridor because residential and commercial uses coexisted. More people living along the corridor would help activate existing and proposed commercial spaces. Desired spaces like small retail shops, personal services, and restaurants thrive where there are many people living nearby. Mixed use development provides a viable option to redevelop obsolete sites. Many smoke shop and commercial storage requests along the corridor suggested that Millcreek had an overabundance of single-purpose commercial buildings that performed below expectations. Lilly showed the Council the Future Land Use Map in the General Plan and said it supported mixed uses. He then reviewed the Mixed Use 1 and Mixed Use 2 District descriptions. Lilly said that mixed use commercial was flourishing but some retail sites were empty or functionally obsolete in commercial corridors.

Lilly reviewed the proposed code changes. He said to qualify, a mixed-use project must have a minimum of 100 feet of frontage on a major collector or arterial road. There would be an increase in maximum building height to 45 feet, and 35 feet within 100 feet of a residential zone. The current standard was 40 feet and 30 feet. The extra feet offered more flexibility, tall residential ceilings, better roof articulation, possibility of pitched roofs, more functional garages, a retail storefront at grade, and other creative design elements. Lilly showed the Council examples of recent commercial, residential, and mixed-use buildings in Millcreek to point out where some of the code changes would have helped the project and what had already worked well with the project. He explained why a two-story limit or building height of 30 feet was not desirable. There is a two-story limit in the CCOZ area immediately adjacent to existing single-family, affecting property on the east side of Highland Drive. In this instance, the City Center Master Plan actively

encouraged the adaptive reuse of the existing commercial uses along the Highland Drive corridor in the City Center. Staff was not convinced that the same desire existed for many of the functionally obsolete commercial buildings elsewhere in the commercial corridor.

The proposed code included a maximum building length of 200 feet, no more than 20% of a façade could be stucco, EIFS, or metal siding, and a 10-foot step back for buildings taller than 35 feet. Commercial uses would not include lobbies, leasing offices, required parking, or residential amenities. Currently, code required a minimum of 40-foot-deep commercial spaces occupy 50% of building frontage. The proposal offered flexibility of a 40-foot depth with 50% frontage or 30-foot depth at 80% of frontage, and freestanding commercial buildings occupy 30% of the gross ground floor area of the development site. There would be two concepts of mixed use, vertically mixed-use buildings, and mixed-use buildings in a unified site plan. Staff wanted to make sure that freestanding commercial buildings meaningfully contribute to the mixed-use concept. Freestanding commercial buildings could occupy 30% of the gross ground floor area of the development site, and at least 50% of the frontage with the proposed ordinance. Lilly showed the Council examples and site plans of both mixed-use types.

The proposed ordinance included a pre-application site plan review, prior to qualifying an application for community council and Planning Commission review. A similar process exists for applications in the CCOZ, because a longer review lead time results in better clarity and better outcomes. Lilly said the Planning Commission emphasized not wanting to lose commercial opportunity in existing commercial areas, so certain areas of the City could redevelop but under specific conditions. Lilly concluded that the ordinance should change because the mixed use form was the most likely redevelopment scenario for commercial corridors, especially for functionally obsolete sites outside of the City Center and Meadowbrook, heightened design standards would result in better looking buildings, frontage and commercial areas and ground story height requirements would promote the creation of meaningful commercial spaces along corridors, and updates would produce better outcomes in the form of mixed use projects with more meaningful commercial uses. He said the community councils and Planning Commission recommended approval of the ordinance. Mayor Silvestrini said the ordinance would give the City more significant commercial development. The Mayor said he appreciated the input received from the Mt. Olympus Community Council Chair. Council Member Jackson appreciated Lilly improving the City's ordinances.

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 the changes to the proposed ordinance from the last Council meeting included a summary table of the general fence requirements, spelling and grammatical fixes, and the clearview requirement with visual obstructions in proposed section 19.95.020. Lilly said AASHTO A Policy on Geometric Design of Highways and Streets assumes that the typical person in a typical car is 3.5 feet above the road surface, so staff removed the provision allowing fences 4 feet in height. He said the intent was to apply the proposed ordinance to new fencing as laid out in proposed section 19.95.020.

Mayor Silvestrini asked for public comment. There was none.

Council Member Uipi moved to approve item 2.2, Ordinance 20-47 with the amendments as presented tonight. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Business Matters

3.1 Discussion and Consideration of Resolution 20-39, Accepting and Approving the Edward Byrne Memorial Justice Assistance Grant for the Millcreek UPD Precinct

Laurie Johnson said the State had funds that they were allocating to Millcreek because Millcreek was not able to apply for funds as a separate entity though that would be an opportunity in the future. The grant was for \$4,500 for the purchase of equipment for the Millcreek Unified Police Department (UPD) Precinct. She said the City needed to approve the resolution to be able to accept the funds. Mayor Silvestrini thanked Millcreek Precinct personnel for noticing the discrepancy of funds so that Millcreek was able to acquire the grant.

Council Member Uipi moved to approve item 3.1, Resolution 20-39. Council Member Jackson seconded. Council Member Uipi asked what equipment would be purchased. Chief Steve DeBry said a scanner, a printer, new chairs, and a tracker. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Discussion and consideration of Resolution 20-40, Approving a Cooperative Agreement with Salt Lake County with Respect to Participation as a Co-Permittee Under Permit No. UTS000001

Mayor Silvestrini said the item was a storm water management issue and a renewal of an interlocal agreement with the County to continue to participate as a co-permittee with respect to management of storm water.

Council Member Jackson moved to adopt Resolution 20-40, Approving a Cooperative Agreement with Salt Lake County. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Resolution 20-41, Approving a Small Wireless Communications Facilities Master License Agreement with SQF, LLC

John Brems said there would be more small cells in Millcreek. The difference with this agreement compared to prior agreements was that this company's business plan was to acquire sites and sell them to users. He said he added to the agreement that they could not assign the right they acquired unless that entity had a small cell site franchise agreement with the City. Mayor Silvestrini said the City was required to permit these under state law and the agreement required the same design standards as before.

Council Member Uipi moved to approve item 3.3, Resolution 20-41. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.4 Discussion and Consideration of Ordinance 20-48, Amending Various Sections of the Millcreek Code of Ordinances Chapter 14.16 Excavations Related to Sidewalk Closures

Mayor Silvestrini said the Council requested a code provision for sidewalk closures. Kurt Hansen said there were fees in code that were not in the fee schedule, so he was proposing changes to the fee schedule. He added a provision about sidewalk closures to the code and a \$25 fee to the fee schedule for the first day and \$20 for each consecutive day.

Council Member Uipi moved to approve item 3.4, Ordinance 20-48. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.5 Discussion and Consideration of Resolution 20-42, Approving an Interlocal Cooperation Agreement Among Salt Lake County, Millcreek, Town of Alta, Town of Brighton, Bluffdale City, Copperton Metro Township, Cottonwood Heights City, Draper City, Emigration Canyon Metro Township, Herriman City, Holladay City, Kearns Metro Township, Magna Metro Township, Midvale City Corp., Murray City, Riverton City, City of South Salt Lake, and White City Metro Township Relating to the Conduct of the Community Development Block Grant Program, Emergency Solutions Grant Program, and the HOME Investment Partnership Program

Francis Lilly said HUD Region 8 notified the County that previous agreements had not been done right, so the agreement needed to be amended. The agreement allowed the County as a grantee to move forward in compliance with HUD.

Council Member Jackson moved to adopt Resolution 20-42, approving an Interlocal Cooperation Agreement among all the listed entities. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.6 Discussion and Consideration of Resolution 20-43, Ratifying the Millcreek Emergency Proclamation No. 2 of 2020 Proclamation Declaring a Local Emergency with Respect to the Severe Windstorm of September 8 and September 9, 2020
Mayor Silvestrini said after the recent windstorm and in consultation with Salt Lake County, he declared a local state of emergency to qualify Millcreek for FEMA funding.

Council Member Catten moved to ratify Resolution 20-43 for Millcreek Emergency Proclamation Number 2. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini thanked Millcreek residents for the cleanup effort.

4.2 City Council Member Reports

Council Member Uipi said she went on a field visit with UPD's special operations facility. She said the next policing committee discussion would be on October 6th. Council Member Jackson asked about a town hall date for accessory dwelling units. The Council decided on October 13th from 7-8:30 p.m.

4.3 Staff Reports

There were none.

5. Consent Agenda

- 5.1 Approval of August 17, 2020 Work Meeting Minutes
- 5.2 Approval of August 17, 2020 Special Meeting Minutes
- 5.3 Approval of August 24, 2020 Work Meeting and Regular Meeting Minutes

Elyse Sullivan said she forgot to attach the emailed public comments read into the record from the August 17th special meeting to the meeting minutes in the packet and asked the Council to approve the minutes with that attachment.

Council Member Uipi moved to approve item 5.1, 5.2, and 5.3 with the exception of adding the document of comments to item 5.2 with the special meeting of August 17th. 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

- Planning Commission Mtg. 9/16/20 at 5:00 p.m., City Hall
- City Council Mtg. 9/28/20 at 5:00 p.m., City Hall

Council Members Jackson and Uipi said they would not be present at the Council meeting on the 28th.

8. Closed Session

Council Member Jackson moved to go into closed session per *Utah Code Ann. §52-4-205 (d) strategy sessions to discuss the purchase, exchange, or lease of real property* at 8:29 p.m. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Jackson moved to go back into the open meeting at 8:53 p.m. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

ADJOURNED: Council Member Jackson moved to adjourn the regular meeting at 8:53 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED:  Date 9-28-2020
 Jeff Silvestrini, Mayor

Attest: 
 Elyse Sullivan, City Recorder