



**Minutes of the
Millcreek City Council
November 9, 2020
5:00 p.m. and 7:00 p.m.
Work Meeting and Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on November 9, 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 (Virtual)
Dwight Marchant, District 2 (Virtual)
Cheri Jackson, District 3 (Virtual)
Bev Uipi, District 4 (Virtual)

City Staff

John Brems, City Attorney (Virtual)
Rita Lund, Communications Director (Virtual)
Francis Lilly, Planning Director (Virtual)
Mike Winder, Economic Development (Virtual)
Kurt Hansen, Legislative Policy Director
Alexander Wendt, Deputy Recorder
John Miller, Engineering Director (Virtual)

Minutes by Alexander Wendt.

Attendees: Tom DeSirant

Work MEETING – 5:00 p.m.

TIME COMMENCED: 5:35 p.m.

Work Meeting

1. Recommendation to retain MHTN Architect for the City Hall Architectural Programing, Francis Lilly

This item was moved to the regular meeting due to time constraints in the work meeting.

2. House Bill 411 “Community Renewable Energy Act” Status Report; Mayor Silvestrini, John Brems.

Mayor Silvestrini said that the House Bill 411 process is working its way through two committees. The governance committee is designing a framework on how to make decisions moving forward. It is a complex process based on the size of cities and their electrical loads. Deference is being given to population, membership, and the size of the electrical load. Nothing has been agreed upon yet said Mayor Silvestrini. The other participants include Salt Lake City, Park City, Summit County, Castle Valley, Ogden, and a few other jurisdictions that have come in and out. Mayor Silvestrini explained that one jurisdiction gets one vote, and there is a safety

valve that two jurisdictions can call for a weighted vote based on population and electrical load. This can change based on if jurisdictions drop out. There are three different time periods. The first is organization and filing and application with the public service commission, during that period one jurisdiction gets one vote. The voting control can change explained Mayor Silvestrini. The formula will shift based on what kind of power is being bought, there will still be a function of power and load. Mayor Silvestrini explained that changing the program will require a super majority vote to effect change. Salt Lake City has some more ideas they will present soon. The cost of the program is a big factor. It costs money to hire legal counsel to represent cities when cities present to the public service commission. They have come up with a formula that charges larger entities more and smaller entities less said Mayor Silvestrini. The cost to Millcreek would be about \$60,000, spread out over a few fiscal years. Samantha DeSeelhorst said that phasing costs over time is more manageable. Ms. DeSeelhorst explained that the amount of participants and electric load, and noticing costs create a cost of \$37,000 for Millcreek. All customers need to be noticed so they can decide. The noticing costs will be borne by the communities based on their population. The total cost for Millcreek amounts to about \$56,000 assuming current cost sharing between municipalities remains the same. Mayor Silvestrini explained that smaller entities have smaller costs, larger entities have larger costs. Mayor Silvestrini said the goal is for this to be affordable and not price smaller communities out from the beginning. Mayor Silvestrini said that given the prospects this is still worthwhile to stay in and find out the rest of the costs, Millcreek would still have the option to leave the agreement. Ms. DeSeelhorst explained the estimates are the high-end estimates, she hopes the fees will be lower. Mayor Silvestrini said all jurisdictions involved are mindful of the costs and understand that if the cost goes too high then cities will drop out.

3. Sustainability Update, Samantha DeSeelhorst, Sustainability Analyst

Samantha DeSeelhorst, Sustainability Analyst, gave an update on sustainability plans. COVID-19 has made it difficult to move forward. They have been working on an interlocal sustainability action plan. Ms. DeSeelhorst has been working on a plan and has received a lot of good feedback to determine sustainability priorities. Ms. DeSeelhorst said she is anxious to get elected official input. Waste, transportation, energy, landscaping, development are five categories she is working on. It is hard to prioritize without knowing the current ecological footprint. Ms. DeSeelhorst said she is requesting funding from the Utah Clean Air Partnership. Ms. DeSeelhorst is optimistic that completing the project is possible even if they are not selected for funding. Mayor Silvestrini said that another presentation from Samantha would be helpful.

4. Millcreek City Hall Project Presentation; Kyrene Gibb, Y2 Analytics

Rita Lund introduced Y2 Analytics. Ms. Gibb from Y2 Analytics explained that Y2 Analytics conducted a survey for the City. Most respondents are aware the Millcreek City hall is a convenient space. Furthermore, respondents support the City in finding a new space for City Hall. Respondents voiced concern about a “Taj-Mahal” type City Hall. Support for City Hall increased after exposure to informative messages and is strong across all districts. Nearly 2/3 of respondents support a mixed-use building for cost savings. Ms. Gibb gave a quick overview of the survey methodology. 582 residents responded. Ms. Gibb said data was weighted to ensure that the sample is representative of the City as a whole. The survey was administered between October 10th and November 2nd, 2020. Y2 Analytics is confident that the sample is representative. 84% of residents felt that the City is headed in the right direction, and 16% felt that residents felt that the City is not. Ms. Gibb explained this statistically matches a survey taken

last year. 85% of respondents said they approved of the Mayor and City Council. 84% Millcreek residents said that the City is headed in the right direction.

Ms. Gibb related that 29% of respondents said they had visited Millcreek City Hall, and 57% said they were aware of the location of City Hall. 40% of residents said that City Hall is conveniently located. Thinking about the future of City Hall, 72% of residents said that the City should find a new space to own. Residents responded that their most important considerations for a new City Hall are that the new City Hall must be a wise investment and that it should be accessible to all residents, said Ms. Gibb. 39% of residents said it was important that City Hall be a building the City owns. A landmark was not particularly valuable to residents, said Ms. Gibb. Y2 Analytics asked how important it was to residents that City Hall be centrally located. District 1 and District 2 residents had strong opinions with 42% saying it is very important that City Hall be located centrally.

Y2 asked residents to create a hierarchy of considerations. 38% of respondents said that City Hall should be a wise investment of tax dollars. Residents were asked about ownership of City Hall. 55% of residents supported building a new City Hall that was owned. Residents were asked what amenities they would like to see around City Hall. 56% of residents surveyed said they would like to see parks and green space, 43% preferred community rooms. Ms. Gibb said that residents were asked about the future of City Hall. 76% prefer a fiscally wise investment. A future City Hall as a community resource was important to 60%. 45% of residents surveyed said that it was extremely or very important to have a public-private membership to offset costs of city hall. Ms. Gibb said it seemed that respondents were ambivalent towards the idea of a public-private ownership.

Ms. Gibb stated that it is very clear that residents want to be involved with the new vision for City Hall. 50% of residents in District 1, 39% District 2, 47% District 3, and 27% District 4 support building a new City Hall. Ms. Gibb said that the balance of support makes sense. Residents were asked about what option they preferred for a new City Hall. 63% said they would like to see a mixed-use building that would result in some cost savings, explained Ms. Gibb. Ms. Gibb said there was a 50% male and 50% female split in respondents. 65% of respondents were married, 91% were white or Caucasian. 39% said they had lived in the city for 21 or more years. 56% are employed full time. 42% of respondents were college graduates.

Ms. Gibb asked if the City Council had questions. Council Member Catten asked if the survey was random and if residents who completed the survey in 2019 answered the survey in 2020. Ms. Gibb said about 300 people had completed the survey in 2019. Ms. Gibb explained that the other respondents were selected randomly based on address. Mr. Lilly asked if there was a breakdown of the respondents based on Council District. Ms. Gibb said yes, but they did not have demographic information broken down by Council District. Mayor Silvestrini asked if the demographic data can be broken down by Council Districts. Ms. Gibb said yes. Mayor Silvestrini asked if the Council had viewed the comments in the appendix. Mayor Silvestrini said the comments have clear themes, many people support the concept of city frugality, many people responded they understood the City would have to move the location of City Hall at some point. Mayor Silvestrini asked the Council for direction, does the Council want to explore another survey with respondents that self-select into a survey because other residents may want to express themselves. Mayor Silvestrini said that the survey shows residents want to be involved in

City Hall. The more engagement the city does then the Council can explain the problems the City is facing, said Mayor Silvestrini.

Council Member Uipi said she is in favor of sharing the survey with the public for more transparency. She said that it is important for this to be explained to the community, so they understand the situation. Council Member Jackson asked if Y2 can help with public engagement going forward. Council Member Catten said being open to suggestions is important. Mayor Silvestrini said that there is value in having all residents answer the same questions. Mike Winder, Economic Development Director, said that in the newsletter there will be five updates about the City Center and new City Hall.

5. Wasatch Front Waste and Recycling District Annual Report; Pam Roberts, WFWRD General Manager/CEO

Pam Roberts, Wasatch Front Waste and Recycling General Manager explained that the board met last Monday and tentatively adopted the 2021 budget. She said there are some fee increases for green waste and trailer rental, she said it was very important to be transparent as possible. To recap stats outcome with containers in driveway. WFWRD delivered 9,500 containers and collected 8,500 tons, compared to 11,00 containers in 2019 and almost 11,000 tons collected in 2019. Ms. Roberts recommended to the board that WFWRD modified their container reservation service for 2020 due to the pandemic. There were four days less of container reservation services because WFWRD shares trucks and saved nearly \$350,000 because of changes they made. They had planned on having 21 drivers but averaged 12 drivers.

WFWRD wanted to hear from residents, said Ms. Roberts. They launched a survey in multiple locations. Most people in the survey responded that they used the services. 542 Millcreek residents responded out of 2,700 total respondents. Millcreek's satisfaction was 79%. District wide there were 2000 comments. 278 Millcreek residents left comments. 108 residents supported the way the program worked, 36 said they did not support it. Respondents desired to have more container availability. Residents that were on a waiting list to receive a container were contacted when there was a cancellation. Many residents asked if they could have the container put in the street rather than their driveway. Some residents did have minor scrapes and scratches on their driveway from the containers. Council Member Marchant said the council is appreciative of the desire to look for solutions. Mayor Silvestrini thanked WFWRD for providing help after the windstorm in September. Council Member Marchant commented that the city has received better service for less cost. Mayor Silvestrini said that he heard concerns from residents about waste trailers damaging driveways, he said that WFWRD did a great job of explaining that the trailers only weigh as much as a car. Council Member Uipi thanked Pam for their beneficial services brought to residents. Messaging was important, especially after waste management told customers the containers weighed the similar amount to a full-size pickup truck. Rita Lund, Communication Director, said that the leaf collection program is immensely popular among Millcreek residents, she said it is a great service provided by WFWRD.

6. Park Sign Regulations: Kurt Hansen, Legislative Policy Director

Mayor Silvestrini said that this item, and the MHTN presentation would be moved to the staff reports in the regular meeting since the work meeting had run out of time.

7. Staff Reports

There were no staff reports.

Mayor Silvestrini asked for a motion to adjourn the work session at 7:16 pm. Council Member Jackson moved to adjourn the work session. Council Member Catten seconded the motion. All Council Members voted unanimously to adjourn the work session.

Regular MEETING – 7:00 p.m.

TIME COMMENCED: 7:18 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.

Mayor Silvestrini called for the roll. All council members were present virtually.

1.2 Public Comment

There was no public comment.

Mayor Silvestrini moved to reorder the agenda. Council member seconded.

2. Business Matters

2.1 Discussion and Consideration of Millcreek State of Local Emergency Directive No. 6 dated November 9, 2020.

Mayor Silvestrini explained that Gov Herbert signed an executive order stating that Utah is in a state of emergency and a second executive order for a mask mandate. Governor Herbert strongly recommended that people not have social contact outside of their household group. Mayor Silvestrini explained that the idea behind this is if the State does this for two weeks then the State of Utah can get on top of COVID-19 infections. Because of this, Mayor Silvestrini said that he implemented more stringent measures at City Hall shall be done by appointment only. All department heads have given plans to direct who will work from City Hall and who will work from home. Otherwise, staff will be working remotely. Millcreek City employees have been granted an exception to idling rules because of the cold weather when they work in their cars. City Hall will remain open to the public by appointment only. Mayor Silvestrini said that this directive is to set a good example.

Council Member Jackson moved to ratify item 2.1, Millcreek State of Local Emergency Directive No. 6. Council Member Uipi seconded. The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.2 Approval of Settlement Agreement and General Release of Claims between the City and Brad Nauman and Patricia DeYoung regarding the Bad Manors/Dewey's, Bail Bond Building located at or near 1545 E 3300 S.

Mayor Silvestrini explained this is a settlement agreement and a discussion needs to happen regarding this in a closed session. The rest of the agenda items will be finished, then go into closed session for about 15 minutes and then the City Council will come out of closed session, discuss, and explain the settlement and then vote on it. Mayor Silvestrini explained that the discussion would include the strategy of the City and may could affect other litigation that is ongoing and thus is appropriate for a closed session to discuss this with the City Attorney.

Council Member Catten moved to reorder the agenda moving Item 2.2 to the end of the meeting following the closed session. Council Member Jackson seconded the motion. The Mayor called for a voice vote. All Council Members voted yes. The motion passed unanimously.

2.3 Discussion and Consideration of Resolution 20-46, Approving a Cooperative Agreement with Salt County with Respect to the Salt Lake County Storm Coalition.

Mayor Silvestrini said this is a renewal of an agreement related to education on stormwater and this helps residents by saving the City money and puts the City in compliance with the federal government.

Council Member Jackson moved to adopt Item 2.3, Resolution 20-46, Approving a Cooperative Agreement with Salt Lake County with Respect to the Salt Lake County Storm Water Coalition. Council member Catten seconded. The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.4 Discussion and Consideration of Resolution 20-47, Approving an Interlocal Cooperative Agreement between Salt Lake County and Millcreek with Respect to the Transfer of County Regional Transportation Choice funds to Millcreek for the Main Street Project – Big Cottonwood Creek to 3900 South Street.

Mayor Silvestrini explained this is to improve sidewalks and bike-lanes on Main Street. John Miller, Public Works Director, said that the work is complete on this project, and the City must request reimbursement for the project from Salt Lake County through a formal agreement.

Council Member Uipi moved to approve Item 2.4, Resolution 20-47, Approving an Interlocal Cooperative Agreement between Salt Lake County and Millcreek with Respect to the Transfer of County Regional Transportation Choice funds to Millcreek for the Main Street Project – Big Cottonwood Creek to 3900 South Street. Council Member Jackson seconded. The Deputy Recorder called for the vote. All members voted unanimously.

2.5 Discussion and Consideration of Resolution 20-48, Approving Amendment No.3 of the Interlocal Cooperative Agreement between Salt Lake County and Millcreek Regarding Transfer of Regional Transportation Funds.

Mr. Miller explained that this is for \$120,00 in new funds to be given to the City from Salt Lake County for funds on the project on Central Avenue.

Council Member Uipi moved to approve Item 2.5, Approving Amendment No.3 of the Interlocal Cooperative Agreement between Salt Lake County and Millcreek Regarding Transfer of Regional Transportation Funds. Council Member Catten seconded. The Deputy Recorder called for the vote. All Council Members voted yes.

3. Reports

3.1 Mayor's Report

The City put out a press release today regarding the City efforts to fight COVID-19. The Mayor

and council participated in two videos, one with St. Marks Hospital. Another video may be created with the Youth Council.

3.2 City Council Member Reports

Council Member Uipi stated that she did not attend the East Millcreek Community Council Meeting. Francis Lilly, Planning Director replied that he did attend the meeting.

3.3 Staff Reports

Mr. Lilly and Ms. Lund attended the East Millcreek Community Council. They discussed the urban forestry plan and land use meetings. Ms. Lund said that Millcreek Community Council discussed changing their bylaws. Council Member Catten asked Ms. Lund when residents would know the official results for Community Council elections. Ms. Lund said that the community councils do not want to turn interested individuals away.

Francis gave a report on MHTN Architects. Three firms gave presentations, MHTN, BCBO, and GSBS. Mr. Lilly said that each firm has good experience with municipal projects. One item that MHTN excelled at that Mr. Lilly highlighted is that MHTN has done preliminary thinking on several sites for a City Hall in the city center area and become an anchor for the space. Their approach to the concept for a healthy building is enlightening. In the post pandemic economy, a healthy building is important. With Council approval, Mr. Lilly said that, he can begin to negotiate a contract.

Mayor Silvestrini said that staff issued a request for proposals (RFP) for this process. There were eight applicants and three were interviewed. The selection team was Josie Angerhofer (Assistant to the Economic Development Director), Mike Winder (Economic Development Director), Rita Lund (Communication Director), Francis Lilly (Planning Director), and Kurt Hansen (Legislative Policy and Facilities Director). Mayor Silvestrini asked the cost. Mr. Lilly said the cost is \$30,000. Mr. Winder said that this is impressive value for the City and an impressive entry. Council Member Marchant and Council Member Uipi said they agree this is a good choice, Council Member Jackson and Catten also agreed.

Ms. Lund said that many parks have county signs, and they need to be updated with Millcreek signage. Right now, City Code states that individuals cannot have alcohol in a park unless the Mayor gives permission. Mr. Hansen is seeking advice on how to proceed. Council Member Uipi asked who would enforce the law, and if it would be UPD. Council Member Jackson asked if people do this often drink alcohol in City parks. Ms. Lund said very rarely. Council Member Jackson said that she is concerned about loud parties in the parks. Mayor Silvestrini said that perhaps signage should show that alcohol is permitted by permit only and the law should say something similar. Then individuals need to come and get a permit. This would-be complaint based and then a ticket would be issued by the police if people do not follow the law. Council Member Jackson supported a permit process, then people understand they are on the hook. Mr. Hansen asked if this should apply to all parks? Council Member Uipi said yes. Mayor Silvestrini said that there is not a reason to not allow all parks if people get a permit. Ms. Lund said that Canyon Rim was the only park with alcohol allowed because there is an amphitheater. Mayor Silvestrini said that there would be some discretion with the permit process as well. Council Member Uipi said enforcement is easier if the rules are standardized for all City parks.

Mayor Silvestrini asked the Council on their thoughts about cancelling the December 28th City Council meeting. Council Member Uipi said she did not want to rush Laurie. Mayor Silvestrini said that if the City does not need that meeting then they will cancel it.

Mike Winder said he is meeting tomorrow for the branding on Millcreek Common. Good property negotiations are moving forward. Mr. Winder said that 96 Millcreek business were helped by the Salt Lake County small business grants. Another 132 were helped by the Millcreek small business grant. Ms. Lund said that Kalie will be moving to engineering and the information center will be hiring a new individual. The job opening for a grant writer is open, said Ms. Lund. Mayor Silvestrini congratulated Mr. Winder on the small business impact grant. Council Member Uipi reported that the policing townhall is cancelled. She asked to reschedule on Jan 12th. Council members Jackson and Catten and Marchant were supported that date.

Mayor Silvestrini said that Planning Commission is on 11/18 and the City Council will meet again virtually on 11/23/2020 to help prevent the spread of COVID-19. Council Member Jackson said that she has been working with Andrew Clark, City Emergency Manager, to create a after action report on the windstorm and how the Valley View neighborhood was very organized.

4. Consent Agenda

Mayor Silvestrini said the City Council would go into a closed session to discuss strategy for imminent litigation.

Council Member Jackson moved to go into close session per UCA 52-4-205(1)(d) to discuss pending or reasonably imminent litigation at 8:09 p.m. Council Member Uipi seconded. The Deputy 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 8:29 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

Approval of Settlement Agreement and General Release of Claims between the City and Brad Nauman and Patricia DeYoung regarding the Bad Manors/Dewey's, Bail Bond Building located at or near 1545 E 3300 S.

Mayor Silvestrini explained the agreement is to pay each party \$17,7000 and they must dismiss all claims and enter a non-disparagement agreement.

Council Member Jackson moved to approve Item 2.2, Approval of Settlement Agreement and General Release of Claims between the City and Brad Nauman and Patricia DeYoung regarding the Bad Manors/Dewey's Bail Bond Building located at or near 1545 E 3300S. Council Member Catten seconded. The Deputy Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

5. New Items for Subsequent Consideration

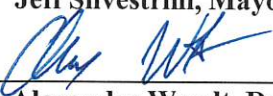
There were none.

6. Calendar of Upcoming Events

- City Council Mtg., 11/23/20, 5:00 p.m. at City Hall

ADJOURNED: Council Member Uipi moved to adjourn the meeting 8:35 at p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED:  Date 12-14-2020
Jeff Silvestrini, Mayor

Attest: 
Alexander Wendt, Deputy Recorder