



**Minutes of the
Millcreek City Council
September 13, 2021
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 13, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1 (arrived at 5:25 p.m.)
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Kurt Hansen, Facilities Director
Mike Winder, Assistant City Manager
Francis Lilly, Planning & Zoning Director
Robert May, Planner
John Miller, City Engineer
Rita Lund, Communications Director
Jim Hardy, Building Official

Attendees: Norma Carr, Thom DeSirant, David Baird, Marv Poulson, Beverly Boyce, Angel Vice, Michael Akerlow, Rachel Clark, Jeremiah Clark, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 5:00 p.m.

TIME COMMENCED – 5:01 p.m.

Mayor Silvestrini called the work meeting to order.

1. Canyon Rim Park Pickleball Court Update and Discussion; John Miller, City Engineer
Council Member Jackson said there were meetings with Canyon Rim Academy and the Canyon Rim stake leadership of the Church of Jesus Christ of Latter-Day Saints and staff got good input to give to the engineers. Based on that feedback, the engineers proposed the two options to the school and church who were happy with the proposed changes that address traffic and safety concerns.

John Miller said a noise study was conducted and the results suggested that if pickleball was being played on the 9-10 court option simultaneously, the noise level would be higher than the County noise regulation of 55 dB(A). The traditional method of controlling noise is a fence. The fencing would be on the north and west sides. Mayor Silvestrini said there would be a security concern for opaque fencing. Miller showed the Council proposed site plans of 6-8 courts and 8-

10 courts that included additional parking and a one-way access street. Council Member Marchant said a seated waiting area between the courts would be appropriate. Miller said the 10-court option could happen, but accesses would be different. Council Member Jackson noted that it would require a retaining wall. Miller said it would be easier and more efficient to follow the site plan with fewer courts. The cost for 8 courts was \$590k and 10 courts was \$634k. Council Member Jackson asked about lighting. Council Member Marchant said there would be conduits for light poles, but that could be a future project if needed. Council Member Uipi asked if there was a barrier between courts. Miller said there would be. Mayor Silvestrini and Council Member Uipi said there was demand for more courts and wanted 10 courts. Council Member Jackson said the courts should be standard size and not championship size. Council Member Jackson preferred the 8-court option for parking, access, and noise. Council Member Marchant deferred to Council Member Jackson's decision. Miller recommended the Council act quickly for construction timeliness reasons. Mayor Silvestrini asked if stairs could be installed in the retaining wall on the east side in the proposal with 10 courts. Miller said the proposal was still a concept, but it could be possible. Council Member Catten felt people would use the extra courts. The Council was in favor of the 10-court option. Council Member Catten said if the cost went up when it came time for construction, the Council should revisit that decision.

2. Planning Matter First Reading:

a. ZT-21-004, Accessory Dwelling Unit (ADU) Ordinance Draft, Francis Lilly, Planning & Zoning Director

Mayor Silvestrini said the Council started a first reading at their last meeting but there was not enough time, so it was moved to another meeting. Francis Lilly said there were three types of ADUs that the ordinance regulated; internal, attached, and detached. An internal ADU, permitted by state law, would be a mother-in-law apartment which fits within the footprint of the home and has owner-occupancy in the primary dwelling. The minimum lot size for internal ADU would be 6,000 square feet and having an internal ADU would require 1 additional off-street parking stall. A new attached ADU must be on a lot at least 6,000 square feet and must meet all Residential Compatibility Overlay Zone (RCOZ) and setback requirements, just like any other home addition. There must be owner-occupancy in the primary dwelling and 1 parking stall per bedroom plus the required off-street parking for the primary residence. Mayor Silvestrini asked if the Planning Commission was okay with the minimum lot size because some of the community councils were not. Lilly said yes. He said detached ADUs must be eight feet from side and rear property lines and six feet from the primary residence, be no more than 10% taller than the primary residence up to 24 feet tall, and have 1 parking stall per bedroom plus required off-street parking for primary residence. There cannot be any trespassing light onto and no visible stairways or entries visible from adjoining properties. Windows within 15 feet of a neighbor's property line must be translucent or not visible from the neighbors' property. ADUs are prohibited on slopes of 30% or greater. These different types of ADU applications would be approved by staff.

Lilly said another type of ADU would be the conversion of an existing structure. If the existing ADU meets all the requirements in code, staff approves it, if it does not comply with code then it can be legalized through a special exception by the Planning Commission without special height or setback requirements. Lilly said it would be harder to convert a garage or accessory building into a dwelling than it would be to convert an old accessory dwelling that was never legal in the first place. If the building meets all requirements for height, setbacks, lot coverage, design standards, and lot size, then staff approves it as though it were a detached ADU. If the

building is noncompliant with height and setback regulations, then staff has to determine if the building complied with code at some point in the past, then the Land Use Hearing Officer must issue a permit. The minimum setback from side and rear property lines would be 4 feet. No additional height is allowed unless property abuts an RM or C Zone. In those cases, an ADU can be in a building that is up to 24 feet tall.

Lilly said it would be difficult to convert an existing garage into an ADU whether or not the setback is 30 inches or 4 feet. There were height, building and fire code, RCOZ, and parking considerations (by adding one new covered parking stall for the primary residence and additional parking for the ADU) if converting a garage. He went over a list of questions for the Council to consider, and those were:

- *Do we allow detached ADUs at all?*
- *If so, do we allow existing accessory structures to be converted? Or should someone just build a new ADU?*
- *Should we treat accessory structures differently than detached accessory dwellings?*
- *Could someone build a garage now, and ask to have it converted later?*

Lilly said how the questions were answered would determine how easy it would be to convert an existing accessory building into an ADU. Planning staff recommended that if the City wanted to permit detached ADUs, there needed to be an option in place to convert existing structures. State law does not require cities to create a process for detached ADUs, only for internal ADUs on lots greater than 6,000 square feet provided that off-street parking is available. Staff recommended an option to the Planning Commission where accessory dwelling units would have the same setbacks as accessory structures. Given the additional design standards for ADUs, the detrimental impacts of an accessory dwelling could be resolved to make it similar in impact to an accessory structure. In order to promote equity between the different types of applicants, staff expressed a desire to apply the same standards to a new detached ADU that the City would apply to a conversion of an existing structure.

Lilly explained that the Planning Commission's rationale regarding detached ADU setbacks were that accessory structures not intended for human occupancy are fundamentally different than accessory dwellings. The time spent in an art studio in an accessory structure is typically shorter than the time spent sleeping, bathing, and cooking in an accessory dwelling unit. Conversions of such structures should consider not just the design of the structure itself, but the fact that human occupancy is inherently more impactful than a hobbyist in a garage. The existing R-1 zone setbacks were designed to ensure an appropriate space between dwellings, and setbacks as narrow as 30 inches for an intervening dwelling can change the character of an established single-family neighborhood.

Lilly reported how other cities treat conversions of existing structures and detached ADUs. Salt Lake City allows existing structures to be converted provided setbacks are not further reduced. If an existing accessory building includes an addition, all of or portions of the existing structure may be used as an accessory dwelling unit provided the existing setbacks are not further reduced and the structure complies or can be altered to comply with the applicable sections of the adopted Fire Code of the City. Murray allows conversions as long as the accessory building has a 1-foot setback but detached ADUs, including conversions, are only allowed on lots 12,000 square feet in area or greater. Conversion of existing accessory buildings (such as

detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.

Draper does not discuss conversions but has an aggressive standard for any detached ADU, that they shall not be within the building front, rear, or side yard setbacks for the zoning district in which the dwelling lot is located. In Bountiful, all detached ADUs are conditional uses otherwise a detached ADU is subject to the standards of a detached accessory building for which the minimum lot size is 8,000 square feet, side and rear setbacks are 3 feet, and ADUs must be in a rear yard.

Council Member Marchant asked what the proposed square footage for ADUs was. Lilly said 8,000 for detached ADUs and conversions and 6,000 for internal or attached. Lilly then reviewed the community council recommendations on the ordinance. The Millcreek Community Council opposed the proposed ordinance as written and recommended that detached ADUs should not follow requirements of accessory buildings, especially with the 30-inch setback, and that they be allowed on lots with a 12,000 square foot minimum. Also, that detached ADUs conversions should have the same setback as new detached ADUs. The East Mill Creek Community Council recommended approval with conditions of an 8-foot setback for detached ADUs for new construction and 30 inches for existing structures, and no ADUs should be allowed on a property line. Mt. Olympus Community Council recommended approval of the ordinance with conditions. They had concern with short term rentals and requested more review of enforcement methods. They requested that on-street parking at night be prohibited and that the rear yard setback for detached ADUs be 30 feet. They also did not support the 30-inch setback for new detached ADUs. The Canyon Rim Citizens Association (CRCA) recommended the ordinance as presented. They suggested that new detached ADUs should be setback 30 inches and there should be a conversion mechanism similar to the one used by Salt Lake City.

Francis Lilly read the Planning Commission's recommendation provided on July 21, 2021: *Commissioner Stephens, as respects to ZT-21-004 a Recommendation to Amend the Millcreek Zoning Ordinance for Internal, Attached, and Detached Accessory Dwelling Units in Residential Zones, moved to make a positive recommendation for adoption of the draft ordinance as presented with one major exception, and that is the Planning Commission highly recommends that for new construction detached ADUs that the minimum side and rear yard setback be not less than 8 feet or existing accessory structures, whether it be a garage or some other accessory structure, that the minimum setback on the side and rear yard would have to be not less than 48 inches in order to qualify for conversion for a detached ADU. Commissioner Reid seconded. Commissioner Stephens added to the motion that it was very important that on street parking be prohibited by ADU residents. Commissioner Reid seconded the addition.*

Lilly said staff's observations were:

- Broad consensus that Millcreek should allow attached and detached ADUs under certain circumstances.
- Significant differences of opinion on the appropriate setbacks for detached ADUs.
- Since ADUs are subject to RCOZ and specific design standards, no conditional use process is necessary. ADUs should be approved by staff.

- The Land Use Hearing Officer is the best venue to hear ADU conversions in noncomplying structures.
- ADUs should be associated with owner-occupied single-family dwellings.
- ADUs should have off-street parking.
- Short-term rentals should be prohibited in ADUs.
- Enforcement is a concern.
- RCOZ and design standards will make it difficult for many lots to accommodate a detached ADU, no matter what the setback is. Attached or internal ADUs are more likely.

If the City Council adopts an ordinance based off the Planning Commission recommendation, staff recommended some changes. Those changes are that accessory building conversions should only be available to accessory buildings in existence prior to the date of the ordinance adoption, and special exceptions for an ADU legalization should only be available to second dwellings in existence on an R-1 property prior to the date of the ordinance adoption. He recommended the Council set an effective date for the ordinance for early October to ensure compliance with state statute and to provide staff time to write procedures, design handouts, and update permitting processes.

Mayor Silvestrini expressed concern with dealing with residents that think they can convert a garage. He suggested October 15th for internal ADUs and November 15th for attached and detached. Mayor Silvestrini asked about the enforcement provisions in state code. He said Millcreek residents did not want short term rentals, wanted adequate off-street parking, and wanted owner-occupancy. Lilly reviewed state code 10-9a-530. John Brems said the City may be limited to internal ADU enforcement when referencing state code. Mayor Silvestrini requested the ability to lien property for violation of the ordinance for detached ADUs. Council Member Marchant asked about a business license for ADUs. Lilly said if it is rented and the owner takes income, it needs a business license. Mayor Silvestrini asked for Lilly to send the public comments received on the matter to the Council and Recorder. He said he had concerns about the rational basis for setback measurements from the Planning Commission. He said in a conversation with a community council member, single family zones were discussed and that there must have been a reason for separation between principal dwellings in that zone so this ordinance should preserve the nature of a neighborhood.

Mayor Silvestrini said he offered to the public at the last Council meeting that they could provide comment at this meeting. He asked for public comment.

David Baird, 4538 Thousand Oaks Drive (Chair of the Mt. Olympus Community Council), said there had to be a compromise over the entire city and not everybody would get what they wanted. He said nobody in his neighborhood had requested ADUs though he had heard that staff gets a lot of phone calls about them. He felt staff did a wonderful job on the ordinance. He said a 30-inch setback on detached ADUs would disrupt the neighborhood. One of the key tenants of the RCOZ is the side and rear yard setbacks. He felt detached ADUs would violate the spirit of that zone. He was in favor of a date certain provision for conversions. He said the Mt. Olympus Community Council supported approval of the ordinance but not the 30-inch setback. He requested staff develop the protocols for enforcement. He said the ordinance went beyond what the state was requiring. He wants the ordinance to state that on-street parking is

prohibited. Council Member Marchant said daytime parking would be hard to control, the impact would be at night.

Council Member Jackson said the CRCA setbacks were unreasonable and requiring conversion setbacks of 4 feet was unreasonable in certain neighborhoods. She said it would be hard to convert a garage and still provide covered parking. Council Member Catten noted that garages in old neighborhoods were less than 4 feet from the side property line. Mayor Silvestrini asked if it was okay to permit existing structures to have a 30-inch setback and 4-foot setback for new detached. The Council said yes. He then asked if conversions could happen with existing structures, that met all the other requirements, that had a setback of less than 30 inches by going through the Land Use Hearing Officer process. Council Member Jackson asked what the criteria would be. Jim Hardy, Building Official, said structures close to the property line have fire considerations. Buildings up to 5 feet to the property line had no requirements but any closer to the property line and they require a 1-hour fire wall rating. There cannot be any openings, windows, less than 3 feet to the property line and there can be a 25% opening on walls from 3-5 feet. Mayor Silvestrini said the ordinance was drafted so that the structure had to follow building code. Lilly reviewed the staff report for the Land Use Hearing Officer criteria.

19.89.090 Enforcement

D. Detached Accessory Dwelling Unit Conversions

1. A detached building, that is noncomplying and was legally established as determined under 19.89.100 (B), may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find:

- a. The detached building is at least 4 feet from the side and rear property lines;*
- b. The detached building does not have a light source projecting onto an adjacent property;*
- c. The detached building does not have any balconies, porches, or windows facing an adjacent property, unless facing a RM or C zoned property;*
- d. For properties located next to an RM or C Zone, the detached building does not exceed 24 feet in height;*
- e. For all other properties, the detached building does not protrude higher than the measured height of the existing noncomplying structure being expanded as measured from original ground surface.*
- f. does not create any new visual impacts that cannot be otherwise mitigated by a fence or wall.*
- g. The detached ADU can accommodate all required parking on the lot, and does not violate or diminish the required off-street parking standards, including parking requirements of this title;*
- h. No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed.*
- i. Does not violate applicable standards and regulations outlined in Chapter 19.71 Residential Compatibility Overlay Zone for accessory structures and principal structures; provided that such increase or*

expansion of structure does not further increase where the graduated height envelope intersects the existing structure.

j. Structure or proposed expansion of the structure is not within any recorded easement.

k. Does not result in runoff or drainage from the accessory building onto an adjacent property.

Council Member Jackson said there were some existing garages that exceeded 24 feet in height. Lilly said the applicant would have to show it was legally established at one point. Mayor Silvestrini requested to see subsection D(1)(E) (in 19.89.090) incorporate the Salt Lake City concept of converting an ADU which would make the setback worse. Mayor Silvestrini asked if it would be better to build the ADU 5 feet away from the property line with no fire rating or 4 feet with one. Hardy said code treated them equally, but he personally felt that 5 feet would be better due to heat from a fire. Council Member Jackson said allowing 5 feet instead of 8 feet allowed for more useable yard space. Mayor Silvestrini said most people would not want a detached ADU on their property. Council Member Uipi wondered how many lots in Mt. Olympus would qualify for a detached ADU because of the 30% slope requirement. Lilly said a lot of them would not. Council Member Catten asked Lilly if there was an overwhelming number of residents with properties that would have to go before the Hearing Officer. Lilly felt there was a lot of interest but said it would be difficult to convert an ADU. Council Member Jackson said the Council wanted to be fair on regulations by looking at all areas of the city. Council Member Uipi noted that the Council wanted to provide affordable housing.

Mayor Silvestrini said the direction from the Council to staff was to allow conversion of existing structures with a setback of 30 inches and reduce the setback for new detached ADUs to 5 feet. Council Member Jackson asked if the Land Use Hearing Officer could grant exceptions for existing structures less than 30 inches. Lilly said no, the 30 inches was for standard maintenance reasons. He recommended not allowing exceptions. Mayor Silvestrini did not see a rational basis to convert a structure that was 30 inches away but not for one that was less than that if it had been there for a long time though he noted that the structural integrity of older structures would not meet life safety requirements for occupancy. The Council was in favor of adding the Salt Lake City language.

Council Member Catten expressed that if someone wanted to build a new accessory structure with the intent of renting, they already knew that there would be a yard loss. Council Member Uipi said there would be enough restrictions to make it difficult for her to convert to an ADU. Council Member Jackson said providing covered parking would be hard to produce. Council Member Uipi would like on-street parking restricted. Mayor Silvestrini said the requirement in the ordinance sets an expectation and provides the option for enforcement.

The Council thanked planning staff for their work.

3. Staff Reports

There were none.

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

There was none.

Council Member Uipi moved to adjourn the work meeting at 6:59 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: 7:06 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 the week was momentous commemorating the 20th anniversary of September 11th and the remarkable response from the Unified Police Department (UPD) in a domestic violence standoff situation. He was pleased the police department had the capability to deal with that situation to protect the community. He commended the officers from the Millcreek and Holladay departments who responded before SWAT got there.

1.2 Public Comment

Marv Poulson, 3631 S. 1021 E., said the primary responsibility of local and state government was to protect the health and safety of residents. He was surprised that the Millcreek Council did not support the Salt Lake City mask mandate. He said there is demonstrative data stating that masks protect the health of children.

Angel Vice, District 2 candidate, said she had been talking to neighbors about bus safety with pick up on Highland Drive. She wanted to bring the issue to the Council's attention.

Jeremiah Clark, District 2 candidate, introduced himself to the Council as a Council candidate for District 2. He expressed appreciation to the Council and staff.

Thom DeSirant, District 2 candidate, said he had attended every Council meeting for more than a year. He looked forward to working with the Council.

Beverly Boyce, District 4 candidate, stated this was her first Council meeting and was there to see how they went. She said a resident had requested that the playground equipment at Fortuna Park get updated. Mayor Silvestrini said it was on the Council's radar.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 21-35, Rezoning Certain Property Located at Approximately 4074 South West Temple Street from R-M (Residential Multi-family) to MD (Mixed Development)

Mayor Silvestrini said the Council had already had a first reading of the matter. Robert May highlighted the project in the Meadowbrook Center area for 64 affordable senior housing units. The applicant was applying for 9% low-income housing credits. May briefly reviewed the existing conditions of the unmaintained vacant property and the

proposed site plan. Twenty-four percent of the site would be for the building, the rest would be parking and landscaping. He showed the Council the updated landscaping plan, which would be included as an exhibit in the development agreement. He said a rezone to accommodate the proposed affordable housing project would help Millcreek meet its implementation strategies and goals for providing affordable housing for households within the 25%-50% AMI. A study was conducted for reduced parking, and it found that a minimum of 48 stalls would be required for the use. In addition, staff found that the total sum of required stalls shall not include the accessible parking spaces required to satisfy

the Americans with Disabilities Act and shall be provided in addition to the number of stalls required and the required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.

Although the proposed affordable housing project did not create a large public response, May reported that there were two nearby residents that voiced their concern about overflow parking that may occur on-street. The Millcreek Community Council recommended approval of the rezone with the understanding that there was some concern regarding the proposed parking. The Planning Commission recommended approval of the rezone. May said the development agreement considerations had been updated. The applicant had requested flexibility in the footprint up to 700 square feet since building plan was still conceptual. Mayor Silvestrini said after the last Council meeting, he spent 2 hours researching water usage between conifers and deciduous trees and conifers use less water. Council Member Marchant said trees with leaves provided shade in the summer and sun in the winter. May said planning staff recommended approval of the rezone.

Mike Akerlow, CEO of CDCU, agreed to the conditions of the development agreement as it had been revised. Mayor Silvestrini said the project contributed to senior affordable housing in the city. Council Member Catten asked about a timeline for completion. Akerlow said in 2023.

Mayor Silvestrini asked for public comment. There was no comment. Council Member Catten liked the project and said the project warranted a push for development of a grocery store in the area.

Council Member Catten moved to approve the rezone application ZM-21-001, from the R-M Zone to the MD Zone for a 64-unit affordable senior housing project subject to a development agreement and conditions recommended by staff. Council Member Marchant seconded.

Council Member Uipi appreciated the thoughtful approach to senior housing in the city. Mayor Silvestrini said the Economic Development team was looking to add a grocery store in the area. Elyse Sullivan clarified the motion for approval was for Ordinance 21-35. Council Member Catten confirmed.

The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 21-36, Approving a Master Development Agreement for a 64 Unit Affordable Senior Housing Project with

Respect to Approximately 1.15 acres of Real Property Located at Approximately 4074 South West Temple Street

Council Member Jackson moved to adopt Ordinance 21-36, Approving a Master Development Agreement for a 64 Unit Affordable Senior Housing Project with Respect to Approximately 1.15 acres of Real Property Located at Approximately 4074 South West Temple Street. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 21-37, Amending Title 19 and Title 14 of the Millcreek Code of Ordinances with Respect to Technical Corrections Regarding Definitions, Noticing, and Planning Commission Membership

Robert May said this was the second reading of the proposed ordinance. He said the amendments were housekeeping items to clean up and clarify code.

Council Member Jackson moved to adopt Ordinance 21-37, Amending Title 19 and Title 14 of the Millcreek Code of Ordinances with Respect to Technical Corrections Regarding Definitions, Noticing, and Planning Commission Membership. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Uipi moved to recess the City Council meeting and convene the Community Reinvestment Agency meeting. Council Member Marchant seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

The City Council meeting recessed from 7:35 -7:47 p.m.

3. Business Matters

3.1 Discussion and Consideration of Resolution 21-35, Approving an Interlocal Sustainability Action Plan

Mayor Silvestrini said the city worked on the Plan with Samantha DeSeelhorst in partnership with Holladay and Cottonwood Heights. Council Member Marchant asked for a brief explanation of the plan. Mayor Silvestrini said several years ago the cities partnered to hire a sustainability coordinator to work on sustainability issues through an interlocal agreement. She has participated in the Community Renewable Energy Board program, worked on other initiatives including cleanups, and had come up with a sustainability plan. The plan sets goals for the cities and complements the Millcreek General Plan in addressing sustainability and environmental issues. Kurt Hansen noted that Cottonwood Heights had already approved the plan.

Council Member Marchant moved to approve Resolution 21-35, Approving an Interlocal Sustainability Action Plan. 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 21-36, Appointing a Board of Appeals for the Abatement of Dangerous Buildings

Mayor Silvestrini said in connection with code enforcement duties, at least one structure had been identified as a dangerous building. Notices of violation have been issued and the property owner filed an appeal. The City does not have an appeal process for those, so the purpose of the resolution is to appoint a board of appeals to hear those matters. John Brems said the Board would be just one person. Mayor Silvestrini said Millcreek has an administrative hearing officer that is used for code enforcement matters. He said residents could appeal and plead their cases to the officer.

Council Member Jackson moved to adopt Resolution 21-36, Appointing a Board of Appeals for the Abatement of Dangerous Buildings. 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 Ordinance 21-38, Adopting the Community Reinvestment Project Area Plan for the Woodland Avenue Community Reinvestment Project Area

Mayor Silvestrini said in order to proceed on the matter, the City needs to adopt the plan the Community Reinvestment Agency approved.

Council Member Catten moved to approve Ordinance 21-38, Adopting the Community Reinvestment Project Area Plan for the Woodland Avenue Community Reinvestment Project Area. Council Member Jackson 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 reported about a shooting incident in Millcreek. He noted upcoming city meetings.

4.2 City Council Member Reports

Council Member Uipi said she heard a lot from community councils about billboards. She thanked Millcreek staff for presenting a challenging issue to them. Council Member Catten said she and Council Member Marchant attended the Granite School District budget preview and they have invested in air filtration systems for all the schools, so the air gets changed three times an hour. She said there are reports from West Nile found in the County. She directed residents to dump standing water and wear long sleeves. She said residents pay for mosquito abatement services, so if your property needs to be sprayed, ask for it. She volunteered with the Point-In-Time-Count to survey homeless people for the US Census. She said it was an eye-opening experience. Council Member Marchant said the area clean up service was currently taking place in Millcreek with Wasatch Front Waste and Recycling District. Council Member Jackson said the Community Renewable Energy Board had a program design meeting and they issued an RFP for a legal consultant. There is also a committee working on the communication aspect and another on the affordability component.

4.3 Staff Reports

Mike Winder said he gave remarks at the Wasatch Lawn Memorial Park 9/11 event. He said Josie Showalter completed Economic Development course certificates and she did all the work on the Woodland Avenue Community Reinvestment Project Area. He noted

that the combined Council and Planning Commission meeting that week would be an open house at Millcreek Common.

5. New Items for Subsequent Consideration

There were none.

6. Calendar of Upcoming Events

- Planning Commission Mtg., 9/15/21, 5:00 p.m. at City Hall
- City Council Mtg., 9/27/21, 5:00 p.m. at City Hall

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:16 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: Jeff Silvestrini Date 10-11-2021
Jeff Silvestrini, Mayor

Attest: Elyse Sullivan
Elyse Sullivan, City Recorder

