



**Minutes of the
Millcreek City Council
December 13, 2021
6:30 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 December 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
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
Rita Lund, Communications Director
Robert May, Long Range Planner
Laurie Johnson, HR-Finance Director (electronic)

Attendees: Bruce Baird (electronic), Dr. Joseph Henderson (electronic), Rick Hansen, Mitchell Vice, Angel Vice, Marv Poulson, Thom DeSirant, Eric Spreng, Jeff Miles, Virginia Russo, County Council Member Ann Granato, and Chief Steve DeBry.

WORK MEETING – 6:30 p.m.

TIME COMMENCED – 6:31 p.m.

Mayor Silvestrini called the work meeting to order.

1. Millcreek Arts Council Presentation

Mitchell Vice, Millcreek Arts Council Chair, said the council board was formed in December 2019 with Angel Vice as the Treasurer and Eric McKenna-Spreng as the Director. In August 2020 they had an event, Millcreek Mask-up Music and Munchies Muster with about 500 attendees. They also learned then that taxes had not been filed since the council's inception, the IRS exemption was revoked, and their corporate registration had expired. In December 2020 they established a new corporate registration and joined the Utah Nonprofits Association. In April 2021 a new board was elected and in May 2021 they applied for tax exemption.

Vice highlighted the Millcreek Summer Jam series that was held over the summer which had well over 200 attendees at each show. The council put together a "Getting Visual at the Library" monthly visual art display which was postponed during the pandemic but will resume. Vice highlighted local artists whose work was on display in November and December. The council

printed 2,000 urban wilderness free calendars for the community that comprised of photography from six local photographers that will also be on display at the library in January 2022. In 2022, the council will get their federal exemption reinstated, get approved bylaws, build community partnerships, build current programming, and work closely with local schools to advocate for and offer resources to students. Student art from the Promise Program will be on display in May 2022. The council would like to see a performing and practicing arts center, paid directorial staff, public art installations throughout the city, artist residencies, a mural festival, and have Millcreek attract artists and generate revenue.

Council Member Marchant commended Vice on his passion for art. He asked how many members were part of the council and how often they met. Vice said about a dozen, and they meet monthly. He said people could go to Millcreek.artscouncil.org to sign up. Council Member Marchant asked if there was a plan in integrating with the new county library down the street. Vice said the current Calvin Smith Library space had an uncertain future, so the council may use that facility in conjunction with the Pioneer Craft House.

Mayor Silvestrini thanked the board members for getting the council going. He said he had been encouraging the library space to be used for the Pioneer Craft House. He invited the council to assist in programming in the new city hall. He remarked that the city had given grants to the Arts Council in the past and would like to partner for grants in the future. Council Member Uipi asked if highlighted artists were Millcreek locals. Vice confirmed.

2. Staff Reports

There were none.

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

There were none.

Council Member Uipi moved to adjourn the work meeting at 6:54 p.m. Council Member Marchant seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:01 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.

1.2 Public Comment

There were no comments.

2. Planning Matters

2.1 First Reading: ZT-21-008, Zoning Code Text Amendment Allowing a Caretaker Dwelling as a Permitted Use within Commercial Zones; Robert May, Long Range Planner

Mayor Silvestrini said the Council's practice is to have a first read of planning matters then consider them at the next Council meeting. Robert May said an applicant initiated a text amendment request allowing for a caretaker dwelling as a permitted use within the commercial zones. He highlighted a map of the commercial zones in the city. He proposed a single-family dwelling within the commercial building, not detached as an accessory unit. A caretaker's residence is already recognized in the Light Manufacturing Zone, but this application would change that definition to match with the commercial zones. The applicant's proposed definition was, "caretaker dwelling means a single Dwelling Unit that is under common ownership with and integrated into a commercial building and is used by an employee of the commercial building for security or maintenance purposes." Staff's proposed definition was, "caretaker dwelling means no more than one dwelling unit that is under common ownership and is attached or internal to the main building and its commercial and is used for the accommodation of an employee, business owner and person under contract of the commercial use and main building for security or maintenance purposes." The caretaker dwelling would be subject to these specific use standards: 1) property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately; 2) caretaker dwelling shall consist of a minimum habitable floor area of 800 square feet and not to exceed a maximum habitable floor area of 1,500 square feet; 3) shall be subject to the off-street parking requirements chapter 19.80 of the Millcreek Code; 4) parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking; and 5) home businesses shall be prohibited.

May shared that he created a matrix of comparables with other cities that he included in the staff report. Mayor Silvestrini asked if other cities allowed for detached caretaker dwellings. May said some codes did not specify attached or detached. He noted that attached was in the intent of the application. Mayor Silvestrini noted that detached dwellings would not always be appropriate in commercial zones. He suggested it may be worthwhile to allow a construction trailer on site. May said a temporary use could be considered.

May said the community councils provided input on the concept. Each council wanted to allow home businesses in a caretaker dwelling that did not have a customer base, which would have the least amount of impact to surrounding uses, and was limited to office uses that only required internet and phone. They also felt a minimum and maximum square footage range was appropriate for caretaker dwellings and they should be subject to the off-street parking requirements. The Planning Commission discussed parking, home businesses, size ranges, and attached versus detached dwellings. They recommended approval of the ordinance changes with the following standards: home businesses are allowed with no on-site customer base, dwellings range from 600-1,500 square feet, and caretaker dwellings be internal/attached. Staff recommended approval of the ordinance change based on the staff findings in the staff report, and the input from the community councils and Planning Commission.

2.2 First Reading: CU-21-018, Approval of a Development Agreement with 33rd and 13th, LLC for a Cash-in-Lieu Substitution for 1,496 Square Feet of Required Open Space for a Mixed Use Development Located at 1306 East 3300 South; Francis Lilly, Planning & Zoning Director

Francis Lilly said the City Center Overlay Zone does require that developers install open space on at least 40% of the site and 20% must be plaza space. The code provides an option for a developer to pay cash in lieu of open space if the city finds it is more effective using that money toward pedestrian safety enhancements or for property acquisition on Millcreek Common. The process is that a developer gives staff a recent appraisal, the Planning Director makes a recommendation to the Council on the merits of the substitution, and the Council considers the application. This project is about 1,496 square feet short of plaza space. He highlighted the site plan with the proposed plaza spaces. The conducted appraisal said the property was worth about \$100 a square foot. Lilly said the \$149,600 would be better utilized in enhancing the sound end of Millcreek Common with lighting and landscaping to enhance the pedestrian experience. The project was eligible for the cash in lieu option because of the proximity to Millcreek Common. The project did receive preliminary approval from the Planning Commission with the cash in lieu option. The Planning Commission saw the value in it though they do not get an actual say in the matter. Lilly recommended approval of the cash in lieu of plaza space because it would be better to enhance the city center. Mayor Silvestrini asked for specific programming ideas with the \$150,000. Lilly said the funds may be used for low evergreen shrubs, an AstroTurf seating area, and lighting along 3300 S.

3. Financial Matters**3.1 Presentation of the Fiscal Year 2020-21 Audit; Jeff Miles, HBME**

Jeff Miles said he met with the city's audit committee the prior week. He then reviewed the auditor's report which issued a clean unmodified opinion of the city's finances. He read from the report, "We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of Millcreek, Utah (the City), as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents. In our opinion, the accompanying financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City, as of June 30, 2021, and the respective changes in financial position, and where applicable, cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America." He then reviewed the report. The City's net position increased by about \$12.5 million, the governmental activities net position decreased by about \$6.5 million, and this was the first year with business-type activities as the city started the Storm Water Fund which increased the City's net position by about \$19 million. The city has an unassigned fund balance of just over \$12 million, or 32% of the General Fund. Mayor Silvestrini referred to the fund balance as a rainy-day fund or reserve that could be programmed for capital projects or put towards anything within the Council's discretion.

Miles noted that there were no significant deficiencies or material weaknesses with internal controls and the city complied with tested general state requirements. He said he would be back to report on the federal single audit in January 2022. That audit was required because the city received and spent more than \$750,000 in federal funding with the American Rescue Plan Act. Mayor Silvestrini thanked Miles and Laurie Johnson for their work.

4. Business Matters

4.1 Discussion and Consideration of Ordinance 21-52, Adopting Millcreek's 2022 Regular Meeting Schedule

Elyse Sullivan said per the Open and Public Meetings Act, the Council had to establish a regular meetings schedule for 2022. The schedule was kept the same as prior years with regular Council meetings on the second and fourth Monday of the month, however the third Monday of the month work meeting was removed since that type of meeting had not been scheduled in about two years. If a meeting conflicted with a holiday, it would be scheduled for the following Tuesday. Council Member Cheri Jackson recommended adjusting the December 27th meeting to the 19th, similar to what was done that year.

Council Member Catten moved to approve Ordinance 21-52, Adopting Millcreek's 2022 Regular Meeting Schedule as amended with Cheri's change for December 2022. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4.2 Discussion and Consideration of Resolution 21-41, Accepting the Outdoor Recreation Infrastructure Grant in the Amount of \$1,000,000 to Purchase Undeveloped Real Property, Located at Approximately 3885 Millcreek Canyon Road, Millcreek, Utah

Mayor Silvestrini said the State of Utah appropriated funding for acquisition of open space to encourage completion of the Bonneville Shoreline Trail. Millcreek applied for three grants and the County applied for a fourth one. Millcreek received a \$1 million grant to purchase the Rainclouds parcel (about 138 acres) and another \$28,000 grant to purchase the Teton View parcel (2.7 acres). The million-dollar grant was within partnership with the County. The property is on the southwest slope of Grandeur Peak (used to have the Skyline High School "S"). The County would own the land and grants a conservation easement to Millcreek which enforces the easement. The parcel was under contract and the transaction would close by the end of the year.

Council Member Uipi moved to approve item 4.2. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4.3 Discussion and Consideration of Resolution 21-42, Approving an Interlocal Cooperative Agreement with Salt Lake County for the Joint Purchase of Undeveloped Real Property, Located at Approximately 3885 Millcreek Canyon Road, Millcreek, Utah

Council Member Uipi moved to approve 4.3, Resolution 21-42. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Mayor Silvestrini noted this was significant work done by the city to ensure the property remained as open space. He acknowledged individuals who helped with the grant. The other property (Teton View) was under contract for \$31,000. Council Member Jackson asked if acquiring this property completed the trail connection. Mayor Silvestrini said there was one more piece of property, the Lime Quarry parcel, and the County was working on acquiring another parcel.

4.4 Discussion and Consideration of Resolution 21-43, Authorizing a Utah State Infrastructure Bank Loan in the Amount of \$5,200,000 for the 2000 East Street Project and Various Overlays

Mayor Silvestrini said the Utah Legislature enacted a bill to apportion a county authorized sales tax of a quarter of a percent for transportation. Millcreek was appropriated \$8 million. The city already had \$1 million and the remaining \$7 million would come over a period of 15 years as the tax was collected. Millcreek was asking the State to bond against future sales tax collection and pay the money out earlier for use on improvements on 2000 E. UDOT will issue a bond (\$30 million) and Millcreek will borrow \$5.2 million from the bond, and the bond will be repaid by the sales tax the Legislature as already appropriated. The effort came from multiple parties and came to fruition from lobbying efforts.

Council Member Jackson thanked Mayor Silvestrini for obtaining the funding for 2000 E. Mayor Silvestrini said the construction would not be done until the next fiscal year because engineering work had not yet been done.

Council Member Jackson moved to adopt Resolution 21-43. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

5. Reports

5.1 Mayor's Report

Mayor Silvestrini said there would be a reception for Council Member Marchant on December 20th. Council Member Marchant had been serving as the city's treasurer and offered to continue performing that duty, but the city's auditor recommended appointing a current council member. The treasurer's duty includes overseeing the expenditures of the city. A new treasurer would be appointed at the next meeting.

The city has been attempting to hire a new finance director and Laurie Johnson would move to part time work in another capacity. There may be more success recruiting an assistant finance director so a new job description would be going out soon. Josie Showalter would be moving from the Economic Development Department to Finance for tracking grants. The Economic Development Department and the Promise Program would be hiring interns.

5.2 City Council Member Reports

Council Member Jackson recognized County Council Member Ann Granato at the meeting and thanked her for her donation to the Promise Program. Mayor Silvestrini acknowledged the County Council for enacting a pending ordinance to eliminate mining activities. He said on December 21st there would be an information meeting on current mining activities in Parley's Canyon and invited County Council Members Granato and DeBry to attend.

5.3 Staff Reports

Mike Winder said the Millcreek Common Zamboni arrived and it would be stored at a county facility until it was ready to go to the city center. He noted that Carlos Estudillo moved from Planning Technician to a Planner position. There would be four Promise interns assigned to each of the Promise committees. The Economic Development intern would be trained to move into the Assistant to the Economic Development Director position. The Legislature created a \$35 million pot where cities could apply if they matched funds for multi-family housing and public infrastructure to support it. Millcreek received two \$2.5 million grants. Millcreek must encumber the money within 6 months and be spent under the American Recovery Act guidelines. It could be used on the city center parking structure or new city hall.

6. Consent Agenda

6.1 Approval of November 8, 2021 Special Meeting Minutes

6.2 Approval of November 8, 2021 Regular Meeting Minutes

Council Member Uipi moved to approve items 6.1 and 6.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

7. New Items for Subsequent Consideration

There were none.

8. Calendar of Upcoming Events

- Planning Commission Mtg., 12/15/21, 5:00 p.m. at City Hall
- City Council Mtg., 12/20/21, 5:00 p.m. at City Hall

9. Closed Session

Utah Code Ann. §52-4-205(a) Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual

Council Member Jackson moved to go into a closed session per Utah Code Ann. §52-4-205(a) Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual at 8:22 p.m. Council Member Uipi seconded. The Recorder called for the vote. Council Members Jackson, Uipi, Catten, and Marchant, and Mayor Silvestrini voted yes. The motion passed unanimously.

Council Member Jackson moved to go back into the public meeting at 8:41 p.m. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Business Matters Continued

4.5 Discussion and Consideration of Resolution 21-44, Authorizing and Directing the Mayor to Enter into Contract with Mike Winder as City Manager

Mayor Silvestrini said as a result of the closed session, he recommended approval of Resolution 21-44, authorizing and directing the mayor to enter into contract with Mike Winder as city manager, at an annual salary of \$185,000 for a term of three years subject to the terms and provisions of the agreement.

Council Member Uipi moved to approve item 4.5, Resolution 21-44, authorizing the mayor to enter into contract with Mike Winder as city manager. Council Member Catten seconded.

Mayor Silvestrini said with the Council's approval, Mike Winder was appointed as the Assistant City Manager. Before making the recommendation to the City Council, he polled the Department Directors about the change, and they were in favor of it. Mayor Silvestrini said Winder had been innovative, motivated, and had good interactions with employees. This action would put the city on a good path and would enable the mayor to do other things though he anticipated the same working relationship. Council Member Uipi commended Winder on his dealing with personnel issues and his work in the Economic Development Director role.

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

Mike Winder said Millcreek was an amazing community that had a dream team of employees and elected officials. The city would keep, "Playing to Win." He loved serving in the Utah State Legislature but loved being in Millcreek more, so he would not seek re-election for his House of Representatives seat. The appointment would take effect in March 2022 after the legislative session.

ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:50 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED:

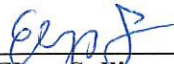


Jeff Silvestrini, Mayor

Date

1-10-2022

Attest:



Elyse Sullivan, City Recorder