



**Minutes of the  
Millcreek City Council  
August 8, 2022  
7:00 p.m.  
Regular Meeting**

The City Council of Millcreek, Utah, met in a regular public meeting on August 8, 2022, 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  
Thom DeSirant, District 2  
Cheri Jackson, District 3  
Bev Uipi, District 4

**City Staff**

John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Mike Winder, City Manager  
Francis Lilly, Assistant City Manager  
Kurt Hansen, Facilities Director  
Laurie Johnson, HR-Finance Director  
Rita Lund, Communications Director (electronic)

**Attendees:** Jim Elder, Nancy Carlson-Gotts, Millie Rogers, Linette Hutton, Robb Stowe, Rick Hansen, Eugene Dzvonic, Brittany Karzen, Sara Chindlund, Tori Velasquez, Renee Roberts, Pam Roberts, Dennis Watson, Julie Watson, Sophie Manousaki, Steve Bassett, Blaine Hansen, Sara Milano, Randy Hart, Liz Eagan, Gary Klein, Mary Marsh, Eric Herschthal, Chief Steve DeBry

**REGULAR MEETING – 7:00 p.m.**

**TIME COMMENCED: 7:00 p.m.**

**1. Welcome, Introduction and Preliminary Matters**

**1.1 Pledge of Allegiance**

Mayor Silvestrini called the meeting to order and led the pledge of allegiance.

**1.2 Public Comment**

Linette Hutton, 1119 Ridgedale Lane, noted that property owners and the city were not maintaining the sidewalks whether with vegetation or snow and ice.

**2. Financial Matters**

**2.1 Truth in Taxation Public Hearing**

Laurie Johnson reviewed the changes from the FY 2022-23 tentative budget to the final budget. Mayor Silvestrini said the council adopted a tentative budget in the spring. Johnson said with the revenue projections, the property tax amount had changed because the county had not provided a certified tax rate yet. The addition of the proposed energy

sales and use tax had been added for \$750,000. The number was conservative because it did not represent a full year. The use of Fund Balance had decreased by \$266,000. The amount of change in revenue was \$544,871. The expense projections included a \$12,000 increase for Washington lobbyist services in the Mayor and City Council budget, a \$498,871 increase in the Public Safety budget for the Unified Police Department (UPD) contract, a \$139,000 increase for personnel in the Community Life/Millcreek Common budget, and a reduction by \$105,000 for personnel in the Finance budget. The updated amount of change in expenses was \$405,871. She showed the Council the updated Fund Balance projections which included a 35% balance at the end of the fiscal year. There were no changes in the Capital Improvement Fund Budget from the tentative budget. The Storm Water Fund Budget included the addition of a stormwater inspector and a decrease in the contribution to fund balance for \$50,000.

Johnson outlined the public process for the property tax truth in taxation. The council started discussing the FY 2022-23 budget on March 14, 2022, and continued the discussion over the subsequent five meetings through May 23<sup>rd</sup>. There were notices about the truth in taxation public hearing published in the newspaper multiple times and online in the month of July. During those budget discussions, the council looked at UPD funding four years out. They explored using only fund balance to pay the increase in contract costs, adding an energy sales and use tax in a delayed progression, and balancing out property tax increases over four years or all at once. The direction from the council was to keep the tax increases as low as possible through a hybrid option. The UPD contract in FY 2021-22 was \$12,825,275. The contract cost in FY 2022-23 was \$15,333,736, a 19.56% increase. The utilization of Millcreek UPD Fund Balance of \$1,334,865 left the contract balance at \$13,998,871. She presented the breakdown of costs for the additional \$2,508,467 which included compensation of officers. The use of a property tax increase with the UPD Fund Balance would require an increase of 9.93% for FY 2022-23 and an increase of 27.09% for FY 2023-24. The use of a property tax increase coupled with an energy sales and use tax in addition to the Fund Balance would keep the property tax increase at 4.61% for FY 2022-23 and an estimated 2.71% for FY 2023-24. Johnson presented the amount of property tax percentage increases with other cities in Salt Lake County that ranged from less than 5% to over 100%.

Council Member Uipi asked how many full time and part employees Millcreek had. Johnson said 46 fulltime and a lot of part time employees, which included people doing skate rentals in the Adventure Hub and interns, approximately 24. Mayor Silvestrini acknowledged that nobody was happy about property tax increases. The council had a fiduciary responsibility to provide services, and an important one was law enforcement. Millcreek was fortunate to have well-trained law enforcement. A lot of cities in the state were struggling to hire law enforcement because of recent politics and events in addition to the dangers it presented. Salt Lake City was down 50 officers the prior year and offered signing bonuses to recruit. All area police departments increased salaries to maintain existing officers. UPD was required to meet the rising increases to avoid being understaffed. Millcreek funded an increase the prior year solely with General Fund Balance. Millcreek maintains a 30-35% fund balance or rainy-day fund. Millcreek paid for police service 100% with property tax before incorporation with the Salt Lake Valley Law Enforcement Service Area (who was increasing property tax by 14.48%). Millcreek left SLVLESA to contract with UPD to control the budget and staffing for law

enforcement in the city. Shortly after incorporation, Millcreek had a large property tax increase to change where that tax was being paid (to Millcreek instead of SLVLESA). In 2020, a 2.78% increase was necessary to pay the UPD contract. In continuing to pay for police service 100% with property tax would have required Millcreek to increase property tax by 20% to pay the 20% increase in the contract. The council did not want to do that large of an increase. The mayor had been previously asked why the city was building a new city hall and not using that money to fund police services. He explained that that money was obtained through a bond that was promised with a city hall. Millcreek Common was also being constructed from a separate bond. The tax increment produced from the developers in Millcreek Common would pay back the bond over time. The city could not use the bond money for anything else.

The mayor acknowledged that there were operational expenses with every park, though the council had cut back on watering the parks to save money. There was no way to make significant cuts in the budget and still provide services the city needed. The council decided to implement a franchise tax on communications and utilities. All other cities in the state collected that tax. The advantage was that it was paid by entities that do not pay property taxes though they utilize police services. He noted it was a hard choice that the council did not like. The alternative would be to cut police services, approximately 16 officers. Millcreek had 61 officers with three shifts. He did not feel it was appropriate to cut police officers. The council tried to be transparent and provide information. The council had gotten previous inquiries about property valuations going up. He said the city did not get more money when property values appreciated. He explained the property tax calculation using his own property tax notice. When property value goes up, the certified tax rate goes down, so it yields the city the same amount of dollars unless the city raises the rate. The rate for this fiscal year was actually smaller than the rate in 2021. When taxes go up, property appreciated to a greater degree than other properties in the city. He offered to meet with residents to go over the numbers.

Council Member DeSirant said property taxes were confusing and explained the process for calculating property taxes with the county. He noted that other taxing entities were increasing taxes that did not have any effect on the city. Council Member Uipi acknowledged families on fixed incomes. She said the quality of life in Millcreek was one she was willing to pay for. Council Member Jackson recognized the disfavor for taxes. The rising property valuation did help the residents by allowing for a lower tax rate. The council was surprised by the 20% UPD contract increase since the raised salary happened in 2021, but it cost more money to train new officers. This was a community problem, and the council and staff came up with a reasonable hybrid funding option. Council Member Catten thanked residents for sending in comments, both positive and negative.

**Council Member DeSirant moved to open the public hearing. Council Member Uipi seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

Dennis Watson, 1142 E. Ridgedale Circle, said if people were not safe, nothing else mattered. People want police and security. He asked where he could find Ms. Johnson's

presentation. Mayor Silvestrini said the meeting packets could be found on the city's website and he invited personal communication. Watson felt budget items had to be cut, but not safety. He wanted an assurance that the budget had been cut in other areas. Mayor Silvestrini invited Watson to meet with Ms. Johnson. Council Member Jackson said the biggest expense and largest asset was the street maintenance. The longer the city delayed in repairing a road, the bigger the problem and larger the expense gets. The council must weigh the long-term consequence with not staying up on maintenance.

Ms. Johnson said the total General Fund Budget was over \$32 million, and public safety was over half of that. A big part of the other half was the contract for streets and snow plowing. When it came to making cuts, there was not a lot of room as the budget was already lean. Mike Winder said for a city of 65,000 residents, there were only 46 staff members. Most of the staff was doubling up on responsibilities. Mayor Silvestrini said there were benefits to contracting out services. Other cities had larger staff numbers because they staffed their own police and fire departments.

Blaine Hansen, 886 E. Maple Crest Court #4, felt that policing as a civic intervention did not have the desired effect of creating safety. He thought that police services could be cut because other services were unambiguous.

Liz Eagan, 3926 Skyview Circle, relayed an example of quick police services. She felt some other sources of revenue were being excused and overlooked, such as tickets, residents living on property that did not pay taxes, and nonprofit property owners. Mayor Silvestrini pointed out that the energy sales and use tax would remedy that.

Eric Herschthal, 822 E. Olivia Court, was not opposed to the property tax increase or retaining officers being paid fair wages. He was not in favor of a heavy reliance on police for a community that did not have serious crime problems. He felt that Millcreek was not unsafe and there was not transparency with police services. Crime in Salt Lake City was down 25% though case rates had not changed much. He wanted to investigate unarmed alternatives. He wanted to invest in an unarmed traffic unit. Salt Lake City had a civilian response team that responds to homelessness and mental health cases.

Elyse Sullivan read comments received online via the City's website from:  
Fred Hoskins, 2279 E. Vimont Avenue, *"with congress set to pass \$37 billion for police are you going to drop tax increase? if not, why."*

Lynda Bagley-Gibson, 1250 E. Manor Circle, *"If the Proposed Budget is Approved, Millcreek Would Increase Its Property Tax Budgeted Revenue by 4.57% Above Last Year's Property Tax Budgeted Revenue "Excluding Eligible New Growth". Please explain "Excluding Eligible New Growth." Does the new apartment buildings including the ones in the city center have to pay for the police and fire in the whole city? And do we get rent from the new UPD office that goes towards the increased cost for Police? Do these developers get a discount for developing there?"*

Mayor Silvestrini said any money the federal government appropriated may not get to the city in a timely manner. He did not know if it was a one-time grant or what it was for. He explained that new growth did vary property taxes. New growth increased the amount of

money the city receives for that year but then it gets reconfigured in the certified tax rate, so it does not guarantee increased revenue to the city other than for that one year. It does not change the amount of dollars the city receives long term. Winder said developers do not get discounts. All the new tax increment funds generated in the city center pay the bond for Millcreek Common.

Council Member Jackson said the city was responsible for housing UPD. The city paid for the rent at UPD's current location. In turn, that rent money would help pay for the city hall mortgage, an investment in the city's own asset. Council Member Uipi acknowledged that mental health was a component of police work. Hearing about ways to improve services was important. She noted that Millcreek UPD did have a dedicated mental health officer, which was a new position. She thanked Herschthal for bringing to the council's attention how to improve community services. Mayor Silvestrini said UPD had a mental health unit, and the council funded an additional officer to that. That was different from an unarmed response team. The mental health officer was sent with the armed officer to help diffuse situations. The unit establishes a relationship and follows up with individuals. There is a citizen review board on UPD that operates within the confines of state law. Mayor Silvestrini was willing to engage with Herschthal more. The council was trying to participate in better policing practices. Council Member Catten said the council had to do the property tax increase to maintain what the city had, but there was still growth occurring. She hoped crime was down. Millcreek Precinct had a competent police force and she wanted to maintain that.

Julie Watson, 1142 E. Ridgedale Circle, asked if large apartment buildings were taxed at the same rate as single family houses. Mayor Silvestrini said the rate was the same, but the value of the property was not. Watson asked if it was the same for businesses. Mayor Silvestrini said businesses paid more, almost double, because residential properties were entitled to an exemption with property tax law. The difference between residential and business property tax was presented on the council meeting agenda (Millcreek tax on a \$653,000 residence would increase from \$498.86 to \$521.84, which is \$22.98 per year and Millcreek tax on a \$653,000 business would increase from \$907.02 to \$948.81, which is \$41.79 per year). Winder said with sales tax distribution, half was distributed at point of sale and the other half was distributed by population. The State's portion was redistributed to cities based on its population. Council Member Uipi noted that all the residents of large apartment buildings would be paying the new energy sales and use tax.

**Council Member Uipi moved to close the public hearing. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

Herschthal asked when the final budget decision would be made. Mayor Silvestrini noted it was the next item.

**2.2 Discussion and Consideration of Ordinance 22-37, Adopting a Final Budget; Making Appropriations for the Support of Millcreek for the Time Period Beginning July 1, 2022 and Ending June 30, 2023, and Determining the Rate of Tax and Levying Taxes Upon All Real and Personal Property Within Millcreek**

Council Member Jackson appreciated the public comments received on the matter. A majority of the residents she heard from felt the hybrid solution was equitable. There were pockets of the city that had serious crime. She noted the subsequent agenda item was to provide an afterschool program for kids in a high crime pocket. The city was looking to provide preventative crime options for youth. Council Member Uipi thanked Ms. Johnson for her work. Council Member Catten said the residents in her district were supportive of the small property tax increase in conjunction with the energy sales and use tax, which would take effect in 2023. Council Member Uipi invited the public to reach out to the council. She felt this decision was necessary but wanted to continue the conversation about improving police services.

**Council Member Jackson moved to adopt Ordinance 22-37, Adopting a Final Budget; Making Appropriations for the Support of Millcreek for the Time Period Beginning July 1, 2022 and Ending June 30, 2023, and Determining the Rate of Tax and Levying Taxes Upon All Real and Personal Property Within Millcreek. Council Member Uipi seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

Council Member Catten asked if adopting the franchise fee was a separate process. Johnson said yes, but the amount was accounted for in the budget.

### **2.3 Public Hearing on Consideration of a Monetary Contribution of up to \$22,000 to the Asian Association of Utah**

Mayor Silvestrini said the Asian Association of Utah supported the refugee and immigrant community in Millcreek. The city was proposing to provide \$22,000 of American Rescue Plan Act (ARPA) dollars to help fund a new afterschool program that would be housed in a state office building to the south of the Holladay Hills apartment complex which is an affordable housing project with a crime problem. This year, the Promise Program held a job and health fair at the complex. There was currently a number of unattended kids that would benefit from an afterschool program there. The city was using ARPA money, which was use-it-or-lose-it federal money. A study by Bonneville Research was conducted to justify the expense. The program would help solve a problem so more police was not needed. Council Member DeSirant acknowledged the complex as being in his district and relayed communications he had had with residents in the area.

**Council Member Jackson moved to open the public hearing. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

Tori Velasquez, 1480 E. 3350 S., asked if other apartment complexes were able to use the afterschool program and asked how long the program would run. Mayor Silvestrini said the ARPA funding lasted until 2024. The Promise Program was partially grant and partially city funded. Data proving success of the program would help the program be self-sustaining so more grants could be awarded. The afterschool program would be available to kids who attended William Penn Elementary and others who sought it. The city was not aware of a need for other complexes in the city using it.

**Council Member Catten moved to close the public hearing. Council Member DeSirant seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

#### **2.4 Discussion and Consideration of Ordinance 22-38, Approving a Monetary Contribution of up to \$22,000 to the Asian Association of Utah**

**Council Member Catten moved to approve Ordinance 22-38, Approving a Monetary Contribution of up to \$22,000 to the Asian Association of Utah. Council Member DeSirant seconded. Council Member Uipi noted the Asian Association had been around for a long time. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

### **3. Reports**

#### **3.1 Mayor's Report**

Mayor Silvestrini reported that he attended Night Out Against Crime. He was working with the Conference of Mayors to select a temporary overflow homeless shelter in Salt Lake County. The final decision had not been made, but it was probable that the old Calvin Smith Library building in Millcreek would fulfill that need. In 2020, an overflow shelter was hosted a block away from the library site. There was a way to run the program without creating an impact to the community. It was a place for people to stay overnight who had a high probability of being relocated to supported housing, it was not a walk-in shelter. He said there was a humanitarian responsibility to prevent people from freezing in the winter. The shelter would run October-April. He noted there had only been one call for police service in 2020 for the facility operating in Millcreek. The library was closer to residential properties than the other property and that was of concern. Another facility under review was in West Valley. The final decision would be made in a couple of weeks.

The mayor reported that he met with Representative Blake Moore's legislative policy director about transportation needs and thanked him for the support of the earmarked appropriation of \$800,000 to expand and resurface the parking lot in Neffs Canyon and build firefighting facilities there. He said the grant application for building a retention basin in Neffs Canyon was not approved by FEMA. The city was in the process of reapplying. Council Member Catten asked if the retention basin application was for an annual grant. Mayor Silvestrini confirmed. Mayor Silvestrini said he went to Millcreek Common on a Saturday morning and talked to people using the splash pad and the skate ribbon. He said they provided positive feedback about the plaza.

#### **3.2 City Council Member Reports**

There were no reports.

#### **3.3 Staff Reports**

Winder said Pizza Nono received a building permit for the shop on Millcreek Common. Staff had received great responses for the café and restaurant request for proposals for the

city hall ground floor. Francis Lilly reported that he submitted an application to qualify Millcreek as a Certified Local Government with the State Historic Preservation Office.

**4. Consent Agenda**

- 4.1 Approval of July 20, 2022 Special Meeting Minutes
- 4.2 Approval of July 26, 2022 Work Meeting and Regular Meeting Minutes

**Council Member Uipi moved to approve item 4.1 and 4.2. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**5. New Items for Subsequent Consideration**

Council Member DeSirant said he would provide the City Manager with information on apprentice utilization programs.

**6. Calendar of Upcoming Events**

- City Council Mtg., 8/22/22, 7:00 p.m.

**ADJOURNED: Council Member Uipi moved to adjourn the meeting at 8:58 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
**Jeff Silvestrini, Mayor**

**Attest:** \_\_\_\_\_  
**Elyse Sullivan, City Recorder**