

## **MINUTES OF COUNCIL STUDY MEETING – MAY 16, 2023**

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THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC STUDY SESSION ON TUESDAY, MAY 16, 2023 AT 4:30 P.M. AT WEST VALLEY CITY HALL, MULTIPURPOSE ROOM, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR LANG.

THE FOLLOWING MEMBERS WERE PRESENT:

Karen Lang, Mayor  
Lars Nordfelt, Councilmember At-Large  
Don Christensen, Councilmember At-Large (*electronically*)  
Tom Huynh, Councilmember District 1  
Scott Harmon, Councilmember District 2  
William Whetstone, Councilmember District 3

ABSENT:

Jake Fitisemanu, Councilmember District 4

STAFF PRESENT:

Wayne T Pyle, City Manager  
Nichole Camac, City Recorder  
Nicole Cottle, Assistant City Manager/General Counsel  
Eric Bunderson, City Attorney (*electronically*)  
Colleen Jacobs, Police Chief  
John Evans, Fire Chief  
Jim Welch, Finance Director  
Steve Pastorik, CED Director  
Layne Morris, CPD Director  
Dan Johnson, Public Works Director  
Nancy Day, Parks and Recreation Director  
Mark Nord, RDA Director (*electronically*)  
John Flores, HR Director  
Sam Johnson, Strategic Communications Director (*electronically*)  
Ken Cushing, IT

### **APPROVAL OF MINUTES OF STUDY MEETING HELD MAY 9, 2023**

The Council considered the Minutes of the Study Meeting held May 9, 2023. There were no changes, corrections or deletions.

Councilmember Huynh moved to approve the Minutes of the Study Meeting held May 9, 2023. Councilmember Nordfelt seconded the motion.

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A voice vote was taken and all members voted in favor of the motion.

### **REVIEW AGENDA FOR REGULAR CITY COUNCIL MEETING OF MAY 16, 2023**

Upon inquiry by Mayor Lang, members of the Council had no further questions or concerns regarding items listed on the Agenda for the Regular City Council meeting scheduled later this night.

### **AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED FOR MAY 23, 2023**

#### **A. RECOGNITION OF WEST VALLEY CITY NATIONAL MERIT SCHOLAR FINALISTS**

Mayor Lang stated that two students would be recognized for becoming National Merit Scholar finalists at the May 23, 2023 City Council Regular Meeting at 6:30 PM.

### **PUBLIC HEARINGS SCHEDULED FOR MAY 23, 2023**

#### **A. ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-2-2023, FILED BY WEST VALLEY CITY, REQUESTING AN AMENDMENT TO SECTION 7-7-119 OF THE WEST VALLEY CITY CODE TO ADD SCREENING REQUIREMENTS FOR OUTSIDE STORAGE THAT OCCURS ON PROPERTY ADJACENT TO A HIGH-IMAGE ARTERIAL STREET AS LISTED IN SECTION 7-10-10**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled May 23, 2023, in order for the City Council to hear and consider public comments regarding Application ZT-2-2023, filed by West Valley City, Requesting an Amendment to Section 7-7-119 of the West Valley City Code to Add Screening Requirements for Outside Storage that Occurs on Property Adjacent to a High-Image Arterial Street as Listed in Section 7-10-10.

Proposed Ordinance 23-15 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

#### **ACTION: ORDINANCE NO. 23-15, AMEND SECTION 7-7-119 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN REQUIREMENTS CONCERNING OUTSIDE STORAGE**

Steve Pastorik, CED Director, discussed proposed Ordinance 23-15 that would amend Section 7-7-119 of the West Valley City Municipal Code to Amend Certain Requirements Concerning Outside Storage.

Written documentation previously provided to the City Council included information as follows:

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The proposed ordinance change would require outside storage that occurs on property adjacent to a High-Image Arterial Street as listed in Section 7-10-102 to be screened from public view by means of a building or a precast concrete wall having a minimum height of 6'. The proposed ordinance also specifies the wall pattern and color for consistency and clarifies that the Planning Commission can require up to an 8' tall wall when needed to effectively screen storage items over 6' in height.

In addition, the proposed ordinance includes a provision that allows the Planning Commission to waive screening requirements when topography changes or the distance of storage areas from rights-of-way would make screening ineffective. An example of this would be the storage yard at Ready Made Concrete on the northeast corner of Parkway Blvd. and 2700 W. As a car travels west along Parkway Blvd. over I-215, the road is elevated such that even an 8' tall wall would not effectively screen the outside storage. However, as the road slopes down toward the grade of the Ready Made Concrete site, a wall would effectively screen the outside storage.

Staff is proposing this change for the three reasons. First, screening methods like a chain-link fence with slats or landscaping are not as effective at screening as a precast concrete wall. Second, precast concrete walls are more durable and weather better than other fencing materials like metal panels, wood, or chain-link with slats. Third, the proposed wall pattern and color would, in staff's view, enhance the aesthetics of the wall and make the walls consistent with other City installed walls along roads like 2700 W.

Councilmember Whetstone asked if there is an option to expand the type of material to others similar in durability. Steve replied that this is something that the Council can include in the ordinance but staff would recommend leaving the requirement for only pre-cast walls because they have longer durability and would be consistent with other walls in the City. Mayor Lang asked if this would apply to new businesses. Steve replied yes and noted that any existing business would not need to comply unless they made a significant change. Mayor Lang asked if the ordinance would require commercial grade fences. Steve replied that the Code does not specify. Councilmember Harmon asked if there are limits on the size of gates. Steve replied that this is not addressed in the proposed code. Councilmember Harmon suggested requiring screening slats in the gates or a size limitation on how large a gate is.

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The City Council will consider Ordinance 23-17 at the Regular Council Meeting scheduled May 23, 2023 at 6:30 P.M.

**B. ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-3-2023, FILED BY HH-SALT LAKE, LLC, REQUESTING A ZONE TEXT CHANGE TO SECTIONS 7-1-103 AND 7-6-301 OF THE ZONING ORDINANCE TO REMOVE THE DEFINITION FOR LINGERIE STORE AND REMOVE LINGERIE STORE FROM THE COMMERCIAL AND MANUFACTURING USE TABLE**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled May 23, 2023, in order for the City Council to hear and consider public comments regarding Application ZT-3-2023, Filed by HH-SALT LAKE, LLC, Requesting a Zone Text Change to Sections 7-1-103 and 7-6-301 of the Zoning Ordinance to Remove the Definition for Lingerie Store and Remove Lingerie Store from the Commercial and Manufacturing Use Table

Proposed Ordinance 23-16 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

**ACTION: ORDINANCE NO. 23-16, AMEND SECTIONS 7-1-103 AND 7-6-301 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN REQUIREMENTS CONCERNING LINGERIE STORES**

Steve Pastorik, CED Director, discussed proposed Ordinance 23-16 that would amend Sections 7-1-103 and 7-6-301 of the West Valley City Municipal Code to Amend Certain Requirements Concerning Lingerie Stores.

Written documentation previously provided to the City Council included information as follows:

Scott Sabey, who represents HH-Salt Lake, LLC, has requested ordinance amendments to Sections 7-1-103 and 7-6-301 of the zoning ordinance to remove the definition for Lingerie Store and to remove Lingerie Store from the Commercial and Manufacturing Use Table. The reasons for the requested amendments are outlined in the attached document from the applicant.

Section 7-1-103 defines Lingerie Store as “a retail establishment meeting any of the following criteria:

- a. Over five percent of the floor area is devoted to the sale of lingerie, adult novelties, and adult marital or sexual aids;
- b. Lingerie, adult novelties, and adult marital or sexual aids account for five percent or more of gross sales; or

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c. The establishment is marketed as a Lingerie Store or adult establishment.”

Section 7-6-301 allows Lingerie Stores in the MXD (Mixed Use), C-2 (General Commercial), C-3 (Transitional Commercial), and M (Manufacturing) zones. Lingerie Stores are prohibited in the BRP (Business/Research Park), CC (City Center), C-1 (Neighborhood Commercial), and LI (Light Industrial) zones as well as within the Decker Lake Station, Jordan River, Bangerter Highway, and 5600 West Overlay Zones. There are just under 9,000 acres of property within the City where Lingerie Stores are allowed. This represents 46% of property (excluding roads) in the City.

The term “Lingerie Store” was first introduced in the zoning ordinance with the adoption of Ordinance 15-03 in 2015. This ordinance expanded the list of prohibited uses within the CC zone. The term “Lingerie Store” was later defined in Section 7-1-103 and added to the Commercial and Manufacturing Use Table in Section 7-6-301 with the adoption of Ordinance 17-10 in 2017.

Councilmember Whetstone asked if overlay zones have anything to do with the location of schools. Steve replied no. Mayor Lang asked how far the Redwood Road and 201 Overlay Zones extend. Steve replied that most of Redwood Road is not covered by an overlay and there isn’t one specific to 201.

The City Council will consider Ordinance 23-16 at the Regular Council Meeting scheduled May 23, 2023 at 6:30 P.M.

### **PUBLIC HEARINGS SCHEDULED FOR JUNE 6, 2023**

- A. **ACCEPT PUBLIC INPUT REGARDING APPLICATION GPZ-2-2023, FILED BY NICK MINGO, REQUESTING A GENERAL PLAN CHANGE FROM LARGE LOT RESIDENTIAL (2-3 UNITS/ACRE) AND MEDIUM DENSITY RESIDENTIAL (7-12 UNITS/ACRE) TO LIGHT MANUFACTURING AND A ZONE CHANGE FROM A-1 (AGRICULTURE, MINIMUM LOT SIZE 1 ACRE) AND A (AGRICULTURE, MINIMUM LOT SIZE 1/2 ACRE) TO M (MANUFACTURING) FOR PROPERTY LOCATED AT 5998 WEST PARKWAY BLVD.**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled June 6, 2023, in order for the City Council to hear and consider public comments regarding Application GPZ-2-2023, Filed by Nick Mingo, Requesting a General Plan Change from Large Lot Residential (2-3 Units/acre) and Medium Density Residential (7-12 units/acre) to Light Manufacturing and a Zone

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Change from A-1 (Agriculture, Minimum Lot Size 1 acre) and A (Agriculture, Minimum Lot Size 1/2 Acre) to M (Manufacturing) for Property Located at 5998 West Parkway Blvd.

Proposed Ordinance 23-17 and 23-18 and Resolution 23-71 related to the proposal to be considered by the City Council subsequent to the public hearing, were discussed as follows:

**ACTION: ORDINANCE NO. 23-17, AMEND THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LARGE LOT RESIDENTIAL (2-3 UNITS/ACRE) AND MEDIUM DENSITY RESIDENTIAL (7-12 UNITS/ACRE) TO LIGHT MANUFACTURING FOR PROPERTY LOCATED AT 5998 WEST PARKWAY BLVD.**

Steve Pastorik, CED Director, discussed proposed Ordinance 23-17 that would amend the General Plan to Show a Change of Land Use from Large Lot Residential (2-3 Units/acre) and Medium Density Residential (7-12 units/acre) to Light Manufacturing for Property Located at 5998 West Parkway Blvd.

Written documentation previously provided to the City Council included information as follows:

The intended development for this property is an industrial project with a total of 533,294 square feet of buildings of varying sizes as reflected in the concept plan submitted by the applicant. In the M zone, all uses on properties greater than 10 acres are reviewed as a conditional use. Hence, if this application is approved, the applicant would need to apply for a conditional use permit to pursue the proposed industrial development.

A General Plan/zone change application (GPZ-2-2013) was submitted on this property in 2013 by Nick Mingo acting as Ivory's agent. At the time, the property was 44.4 acres and included what is now Wallace Stegner Academy and Stegner Way. The request was to change the zoning from A-1 and A to R-1-10 (Single Unit Dwelling Residential, minimum lot size 10,000 square feet) and RM (Multiple Unit Dwelling Residential) and to change the General Plan from Low Density Residential (3 to 4 units/acre) and Rural Residential (1 to 2 units/acre) to Very High Density Residential (over 20 units/acre) and Low Density Residential. The proposal included a 94-lot single family home PUD and 230 apartments in 3 story building. Both the Planning Commission and the City Council voted to deny the application. One of the reasons stated for the denial was the nearby presence of Rocky Mountain Raceway which no longer exists.

**ACTION: ORDINANCE NO. 23-18, AMEND THE ZONING MAP TO SHOW**

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**A CHANGE OF ZONE FOR PROPERTY LOCATED AT 5998 WEST PARKWAY BLVD FROM A-1 (AGRICULTURE, MINIMUM LOT SIZE 1 ACRE) AND A (AGRICULTURE, MINIMUM LOT SIZE 1/2 ACRE) TO M (MANUFACTURING)**

Steve Pastorik, CED Director, discussed proposed Ordinance 23-18 that would amend the Zoning Map to Show a Change of Zone for Property Located at 5998 West Parkway Blvd from A-1 (Agriculture, Minimum Lot Size 1 acre) and A (Agriculture, Minimum Lot Size 1/2 Acre) to M (Manufacturing)

Written documentation previously provided to the City Council included information as follows:

The intended development for this property is an industrial project with a total of 533,294 square feet of buildings of varying sizes as reflected in the concept plan submitted by the applicant. In the M zone, all uses on properties greater than 10 acres are reviewed as a conditional use. Hence, if this application is approved, the applicant would need to apply for a conditional use permit to pursue the proposed industrial development.

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**ACTION: RESOLUTION NO. 23-71, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH IVORY LAND CORPORATION FOR APPROXIMATELY 37.53 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 5998 WEST PARKWAY BLVD.**

Steve Pastorik, CED Director, discussed proposed Resolution 23-71 that would authorize the City to Enter Into a Development Agreement with Ivory Land Corporation for Approximately 37.53 Acres of Property Located at Approximately 5998 West Parkway Blvd.

Written documentation previously provided to the City Council included

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information as follows:

Nick Mingo, representing Ivory Land Corporation, has submitted a General Plan/zone change application (GPZ-2-2023) on 37.53 acres to change the General Plan from Large Lot Residential (2 to 3 units/acre) and Medium Density Residential (7 to 12 units/acre) to Light Manufacturing and a zone change from A-1 (Agriculture, minimum lot size 1 acre) and A (Agriculture, minimum lot size ½ acre) to M (Manufacturing). The Planning Commission recommended approval of the zone change subject to a development agreement.

There are two development agreement options for the Council's consideration. The proposed development agreement recommended by the Planning Commission (Option 1) requires the developer to design and install a cul-de-sac at the north end of Stegner Way. It also prohibits vehicular access to Stegner Way as the Commission was concerned with mixing industrial traffic with school traffic. The applicant is hoping to maintain access to Stegner Way until such time that 5900 W is extended to Parkway Blvd. Option 2 of the development agreement, which is preferred by the applicant, would allow access to Stegner Way until 5900 W is extended south to Parkway Blvd.

Councilmember Harman asked how access to Stegner Way would be removed when 5900 West is extended in the future. Steve replied that this could be accomplished by bollards or other similar means. He stated that this could be specified in the Development Agreement but the Planning Commission could also address this during the Conditional Use process. Mayor Lang stated that Stegner Way cannot handle additional traffic and noted that the school generates too much during drop-off and pick-up times. She noted that she doesn't believe this access is necessary for the business. Councilmember Nordfelt asked if the Crosstown Trail is located near this property. Steve replied that the trail doesn't extend to this property but there is a plan to in the future. Councilmember Whetstone asked if an EDA is different than an opportunity zone. Steve replied that an opportunity zone is more a federal designation and an EDA is a local tax increment. Upon inquiry, Steve and Dan Johnson, Public Works Director, discussed options and plans for the Crosstown Trail. Councilmember Harmon stated that he would like to see installation of curb, gutter, and sidewalk included in the Development Agreement. Councilmember Nordfelt requested a plan for the Crosstown Trail. Mayor Lang noted that she would not like to see the trail access private properties. Upon inquiry, Steve displayed other properties in the vicinity and the wetland areas.

The City Council will consider Ordinances 23-17 and 23-18 and Resolution 23-71

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at the Regular Council Meeting scheduled June 6, 2023 at 6:30 P.M.

**RESOLUTION 23-72: CONSENT TO THE INCLUSION OF WEST VALLEY CITY WITHIN A SALT LAKE COUNTY CONVENTION AND TOURISM ASSESSMENT AREA**

Mayor Lang presented proposed Resolution 23-72 that would consent to the Inclusion of West Valley City Within a Salt Lake County Convention and Tourism Assessment Area.

Written documentation previously provided to the City Council included information as follows:

The Salt Lake County Convention and Tourism Assessment Area (“SLCo CTAA”) is a benefit assessment district proposed to create a revenue source to provide specific benefits to payors by funding brand development and sales promotional efforts for assessed hotel businesses. An assessment is levied upon benefitted property, identified as lodging businesses as defined in the SLCo CTAA Management Plan. The proposed SLCo CTAA includes all lodging businesses, existing and in the future, located within the boundaries of the West Valley City, Taylorsville, West Jordan, Township of Kearns, Sandy, South Jordan, Riverton, Draper, and zip codes 84103, 84101 and 84111 in Salt Lake City.

Lodging business owners decided to pursue formation of the SLCo CTAA in order to create a revenue source devoted to marketing Salt Lake County as a tourist, meeting and event destination. If established, the SLCo CTAA would generate an estimated \$7,500,000 in the initial year of operation for promotion of travel and tourism specific to Salt Lake.

The consent of the West Valley City Council is required to include West Valley City in the SLCo CTAA.

Councilmember Whetstone, Councilmember Nordfelt, and Councilmember Christensen stated that they would be in favor of this resolution. Councilmember Harmon, Councilmember Huynh, and Mayor Lang stated that they would be opposed to this resolution. Councilmember Whetstone asked if there was an opinion from Councilmember Fitisemanu. Wayne replied that he had not heard of any direction from Councilmember Fitisemanu.

The City Council will consider Resolution 23-72 at the Regular Council Meeting scheduled May 23, 2023 at 6:30 P.M

**RESOLUTION 23-73: AUTHORIZE THE EXECUTION OF A CUSTOMER REQUESTED WORK AGREEMENT FOR THE BURIAL OF POWER LINES ON**

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### **3650 SOUTH**

Dan Johnson, Public Works Director, presented proposed Resolution 23-73 that would authorize the Execution of a Customer Requested Work Agreement for the Burial of Power Lines on 3650 South.

Written documentation previously provided to the City Council included information as follows:

The city has asked Rocky Mountain Power to bury their overhead facilities on 3650 South between 3200 West and 2700 West. This work will be coordinated with the Lancer Way (3650 South) Reconstruction project that is currently in design. Per the Customer Requested Work Agreement, the city's roadway contractor will install all necessary conduits and vaults to accommodate the power burial. Upon completion of that work, Rocky Mountain Power will install new conductors and remove their existing facilities.

Design activities for the reconstruction project will continue through the fall/winter. It is anticipated that right-of-way acquisition will occur during the winter/early spring, and that construction will begin as early as summer 2025.

The City Council will consider Resolution 23-73 at the Regular Council Meeting scheduled May 23, 2023 at 6:30 P.M

### **CONSENT AGENDA SCHEDULED FOR MAY 23, 2023**

#### **A. RESOLUTION 23-74: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF ENTRY AND OCCUPANCY AGREEMENT WITH AND FROM THE ALICE MARTIN TRUST FOR PROPERTY LOCATED AT 6002 WEST PARKWAY BOULEVARD**

Wayne Pyle, City Manager, discussed proposed Resolution 23-74 that would authorize the City to Enter into a Right of Entry and Occupancy Agreement With and From the Alice Martin Trust for Property Located at 6002 West Parkway Boulevard.

Written documentation previously provided to the City Council included information as follows:

The Alice Martin Trust parcel located at 6002 W. Parkway Boulevard is one of several parcels affected by the Parkway Boulevard Reconstruction Project (MVC to 6400 West). This project will reconstruct the pavement and construct curb, gutter, sidewalk and decorative street lighting on both sides of Parkway Boulevard. The appraised value for the purchase of the Warranty Deed, Temporary Construction Easement and improvements is \$12,000.00 based upon the Appraisal Report prepared by Integra Realty Resources.

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The project is being funded by Surface Transportation Program (STP) using federal funds. The city is responsible for 6.77% of all project costs, including right of way. Based upon the appraised value the West Valley City share of the acquisition at this point would be \$812.40. The property owner has requested mediation through the office of the Utah Property Rights Ombudsman. The Right-of-Entry and Occupancy Agreement will allow construction to move forward while negotiations with the property owner continue. Funds in the amount of \$12,000.00 in escrow pending the resolution and the final amount of compensation is determined. If further negotiations are unsuccessful, eminent domain action will be required.

The City Council will consider Resolution 23-74 on the Consent Agenda at the Regular Council Meeting scheduled May 23, 2023 at 6:30 P.M

### COMMUNICATIONS

#### A. FORM OF GOVERNMENT DISCUSSION

Councilmember Huynh stated that there are 134,000 people in West Valley City, 49,000 registered voters, and 12,000 voters who actually vote each year. He indicated that he believes Form of Government should be on the ballot for consideration. Councilmember Huynh stated that information related to different Forms of Government can be found using a smartphone. He indicated that the Mayor should be full-time. Councilmember Huynh stated that he believes a strong Mayor Form of Government provides checks and balances. He indicated that the City is currently run as a business and would like to see information on the website.

Councilmember Harmon stated that many residents likely assume that the Mayor is the executive of the City. He indicated he would like to have townhall events to hear what residents are thinking. Councilmember Harmon stated that he would like to see how the Eagle Mountain Form of Government works.

Councilmember Whetstone stated that he is having a district meeting June 3<sup>rd</sup> at the Family Fitness Center. He noted he is looking forward to discussion and input from residents.

Councilmember Christensen stated that the current Form of Government has been working well for the City. He indicated that West Valley City has had continuity since its incorporation which is why he believes the City has progressed like it has.

Councilmember Whetstone stated that there are many larger Cities, such as Phoenix, that operate under a City Manager Form of Government.

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Councilmember Nordfelt stated that he is opposed to a change in the Form of Government.

The Mayor and Council had no further questions or concerns.

### **B. POLICY AND PROCEDURE MANUAL**

Councilmember Harmon stated that he had never read the Policy and Procedure Manual but received an alert from Paylocity that encouraged him to read it as part of a Human Resource requirement. Councilmember Harmon stated that he noticed executive orders and believes that these should be reviewed and approved by the City Council. Mayor Lang stated that she believes any significant budget assignments should be approved by the Council as well. Councilmember Nordfelt stated that it's important to understand the line between City Council and City Manager responsibility. He indicated that items in the employee manual fall within the responsibility of the City Manager. Mayor Lang stated that other boards and committees that she sits on approve policies and procedures. Councilmember Nordfelt stated that that this might be true for other boards but the powers of the City Council and those of the City Manager are clearly delegated in code. Councilmember Harmon stated that the outside attorney, Mr. Tolman, said that the Council should be approving and reviewing these. Councilmember Nordfelt stated that he would like to see a legal statement from the City Attorney that addresses this matter. Councilmember Huynh stated that he feels the lines are blurred and this is a good reason why the Form of Government should change. Councilmember Nordfelt stated that executive orders come from the executive so if the Mayor were the executive, those orders would come from the Mayor and the Council still would not review those. Councilmember Whetstone noted that the Governor and President have executive orders as well.

Wayne indicated that the City Manager has statutory authority from the State Code and Municipal Code as it relates to running the day-to-day affairs of personnel including executive orders. He indicated that executive orders date back to 1984 and this has been the practice and precedent since the early days of incorporation. Wayne indicated that if the Council has a concern about a particular item in the Policy and Procedure Manual, he would be happy to discuss it and consider proposed changes. He stated that attaching a criteria to a budgetary impact can be so widely defined that there is no viable way to address the issue in that manner. Councilmember Whetstone asked if the City Manager would have the ability to purchase a fire engine, for example, outside of the City Councils direction. Wayne replied no. He added that 99% of executive orders are brought forward from Human Resources or Legal to address concerns and are not originated by him. Councilmember Harmon stated that he feels discussing the Policy and Procedure Manual is important for disclosure and transparency. Wayne replied that the manual

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is posted on the website so that it can be transparent for everyone. He noted that employees are also annually made aware of the manual and encouraged to read it to ensure compliance. Councilmember Whetstone stated that he would like to see a budgetary threshold of some type. Wayne replied that he is happy to look at any issue in the Policy and Procedure Manual that the Council would like to discuss. He indicated that there hasn't been an instance where an order has exceeded the authority already prescribed in the budget.

Councilmember Huynh stated that he is concerned about a benefit change that occurred via executive order that he believes should have been reviewed by the Council. Wayne replied that this change has occurred several times over the years. He indicated that the City Manager's severance, for example, used to be one year but this was changed to 6 months based on recommendations from both Legal and Human Resources. Councilmember Nordfelt stated that he believes a change to the Form of Government would make this worse because the Mayor would have the same authority but the Council would have no ability to fire a Mayor. Councilmember Christensen stated that he believes professional competency is being discussed and would prefer to discuss the matter in a closed session. He noted that he believes it's good for everyone to read the manual but the Council doesn't need to vote on it.

The Mayor and Council had no further questions or concerns.

### **C. COUNCIL CALENDAR**

Mayor Lang referenced a Memorandum previously received from the City Manager that outlined upcoming meetings and events.

Members of the City Council had no further questions regarding the Council Update.

## **NEW BUSINESS**

### **A. POTENTIAL FUTURE AGENDA ITEMS**

Councilmember Huynh stated that he would like a better understanding of the bond owed for the Utah Cultural Celebration Center. Wayne replied that he has looked into this and the total is actually 50 million. He indicated that the bond was issued in 2010 with a refinance of the Utah Cultural Celebration Center and was done when there was a lot of financial challenges happening in the City. Wayne stated that there were about 6 major emergency operations, Maverik Center debt service, Fairbourne Station construction, and the tail end of the first phase of the Valley Fair Mall improvement project. He indicated that the Council at the time chose to push the payment out and the first payment is now approaching. Wayne indicated that this is an RDA project and the money will come from the RDA, not the General Fund. Councilmember Harmon suggested selling the Maverik Center to pay off the

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debt. Wayne replied that this is something the Council can consider in about 5 years or could use the funding stream from the Maverik Center to help pay off the debt as well. Councilmember Huynh stated that he would be in favor of selling the Maverik Center to pay off the debt. He asked if the hockey team owns a portion of the Maverik Center. Wayne replied no and indicated that the City owns 100% of the building and land. Mayor Lang asked for a history of the debt.

Nichole Camac, City Recorder, indicated that a request was received for an Immigrant Heritage Month Proclamation. She indicated that this is not one the Council has approved before and the request did not come from a local group. After discussion, the Council decided not to issue a proclamation.

**B. COUNCIL REPORTS**

**COUNCILMEMBER HARMON- PD BANQUET**

Councilmember Harmon stated that the Police Department awards banquet was a great event.

**MAYOR LANG- MOTHER'S DAY BRUNCH**

Mayor Lang stated that the annual Mother's Day Brunch at Stonebridge was a great, well attended event.

**C. STRATEGIC DISCUSSION LIST**

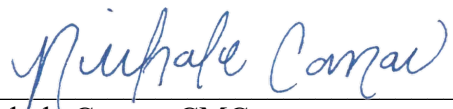
Mayor Lang stated that items would continue to be discussed on the list.

**MOTION TO ADJOURN**

Upon motion by Councilmember Huynh all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE STUDY MEETING ON TUESDAY MAY 23, 2023 WAS ADJOURNED AT 6:05 PM BY MAYOR LANG.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, May 23, 2023.



Nichole Camac, CMC  
City Recorder