



CITY OF WEST WENDOVER

P.O. Box 2825, West Wendover, NV 89883 Office (775) 664-3081 Fax (775) 664-3720

WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING OF OCTOBER 6, 2009

The West Wendover City Council met for a regular meeting on October 6, 2009. The meeting was held at the West Wendover City Hall, Council Chambers #137. Mayor Andersen presided.

Council Members Present: Bryant Blake, Roy Briggs, Emily Carter, Johnny Gorum and Alan Rowley II

Others Present: Dixie Melville, Arieh Copelan, Bret Wahlen, Joani Jacobson, Jim Jacobson, Scott Bangerter, Kelly Kelsey, Sandy Kelsey, Amanda Shupe, Bryce Kimber, Jim Carter, Jeff Knudtson, Jamie Kell, Scott Weyland, Sondra Schmidt, Kerry Robinson, Roseanna Robinson, Aleta Kimber, Chris Melville and Anna Bartlome

The following proceedings were had.

1. CALL TO ORDER AND ROLL CALL

Mayor Andersen called the meeting to order 7:00 p.m. All those present and excused are noted above.

2. PLEDGE OF ALLEGIANCE

Mayor Andersen led those present in the Pledge of Allegiance.

3. COMMENTS FROM THE GENERAL PUBLIC:

None offered or received.

4. *APPROVAL OF THE MINUTES:

Council Member Carter made the motion to approve the minutes of the regular meeting of September 1, 2009, the special meeting of September 8, 2009 and the regular meeting of September 15, 2009. The motion was seconded by Council Member Briggs and passed unanimously.

5. NEW BUSINESS

***a. Discussion and Decision to Modify the Approved Contribution Amounts Related to the Hiring of the Second Doctor for West Wendover Clinic with Nevada Health Center, Inc., and Approval for Staff to Prepare and Mayor to Execute all Related Documents Thereto**

Council Member Carter explained that original agreement figured in the housing cost for an apartment but a house has been provided for the Doctor, so the housing cost has gone up. Council Member Carter explained the changes to the agreement, which include the J1 Waiver being eliminated and the housing cost increased. Council Member Carter disclosed that she works for Peppermill Casinos, Inc. but would not personally benefit from this item. Council Member Rowley II disclosed that he works for Peppermill Casinos, Inc. but would not personally benefit from this item. Council Member Briggs disclosed that he works for Peppermill Casinos, Inc. but would not personally benefit from this item. Council Member Gorum disclosed that he works for Peppermill Casinos, Inc. but would not personally benefit from this item. Chris Melville explained that the Peppermill Casino would pay the City and

the City would then pay Nevada Health Center. Council Member Gorum made the motion to modify the approved contribution amounts related to the hiring of the second doctor for West Wendover Clinic with Nevada Health Center, Inc. and approval for staff to prepare and Mayor to execute all related documents thereto. The motion was seconded by Council Member Blake and passed unanimously.

***b. Discussion and Decision for Conceptual/Preliminary Approval for the Smith's Food & Drug Center Fueling Islands Located at 1855 W. Wendover Boulevard and Other Matters Appropriately Related Thereto**

Chris Melville gave a presentation on the proposed project, which included where the fuel islands would be located, pavement, sidewalk and landscaping. Bret Wahlen with Great Basin Engineering explained that a customer appreciation program would be used with the fueling pumps. Bret Wahlen stated that landscaping would be upgraded, the storage tanks would be underground and the kiosk is approximately 120 square feet and would hold one person. General discussion was had regarding the proposed project, including landscaping, sidewalk and pavement requirements. Council Member Carter made the motion to approve the conceptual/preliminary approval for the Smith's Food & Drug Center Fueling Islands located at 1855 W. Wendover Boulevard. The motion was seconded by Council Member Briggs and passed unanimously.

Agenda was taken in the following order.

6. PUBLIC HEARING

1) NOTICE, is hereby given that the City Council of the City of West Wendover, State of Nevada, will hold a public hearing at a regular meeting to be held on **October 6, 2009 at 7:30 p.m.** in the West Wendover City Hall, Council Chambers Room #137, located at 1111 North Gene L. Jones Way. The purpose of the hearing is to consider a zoning change for James and Joani Jacobson from RMF to C-2. The property description is Parcel A, File 333466, as filed in the Office of the Elko County Recorder, and situated in Section 17, Township 33N., Range 70E., M.D.B.&M. Located in West Wendover, Nevada 89883.

Mayor Andersen closed the regular portion of the meeting and opened the public hearing portion of the meeting.

Chris Melville gave a presentation, which included that the zone change request was filed on August 8th, the change requested was from RMF to C-2 and the uses and regulations for the zone requested. Chris explained that the Council must consider the best use of the property, any negative impact from the change and property values. Chris stated that there had been two letters from Silver Summit LLC and Edna Christy opposing the zone change, though one was opposing the use after the zone change. Chris explained that he also had a phone call from two other property owners, Donna Wilkes and her father in favor of the zone change. Chris stated that the Jacobson's have owned the property since 1995 and have the potential for some development. Jim Jacobson explained that if the zone change were to happen they would develop a renewable energy source. Discussion was had regarding whether the potential zone change and possible future use of the property would be beneficial to the community.

Mayor Andersen closed the public hearing and opened the regular portion of the meeting.

***Discussion and Decision Regarding Approval or Denial of Proposed Zone Change for Property Described as Parcel A, File 333466, as filed in the Office of the Elko County Recorder, and situated in Section 17, Township 33N., Range 70E., M.D.B.&M. Located in West Wendover, Nevada 89883**

Council Member Blake made the motion to approve the proposed zone change from RMF to C-2, for property described as Parcel A, File 333466, as filed in the Office of the Elko County Recorder, and situated in Section 17, Township 33N., Range 70 E., M.D.B.&M., located in West Wendover, Nevada 89883. The motion was seconded by Council Member Rowley II and passed unanimously.

5. NEW BUSINESS (continued)

***c. Discussion and Decision for Approval of the Intrastate Interlocal Contract between Public Agencies, for the Department of Public Safety, Division of Nevada Highway Patrol and the City of West Wendover for the West Wendover Police Department, Authorization for Mayor to Execute Any Such Documents as Necessary and Other Matters Appropriately Related Thereto**

Ron Supp explained that when they are in the new dispatch facility the equipment would be able to communicate with Nevada Highway Patrol (NHP). Ron further stated that the agreement was a standard agreement that would allow West Wendover Police to talk on NHP frequency. Council Member Blake made the motion to approve the Intrastate Interlocal Contract between Public Agencies, for the Department of Public Safety, Division of Nevada Highway Patrol and the City of West Wendover for the Wendover Police Department, authorization for Mayor to execute any such documents as necessary. The motion was seconded by Council Member Gorum and passed unanimously.

6. PUBLIC HEARING (continued)

2) **NOTICE**, is hereby given that the City Council of the City of West Wendover, State of Nevada, will hold a public hearing at a regular meeting to be held on **October 6, 2009 at 8:00 p.m.** in the West Wendover City Hall, Council Chambers Room #137, located at 1111 North Gene L. Jones Way. The purpose of this hearing is to consider a conditional use permit.

DESCRIPTION:

Conditional Use Permit: James & Joani Jacobson; property located in a current Residential (RMF) Zone; proposed zone change to Commercial (C-2) Zone

- 1) **To allow for:** The development of a Renewable Energy Use source as defined by Principal Uses Permitted in City Code 8-6C-1 and Use Regulations and Restrictions in City Code 8-6C-2A.

The property description is: Parcel A, File 333466, as filed with the Elko County Recorder, and situated in Section 17, Township 33 North, Range 70 East, M.D.B.&M., Elko County, Nevada. Located at the corner of North Tibbets Boulevard and Seminole Street, West Wendover, Nevada 89883.

All comments regarding this matter will be considered at the public hearing. Please contact the Community Development Department at (775) 664-3081 if there are any questions.

Mayor Andersen closed the regular portion of the meeting and opened the public hearing portion of the meeting.

Chris Melville gave a presentation that explained what the proposed use of the property, which would be a renewable energy source. The project is a solar farm that is well suited to the property, helps in the diversification goals and can be used as a beacon for other developments. Chris explained that the Council must consider if there will be any negative

impacts by allowing the conditional use, which could include any noise and harmful fumes. This project would not produce any noise or harmful fumes. The solar panes may possibly be visible but the project would have an eight foot screened fence, landscaping on the residential portion of the property and the site would be secured. Jim Jacobson explained that the solar farm should not have a negative visual impact and construction and development should take between six and nine months.

Mayor Andersen closed the public hearing portion of the meeting and opened the regular portion of the meeting.

***Discussion and Decision Regarding Proposed Approval or Denial of a Conditional Use Permit Located at corner of North Tibbets Boulevard and Seminole Street**

Council Member Carter made the motion to approve the proposed conditional use permit located at the corner of North Tibbets Boulevard and Seminole Street. The motion was seconded by Council Member Briggs and passed unanimously.

Chris explained that he would get with the Jacobson's for the site plan approval process.

3) NOTICE, is hereby given that the City Council of the City of West Wendover, State of Nevada, will hold a public hearing at a regular meeting to be held on **October 6, 2009 at 8:30 p.m.** in the West Wendover City Hall, Council Chambers Room #137, located at 1111 North Gene L. Jones Way. The purpose of this hearing is to consider a variance.

DESCRIPTION:

Variance: West Wendover Recreation District; property located in a Public (P) Zone.

- 1) To adjust the minimum street setback on the southern property line from fifty-one (51) feet to thirty-four (34) feet and to adjust the minimum side yard setback on the eastern property line from fifty-one (51) feet to ten (10) feet, to allow for the construction and placement of a Recreation Center:**

(The adjustment for the minimum side yard setback should be listed as western property line not eastern.)

The property description is: R&PP Lease Serial #N-60823, Mount Diablo Meridian (MDM), Elko County, Nevada, S1/2SW1/4NE1/4, N1/2SW1/4SW1/4NE1/4, E1/2SW1/4SW1/4NE1/4, SE1/4SW1/4NE1/4, and situated in Lots 1, 4, 6 and 11, Section 16, Township 33 North, Range 70 East, M.D.B. & M., Elko County, Nevada. Located at 1050 West Florence Way, West Wendover, Nevada 89883.

All comments regarding this matter will be considered at the public hearing. Please contact the Community Development Department at (775) 664-3081 if there are any questions.

Mayor Andersen closed the regular portion of the meeting and opened the public hearing portion of the meeting.

Chris Melville gave a presentation and explained the reason for the variance request, which was due to the future placement of the Recreation Center. Chris explained that the variance request is based on the height of the building and that the southern setback should not go

below 34 feet due to potential encroachment issues. The western setback would be fine at 10 feet due to the use of the adjacent property (library sits on adjacent lot).

Mayor Andersen closed the public hearing portion of the meeting and opened the regular portion of the meeting.

***Discussion and Decision Regarding Proposed Approval or Denial of Variance Located at 1050 West Florence Way**

Council Member Carter made the motion to approve the variance located at 1050 West Florence Way of ten (10) feet on the western property line and thirty-four (34) feet on the southern property line. The motion was seconded by Council Member Briggs and passed unanimously.

5. NEW BUSINESS (continued)

***d. Discussion and Decision to Amend the Master Plan Document – Employee Medical Plan, Concerning Eligibility with Regard to Donated Sick Leave and Eligibility for Retirees and Other Matters Appropriately Related Thereto**

Chris Melville explained that there was an issue with the current medical plan policy in that there was no language on the donated sick leave that can occur under city policy as well as some issues with retirees. Chris explained that this was more of a housekeeping item to get the language corrected and resubmitted. Council Member Blake made the motion to amend the Master Plan Document – Employee Medical Plan, concerning eligibility with regard to donated sick leave and eligibility for retirees. The motion was seconded by Council Member Rowley II and passed unanimously.

***e. Discussion and Decision Regarding Proceeding with the Resolution for Sale of the Former City Offices Located at 801 Alpine Street and Other Matters Appropriately Related Thereto**

Chris Melville explained that he needed verification on how to proceed with the former City Offices. It was explained that improvements were being done to the building (outside painted, concrete work and carpet pulled from basement). Council Member Carter made the motion to proceed with the resolution for sale of the former City Offices located at 801 Alpine Street. The motion was seconded by Council Member Briggs and passed unanimously.

***f. Discussion and Decision Regarding Sponsoring the Anna Smith Elementary PTO for Trick or Treat Street and Other Matters Appropriately Related Thereto**

Jamie Kell explained that the trick or treat street is a fund raiser that goes back and forth between both schools and benefits the whole community. Discussion was had regarding why the event was being held on Wednesday October 28th and not on Saturday October 31st. It was explained that the date was changed due to Utah elementary being out for a 4 day weekend and that the parents had a difficult time with various activities happening the same day. Council Member Carter made the motion to sponsor the Anna Smith Elementary PTO for Trick or Treat Street in the amount of \$590.00. The motion was seconded by Council Member Blake and passed unanimously.

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ITEM OUT OF ORDER, SEE ABOVE.

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ITEM OUT OF ORDER, SEE ABOVE.

7. DEPARTMENT UPDATES

Fire Chief – Jeff Knudtson stated that five more applications had been received on people wanting to join the department. The memo stated that the second phase of the DOE grant for the remaining Police and Public Works radios should be open soon. The building department has 34 active permits.

The department responded to the following incidents from January 1, 2009 to September 30, 2009.

Fires	20
Overpressure rupture, explosion, overheat – no fire	0
Rescue and Emergency Medical Service	253
Hazardous Condition – No Fire	10
Service Call	179
Good Intent Call	42
False Alarm and False Call	6
Severe Weather and Natural Disaster	0
Special Incident Type	47

Police Chief – Ron Supp had nothing to add to memo, which stated that Officer Tangaro is attending POST.

The department responded to the following for the month of September.

	September
Calls for Service	677
Adult Arrests	13
Warrants Served	4
Juvenile Arrests	2
Citations Issued	102
Transports	11
Field Interviews	6
Civil Papers Served	36

City Clerk/Records Officer – Nothing.

Chief Financial Officer – Sondra Schmidt explained that the auditors were here and so far everything is looking good.

Public Works Director – Bryce Kimber had nothing to add to memo, which stated that there have been a few water leaks for September, three in Wendover Mobile Home Park, one in the

reclaim line to the Golf Course and one on Laguna Drive. The Reuse plant is running smoothly but one of the clarifiers was taken down and is awaiting parts to fix it. The Air Force has given the go ahead for Phase 1 of the upgrade to the Reuse plant and we will be going out to bid in the next few months. The memo further stated that Public Works helped move the city offices and is now doing some repairs at the old building. There have been some problems with the garbage trucks over the past month but both the residential and front load truck have been repaired.

City Manager – Chris Melville explained that Fronteer Development would like to have a dinner meeting on October 22nd with the City Councils of Wendover and West Wendover as well as Glenn Wadsworth and himself. Chris stated that the Elko County Commissioners meeting would be held in West Wendover on October 21st at 5:00 p.m. in the Council Chambers. Chris explained that he attended meeting in Elko at which the Wendover Boulevard Enhancement project was selected. There had been twenty-three projects submitted, ten selected with West Wendover at #8. The memo further stated that the punch list items for the City Hall are being completed and then final payment will be submitted to the USDA for approval. The City is awaiting final changes to the plans and related storm drainage study by the engineers for the Rusty Palm project, NDOT will not issue the final permit for working on the street until that is complete. Elko County School is upgrading the electrical line at the high school softball and baseball fields for future lighting and scoreboard. The memo stated that Chris is waiting for a letter from the Air Force approving the environmental for Phase 1 and 2 of the waste water projects and then the city can move forward.

8. COMMUNICATIONS

Council Member Carter stated that Nevada Rural Health Centers has been interviewing candidates for the Physician Assistant position.

Mayor Andersen stated that Elko County School District would be meeting on October 13th in West Wendover if anyone would like to attend.

Chris Melville explained that when the plans for the City Complex were approved the landscaping had been taken out because of cost. The landscaping would be phased in with the first phase of fourteen trees arriving on October 12th.

Mayor Andersen read a Mayoral Proclamation concerning Domestic Violence Awareness Month (see attached.) Ron Supp stated that on the grass around Wendover Will 200 purple flags will be placed as representative of a domestic violence incident. Ron also stated that on October 20th the Nevada Attorney General will be meeting with him to discuss providing services and shelters for domestic violence victims.

9. *APPROVAL OF THE CLAIMS:

Council Gorum made the motion to approve the claims of October 6, 2009 and the September hand checks. The motion was seconded by Council Member Carter and passed unanimously.

10. *NEXT MEETING DATE AND ADJOURNMENT

The next meeting date is a regular meeting on October 20, 2009 at 7:00 p.m. at the West Wendover City Hall, Council Chambers #137. Council Member Gorum made the motion to adjourn at 9:00 p.m. The motion was seconded by Council Member Carter and passed unanimously.

ATTEST:

Anna E. Bartlome
City Clerk/Records Officer

MAYORAL PROCLAMATION

WHEREAS, domestic violence continues to threaten the lives of many through the use of fear, intimidation and violence; and

WHEREAS, the crime of domestic violence violates an individual's dignity, privacy, security and humanity; and

WHEREAS, domestic violence homicide is the culmination of an escalating pattern of abuse; and

WHEREAS, children who witness violence in the home are at a greater risk for emotional and behavioral problems and a higher risk for becoming victims and perpetrators of domestic violence; and

WHEREAS, the problems and impact of domestic violence is wide ranging and is not confined to any group or groups of people but across all economic, racial and social barriers; and

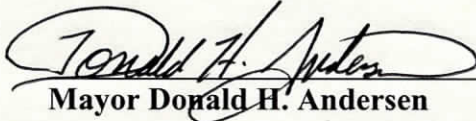
WHEREAS, the under reporting of domestic violence hinders victims from receiving services and exposes them to future victimization; and

WHEREAS, there have been over 200 reported victims of domestic violence from October 1, 2008 to September 30, 2009; and

NOW, THEREFORE, I, Donald H. Andersen, Mayor of the City of West Wendover, declare October 2009 as **Domestic Violence Awareness Month**.

In Witness Thereof, I have hereunto set my hand and caused the Seal of the City of West Wendover to be affixed this 6th day of October 2009.




Mayor Donald H. Andersen