



## CITY OF WEST WENDOVER

P.O. Box 2825 • 1111 N. Gene L. Jones Way • West Wendover, NV 89883  
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### WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING OF NOVEMBER 3, 2009

The West Wendover City Council met for a regular meeting on November 3, 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: Mike Crawford, Jim Carter, Jim Petersen, Arie Copelan, David Anderson, Jeff Knudtson, Gary Lewis, Leanna Briggs, Dixie Melville, Chris Buxton, Sondra Schmidt, Ron Supp, Chris Melville and Anna Bartlome

The following proceedings were had.

**1. CALL TO ORDER AND ROLL CALL**

Mayor Andersen called the meeting to order at 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:**

Jim Petersen, Director of the Wendover Airfield thanked the City for the support of the Air Show. Jim Petersen further explained that other groups are looking to hold some events at the airfield.

**4. \*APPROVAL OF THE MINUTES:**

Council Member Rowley II had a change to the minutes of October 20, 2009.

Under New Business, the changes are as follows:

Item a: *“The Civil Air Patrol is a federally chartered non-profit humanitarian organization, is also known as the United States Air Force Civilian Auxiliary, helps conduct search and rescue missions and ceremonial duties.”*

Council Member Rowley II made the motion to approve the minutes of the regular meeting of October 20, 2009 with the changes as noted above. The motion was seconded by Council Member Carter and passed unanimously.

**5. CONSENT CALENDAR**

**\*a. Second Reading and Adoption of Ordinance #2009-08, An Ordinance Entitled “2009 Amendments Concerning Criminal Offenses,” which Adopts 4-2-14 Concerning Public Urination, Adopts 4-2-15 Concerning Contributing to the Delinquency of a Minor, Amends 4-4-6 Requiring Veterinarian Posting of Sterilization Requirements, Amends 4-4-15 to Add new Subsections which Restrict the Manner of Restraining a Dog or Enclosing a Dog Outside and Provides Appropriate Punishment and Penalties for Violations**

Mayor Andersen read the above entitled ordinance. Chris Melville explained that there had been some minor changes to the ordinance since the first reading. The changes are as follows: proper parental control was eliminated, definition for a house of ill fame is provided, disreputable person was eliminated and the language dealing with dissolute, lewd or immoral life was eliminated. Council Member Blake made the motion to adopt ordinance #2009-08, an ordinance entitled "2009 Amendments Concerning Criminal Offenses," which adopts 4-2-14 concerning public urination, adopts 4-2-15 concerning contributing to the delinquency of a minor, amends 4-4-6 requiring veterinarian posting of sterilization requirements, amends 4-4-15 to add new subsections which restrict the manner of restraining a dog or enclosing a dog outside and provides appropriate punishment and penalties for violations. The motion was seconded by Council Member Rowley II and passed unanimously.

## **6. NEW BUSINESS**

### **\*a. Discussion and Decision for Final Site Plan Approval for the Smith's Food & Drug Center Fueling Islands Located at 1855 W. Wendover Boulevard and Other Matters Appropriately Related Thereto**

Chris Melville recommended approval of the final site plan for Smith's Food & Drug Center Fueling Islands conditional upon the final review from the City Engineer and City Manager. Chris explained that the issues brought up before have been addressed; a large portion of the sidewalk along Plateau Way will be developed and the proposed landscaping plan is very good. Council Member Gorum made the motion to approve the final site plan for the Smith's Food & Drug Center Fueling Islands located at 1855 W. Wendover Boulevard on the condition of final approval from the City Engineer and City Manager. The motion was seconded by Council Member Carter and passed unanimously.

### **\*b. Discussion and Decision Regarding Possible Donation to the West Wendover High School Vocation Programs and Other Matters Appropriately Related Thereto**

Ted McAdams, representing the vocation programs explained that any funds received would be used for travel to the various conferences. Council Member Blake disclosed that he works for the Elko County School District but would not personally benefit from this item. Council Member Gorum made the motion to donate \$700.00 to the West Wendover High School Vocation Programs. The motion was seconded by Council Member Carter and passed unanimously.

### **\*c. Discussion and Decision to Approve, Authorize Staff to Prepare and the Mayor to Execute the Mutual Termination of the Fire Station Agreement with Peppermill Casinos, Inc., with Regard to the Construction of a Temporary Fire Station for the City of West Wendover and Other Matters Appropriately Related Thereto**

Chris Melville explained that this item and the next item are related with the first dealing with the mutual termination of the existing fire station agreement. The fire station agreement was put in place after the City sold some public property; the purchaser was Peppermill Casinos, Inc. There was a limited lease due to the fire station being part of the City Hall Complex and would soon be moved. After the first bids for the City Hall were rejected due to cost a new agreement was executed that would require a temporary facility be built by Peppermill Casinos if the fire station needed to be moved. Chris explained that the first item would be to terminate the fire station agreement in regard to the temporary fire station and the second item would be a first amendment to the agreement, which would allow for two five-year terms with no termination. 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. 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 Carter made the motion to approve and authorize staff to prepare and the Mayor to execute the Mutual Termination of the Fire Station Agreement with Peppermill Casinos, Inc., with regard to the construction of a temporary fire station for the City of West Wendover. The motion was seconded by Council Member Briggs and passed unanimously.

### **\*d. Discussion and Decision to Approve, Authorize Staff to Prepare and the Mayor to Execute the First Amendment to Lease with Peppermill Casinos, Inc., with Regard to**

**the Property on which the Existing Fire Station is Located, the Extension of the Existing Term of Five Years to September 19, 2014 and the Additional Extension Option of Five Years to September 19, 2019 and Other Matters Related Thereto**

This amendment to the lease was to lease the property where the fire station is for two five-year terms. Council Member Gorum disclosed that he works for Peppermill Casinos, Inc. but would not personally benefit from this item. Council Member Carter disclosed that she 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 Rowley II disclosed that he works for Peppermill Casinos, Inc. but would not personally benefit from this item. Council Member Blake made the motion approve and authorize the staff to prepare and Mayor to execute the First Amendment to Lease with Peppermill Casinos, Inc., with regard to the property on which the existing fire station is located, the extension of the existing term of five years to September 19, 2014 and the additional extension option of five years to September 19, 2019. The motion was seconded by Council Member Briggs and passed unanimously.

**\*e. Discussion and Decision to Approve Authorize Staff to Prepare and the Mayor Pro-tem to Execute Any and All Documents and Agreements Related to the American Recovery and Reinvestment Act of 2009 Funds for the Construction of Curb, Gutter and Sidewalk on US-93A from West Wendover Boulevard to Interstate 80 and Other Matters Appropriately Related Thereto**

Chris Melville explained that this agreement with Nevada Department of Transportation would satisfy the ARRA requirements. The city would have received approximately \$120,000.00 to use for street infrastructure. In order to meet the ARRA requirements for use of the funds the State classification of a major or minor arterial street had to be met. Chris explained that NDOT would use the funds for the curb, gutter and sidewalk from Wendover Boulevard north to the westbound off ramp of Exit 410. Council Member Gorum made the motion to approve and authorize staff to prepare and Mayor Pro-tem to execute any and all documents and agreements related to the American Recovery and Reinvestment Act of 2009 funds for the construction of curb, gutter and sidewalk on US-93A from West Wendover Boulevard to Interstate 80. The motion was seconded by Council Member Briggs and passed unanimously.

**\*f. Discussion and Decision to Approve the A1 Street Dedication Map Containing 0.48 Acres More or Less Located in Section 8, Township 33N., Range 70E., M.D.B.&M., from Wendover Boulevard to APN 010-740-020 for Property Access and Other Matters Appropriately Related Thereto**

Chris explained that approving the street dedication map is one of the components to the agreement with Wendover Project LLC which concerned access to the Charboneau property. The map showed the 100' ROW from Wendover Boulevard to APN 010-740-020. The payment of \$57,000.00 from Charboneau for the appraised value of land for the new Right of Way had been received and a check for \$57,000.00 had been sent to Wendover Project LLC. Council Member Gorum made the motion to approve the A1 Street Dedication Map containing 0.48 acres more or less located in Section 8, Township 33N., Range 70E., M.D.B.&M., from Wendover Boulevard to APN 010-740-020 for property access. The motion was seconded by Council Member Carter and passed unanimously.

**\*g. Discussion and Decision to Approve the A2 Leppy Hills Dedication Containing 4.68 Acres More or Less Located in Section 9, Township 33N., Range 70E., M.D.B.&M. for Leppy Hills Boulevard**

Chris Melville explained that this is part of the same agreement with Wendover Project LLC and will dedicate to the City 4.68 acres for a future Leppy Hills Boulevard. It contains a minimum of a 100' ROW for Leppy Hills Boulevard, which will become a major arterial street for the City. Council Member Carter made the motion to approve the A2 Leppy Hills Dedication containing 4.68 acres more or less located in Section 9, Township 33N., Range 70E., M.D.B.&M., for Leppy Hills Boulevard. The motion was seconded by Council Member Gorum and passed unanimously.

**\*h. Discussion and Decision to Approve the B1 Street Vacation Map of a Portion of Wendover Boulevard Containing 10.13 Acres More or Less Located in Section 8,**

**Township 33N., Range 70E., M.D.B.&M., Beginning at Pueblo Boulevard West to Sycamore Way Right of Way**

Chris Melville explained that this is the last component of the agreement with Wendover Project LLC. Chris stated that currently the City has a 200' access roadway easement on the south side of Wendover Boulevard that was dedicated to the City when the Big Springs Ranch exchange went through. The City would keep a 60' easement, which would provide enough room for current and future utilities. Council Member Blake made the motion to approve the B1 Street Vacation Map of a portion of Wendover Boulevard containing 10-13 acres more or less located in Section 8, Township 33N., Range 70 E., M.D.B.&M., beginning at Pueblo Boulevard west to Sycamore Way right of way. The motion was seconded by Council Member Carter and passed unanimously.

**\*i. Discussion and Decision to Award the Bid for the Headworks Expansion and Upgrade Screening Equipment Procurement to Huber Technology Incorporated for \$191,193.00 and Other Matters Appropriately Related Thereto**

Chris Melville explained that this is for a part of the phase one improvements to the Waste Water Treatment Plant; this is the bid for the equipment. Chris stated that this is part of the ARRA funding and in the motion include the receipt of the substantial transformation waiver from the EPA. Council Member Carter made the motion to award the bid for the headworks expansion and upgrade screening equipment procurement to Huber Technology Incorporated for \$191,193.00, conditionally based upon receipt of a substantial transformation waiver from the EPA. The motion was seconded by Council Member Gorum and passed unanimously.

Agenda taken out of order, Public Hearing heard next, see below.

**\*j. Discussion and Decision to Approve, Authorize Staff to Prepare and the Mayor to Execute the Lease Agreement with Rehab Services of Nevada for the Use of the Clinic Annex Building and Other Matters Appropriately Related Thereto**

Chris Melville explained that clinic annex building had been placed in its current location to be used for medical purposes; the building had been used by the State for mental health. Rehab Services of Nevada would like to use the building on a trial basis, two days a week for one year. They would be responsible for all utilities, general maintenance and janitorial of the building. It was stated that there should not be an issue with parking as only one patient at a time would be present. Council Member Gorum made the motion to approve and authorize the staff to prepare and the Mayor to execute the lease agreement with Rehab Services of Nevada for the use of the Clinic Annex Building. The motion was seconded by Council Member Carter and passed unanimously.

**7. PUBLIC HEARING**

**1) NOTICE,** The City of West Wendover will hold a public hearing for the purpose of considering which projects to pursue funding through the Community Development Block Grant Program. The hearing will be set for Tuesday, November 3, 2009 at 7:30 p.m. at the West Wendover City Hall, Council Chambers #137. All persons may attend and be heard. Prior to the meeting, written comments may be filed with the West Wendover City Clerk and will be considered at the hearing.

The Community Development Block Grant Program, (CDBG) is a Federally Funded Program that is administered by the State of Nevada. The national objectives of this program are:

1. To benefit the low and moderate-income persons.
2. To aid in the prevention of and elimination of slums or blight.
3. To meet the Community Developments needs of having a particular urgency when other sources of funding are not available.

In addition, it is the State's goal to give extra consideration to projects addressing documented public health or safety needs or needs identified through a Community Planning Process.

It is anticipated that no displacement of persons will occur as a direct result of these projects: Project Descriptions, Housing Needs Statement, CDBG Requirements, and Past CDBG Project Grant Performance is on file at the City offices and is available for public inspection during normal business hours, from November 3, 2009 to December 15, 2009.

The City of West Wendover does not discriminate on the handicapped status in the admission of access to, treatment, employment or activities in it's federally assisted programs.

Persons with disabilities who require special accommodations or assistance at the meeting should notify the City Clerks Office at 775-664-3081 or at 1111 N. Gene L. Jones Way, West Wendover, Nevada, 89883.

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

Chris Melville explained that this would be the first of two public hearings to get input for a potential project. The next public hearing would be November 17, 2009 with a decision on December 15, 2009. The applications are due early in January. Chris stated that any potential projects received would be presented at the next meeting.

There being no public comment Mayor Andersen closed the public hearing and opened the regular portion of the meeting.

Agenda taken back in order, New Business item j heard next, see above.

**8. DEPARTMENT UPDATES**

**Fire Chief** – Nothing.

**Police Chief** – Ron Supp stated that on October 20, 2009 he had a meeting with the Nevada Attorney General discussing domestic violence. Discussion was had regarding the City's domestic violence rate and applying for a grant for a domestic violence system analyst. The memo stated that Officer Dye had been hired to fill one of the vacancies.

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

	October
Calls for Service	687
Adult Arrests	14
Warrants Served	8
Juvenile Arrests	3
Citations Issued	140
Transports	14
Field Interviews	0
Civil Papers Served	54

**City Clerk/Records Officer** – Nothing.

**Chief Financial Officer** – Nothing.

**Public Works Director** – Chris Buxton had nothing to add to memo, which stated that there had been a water leak in the driveway of the Chevron station and one on Humboldt Circle. The Reuse Plant had one of the chaffier but Raul Narnajo was able to get it up and running. The Public Works crew has been busy over the last month; mowing, fertilizing and other winterizing was done. The repairs on the old City Offices were completed as well as the building being painted. Fourteen new trees were planted at the City Hall. The City now has a class one landfill, which will require some methane monitoring well and litter fence. The contractor for Shafter Well #6 is moving along, they have the pipe from Shafter Well #1 and #2 installed and the earthen pad is complete with the footings, stem walls and underground electrical being completed.

**City Manager** – Chris Melville had nothing to add to memo, which stated that the remaining items on the punch list for the City Hall are being completed. The Police Department has begun moving some of their non-essential items into the building in preparation of their move sometime in December. The delay in the Police Department move has been due to the dispatch system upgrade. The advertising for the former city offices has gone out. The memo stated that we are waiting for plans to arrive from the Rusty Palm engineer to submit to NDOT. The D.W. Reynolds Committee met with the consultants on October 19<sup>th</sup> to begin the needs assessment process. The City received the 1.7 million in bond funding from the USDA-RD for the Johnson Springs project and should receive \$318,543.00 in grant funding.

**9. COMMUNICATIONS**

Council Member Gorum congratulated the newly elected officials for Wendover Utah.

Council Member Carter thanked the department heads for the various grants they receive.

Council Member Blake thanked the department heads for getting the various grants, and for Ron Supp in trying to get a domestic violence system analyst. Council Member Blake stated that he had done a ride along with the Police Department and thought it was very professional. Council Member Blake asked if lowering the setbacks and having no variances could be brought back to an agenda for further discussion.

Mayor Andersen thanked the department heads for getting all of the grants that the City receives. Mayor Andersen thanked all of the vocation program students for attending the meeting.

**10. \*APPROVAL OF THE CLAIMS:**

Council Member Gorum made the motion to approve the claims for November 3, 2009. The motion was seconded by Council Member Carter and passed unanimously.

**11. \*NEXT MEETING DATE AND ADJOURNMENT**

The next meeting date is a regular meeting on November 17, 2009 at 7:00 p.m. at the West Wendover City Hall, Council Chambers #137. Council Member Carter made the motion to adjourn at 7:48 p.m. The motion was seconded by Council Member Gorum and passed unanimously.

ATTEST:

Anna E. Bartlome  
City Clerk/Records Officer