

## WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING OF FEBRUARY 6, 2007

The West Wendover City Council met for a regular meeting on February 6, 2007. The meeting was held at the West Wendover Library, Pilot Peak Room. Mayor Thaut presided.

Council Members Present: Roy Briggs, Emily Carter, Jimmy Carter, Jamey Christie and Johnny Gorum

Others Present: Bryce Kimber, Aleta Kimber, Jeff Knudtson, Ron Supp, Corinne Copelan, Randall Soderquist, Raul Luna, Claude Fratto, Toni Fratto, Jessica Crews, Scott Bangerter, Gary DiGrazia, Louise Carter, Devan Croasmun, David Lockie, Chris Melville and Anna Bartlome

The following proceedings were had.

1. **CALL TO ORDER AND ROLL CALL**  
Mayor Thaut called the meeting to order at 7:00 p.m. All those present and excused are noted above.
2. **PLEDGE OF ALLEGIANCE**  
Mayor Thaut 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 Christie had a change to the minutes of December 19, 2006 under Communications the change is as follows: *“Council Member Christie stated that she had met with the Insurance Committee in place of former Councilwoman Troyan and asked when the new appointments would be done.”* Council Member Briggs had a change to the minutes of December 19, 2006 under Approval of the Minutes the change is as follows: *“Council Member Christie made the motion to forward the minutes of the regular meeting of November 7, 2006 and the minutes of the regular meeting of November 21, 2006 to the next meeting.”* Council Member Christie made the motion to approve the minutes of the regular meeting of December 19, 2006 with the changes as noted above and to forward the minutes of the regular meeting of January 2, 2007. The motion was seconded by Council Member J. Carter and passed unanimously.
5. **PRESENTATION**  
Item is to be removed from future agendas.
6. **NEW BUSINESS**  
**\*a. Discussion and Decision Concerning Possible Revisions to the Sexually Oriented Business Code Provisions, Present Policy and Enforcement of Sexually Oriented Business Code, Continuation of Negotiations with Southern Xposure Related to These Code Issues and Present Court Action Between the City and Southern Xposure and Other Matters Appropriately Related Thereto**

Gary DiGrazia explained that the negotiations with Southern Xposure have been going on for a long period of time, in order to settle the case and to deal with the City Code issues related thereto. Gary stated that the agreement settles all issues, which include the dismissal of the lawsuit and imposing certain standards and regulations upon the Southern Xposure. David Lockie stated that following the Council's directive the settlement reflects good faith and all concerns were addressed. Scott Bangerter stated that he is a resident of the City and appreciates everything everyone has done. Chris Melville stated that there were two changes to the map, which included adding a door and table dance shading in one area that was missed. Council Member Christie made the motion to approve the settlement agreement between the City of West Wendover and Southern Xposure. The motion was seconded by Council Member Gorum and passed unanimously.

The agreement was then signed by Mayor Thaut and Scott Bangerter.

**\*b. Discussion and Decision Regarding Whether to Donate and/or Sponsor the Miss Wendover Pageant and Other Matters Appropriately Related Thereto**

Jessica Crews explained that the City has normally donated \$1,000.00 for the scholarship program. Jessica stated that she currently has two girls signed up to run but she needs to have at least four. Jessica explained that she has 1 girl from the Wendover Utah, 1 girl from West Wendover Nevada, and 1 girl from Elko County. Jessica stated that she had been contacted by another girl from West Wendover earlier in the day. Council Member J. Carter disclosed that his sister-in-law is one of the contestants but he would not personally gain from this item. Discussion was had regarding what would happen if there were not enough girls signed up to run. Jessica explained that all proceeds would rollover to the next year. General discussion was had regarding when the deadline was for the girls to sign up and what is the last date to hold the pageant. Council Member Gorum made the motion to donate \$1,000.00 to the Miss Wendover Pageant contingent that it be carried over if the pageant is not held this year. The motion was seconded by Council Member E. Carter and passed. Council Member Christie voted nay.

Council Member Christie explained that she voted nay because the funds should not be released until there is confirmation on a pageant being held.

**\*c. Discussion and Decision Regarding Whether to Donate, Sponsor and/or Participate in "Elko County Reads" and Other Matters Appropriately Related Thereto**

Council Member Gorum asked what type of donation they are looking for. Council Member Christie asked if the donations are used locally, and that if the item is forwarded could we contact Beth Kern for more information. Corinne Copelan stated that it has been done before and been very successful. Council Member E. Carter made the motion to forward this item to the next meeting. The motion was seconded by Council Member J. Carter and passed unanimously. Council Member E. Carter stated she would contact Beth Kern for more information.

**\*d. Discussion and Decision to Appoint Judges Pro-Tem for Eastline Justice Court**

Mayor Thaut indicated she would like to appoint Patricia Calton from the City of Wells and Marjean Kidner from the City of Elko as Judge Pro-Tem. Council Member Christie made the motion to ratify the appointments of Patricia Calton and Marjean Kidner as Judges Pro-Tem for the Eastline Justice Court/Municipal Court. The motion was seconded by Council Member Briggs and passed unanimously.

**\*e. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the West Wendover Recreation District**

Mayor Thaut appointed Council Member Gorum to serve as the City's representative to the West Wendover Recreation District. Council Member Christie made the motion to ratify the appointment of Johnny Gorum to the West Wendover Recreation District. The motion was seconded by Council Member J. Carter and passed unanimously.

**\*f. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the Elko County Recreation Board**

Mayor Thaut appointed Council Member Gorum to the Elko County Recreation Board. Council Member Christie made the motion to ratify the appointment of Johnny Gorum to the Elko County Recreation Board. The motion was seconded by E. Carter and passed unanimously.

**\*g. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the Nevada Public Agency Insurance and Compensation Trust**

Mayor Thaut appointed Council Member E. Carter to the Nevada Public Agency Insurance and Compensation Trust, with Claude Fratto remaining as the alternate. Council Member J. Carter made the motion to ratify the appointment of Emily Carter to the Nevada Public Agency Insurance and Compensation Trust. The motion was seconded by Council Member Briggs and passed unanimously.

**\*h. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the Big Benefits Employee Health Fund**

Mayor Thaut appointed Council Member E. Carter to the Big Benefits Employee Health Fund. Council Member Christie made the motion to ratify the appointment of Emily Carter to the Big Benefits Employee Health Fund. The motion was seconded by Council Member Briggs and passed unanimously.

**\*i. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the Elko County School Board**

Mayor Thaut appointed Council Member J. Carter to the Elko County School Board. Council Member Christie made the motion to ratify the appointment of Jimmy Carter to the Elko County School Board. The motion was seconded by Council Member Briggs and passed unanimously.

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

**\*j. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the Nevada Debt Management Committee**

Mayor Thaut appointed Council Member J. Carter to the Nevada Debt Management Committee. Council Member E. Carter made the motion to ratify the appointment of Jimmy Carter to the Nevada Debt Management Committee. The motion was seconded by Council Member Briggs and passed unanimously.

**\*k. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the Wendover Utah City Council**

Mayor Thaut appointed Council Member Briggs to the Wendover Utah City Council. Council Member Christie made the motion to ratify Roy Briggs to the Wendover Utah City Council. The motion was seconded by Council Member J. Carter and passed unanimously.

**\*l. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the Administrative Authority**

Mayor Thaut appointed Council Member Briggs to be a liaison to the Administrative Authority, and that she would remain on the Administrative Authority as the voting member. Council Member Gorum made the motion to ratify the appointment of Mayor Thaut to the Administrative Authority and Roy Briggs as a liaison to the Administrative Authority. The motion was seconded by Council Member Christie and passed unanimously.

**\*m. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the Nevada League of Cities Board and Legislative Committee**

Mayor Thaut appointed Council Member Christie to the Nevada League of Cities Board and Legislative Committee. Council Member E. Carter made the motion to ratify the appointment of Jamey Christie to the Nevada League of Cities Board and Legislative Committee. The motion was seconded by Council Member Briggs and passed unanimously.

**\*n. Discussion and Decision Regarding Appointment by Mayor and Ratification of the Council for the 1% Committee**

Mayor Thaut appointed herself to the 1% Committee. Council Member Briggs made the motion to ratify the appointment of Mayor Thaut to the 1% Committee. The motion was seconded by Council Member Gorum and passed unanimously.

**\*o. Discussion and Decision Regarding Plan of Corrective Action to Correct Violations of Statute and/or Regulations Associated With Our Annual Audit Report for the Fiscal Year 2005-2006**

Council Member Christie had a question concerning the documents with regard the audit and where the corrective action section was located. Council Member Christie made the motion to approve the plan of corrective action to correct violations of statute and/or regulations associated with the annual audit report for fiscal year 2005-2006. The motion was seconded by Council Member Briggs and passed unanimously.

**\*p. Discussion and Decision to Select Applicants for the Nevada League of Cities & Municipalities Youth Award and Other Matters Appropriately Related Thereto**

Anna Bartlome stated that no youth award applications had been received.

**\*q. Discussion and Decision to Select Applicants for the Nevada League of Cities & Municipalities Youth Award Program College Scholarship and Other Matters Appropriately Related Thereto**

General discussion was had regarding possibly explaining the different award and scholarship programs to the students, and what some of the requirements of the programs are. Council Member E. Carter made the motion to select Austin Overturf for the Nevada League of Cities & Municipalities Youth Award Program College Scholarship. The motion was seconded by Council Member Briggs and passed unanimously.

**\*r. Discussion and Decision for Council to Approve Qualified Appraisers List as per City Code 6-11-1(B)**

Chris Melville stated that in order to meet the provisions of the City Code and State Law the list of appraisers must be approved in order to be used in the future. Currently there are 3 appraisers on the list, which include: Drake Appraisal Services, Great Basin Appraisals, and Andrea Davis General Appraiser. Council Member Christie made the motion to approve the qualified appraisers list as per City Code 6-11-1(B). The motion was seconded by Council Member Briggs and passed unanimously.

**7. OLD BUSINESS**

**\*a. Discussion and Decision to Approve the Final Site Plan for Peppermill Wendover IT Building and Other Matters Appropriately Related Thereto**

Council Member Christie made the motion to forward this item. The motion was seconded by Council Member Briggs and passed unanimously.

**8. PUBLIC HEARING**

**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 **February 6, 2007 at 7:30 p.m.** in the West Wendover Library, Pilot Peak Room, located at 590 Camper Drive. The purpose of this hearing is to consider an appeal to a home occupation permit.

**DESCRIPTION:**

**Home Occupation Permit: Raul Luna / Automotive Window Tinting**

**1) Automotive Window Tinting (by appointment only).**

**The property description is: Lot 32 of the West Wendover Highlands, Unit 11, as filed in the Office of the Elko County Recorder, and situated in Section 17, Township 33 North, Range 70 East, M.D.B. & M. , Elko County, Nevada. Located at 932 Oquirrh 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 Thaut closed the regular portion of the meeting and opened the public hearing portion of the meeting.

Chris Melville explained that there have been some letters of support received and one letter of non-support. Chris explained that it was before the Council due to there being opposition to the Home Occupation Permit. Chris explained that the person opposing the permit did state that if the item was approved they would side with the rest of the neighborhood who responded with support. General discussion was had regarding the letter of opposition to the business in a residential area, description of how the business would operate, and other restrictions that would need to be applied if approved.

Mayor Thaut 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 Home Occupation Permit Located at 932 Oquirrh Street**

Council Member Briggs made the motion to approve the Home Occupation Permit located at 932 Oquirrh Street. The motion was seconded by Council Member E. Carter and passed unanimously.

Agenda taken out of order, New Business starting from item j heard next, see above.

**9. DEPARTMENT UPDATES**

**Fire Chief** – Jeff Knudtson explained that he submitted a breakdown of incidents and had nothing to add. Council Member Gorum asked if there was any change in the false alarms. It was explained that false alarms were malfunctions of the alarms.

**Police Chief** – Ron Supp stated that the speed trailer was being used around town and seems to be having some positive effect. Ron also stated that the animal licensing has already improved due in part to the advertising. The memo stated that the department responded to 423 calls for service, made 23 adult arrests, 2 juvenile arrests, served 7 arrest warrants, issued 95 citations, conducted 16 field interviews and served 54 civil papers. The memo further stated that they were currently awaiting a background completion on a police officer. One position has been filled in Dispatch but there is still one vacancy. There are also two Police Officer vacancies to be filled. Also minor remodeling is being completed on the animal shelter to make it more efficient.

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

**Chief Financial Officer** – Nothing.

**Public Works Director** – Bryce Kimber stated that the new pavement on Florence has some severe cracks and core samples have been taken by Staker Parsons. Bryce stated that there is a meeting on February 9<sup>th</sup> with Staker Parsons to discuss different options. The memo states that due to the cold weather there have been many frozen meters and pipes. The lights along Florence Way are up and working. The main drive box on the big vessel at the Compost Plant has broken down.

**City Manager** – Chris Melville stated that the National Park Service is reviewing the photographs and that we should receive a letter, which will allow the BLM to proceed with the R&PP lease for the City Complex property. Chris further stated that BYU in April will be holding a diabetes walk. Chris explained that he met with USDA concerning the City Hall Complex. Chris went through the changes to the contract concerning the 18-lot purchase along Tibbets Boulevard, which included a provision that the lots must be developed in 2 years unless the population estimates show less than 2% population growth, in which 1 more year would be allowed. Another change included the builder/developer must consider all requirements for the lots. Chris stated that the Mayor, Council Members J. Carter and Gorum, Jeff Knudtson, Leon Flinders and himself would be going to Elko and Pahrump to look at some different developments by the builders interested in purchasing the 18 lots. Chris explained that the architects are around 50% complete with the construction drawings for the

City Hall, the project should go out to bid end of March with a closing date of April 26<sup>th</sup>. Chris stated that the NIMS testing for the Council and Mayor would be February 21<sup>st</sup> at 5:30 p.m. and Evaluations for Jeff Knudtson, Leon Flinders and Chris Melville would also be on February 21<sup>st</sup> at 6:30 p.m.

**10. COMMUNICATIONS**

Council Member Gorum mentioned the FAM Tour put on by Intermountain Guide Services on March 15<sup>th</sup>.

Council Member Christie stated that the next Nevada League of Cities meeting would be on April 6<sup>th</sup> and the Executive Board meeting of the League would be on April 5<sup>th</sup>. Council Member Christie explained that a list of the Bill Draft Requests had been provided by the League and if anyone wishes to track a bill you can Google the Nevada Legislature it will take you to a bill tracking site.

Mayor Thaut stated that the groundbreaking for the City Hall Complex would be on March 16<sup>th</sup>.

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

Council Member Gorum made the motion to approve the claims for February 6, 2007. The motion was seconded by Council Member J. carter and passed unanimously.

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

The next meeting date is a regular meeting on February 20, 2007 at 7:00 p.m. at the West Wendover Library, Pilot Peak Room. There will also be two special meetings on February 21, 2007 at 5:30 p.m. and 6:30 p.m. both meetings will be held at the West Wendover City Offices, Conference Room. Council Member Christie made the motion to adjourn at 8:27 p.m. The motion was seconded by Council Member Briggs and passed unanimously.

ATTEST:

Anna E. Bartlome  
City Clerk/Records Officer