



## CITY OF WEST WENDOVER

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### WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING OF JANUARY 20, 2009

The West Wendover City Council met for a regular meeting on January 20, 2009. The meeting was held at the West Wendover Library, Pilot Peak Room. Mayor Andersen presided.

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

Others Present: Kris Andersen, Bryce Kimber, Scott Weyland, Ron Supp, Randall Soderquist, Dixie Melville, Jeff Knudtson, Corinne Copelan, Kendra Follett, Pat Zamora, Claude Fratto, Cassie Fratto, Aleta Kimber, Kerry Robinson, Sondra Schmidt, Leann Briggs, Jamey Christie, 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:**

Mayor Andersen acknowledged the Boy Scouts present in the audience, who were working on their "Citizenship in the Community" merit badge.

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

Council Member Carter had a change to the minutes of January 6, 2009.

Under New Business the change is as follows:

Item b: *"Michelle Giovo, controller for the Montego Bay Casino Resort stated that other decisions had been made tonight that set a precedent but would like to see the penalty schedule looked into."*

Council Member Carter made the motion to approve the minutes of the regular meeting of January 6, 2009 with the change as noted above. The motion was seconded by Council Member Briggs and passed unanimously.

**5. CONSENT CALENDAR**

**a. First Reading and Filing of Ordinance #2009-01; Consideration and Possible Approval of an Ordinance Providing for the Issuance by the City of West Wendover of Its General Obligation (Limited Tax) Medium-Term Bonds, Series 2009 for Purpose of Acquiring, Constructing, Improving and Equipping a Building Project (Government Complex); Providing Details Concerning the Bonds and Providing Other Matters Relating Thereto**

Mayor Andersen read the above entitled ordinance and filed with the City Clerk.

**b. First Reading and Filing of Ordinance #2009-02; An Ordinance Entitled “Fingerprint Submission Code Second Amendment”, Which Amends the City Fingerprint Code to Make Changes for Additional Specificity to Comply with New Requirements of the Federal Bureau of Investigations Concerning Fingerprint Submissions Wherever Such are Required by City Code or Resolution of the Council for Background Investigations in Various Employment, Licensing, Permitting and Other Permissible Categories for Such Investigations**

Mayor Andersen read the above entitled ordinance and filed with the City Clerk.

**6. NEW BUSINESS**

**\*a. Discussion and Decision Regarding Proposed Changes to City Code Title 3 Chapter 3 the Tax on Transient Lodging Ordinance (Room Tax) and Authorization for Staff to Prepare Such Ordinance Changes for Consideration and Other Matters Appropriately Related Thereto**

General discussion was had regarding the penalties on room taxes, stepping the penalty amounts, whether to have a grace period on due date for room taxes, when other entities are paid, and what to set the penalty at. Council Member Briggs made the motion to step the penalties for room tax at the first day 5%, third day 10% and the fifth day 15%. The motion was seconded by Council Member Carter and passed unanimously.

**\*b. Discussion and Decision to Approve as to Form the Development Agreement with John McGee Enterprises, LLC for the Sale of Lots in Village One, Phase One and Village One, Phase Two Subdivision; Subject to Compliance with All Requirements of NRS 268.063 Permitting the Sale of Real Property for Economic Development Purposes and Other Matters Appropriately Related Thereto**

Chris Melville explained that he would need the agreement approved as to form and then it would be incorporated into a resolution. Chris explained that the options included different incentive amounts. Option #1 included incentives of \$7,000.00 for 2009, \$4,000.00 for 2010, \$3,000.00 for 2011 and \$1,500.00 for 2012, with an approximate loss of \$7,469.00. Option #2 included incentives of \$8,000.00 for 2009, \$4,000.00 for 2010, \$3,000.00 for 2011 and \$1,500.00 for 2012, with an approximate loss of \$13,630.00. Option #3 included incentives of \$10,000.00 for 2009, \$5,000.00 for 2010, \$3,000.00 for 2011 and \$1,500.00 for 2012, with as approximate loss of \$34,079.00. Council Member Gorum made the motion to approve as to form the Development Agreement with John McGee Enterprises, LLC for sale of lots in Village One, Phase One and Village One, Phase Two subdivision; subject to compliance with all requirements of NRS 268.063 permitting the sale of real property for economic development purposes, using Option #1 and having a 30-day termination clause. The motion was seconded by Council Member Carter and passed unanimously.

**\*c. Discussion and Decision to Approve as to Form the Agreement with Generation 2000 (dba Needlepoint Mobile Home Park) with Regard to the Conversion of the Needlepoint Mobile Home Park from Only Master Water Meters to Individual Water Meters and Related Conversion of Water, Sewer and Garbage Utility Accounts and Authorize Mayor to Execute Such Agreement and Other Matters Appropriately Related Thereto**

Chris Melville explained that he had been asked by Generation 2000 to forward this item to a meeting in February, Generation 2000 will let the City know which meeting when they are ready. Council Member Carter made the motion to forward this item. The motion was seconded by Council Member Briggs and passed unanimously.

**\*d. Discussion and Decision to Authorize Staff to Proceed with the Drafting of Potential Changes to City Code 8-5A-5 in Relation to Design Standards and Zoning for Mobile Homes, Manufactured Homes and Factory Build Homes as Single-Family Residences (Zone R-1) and Other Matters Appropriately Related Thereto**

Chris Melville explained that this was to ask for changes to City Code 8-5A-5(E) in relation to manufactured homes being built in residential R-1 zones. Chris explained that after the State Law went into effect the City adopted ordinances to ensure that there was not a negative impact. The change would allow manufactured homes to be placed in Single-Family Residential Zones (R-1) without any restrictions, which could have a negative impact depending on the subdivision. If a subdivision did not have CC&R's the City Code would

ensure that any negative impact a manufactured home might have on a surrounding home values would be kept to a minimum. There have been two problems with this code. If the placement of another manufactured home of the same type and/or year in a manufactured home area but the original home had been installed after the adoption of the code the new unit would have to meet the requirements of 8-5A-5E. If the original unit removed was installed prior to the code but not placed on a foundation the city would have no ability to require a new unit be placed on a foundation. Chris would like to change the code to the following: *“Except as provided for nonconforming uses and structures, any single-family dwelling which is demolished or removed may be reconstructed or replaced. The dwelling shall have at least a substantially similar appearance as the demolished dwelling or be compatible with the architectural style and building materials of the dwellings in the vicinity, must be permanently affixed to the residential lot and be converted to real property. The home shall not be subsequently unconverted without removing it from the lot. An administrative design review shall be approved prior to the issuance of any building permits.”* General decision was had regarding potential change to code and how changes would affect various areas. Council Member Blake made a motion to authorize staff to proceed with the drafting of potential changes to City Code 8-5A-5 in relation to design standards and zoning for mobile homes, manufactured homes and factory build homes as single-family residences (zone R-1). The motion was seconded by Council Member Briggs and passed unanimously.

**\*e. Discussion and Decision to Renew City’s Annual Employee Health Insurance Program and Other Matters Appropriately Related Thereto**

Claude Fratto explained that the insurance committee recently completed their review of the insurance plan. There are currently an average of 58 employee participants, no COBRA participants currently, a fixed cost of \$228.82 per employee per month, a stop loss of \$25,000.00, plan is currently at 66.37% of reinsurance carrier’s projected claims costs, composite claims per employee per month higher in 2008 than 2007, and total plan costs higher in 2008 than 2007. Claude explained that the proposal is the retain BIG Benefits/Everest Administrators as claims administrators, renew with McEvelly for stop loss reinsurance carrier at \$30,000.00, employee contribution to remain as is and City contribution to remain as is. The City pays for the employees insurance but the employee pays for their family. Council Member Carter made the motion to renew the City’s annual employee health insurance program as proposed. The motion was seconded by Council Member Blake and passed unanimously.

**\*f. Discussion and Decision Regarding Donation to Elko County READS and Other Matters Appropriately Related Thereto**

Chris Melville explained that this was an application that had been received and that they scored 103 points, which would be \$1,030.00. Council Member Blake disclosed that he works for Elko County School District but would not personally benefit from this item. Council Member Briggs made the motion to donate to the Elko County READS at 103 points for \$1,030.00. The motion was seconded by Council Member Carter and passed unanimously.

**\*g. Discussion and Decision to Approve Change Orders No. 9 Through 19, with Regard to the West Wendover Government Complex and Other Matters Appropriately Related Thereto**

Chris Melville explained that change order 19 would be omitted due to corrections being made. Chris went through each change order and is as follows:

Change Order #9: Cost to match existing exterior light fixtures according to instructions from architect. Voided.

Change Order #10: Cost for the Wainscot in room 151 not shown on plans. Voided.

Change Order #11A: Cost for rubber flooring not shown in the specifications. Voided.

Change Order #11B: Cost for rubber flooring not shown in the specifications. Voided.

Change Order #12: Addition for installing glass in the accounting, police and court counters. For an increase of \$8,899.17.

Change Order #13: Cost to provide rollup doors for the Sally Port, neither shown nor specified. For an increase of \$14,830.03.

Change Order #14: Addition to contract for pull door. Voided.

Change Order #15: Addition to contract to move the southeast light pole in south parking lot to the west. For an increase of \$1,519.85.

Change Order #16: Addition to contract for hose bibb in hall by cell. For an increase of \$794.47.

Change Order #17: Credit for countertop and cabinets for the Dispatch Room. For a decrease of \$3,520.00.

Change Order #18: Deduction to contract amount for cost to install MC Cabling above finished ceilings in lieu of conduit specified. For a decrease of \$12,000.00.

Chris explained that it was a net increase of \$10,523.52. Chris also stated that change order #19 will come back and a change order for the emergency generator. The total change orders to the contract are approximately \$27,000.00. Council Member Gorum made a motion to approve change orders numbers 9 through 18 with regard to the West Wendover Government Complex. The motion was seconded by Council Member Carter and passed unanimously.

**7. COMMUNICATIONS**

Council Member Gorum asked the scouts if they watched any of the Inauguration.

Chris Melville discussed a potential change to the Government Complex, which included wainscoting and chair rail in various areas. The areas discussed were Council chamber, lobby, conference rooms and offices. The cost for doing all of the areas was \$69,310.00. The cost for just doing the public areas was \$26,000.00. Some of the public areas already have wainscoting and this would tie all public areas together.

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

Council Member Gorum made the motion to approve the claims for January 20, 2009, December hand checks, November insurance and December insurance. The motion was seconded by Council Member Carter and passed unanimously.

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

The next meeting date is a regular meeting on February 3, 2009 at 7:00 p.m. at the West Wendover Library, Pilot Peak Room. Council Member Carter made the motion to adjourn at 8:17 p.m. The motion was seconded by Council Member Briggs and passed unanimously.

ATTEST:

Anna E. Bartlome  
City Clerk/Records Officer