



CITY OF WEST WENDOVER

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WEST WENDOVER CITY COUNCIL MINUTES OF THE SPECIAL MEETING OF OCTOBER 14, 2008

The West Wendover City Council met for a special meeting on October 14, 2008. The meeting was held at the West Wendover Library, Pilot Peak Room. Mayor Thaut presided.

Council Members Present: Roy Briggs, Emily Carter, Jamey Christie, Johnny Gorum and Alan Rowley II

Others Present: Dixie Melville, Ron Supp, Scott Weyland, Bryce Kimber, Glenda Lacy, Earl Lacy, Brenda Flinders, Leon Flinders, Claude Fratto, Gary Di Grazia, David Stanton, Randy Croasmun, 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 6:00 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. ITEMS OF DISCUSSION

***Discussion and Decision Regarding Approval or Disapproval of Settlement Agreements and Any Related Documents in the Case of City of Wendover v. City of West Wendover and Mayor Thaut, No. 2:03CV00523 TS, Utah Federal District Court**

Gary Di Grazia explained that the settlement agreement has been drafted in final form. The agreement should be approved pending approval from the USDA. The settlement agreement for the Stateline claims include West Wendover paying Wendover \$300,000.00; \$200,000.00 paid by the insurance company and \$100,000.00 from West Wendover general fund. The settlement agreement for the Johnson Springs Water System claims include the Administrative Authority would be dissolved; West Wendover would operate the water system. West Wendover would pay Wendover a \$100,000.00 a year to operate the system, and .04¢ per 1,000 gallons for excess water. If either City financed improvements they would own the new part of the system until the debt is paid, then ½ of the ownership would be transferred to the other city. Each City would have a ½ ownership of the water system and water rights. One change to the Johnson Springs agreement under section 2.4 was to add "of the State" to the following: *"Any third parties that received water from the Johnson Springs System shall purchase the water from the City of the State in which they are located and shall be charged such rate as may be determined by the respective City; provided, however, that such rate must be higher than the rate charged to a Party as provided in this Agreement."*

The effective date of the agreement would be October 30, 2008. General discussion was had regarding the budget for the system, improvements to the system, and where the yearly payment would be made from. Council Member Carter made the motion to approve the settlement agreements and any related documents in the case of City of Wendover v. City of

West Wendover and Mayor Thaut, No. 2:03CV00523 TS, Utah Federal District Court pending USDA approval, with the correction to the Johnson Springs agreement paragraph 2.4 to include “of the State”, with the effective date of October 30, 2008. The motion was seconded by Council Member Christie and passed unanimously.

5. *NEXT MEETING DATE AND ADJOURNMENT

Council Member Christie made the motion to adjourn at 6:37 p.m. The motion was seconded by Council Member Gorum and passed unanimously.

ATTEST:

Anna E. Bartlome
City Clerk/Records Officer