



CITY OF WEST WENDOVER

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WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING OF DECEMBER 20, 2011

The West Wendover City Council met for a regular meeting on December 20, 2011. The meeting was held at the West Wendover City Hall, Council Chambers #137. Mayor Andersen presided.

Council Members Present: Roy Briggs, Emily Carter, Johnny Gorum and Izzy Gutierrez

Council Members Absent: Bryant Blake

Others Present: Nancy Green, Kris Andersen, Bryce Kimber, Aleta Kimber, Sandra Gunter, Heidi Lewis, Mike Michelsen, Jeff Knudtson, 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:

None offered or received.

4. *APPROVAL OF THE MINUTES:

Council Member Gorum made the motion to approve the minutes of the special meeting of November 9, 2011, the regular meeting of November 15, 2011 and the special meeting of November 21, 2011. The motion was seconded by Council Member Briggs and passed unanimously.

5. NEW BUSINESS

***a. Discussion and Decision to Accept the Completed Annual Audit for Fiscal Year 2010-2011 and Other Matters Appropriately Related Thereto**

Michael Michelsen went through the various audit reports, explaining how the audit was conducted and the findings that were found as part of the audit. The findings were explained as follows: the City is responsible for year end-close procedures which did not happen due to there being a lack of a Chief Financial Officer, and the over budget expenditures on three funds (Recreation Board Fund \$52,821.00, Capital Projects Fund \$201.00, and Welcome Center Fund \$6,122.00). Council Member Carter made the motion to accept the completed annual audit for fiscal year 2010-2011. The motion was seconded by Council Member Briggs and passed unanimously.

***b. Discussion and Decision Regarding Franchise Fee Payments Collected but Not Paid by Wendover Gas, Issues Raised by Court Order and Notice of Order Setting Hearing on Motion filed December 6, 2011 and Matters Related Thereto**

Gary Di Grazia and Tom Coyle were present by phone.

Gary Di Grazia explained that Wendover Gas on November 17, 2011 filed a motion for an expedited approval of the general rate increase. Gary further stated that the Public Utilities Commission (PUC) was not opposed to the rate increase and apparently the court would be going along with the rate increase. The City Council did meet on December 6, 2011 and did not oppose the rate increase. The City Attorney filed a non-opposition of the rate increase with the court on behalf of the City but also raised concerns of the delinquencies of the franchise fees. The PUC filed a brief that stated according to the city ordinance everyone who uses propane should be on the system. The PUC also suggested several items including that the City take over the system, that Wendover Gas seek bankruptcy protection and no franchise fees. Gary stated that a response was filed and that the exclusive franchise fee does not require everyone to be on the system and whether the franchise is exclusive is not before the court. Three other briefs were also filed, one jointly by the Wendover Nugget Hotel and Red Garter, another by the Bureau of Consumer Protection and the last by the Peppermill Corporation. The brief filed by the Wendover Nugget and Red Garter stated that the franchise ordinance was not before the court and asked the court to deny the rate increase. The brief filed by the Bureau of Consumer Protection outlined the percentage of rate increase and asked that if the rate increase approved be temporary. The brief filed by the Peppermill Corporation stated that the franchise ordinance was not before the court and that the rate increase is the court's decision. Gary explained that there is a hearing on December 21, 2011 at 10 a.m. and that they would be appearing stating that the ordinance is what it is as written and does not require everyone to be on the system. Gary stated that some direction needed to be given concerning the franchise fee that has been collected by Wendover Gas but not paid to the City.

Nancy Green stated that it is correct that she has collected the franchise fee but not paid it as she uses the money to help pay for the fuel when it comes in. Nancy explained that her costs are regulated by the State and the request was filed to help her stay in business. Nancy stated that the fuel costs keep going up and she is on cash on delivery with the supplier. Nancy further stated that she has been behind on the franchise fee before but always gets it caught up.

General discussion was had regarding the franchise fee and possible extension of payment of the fee. Council Member Gorum made a motion regarding the franchise fee payments collected by not paid by Wendover Gas that an extension is granted until April 1, 2012 to become current and once that date arrives for the City Manager to further advise the Council. The motion was seconded by Council Member Carter and passed unanimously.

Gary Di Grazia verified that the motion was to set the date for April 1, 2012 to get the franchise fee payments caught up.

***c. Discussion and Decision for Selection and Approval of a Project for the Community Development Block Grant Program 2012, and Authorization for Staff to Prepare and Mayor to Execute Any Such Applications, Documents or Agreements as Necessary for the Selected Project and Other Matters Appropriately Related Thereto**

Chris Melville provided the recommendation that the City not proceed with the animal shelter project but file for a community assessment. The cost for the assessment would be \$20,000.00 with \$15,000.00 being CDBG funds, \$1,000.00 cash from the City and \$4,000.00 in-kind from the City. Council Member Briggs made a motion for the selection and approval of a project for the Community Development Block Grant Program 2012, and authorization for staff to prepare and Mayor to execute any such applications, documents or agreements as necessary for the selected project. Motion remade to indicate the project. Council Member Briggs made the motion for the selection and approval of a project for the Community Development Block Grant Program 2012, and authorization for staff to prepare and the Mayor to execute any such applications, documents or agreements as necessary for the selected project of the community assessment. The motion was seconded by Council Member Carter and passed unanimously.

6. COMMUNICATIONS

Bryce Kimber wished everyone a Happy Holidays.

Jeff Knudtson stated that Santa would be going around the community on December 21st.

Council Member Gorum stated that he attended the Recreation District meeting and that there are a lot of changes taking place at the golf course. Council Member Gorum wished everyone a Happy Holidays.

Council Member Gutierrez wished everyone a Happy Holidays and appreciates all the hard work.

Council Member Briggs wished everyone a Happy Holidays. Council Member Briggs gave a special thanks to some of the staff for the work at this time of year, which included Public Works, Fire and Police Departments.

Mayor Andersen wished everyone a Happy Holidays.

7. *APPROVAL OF THE CLAIMS:

Council Member Gorum made the motion to approve the claims for December 20, 2011 and November hand checks. The motion was seconded by Council Member Carter and passed unanimously.

8. COMMENTS FROM THE GENERAL PUBLIC:

None offered or received.

9. *NEXT MEETING DATE AND ADJOURNMENT

The next meeting date is a regular meeting on January 3, 2011 at 7:00 p.m. at the West Wendover City Hall, Council Chambers #137. Council Member Carter made the motion to adjourn at 7:40 p.m. The motion was seconded by Council Member Briggs and passed unanimously.

ATTEST:

Anna E. Bartlome
City Clerk/Records Officer