

## WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING ON JUNE 6, 2006

The West Wendover City Council met for a regular meeting on June 6, 2006. The meeting was held at the West Wendover Library, Pilot Peak Room. Mayor Thaut presided.

Council Members Present: Emily Carter, Jimmy Carter, Jamey Christie, Johnny Gorum and Mike Miera

Others Present: Zia Yasrobi, Corinne Copelan, Mike Crawford, Ron Supp, Dale Lotspeich, Dixie Melville, Jeff Knudtson, Chester Bland, Don Hernandez, Leon Flinders, Brenda Flinders, Claude Fratto, Cassie Fratto, Toni Fratto, Rocky Gonzalez, Beverly Goheen, Roy Briggs, Kerry Robinson, 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:**

Chris Melville read a letter from Wendover Projects LLC concerning who can make decisions on behalf of Wendover Projects LLC. The letter also included the authorized people to make any and all decisions for Big Spring Ranch LLC.

Mayor Thaut stated that Council Member Reilly recently got married and her name changed to Christie.

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

Council Member Christie made the motion to approve the minutes of the regular meeting of May 2, 2006 and May 16, 2006, and to forward the minutes of the special meeting of May 11, 2006. The motion was seconded by Council Member J. Carter and passed unanimously.

**5. PRESENTATION**

Agenda taken out of order, Presentation item b heard next, see below.

**a. Sponsorship of Fire Safety Simulation Trailer**

**b. Dale Lotspeich Candidate for Elko County Sheriff**

Dale Lotspeich stated that he was here as a candidate for Elko County Sheriff. Dale explained that his key issues were to bring honesty and integrity back to the Office, to hire honest and reputable personnel, and to be fiscally responsible. Rocky Gonzalez, Candidate for Undersheriff, explained that he had worked in the community before and would like to continue to help children.

6. **CONSENT CALENDAR**

**\*a. Second Reading and Adoption of Ordinance #2006-01; An Ordinance Amending West Wendover City Code Entitled, “Restricted Activities and Uses in Parks” Amending Portions of Title 4 Chapter 2 Entitled, “Miscellaneous Offenses and Restricted Conduct in Parks”**

Mayor Thaut read the above entitled ordinance. Council Member Miera made the motion to adopt Ordinance #2006-01, an ordinance amending West Wendover City Code entitled, “Restricted Activities and Uses in Parks” amending portions of Title 4 Chapter 2 entitled, “Miscellaneous Offenses and Restricted Conduct in Parks”. The motion was seconded by Council Member J. Carter and passed unanimously.

**\*b. Second Reading and Adoption of Ordinance #2006-02; An Ordinance Entitled “2006 Amendment to Sexually Oriented Business Codes,” an Ordinance Amending Title 3 Chapter 4 Section 2 of the West Wendover City Code Entitled, Licensing and Regulation of Sexually Oriented Businesses by Amending the Definitions of Sexually Oriented Cabaret, and Specified Sexual Activities, and Adding Definitions of Nude, Nudity or State of Nudity, Semi-Nude or in a Semi-Nude Condition, Regularly Features or Regularly Shown, Amending Section 11 Entitled Appeal by Amending the Title to Appeals Regarding Licensing, Amending Section 23 Entitled Regulations and Unlawful Activities Applying to all Sexually Oriented Business Uses, Principal and Accessory, Amending Section 25 Entitled Prohibited Activities of Performers, Amending Section 26 Entitled Prohibited Activities of Patron, Adding Section 30 Entitled Sexually Oriented Cabaret Work Card Permit Registration Requirements and Adding Section 31 Entitled Appeals Regarding Work Card Permits**

Mayor Thaut read the above entitled ordinance. Council Member Christie made the motion to adopt Ordinance #2006-02, an ordinance entitled “2006 Amendment to Sexually Oriented Business Codes,” an ordinance amending Title 3 Chapter 4 Section 2 of the West Wendover City Code entitled, licensing and regulation of sexually oriented businesses by amending the definitions of sexually oriented cabaret, and specified sexual activities, and adding definitions of nude, nudity or state of nudity, semi-nude or in a semi-nude condition, regularly features or regularly shown, amending Section 11 entitled appeal by amending the title to appeals regarding licensing, amending Section 23 entitled regulations and unlawful activities applying to all sexually oriented business uses, principal and accessory, amending Section 25 entitled prohibited activities of performers, amending Section 26 entitled prohibited activities of patron, adding Section 30 entitled sexually oriented cabaret work card permit registration requirements and adding Section 31 entitled appeals regarding work card permits. The motion was seconded by Council Member Miera and passed unanimously.

**c. First Reading and Filing of Ordinance #2006-03; An Ordinance Entitled “All-Terrain Vehicle Use and Operation”, Creating a New Chapter, Chapter 2 of Title 5 of the West Wendover City Code, Providing Rules and Regulations Governing the Operation and Use of All-Terrain Vehicles (ATV’s) Within the City Limits of West Wendover, Nevada**

General discussion was had regarding whether to limit the age to 16 years old or to include 12-15 years old under supervision of someone 18 years or older, and what the speed limit should be on the designated routes.

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

General discussion was had regarding whether to raise the speed limit on the designated routes from 5 miles per hour to 10 miles per hour. Mayor Thaut read the above entitled ordinance and filed it with the City Clerk.

**d. First Reading and Filing of Ordinance #2006-04; An Ordinance Entitled “Gaming Under Nonrestricted Gaming Licenses,” Establishing Appropriate Regulations Which Limit Such Gaming to Rural Resort Hotels Within the City**

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

**\*e. Discussion and Decision to Adopt Resolution #2006-05; A Resolution to Adopt the Interlocal Cooperation Agreement Between the City of West Wendover Nevada and the City of Wendover Utah for the Waste Water Diversion Project and Matters Related Thereto**

Chris Melville explained that the agreement had been approved by Wendover Utah but since then there had been some changes and they would need to re-approve it. The changes included the duration of the agreement from 10 years to 5 years and took out the section that dealt with what would happen if the equipment was not built. Council Member Christie made the motion to adopt Resolution #2006-05, a resolution to adopt the Interlocal Cooperation Agreement between the City of West Wendover Nevada and the City of Wendover Utah for the Waste Water Diversion Project subject to approval by Attorney General. The motion was seconded by Council Member J. Carter and passed unanimously.

**7. NEW BUSINESS**

**\*a. Discussion and Decision with Regard to West Wendover Schools/Elko County School District**

Dale Lotspeich explained some of the changes that are going on with the West Wendover Schools. They include Dawn Hagness being named the Elementary School Principal, Thad Ballard filed for the School Board Seat, and the school board approved the budget. General discussion was had regarding the status of the schools concerning the AYP testing numbers, and when the lights would be on the football field.

**\*b. Discussion and Decision of the Council to Set a Date for a Public Hearing to Consider the Request of Wendover Mobile Home Park, LLC and Johnson Resort Properties, LLC for a Zoning Change Amendment of Wendover Mobile Home Park Phase 1 and 2, Consisting of a Zoning Change from RMH-1 to RMH-2**

Chris Melville explained that he had received a letter from the property owners which is a petition for a zone change, and the Council would need to decide whether to set a public hearing. Zia Yasrobi stated that the zoning change would help when a person bought a mobile home if they purchased the land also. General discussion was had regarding the size of the lots, concerns with the streets, and the development of a home owners association. Council Member Miera made the motion to set a date of July 18, 2006 at 7:30 p.m. for a public hearing to consider the request for zoning change. The motion was seconded by Council Member Gorum and passed unanimously.

**\*c. Discussion and Decision of the Council to Approve the Formation of the Selection Committee for the Hiring of an Architect for the City Hall Government Complex**

Chris Melville stated that the June 5<sup>th</sup> was the closing date for Statement of Qualifications for an Architect and three had been submitted. General discussion was had regarding the setting of a date for a selection committee meeting and to also select members of the public to be on the committee. Some citizens mentioned included Roy Briggs, John Hanson, Ron Vollmann, Jerry Anderson, Carla Loncar and Joyce McPherson. Council Member Miera made the motion to include in the committee for the hiring of an architect for the City Hall Government Complex, Roy Briggs, John Hanson, Joyce McPherson and Ron Vollmann. The motion was seconded by Council Member J. Carter and passed unanimously.

**\*d. Discussion and Decision Regarding Approval of the Nevada Emergency Management Assistance Compact (NEMAC) and Other Matters Appropriately Related Thereto**

Jeff Knudtson explained that NEMAC helps move resources around the State as needed. Council Member Christie made the motion to approve the Nevada Emergency Management Assistance Compact (NEMAC). The motion was seconded by Council Member Miera and passed unanimously.

**\*e. Discussion and Decision to Authorize July 4<sup>th</sup> and West Wendover 15<sup>th</sup> Anniversary Event Expenditures**

Mayor Thaut explained that the 4<sup>th</sup> of July celebration was combined with the 15<sup>th</sup> anniversary of the City. Mayor Thaut explained that the 4<sup>th</sup> would be dedicated to children, with events including different games and magic show. The grand prize for the event is a \$1,500.00 certificate to Disneyland. All activities would take place on Lacombe Field and would include a pancake breakfast, the annual run and ride, karaoke, gift drawings, and the

fireworks. General discussion was had regarding what type of funding is needed, and how other entities fit into the celebration. Council Member Christie made the motion to not exceed \$6,000.00 for the July 4<sup>th</sup> and West Wendover 15<sup>th</sup> Anniversary. The motion was seconded by Council Member Miera and passed unanimously.

**\*f. Discussion and Decision to Approve the Final Map for Evergreen Garden Townhomes Phase 3**

Chris Melville explained that this would include the approved variances and would be the final plat. Council Member Gorum made the motion to approve the final map for Evergreen Garden Townhomes Phase 3. The motion was seconded by Council Member Christie and passed unanimously.

**8. OLD BUSINESS**

**\*a. Discussion and Decision to Approve Amendments/Additions to the West Wendover Police Department Policy for Electronic Control Weapons and Pepper Aerosol Restraint Spray and Other Matters Appropriately Related Thereto**

Ron Supp stated that all the training has been completed. Council Member Miera made the motion to approve the amendments/additions to the West Wendover Police Department Policy for Electronic Control Weapons and Pepper Aerosol Restraint Spray. The motion was seconded by Council Member J. Carter and passed unanimously.

**9. 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 **June 6, 2006 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 a variance.

**DESCRIPTION:**

**Variance: Don Hernandez; property located in a Commercial (C-1) Zone; use as R-1.**

- 1) To adjust the minimum side yard setback on the Northern property line from seven and one-half ( 7 ½) feet to three ( 3 ) feet, for the construction of a garage:**

**The property description is: Parcel 3 as filed in the Office of the Elko County Recorder, and situated in Section 15, Township 33 North, Range 70 East, M.D.B.&M. , Elko County, Nevada, File No. 118721. Located at 990 Gregory Way, West Wendover, Nevada 89883.**

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

Don Hernandez stated that the garage would be used as storage as well as additional garage space.

There being no public comment 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 Variance Located at 990 Gregory Way**

Council Member Miera made the motion to approve the variance at 990 Gregory Way to adjust the minimum side yard setback on the northern property line from seven and one-half ( 7 ½) feet to three (3) for the construction of a garage. The motion was seconded by Council Member Christie and passed unanimously.

Agenda taken out of order, Consent Calendar item c heard next, see above.

**10. DEPARTMENT UPDATES**

**Fire Chief** – Jeff Knudtson stated that DOE approved \$95,000.00 in funding for radios and repeaters.

**Police Chief** – Ron Supp explained that the MDA Ride went very well.

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

**Chief Financial Officer** – Nothing.

**Public Works Director** – Excused.

**City Manager** – Chris Melville stated that he had nothing to add to memo, which included the planting of trees and the installation of sidewalk railing at two locations along Pueblo Boulevard due to the drop offs on the properties. The memo further stated that the approved ROW Grant from the BLM has been received and provides additional ROW width along Wendover Boulevard. The applications for the City Hall Complex and Public Works Project are being worked on for the USDA. The memo also included what job openings are available in the City.

**11. COMMUNICATIONS**

Council Member Gorum thanked everyone for attending including Mike Crawford, Dale Lotspeich, and Rocky Gonzalez.

Council Member E. Carter asked what the curfew was for teenagers. It was stated that curfew is midnight.

Council Member Christie stated that there was a Nevada League of Cities Legislative teleconference on June 7<sup>th</sup> and she would update everyone at a future meeting.

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

Council Member Christie made the motion to approve the claims for June 6, 2006, April hand checks and May hand checks. The motion was seconded by Council Member E. Carter and passed unanimously.

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

The next meeting date is a West Wendover City Hall Architect Selection Advisory Committee meeting on June 19, 2006 at 4:00 p.m. and a regular meeting on June 20, 2006 at 7:00 p.m. at the West Wendover Library, Pilot Peak Room. Council Member Christie made the motion to adjourn at 8:35 p.m. The motion was seconded by Council Member Miera and passed unanimously.

ATTEST:

Anna E. Bartlome  
City Clerk/Records Officer