



CITY OF WEST WENDOVER

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WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING OF SEPTEMBER 21, 2010

The West Wendover City Council met for a regular meeting on September 21, 2010. The meeting was held at the West Wendover City Hall, Council Chambers. Mayor Andersen presided.

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

Others Present: Brian Boatman, Andrew Mierins, Mason Simons, Dixie Melville, Guy Jeske, Tammera Weyland, Scott Weyland, Jamey Christie, Reese Melville, Corinne Copelan, Bosco Pereira, Mary Beth Bellio, Sandy Kelsey, Kelly Kelsey, Jose Limon, Teresa Naranjo, Raul Naranjo, Sondra Schmidt, Pamela Smith, Mark Stock, Chris Buxton, Craig Neeley, Jeff Knudtson, Mike Crawford, Ron Supp, 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 Briggs stated that the minutes to approve should be September 7, 2010.

Council Member Rowley II had a change to the minutes of September 7, 2010.

Under Pledge of Allegiance the change is as follows:

“Mayor Andersen led those present in the Pledge of Allegiance.”

Council Member Gorum made the motion to approve the minutes of September 7, 2010 with the changes as noted above. The motion was seconded by Council Member Carter.

5. PRESENTATION

***a. Presentation by Brian Boatman on SPICE (a Synthetic Cannabinoid) with a Possible Decision Regarding Controlling and/or Prohibiting of SPICE and Other Matters Appropriately Related Thereto**

Brian Boatman, Elko County Juvenile Probation Officer, gave a presentation on SPICE (see attached). The presentation explained that SPICE is a mixture of herbs and flowers that are dried and then treated with a variety of chemicals. SPICE is marketed and sold as an incense and has a variety of names. Brian explained that currently SPICE is sold in three locations in

West Wendover. Brian stated that he would like to see an ordinance that prohibits the sales of SPICE in West Wendover and at a minimum possession of SPICE by those eighteen and under prohibited with the possibility of prohibiting possession of SPICE to any age.

Andrew Mierins, an attorney who represents juvenile participants of drug court, explained that people are using SPICE to replace marijuana and cheat on drug tests. Andrew asked that both the possession and selling of SPICE be banned. Discussion was had regarding whether there is any current legislation in Nevada regarding SPICE, either the possession or selling of it, and if there have been any legal challenges in areas that have banned SPICE. It was stated that a bill is being drafted for the upcoming Legislative session that would outlaw SPICE. It was not known if there were any legal challenges in the areas that have outlawed SPICE. Corinne Copelan asked if anyone is aware if the State of Utah is also working on banning SPICE. It was stated that individual cities in Utah are working to ban SPICE but not aware if the State of Utah is also working on banning it. Council Member Gorum stated that several States have taken up the issue to ban SPICE and there could be challenges in those States. Council Member Blake asked if anyone has tried to make SPICE illegal and failed to. No one was aware of any attempt to ban SPICE and failing to.

Mason Simons, the Juvenile Court Master, explained that this is a critical problem and has just started to present it self within the last year. Mason explained that the probation rules have been changed to include the juveniles not be in possession or use any of the synthetic cannabinoid. Mason explained that depending on the specific commercial brand SPICE can be anywhere from 4 times to 100 times more potent than marijuana. Mason stated that people are attempting to get the same high without being detected by a drug test. Discussion was had regarding whether any other jurisdictions in the County are trying to prohibit SPICE. It was stated that Mason Simons, the Juvenile Court Master is currently working on getting it placed on Elko City agenda to discuss this matter. Council Member Gorum stated that since it is not a banned substance what happens if someone tests positive for it. Mason stated that if they were not someone who was subject to prohibition of its use there is no legal consequence whatsoever.

Brian Boatman stated that Scott and Tamera Weyland would be the final speakers because of how SPICE has impacted their family. Tamera Weyland stated that raising kids is tough enough without having a substance that they can go legally buy to get high. Tamera stated that there is no age limit on the purchase of SPICE, and to please ban it from being sold in West Wendover. SPICE is highly addictive. Scott Weyland stated that one of the standard questions on admission forms for emergency rooms is "*do you smoke?*" because for juveniles they want to inform them of what smoking can do to them. Scott stated that most kids do not understand what impact these types of substances will have on their development.

Ron Supp stated that there are moves to legalize marijuana but SPICE is a chemical and no one knows exactly what it could do to a person. Ron stated that there are some laws that if you use a substance in a way that it was not meant to you could be cited but there was nothing for the selling of SPICE.

Council Member Blake asked what the response was from Wendover Utah when presented to them. Brian Boatman stated that the presentation has been moved to October 6th. General discussion was had regarding possibly banning both the selling and possession of SPICE, and if there would be an age limit. Reese Melville asked why the Council would only want to ban it for a particular age group, make it totally illegal. Jamey Christie asked that it be banned for everyone, both the sale of it and possession. Jamey stated that if not banned for everyone a juvenile could get someone that was old enough to buy it for them. Jamey urged the Council to work with State representatives to get a statewide ban.

Mayor Andersen recessed the meeting at 7:42 p.m.

Mayor Andersen called the meeting back to order at 7:49 p.m.

Mike Crawford, Mayor of Wendover Utah, stated that they will follow the same direction as West Wendover so that it would be consistent on both sides of town. Council Member Blake would like to see legally if it can be outright banned or if there has to be a certain age group. Council Member Gorum also wanted to see if there could be a total ban or if it has to be limited to a certain age group. Council Member Blake made the motion to have the City Manager take this to the City Attorney for a possible ordinance of banning the sale of any synthetic cannabinoid and possession for all ages. The motion was seconded by Council Member Carter and passed unanimously.

6. **NEW BUSINESS**

***a. Discussion and Decision to Approve and Award the Successful and Responsive High Bidder Under City of West Wendover Public Land Sale 09-21-2010 per City of West Wendover Resolution # 2010-21 and Authorization for Staff to Prepare and Mayor to Execute All Necessary Agreements, Documents and/or Contracts and Other Matters Appropriately Related Thereto**

Chris Melville explained that there had been one bid, which had been accepted at the earlier meeting. The bid was from Luis Rodriguez in the amount of \$33,010.00 for Lot 13 of Village I Phase II. The bid included the appropriate deposit. Council Member Gorum made the motion to approve the bid from Luis Rodriguez for Village I Phase II Lot 13 in the amount of \$33,010.00. The motion was seconded by Council Member Carter and passed unanimously.

***b. Discussion and Decision to Approve the Proposed Aquifer Analysis Program at Johnson Springs by Global Hydrologic Services, Inc., and Grant a Waiver of Conflict to Aqua Engineering, Inc. and Barnett Intermountain Water Consulting, which will be Performing Engineering Work and Analysis and Other Matters Appropriately Related Thereto**

Chris Melville explained that the proposal from Global Hydrologic Services, Inc., which is under contract with Fronteer Development USA Inc. Chris explained that there have been discussions regarding water issues and providing water for the eventual mining operation. Chris explained that the water modeling is important to help determine how the aquifer is affected and how they interact. Chris stated that a waiver would need to be granted for Aqua Engineering, Inc. and Barnett Intermountain Water Consulting so that they could work with Global Hydrologic Services, Inc. to help collect the necessary data for this process. Mark Stock, from Global Hydrologic Services, Inc., explained that the proposed aquifer test would help to determine what is needed for BLM permitting. Mark explained that Fronteer wants the City's consultants to work on this project for maximum transparency. Mark explained that the scope of work is to pump the well for 72 hours and see what happens to the water levels in the aquifer around it. Mark stated that Fronteer Development USA Inc. would be paying for all costs associated with this program. General discussion was had regarding the proposed aquifer analysis program, and any potential impact to the aquifer from the testing. Council Member Gorum made the motion to approve the aquifer analysis program at Johnson Springs by Global Hydrologic Services, Inc., and grant a waiver of conflict to Aqua Engineering, Inc. and Barnett Intermountain Water Consulting with the stipulation that everything comes back from Wendover Utah City Administrator Glenn Wadsworth. The motion was seconded by Council Member Briggs and passed unanimously.

***c. Discussion and Decision to Approve the Color Scheme Proposed by Enrique Ceballos for the Commercial Structure at 1483 Butte Street Located in a C-1 Zoning District per City Code 7-8-5 and Other Matters Appropriately Related Thereto**

Chris Melville explained that the colors provided meet the requirements of the aesthetic review process. Council Member Blake made the motion to approve the color scheme proposed by Enrique Ceballos for the commercial structure at 1483 Butte Street located in a C-1 zoning district per City Code 7-8-5. The motion was seconded by Council Member Briggs and passed unanimously.

***d. Discussion and Decision to Accept or Reject the Bids for the West Wendover WRF Upgrade Phase 2—Equipment Procurement, and Authorize Staff to Prepare and Mayor**

to Execute Any and All Contracts/Documents and Other Matters Appropriately Related Thereto

Chris Melville explained that this is the equipment procurement for the Waste Water Phase 2 upgrade. Once the final equipment is selected the final design can be done on the facilities. The bids were opened on September 8th and then reviewed by Aqua Engineering. Chris explained that there are nine parts to the bid and no one bidder bid every piece. Chris explained how the bids were evaluated and scored; also the recommended bidder and total bid amount.

The breakdown of the bid is as follows:

- Bid Item #1 – 1mm Fine Screens
There were three bidders for this item, which were CleanTek, Waste Tech and WesTech. Only two of the bidders were ARRA compliant.

Bid award to WesTech in the amount of \$262,103.00.
- Bid Item #2 – Membrane Equipment
There were five bidders for this item, which were Koch, Enviroquip, Huber, GE and WesTech. Only three of the bidders were ARRA compliant.

Bid award to GE in the amount of \$1,950,000.00.
- Bid Item #3 – Disc Filter
There were three bidders for this item, which were WesTech, Nova and Entex. A fourth bid was received late and is therefore not valid. All bidders are ARRA compliant.

Bid award to Nova in the amount of \$149,400.00.
- Bid Item #4 – UV Disinfection
There were two bidders for this item, which were Wedeco and Trojan. All bidders are ARRA compliant.

Bid award to Trojan in the amount of \$324,000.00.
- Bid Item #5 and #6 – Grit Removal
There were five bidders for this item, which were Waste Tech, Environdyne, WesTech, Hydro-Dyne and Smith & Loveless. All bidders were ARRA compliant.

Bid award to Smith & Loveless in the amount of \$61,667.00.
- Bid Item #7 – Anoxic Basin Mixers
There were two bidders for this item, which were WesTech and JDV. All bidders are ARRA compliant.

Bid award to JDV in the amount of \$56,175.00.
- Bid Item #8 – Screw Press
There were two bidders for this item, which were PWTech and Huber. Only one bidder is ARRA compliant. Huber would apply for a waiver of the ARRA requirement on the basis of matching the existing Huber screw press. This could fall under the waiver category of ARRA compliance not being in the best interest of the public as the other bid is more expensive and would make operating more complicated and costly.

Bid award to Humber in the amount of \$177,624.00.

- Bid Item #9 – Process Air Blower
There was only one bid for this item, which was Gardner-Denver. Bidder is ARRA compliant.

Bid award to Gardner-Denver in the amount of \$22,250.00

Chris stated that the total bid amount is \$3,003,219.00 with an installation cost saving of \$300,000.00 the final bid amount would be \$2,703,219.00. The design would be complete end of October with award of bid in December. The total project of \$10.5 million 75% is funded by the grant that was received through the US Army Corps of Engineers Section 595, 25% is a USDA long term loan and potentially some grant funds. Approximately \$8.5 million is grant with the remainder being a long term loan. Discussion was had regarding the new long term loan, and the waste water plant being at maximum capacity. The old system will be incorporated into the new system. Council Member Gorum made the motion to accept the bids for the West Wendover WRF Upgrade Phase 2 – Equipment Procurement and authorize the staff to prepare and Mayor to execute any and all contracts and documents related thereto; bid award as follows:

- Bid Item #1 – 1mm Fine Screens to WesTech in the amount of \$262,103.00
- Bid Item #2 – Membrane Equipment to GE in the amount of \$1,950,000.00
- Bid Item #3 – Disc Filter to Nova in the amount of \$149,400.00
- Bid Item #4 – UV Disinfection to Trojan in the amount of \$324,000.00
- Bid Item #5 & #6 – Grit Trap, Grit Classifier to Smith & Loveless in the amount of \$61,667.00
- Bid Item #7 – Anoxic Basin Mixers to JDV in the amount of \$56,175.00
- Bid Item #8 – Screw Press to Huber in the amount of \$177,624.00
- Bid Item #9 – Process Air Blower to Gardner-Denver in the amount of \$22,250.00

Total award bid items being \$3,003,219.00. The motion was seconded by Council Member Carter and passed unanimously.

7. **COMMUNICATIONS**

Council Member Carter stated that she would be taking the SPICE issue to the Nevada League of Cities to see if they have any bill drafts pending.

Council Member Blake stated that he would like to show his appreciation to Graymont for their help in building a fence and the donation of lab equipment to the science lab at the school. Council Member Blake stated that a citizen is concerned about the date of Halloween and when Trick-or-Treat Street would be held.

Chris Melville explained that the Sycamore Way Right of Way had been executed by the Mayor. The bond improvement and performance agreement with Celtic Bank for the Rusty Palm Project; NDOT has provided approval to keep the permit open until 2012. Chris stated that the bank will finish the foreclosure process with Rusty Palms and then redesign the project to make it marketable. The potential redesign could include a service station, potentially some RV sites to make the project marketable long term to either sell or lease. Chris stated that conceptual approval for Wendover Gas to convert from propane to natural gas would be on the next agenda. The conversion could help the community users save approximately 10% from what they are spending today. Chris stated that the new garbage truck has arrived; USDA has approved the grant documents.

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

Council Member Gorum made the motion to approve the claims for September 21, 2010. 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 October 5, 2010 at 7:00 p.m. at the West Wendover City Hall, Council Chambers #137. Council Member Carter made the motion to adjourn at 8:52 p.m. The motion was seconded by Council Member Briggs and passed unanimously.

ATTEST:

Anna E. Bartlome
City Clerk/Records Officer

“SPICE” Incense or drug?

Brian Boatman

Juvenile Probation Officer

Elko County Juvenile Probation Department



What is SPICE?

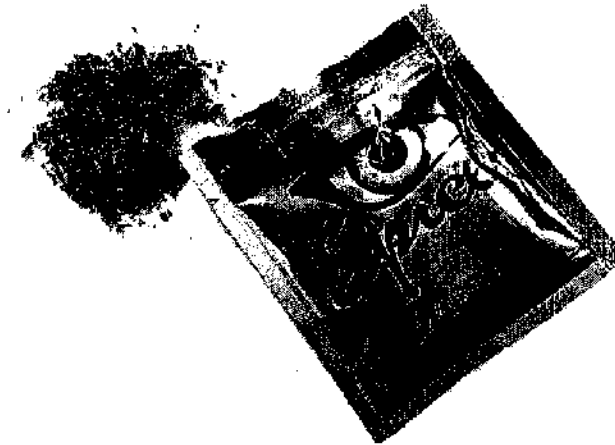
- ◆ The manufacturers of SPICE would have you believe that it is an incense. (Not for human consumption)
- ◆ SPICE is a mixture of herbs and flowers that are dried and then treated with a variety of chemicals that alter one's mood, feelings and wellbeing when ingested.



What is SPICE (Continued)

- ◆ Ingredients...

- ◆ JWH-015
- ◆ JWH-018
- ◆ JWH-073
- ◆ JWH-081
- ◆ JWH-133
- ◆ JWH-200
- ◆ JWH-250
- ◆ JWH-398
- ◆ CP 47,497
- ◆ CP 55,244
- ◆ CP 55,940
- ◆ HU-210
- ◆ HU-211
- ◆ WIN 55,212-2



What are the other names by which SPICE is known?

- ◆ K2
- ◆ HAYZE
- ◆ POSH
- ◆ Super Spicy Incense
- ◆ Salvia
- ◆ Armageddon
- ◆ Demon
- ◆ Thrax
- ◆ Spike Max
- ◆ Voo Doo
- ◆ Judgment Day
- ◆ Mr. Spicy Green

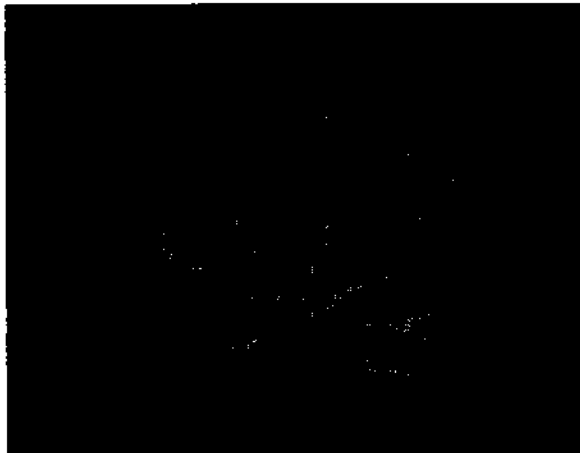
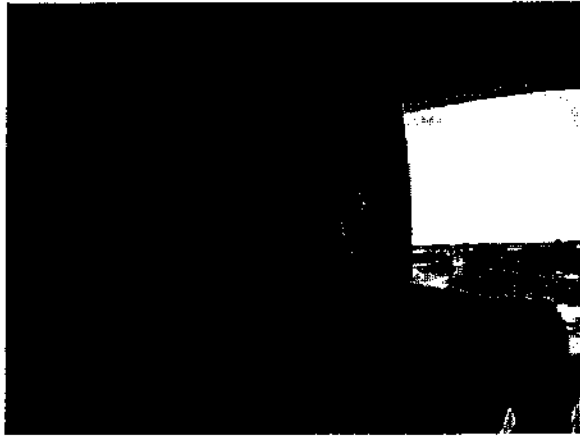


What does SPICE look like?

- ◆ SPICE looks very similar to marijuana.
- ◆ SPICE is a mixture of dried herbs and flowers that vary from manufacturer to manufacturer.
- ◆ Although the appearance may vary slightly, the marketing is nearly always geared towards marijuana.
- ◆ See samples of SPICE. (Note the "Palm Tree")



What are the effects of SPICE use?

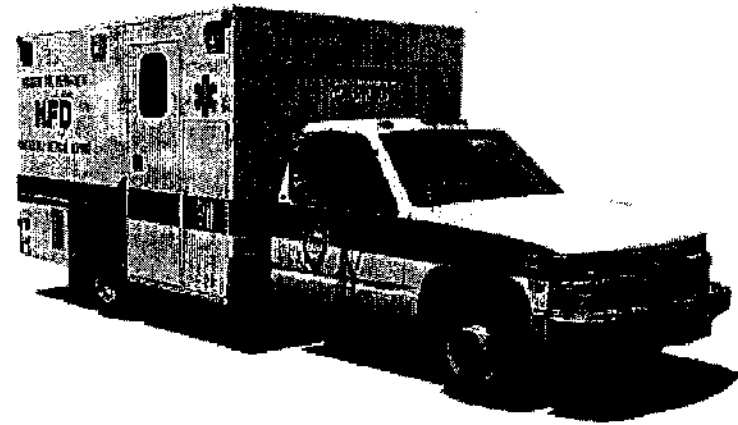


- ◆ Euphoria
- ◆ State of relaxation
- ◆ Laziness
- ◆ Feeling that "all is well"
- ◆ Similar to marijuana high



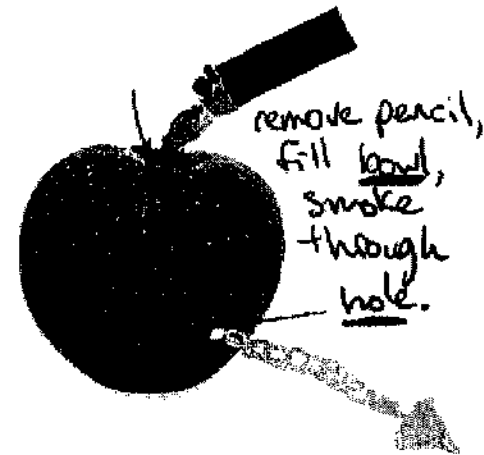
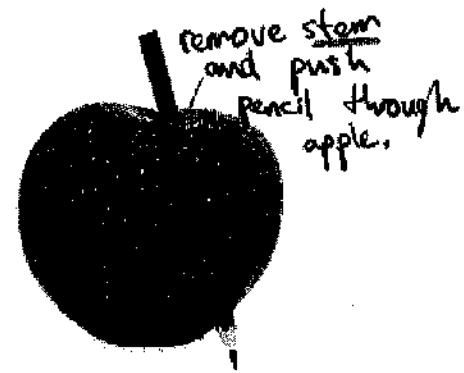
Is SPICE use safe?

- ◆ Emergency Room visits
- ◆ Nausea
- ◆ Headaches
- ◆ Seizures
- ◆ Anxiety attacks
- ◆ Hallucinations
- ◆ Increased heart rate
- ◆ Increased appetite
- ◆ Numbness
- ◆ Wheezing cough (With extended use)
- ◆ Lowered inhibitions



How is SPICE used?

- ◆ Spice is smoked just like marijuana.
- ◆ The use of pipes, bongs and cigarette papers are most common.
- ◆ Many other items can be used such as an apple and spark plug socket.



Is it legal?

- ◆ SPICE is legal in many areas, including West Wendover, but has been outlawed in several locations.
- ◆ Outlawed in Kansas, Kentucky, Alabama.
- ◆ State legislatures in Georgia, Missouri and Tennessee have passed laws to make it illegal. Those laws will take effect unless vetoed by their governors.



Should SPICE sales be banned in our city?

- ◆ YES! YES! YES!
- ◆ The City of West Wendover should enact a city ordinance which prohibits the sale of SPICE and all other synthetic cannabinoids.
- ◆ It should also be illegal for ANYONE under the age of 18 to possess the substance.

