

**MINUTES OF THE
WENDOVER CITY COUNCIL MEETING
Wednesday, July 3, 2013 at 6:30 P.M.
Wendover City, Tooele County Complex Building**

1. CALL MEETING TO ORDER.

Mayor Mike Crawford called this meeting to order at 6:30 p.m.

2. ROLL CALL.

PRESENT: Mayor Mike Crawford
Councilmember Lamar Melville
Councilmember Karen Shepherd
Councilmember Mandolin Hunt
Councilmember Gordon Stewart

City Attorney Joel Linares
City Clerk/Recorder Mariah Murphy

EXCUSED: Councilmember Dennis Sweat
City Treasurer Darlene Trammell
City Administrator Glenn Wadsworth

AUDIENCE: Pamela Smith, Miguel Contreras, Gary Bean, Ismael Gutieurez.

3. PLEDGE OF ALLEGIANCE.

Lead by Councilmember Lamar Melville.

4. APPROVAL OF THE BUDGET PUBLIC HEARING MEETING MINUTES OF JUNE 19, 2013.

Motion made by Councilmember Karen Shepherd seconded by Councilmember Gordon Stewart to approve the budget public hearing meeting minutes for June 19, 2013. All in favor, motion passed.

5. APPROVAL OF THE BUDGET WORK MEETING MINUTES OF JUNE 19, 2013.

Motion made by Councilmember Lamar Melville seconded by Councilmember Mandolin Hunt to approve the budget work meeting minutes of June 19, 2013. All in favor, motion passed.

6. APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 19, 2013.

Motion made by Councilmember Lamar Melville seconded by Councilmember Gordon Stewart to approve the regular city council meeting minutes of June 19, 2013. All in favor, motion passed.

Councilmember Karen Shepherd asked if the business license revenue had been adjusted to match the current expected revenue. Question was put on hold until further discussion with City Treasurer, Darlene Trammell. City Clerk, Mariah Murphy commented that there was a way in Pelorus to find the exact amount charged for this years business licenses, which may help.

7. APPROVAL OF THE AMENDED SPECIAL COUNCIL MEETING MINUTES OF JUNE 26, 2013.

Item forwarded to the next City Council meeting.

8. DEPARTMENTAL UPDATES:

A) SHERIFFS DEPARTMENT

Stats were presented to the council. No comments were made.

B) FIRE DEPARTMENT

No report was given.

C) UTILITY DEPARTMENT

Councilmember Lamar Melville made a comment stating that the drain line was coming along good. Code Enforcement Officer Gary Bean commented that Armando had stated that they were 93 feet short of pipe for the drain pipe project down Eighth Street. City Clerk, Mariah Murphy commented that she had seen the contract for Kilgore come in from City Engineer Tena Campbell. Mayor Crawford stated that there was a change order on the project because Tena thought the road (Skyhawk Drive) was not to the intersection so she was too far south so the project was moved up and does the whole intersection closer to the railroad tracks.

D) TREASURER

Not report was given.

E) CLERK/RECORDER

Mariah updated the Council on letting them know that the business license renewal letters were out and also presented the Council with the new design for the business licenses. Design consisted of a vertically printed bright green cardstock. She also mentioned that there was an update done on the City's database program, Pelorus. New features were added which has been a little difficult for everyone to understand in the office. However, the update has improved the features of Pelorus which will help simplify the process in which things are done. Councilmember Gordon Stewart asked about a quote for the street signs. Mariah said she just received a quote today but it needed to be reviewed before presenting it to the Council.

F) CODE ENFORCEMENT

Code Enforcement Officer, Gary Bean presented the Council with a revised version of the Notice of Violation form and asked for approval to use the new layout. Councilmember Karen Shepherd verified that a copy was to be kept in the office for reference for the City Staff to review if the person receiving the notice had further questions. Permission was granted by the Council to use the new layout.

< CONTINUED TO PAGE 3 >

Gary also approached the Council with the further steps they would like taken to enforce the animals in the City that have not been licensed. City Attorney, Joel Linares stated that in order to enforce this Gary would need to have an official citation filled out by a law enforcement officer and then it would be turned over to the prosecuting attorney for further enforcement. Mayor Crawford asked how many people were not in compliance. Gary stated that there was quite a few. Attorney Linares made a comment to have all notices that are sent out be given or shared with the Council to help in keeping them informed of the situations around town. Councilmember Karen Shepherd made a comment about the cost it is taking to enforce an animal license that only costs maybe \$20 - \$30 dollars. Mayor Crawford mentioned that he would like to see our Code Enforcement efforts going towards bigger issues in town rather than animal licenses. Council expressed concern with only enforcing animals when there is a complaint. Attorney Linares stated that in Grantsville it is only enforced if the animal has a complaint or is "at large". Even then Grantsville City attempts to work with the animal owner. If it is their first "animal at large" and there is no license or rabies information Grantsville City will dismiss the "animal at large" fee if they go and get their animal licensed and receive their rabies shots. Council was in favor of changing the procedures of animal licensing to that stated by Attorney Linares.

Gary then asked what the Council would like done with those who received a notice from past Attorney Mark Bell. Councilmember Gordon Stewart commented that we would have to enforce those who did not comply after receiving the certified letter from Mark. Council agreed to follow-up on those who received the certified letters and did not take any action.

Gary informed the Council about past Notices of Violations that were sent out within the last year or two pertaining to abandoned buildings and graffiti that will have to be re-done starting off with a courtesy notice. City Clerk, Mariah Murphy then suggested that some sort of letter be attached to the new notices explaining that previous notices have been disregarded. City Attorney, Joel Linares stated that because these residents have been given notice the Council could go ahead and move forward with prosecuting. To send out an additional notice would basically be for PR reasons. Council agreed to go ahead and send out an additional notice stating that they have 10 days to comply or contact the city. Linares commented that a letter could be attached stating something along the lines that in recent meetings the City Council has chosen to move in a new direction with Code Enforcement is going to be enforced. You have received letters in the past that have not been followed-up. This is your final notice following this notice you will be prosecuted for the violations in question.

Councilmember Gordon Stewart asked Gary if the new shed being built along Pequop Ave. had a building permit. The building seemed to be too close to the fence. Gary commented that the requirement was only a foot away from the property line. Gordon also asked about the new shed being placed on Conley Ave. Gary was aware of the situation and commented that all the need requirements were met.

Councilmember Karen Shepherd asked if the graffiti on the Community Building had been covered up on. Mayor Crawford said he would again talk to Juan about it.

MAYOR CRAWFORD MOVED TO AGENDA ITEM #13

- 13. 6:45 P.M. BID OPENING FOR REAL PROPERTY DESCRIBED AS PARCEL 01-257-0-0015 BEGINNING 169 FEET EAST OF SOUTHWEST CORNER OF CONLEY AC, THENCE NORTH 100 FEET, THENCE EAST 25 FEET, THENCE SOUTH 100 FEET, THENCE WEST 25 FEET TO BEGINNING, CONTAINING 0.06 ACRES MORE OR LESS.**

City Clerk, Mariah Murphy gave Mayor Crawford one bid. Bid was from Gary and Cathy Bean for \$1,505.00. Council decided to go into an executive meeting to discuss the bid.

MAYOR CRAWFORD MOVED TO AGENDA ITEM #26

- 26. EXECUTIVE MEETING:**

Motion made by Councilmember Mandolin Hunt, seconded by Councilmember Gordon Stewart to go into an executive meeting. All in favor, motion passed.

MAYOR CRAWFORD RETURNED TO AGENDA ITEM #13

Motion made by Councilmember Lamar Melville, seconded by Councilmember Gordon Stewart to return to the regular city council meeting. All in favor, motion passed.

Mayor Crawford awarded Gary and Cathy Bean the 0.06 acres of property. Gary then presented the council with a check to pay for the property.

MAYOR CRAWFORD MOVED TO AGENDA ITEM #1

- 14. ACCEPT OR REJECT BID FOR REAL PROPERTY PARCEL 01-257-0-0015 AND MATTERS RELATED THERETO. DISCUSSION/DECISION.**

Motion made by Councilmember Karen Shepherd, seconded by Councilmember Lamar Melville to accept the bid from Gary and Cathy Bean for \$1,505.00. All in favor, motion passed.

MAYOR CRAWFORD RETURNED TO AGENDA ITEM #8 (F)

City Clerk, Mariah Murphy informed the Council that a Courtesy letter was prepared and will be sent out to the property owner for the retaining wall on Wildcat Blvd. behind the Bonneville Inn & Suites. Mariah informed that Council that she extended the Courtesy Notice to be for 14 days rather than 10 to account for the 2 weeks mentioned at a previous meeting. She also mentioned that she did notify the property owner by phone and found that he was an engineer and could possibly come up with a solution for the problem.

- 9. CITY ATTORNEY JOEL LINARES UPDATES AND PENDING MATTERS DISCUSSION/DECISIONS.**

- A) UPDATE OF THE BUSINESS LICENSES ORDINANCE 2009-04**

Joel has been in contact with Mariah. Ordinance is coming a long and is almost complete.

Joel also commented that he has been working with Mariah on the Annexation of the Cemetery and everything seems to be in place and moving forward.

10. PLANNING AND ZONING:

A) 14 FT X 20 FT SHED CONSTRUCTION AT 702 MORIAH AVE. MIGUEL CONTRERAS DISCUSSION/DECISION.

Planning and Zoning Chairman Gary Bean stated that the Commission would like to recommend an approval on the project. Councilmember Gordon Stewart commented that there was plenty of footage shown.

Motion was made by Councilmember Karen Shepherd, seconded by Councilmember Mandolin Hunt to approve Miguel Contreras for the 14ft x 20ft shed construction at 702 Moriah Ave. All in favor, motion passed.

B) BEAUTY SALON IN SECURITY TRAILER AND REPLACE TOILETS IN THE FITNESS CENTER. JUDITH (MIRIUM) REYES. DISCUSSION/DECISION.

Chairman Gary Bean stated that this item was forwarded to the next Planning and Zoning meeting due to the amount of violations on the property. The toilet replacement at the fitness center was found to not need a building permit.

Gary commented that Judith says she is not cutting hair at the moment and expressed concern about the trailer / building not being constructed by a contractor for the use of a business. City Attorney Joel Linares asked if a Conditional use permit was ever taken out on the building. Gary stated that she was suppose to have done it but never did. Councilmember Karen Shepherd asked why she is no longer cutting hair in the Fitness Center? Gary and Mariah both commented that Judith had answered the question the night before and it dealt with enlarging the fitness center. Councilmember Gordon Stewart stated that her business should be suspended until things are figured out. Mayor Crawford asked if there would be anyone living in the trailer. Gary stated that Judith was planning to live there. Council expressed concern regarding the trailer only being approved as a security trailer and not as a business. Councilmember Mandolin Hunt asked if Judith had stated that she was not cutting hair? Gary responded that Judith stated that she has not been cutting hair since the stop work order was received. Gary commented that Judith did mention moving out of the trailer and making the trailer her primary business. Councilmember Karen Shepherd commented that at this point and time we really do not know if she is cutting hair out of the trailer and where she says she is not is there anything that the City can do to verify that? Attorney Linares commented that if she has a business license and has a Conditional Use Permit the City is authorized to go in and inspect the premises. Mariah commented that as of right now all the businesses in Wendover have an expired license and with the intense review of the licenses it is highly doubted that Judith will have her license renewed.

Gary commented that he found an ordinance that states that if a road was used prior to January 1974 then the Planning Commission had the right to dedicate it. In reference to the dedication of Pilot Ave. The Council wanted to wait things out for a while before moving forward with the issue.

Gary also informed the Council that the Planning Commission will be going through the definitions in the Planning and Zoning Ordinance and make needed changes and updates. He also stated that the General Plan is pretty close to being complete and they are starting to work on a new zoning map for the City.

11. WAIVE RENTAL FEES ON COMMUNITY CENTER FOR ROBYN STEVENSON, UTAH INDIAN TRIBE FAMILY SERVICES ON JULY 13, 2013 DISCUSSION/DECISION.

Motion made by Councilmember Karen Shepherd, seconded by Councilmember Lamar Melville to waive the rental fees on the Community Center for Robyn Stevenson, Utah Indian Tribe Family services on Saturday, July 13, 2013. All in favor, motion passed.

12. DISCUSSION PERTAINING TO MEMORANDUM OF UNDERSTANDING between Wendover, UT, West Wendover, NV and Newmont USA Limited For Municipal Well(s) Siting and Test Well Development. TO DETERMINE SUITABILITY OF PROPOSED MUNICIPAL WELLS, BOTH LOCATION AND HYDROLOGY, AND MAYOR TO EXECUTE MEMORANDUM OF UNDERSTANDING AS STATED. DISCUSSION/DECISION.

Mayor Crawford commented that this item was moved to this meeting because the water attorney suggested that the City have a few more questions answered before moving forward. As of tonight not all questions have been answered. Councilmember Karen Shepherd asked who has to answer the questions and Mayor Crawford commented that most of the questions had to be answered from the City of West Wendover and that City Administrator, Glenn Wadsworth suggested that we hold off until all questions were answered. Pamela Smith with Newmont commented that what they are looking at is the suitability of the site, **not** saying that they will drill production wells. Newmont cannot drill any production wells without a recorded decision. The Memorandum of Understanding is just stating that they are looking at these two sites (section 9 and 21) to determine suitability. Once the tests are done they would review the results and make a decision. All actions regarding the Memorandum of Understanding is driven by the BLM.

City Attorney Joel Linares stated that a motion could be made stating that upon the water law attorney being satisfied with these answers that the Council authorizes the Mayor to execute the Memorandum of Understanding between the two cities.

Motion was made by Councilmember Gordon Stewart, seconded by Councilmember Lamar Melville to approve the Memorandum of Understanding between Wendover, UT, West Wendover, NV and Newmont USA Limited for municipal well(s) siting and test well development upon the water attorney being satisfied and authorize the Mayor to execute said Memorandum. All in favor, motion passed.

15. UPDATE AND RECOMMENDATIONS OF PERSONNEL POLICIES AND PROCEDURES MANUAL AND MATTERS RELATED THERETO. DISCUSSION/DECISION.

Councilmember Karen Shepherd gave Mariah a draft with needed changes. Item forwarded to the next City Council meeting.

- 16. RATIFY MOTION MADE ON JUNE 19, 2013 BY COUNCILMEMBER DENNIS SWEAT, SECONDED BY COUNCILMEMBER LAMAR MELVILLE TO ACCEPT THE BID OF \$85,300.00 FROM BRETT SHELTON FOR ONE PARCEL OF REAL PROPERTY DESCRIBED AS THE SW1/4NE1/4 SEC. 34, T. 1N., R. 19W., SLBM CONTAINING 40 ACRES MORE OR LESS.**

Motion made by Councilmember Lamar Melville, seconded by Councilmember Gordon Stewart to ratify the motion made on June 19, 2013 by Councilmember Dennis Sweat, seconded by Councilmember Lamar Melville to accept the bid of \$85,300.00 from Brett Shelton for one parcel of real property described as the SW1/4 NE1/4 Sec. 34. T. 1N., R. 19W., SLBM containing 40 acres. All in favor, motion passed.

- 17. RATIFY MOTION MADE ON JUNE 19, 2013 BY COUNCILMEMBER DENNIS SWEAT, SECONDED BY COUNCILMEMBER MANDOLIN HUNT TO DECLINE THE BID OF \$1,052.00 FROM GARY AND CATHY BEAN FOR ONE PARCEL OF REAL PROPERTY PARCEL NUMBER 01-257-0-0015 BEGINNING 169 FEET EAST OF SOUTHWEST CORNER OF CONLEY AC, THENCE NORTH 100 FEET, THENCE EAST 25 FEET, THENCE SOUTH 100 FEET, THENCE WEST 25 FEET TO BEGINNING, CONTAINING 0.06 ACRES MORE OR LESS.**

Motion made by Councilmember Karen Shepherd, seconded by Councilmember Mandolin Hunt to ratify the motion made on June 19, 2013 by Councilmember Dennis Sweat, seconded by Councilmember Mandolin Hunt to decline the bid of \$1,052.00 from Gary and Cathy Bean for one parcel of real property, parcel number 01-257-0-0015 beginning at 169 feet east of the southwest corner of Conley Acres, thence north 100 feet, thence east 25 feet, thence south 100 feet, thence west 25 feet to beginning, containing of 0.06 acres more or less. All in favor, motion passed.

- 18. RATIFY MOTION MADE ON JUNE 16, 2013 BY COUNCILMEMBER DENNIS SWEAT, SECONDED BY LAMAR MELVILLE TO RE-PUBLISH THE BID FOR PARCEL NUMBER 01-257-0-0015.**

Motion made by Councilmember Lamar Melville, seconded by Councilmember Gordon Stewart to ratify the motion made on June 19, 2013 by Councilmember Dennis Sweat, seconded by Councilmember Lamar Melville to republish the bid for parcel number 01-257-0-0015. All in favor, motion passed.

- 19. DISCUSSION ON BONNEVILLE COMMERCIAL PLAZA SUBDIVISION DEVELOPMENT AGREEMENT AND EXECUTION BY MAYOR AND MATTERS RELATED THERETO. DISCUSSION/DECISION.**

Council discussed the provisions for curb and gutter on the project. Item forward to the next meeting until more information can be provided to the Council.

- 20. JULY 4TH COMMITTEE REQUEST WAIVING RENTAL FEES ON COMMUNITY CENTER FOR THE 4TH OF JULY BINGO. DISCUSSION/DECISION.**

Motion made by Councilmember Karen Shepherd, seconded by Councilmember Mandolin Hunt to approve the waiving of the rental fees on the Community Center for the July 4th committee of July 4, 2013 for Bingo. All in favor, motion passed.

21 RESOLUTION 2013-04, A RESOLUTION TO ESTABLISH A BUDGET FOR THE FISCAL YEAR 2013-2014 DISCUSSION/DECISION.

Item has already been taken care of. No discussion was made.

22. APPROVE OR REJECT THE INSTALLATION OF A SIX (6) INCH WATER TAP ON THE TRANSMISSION LINE APPROXIMATELY ONE (1) MILE SOUTH OF THE LEPPY PASS WATER TREATMENT PLANT, AND MATTERS RELATED THERETO BRETT SHELTON, DISCUSSION/DECISION.

Motion was made by Councilmember Gordon Stewart, seconded by Councilmember Lamar Melville to approve the installation of a six (6) inch water tap on the transmission line approximately one (1) mile south of the Leppy Pass water treatment plant for Brett Shelton. All in favor, motion passed.

23. UNFINISHED BUSINESS:

Mayor Crawford made a second call to the railroad. He stated that one thing that would help would be to have a photo of the horse corrals as they were a long time ago. Code Enforcement Officer Gary Bean commented that he issued a Stop Work Order on the Corrals for additional building. Gary stated the he told those on the property that they needed to have authorization from the Railroad to build on the property. The Mayor commented that as of right now the railroad is out of compliance. Councilmember Shepherd asked what if the Railroad didn't care about cleaning up the property, why would it not fall under Planning and Zoning Ordinances? Council commented that it falls under the grandfather clause. Linares stated that regardless all structures would have to built to code.

Mayor Crawford informed the Council that he visited briefly with West Wendover about putting together a bid for the commercial dumpsters in Utah.

Tena Campbell came out and reviewed the property for the new city shop and she will be putting together a layout of where we will place the building. Mayor Crawford commented that Glenn suggested we make it twice as big as what we currently have. Layout is needed before Wells Rural Electric can get power to the area.

Mayor Crawford commented on the CDBG Grant and the issue with the house being placed in the middle of the road that the grant specifically states that the City cannot displace people. With that in mind the City will be completing the road to the property line of the house. Issue will be handled at a later date.

Tena is working on the safe sidewalk project.

Papers came in from Kilgore to get started on the road construction down Eighth Street and down Aria between Shelton's and the railroad tracks. Mayor Crawford stated that Councilmember Gordon Stewart suggested that next year we look at road maintenance.

24. NEW BUSINESS:

City Clerk, Mariah Murphy asked the Council about the water, sewer and garbage fee increases. She stated that the budget was just approved and had the increases included in it. She mentioned that there would need to be a Public Hearing regarding the matter. Further investigation is needed before a public hearing can be called.

Mayor Crawford stated that the Caucus Meeting for the Republican and Democratic Party will be held on July 30, 2013 at 7:00 P.M. Republicans will be meeting at the Community Building and the Democrats will be meeting at the City Office. Offices up for election are the Mayor and 2 City Councilmember's.

August 2nd and 3rd is the Wendover Town Reunion.

25. COMMENTS FROM AUDIENCE:

Code Enforcement Officer Gary Bean asked the Council about what they would like him to address while he is out working. If they would like him to do strictly Animal Control or strictly deal with the 80-8 City Ordinance that deals with the requirement of Building Permits or strictly deal with Ordinance Violations. Council wanted to hold off on an answer at this time and requested that this be placed on the next City Council Agenda.

Gary mentioned that after talking to Fire Chief Mike Young and Deputy Rowley they mentioned that they were concerned about having enough people to block off the roads for the 4th of July parade.

27. ADJOURNMENT:

Motion made by Councilmember Karen Shepherd seconded by Councilmember Mandolin Hunt to adjourn the meeting. All in favor, motion passed.

Wendover City Mayor Mike Crawford

Wendover City Clerk – Mariah L. Murphy

Date