WEST WENDOVER CITY COUNCIL, MINUTES OF THE
REGULAR MEETING OF OCTOBER 16, 2018

1. CALL TO ORDER AND ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jerry Anderson</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Nick Flores</td>
<td>Councilman</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>izzy Gutierrez</td>
<td>Councilman</td>
<td>Present</td>
<td>7:03 PM</td>
</tr>
<tr>
<td>John B. Hanson</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Jasie Holm</td>
<td>Councilwoman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Daniel J. Corona</td>
<td>Mayor</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Bryce Kimber</td>
<td>Public Works Director</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Chris Melville</td>
<td>City Manager</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Jeff Knudtson</td>
<td>Fire Chief</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Anna Bartlome</td>
<td>City Clerk/Records Offi</td>
<td>Present</td>
<td></td>
</tr>
</tbody>
</table>

Others Present: Jenera Healy, Kathy Durham, Corinne Copelan, Tom Coyle, Donald Lininger,
Ameec Gutierrez and Gary Corona

Mayor Corona called the meeting to order at 7:00 p.m. in the West Wendover City Hall,
Council Chambers #137. All those present and excused are noted above.

2. PLEDGE OF ALLEGIANCE

Mayor Corona led those present in the Pledge of Allegiance.

3. COMMENTS FROM THE GENERAL PUBLIC

None offered or received.

Mayor Corona called for a break at 7:01 p.m.

Mayor Corona called the meeting back to order at 7:11 p.m.

4. APPROVAL OF THE MINUTES (For Possible Action)

a. City Council - Regular Meeting - Oct 2, 2018 7:00 PM Accepted

Council Member Holm made the motion to approve the minutes of the regular meeting of
October 2, 2018. The motion was seconded by Council Member Anderson and passed
unanimously.

5. CONSENT CALENDAR
Second Reading and Adoption of Ordinance #2018-02; An Ordinance Entitled “2018 Amendment to the Basic Compensation Schedule for Certain Appointive Offices of the City of West Wendover,” Providing for the Determination of Starting Pay Scales and Other Matters Appropriately Related Thereto (For Possible Action)

Report By City Manager

Review/Comment/Action: City Council

Chris Melville stated that this was the second reading of this ordinance and there have been no changes since the first reading. The ordinance takes the pay scales out of the existing sections of code for Chapters 6, 7, 10, 11, 16, 17 and 20, and provides for them to be set by resolution.

Mayor Corona read the above entitled ordinance.

Council Member Anderson made the motion to adopt Ordinance #2018-02; an ordinance entitled "2018 Amendment to the Basic Compensation Schedule for Certain Appointive Offices of the City of West Wendover," providing for the determination of starting pay scales. The motion was seconded by Council Member Holm and passed unanimously.

6. NEW BUSINESS

a. Pursuant to Request of Councilman Gutierrez and/or Jeremy Loncar, Review and Possible Action Concerning Administrative Denial of 2018 Annual Anniversary Merit Pay Benefit to Jeremy Loncar Upon His Resignation from City Employment on August 24, 2018 Due to City Policies, Collective Bargaining Agreement and Uniform Past Practices in Similar Resignation Situations and Other Matters Appropriately Related Thereto (For Possible Action)

Report By Councilman Gutierrez / Jeremy Loncar

Review/Comment/Action: City Council

Jeremy Loncar was present by phone.

Jeremy Loncar stated that when he was getting ready to leave the City he filled out leave slips and talked to Chief Jeff Knudtson about a September 1st notice date. Jeremy stated that Jeff stated he was not sure if vacation could be used to extend a notice date. Jeremy further stated that Jeff had informed him that he could not work for 2 PERS entities so he then changed his last day to August 24th. Jeremy explained that he did not receive his merit pay even though his evaluation had been done. Jeremy stated that he did look into PERS and he could work for 2 agencies at the same time and if he had that information at the beginning he would have come back and worked his time.

Tom Coyle stated that we did receive a waiver of NRS 241.033 and NRS 241.034 from Jeremy Loncar.
Council Member Gutierrez disclosed that Jeremy Loncar and he are friends and that is one of the reasons he confided in him. Council Member Gutierrez stated Jeremy Loncar had also sent an email to Mayor Corona but felt there could be a conflict since Mayor Corona has family working for the Fire Department. Council Member Gutierrez had asked that this be put on the agenda so that it could be decided by all not just one person. Council Member Gutierrez stated that he would not benefit from any decision on this matter.

Chris Melville went through the timeline of events regarding this issue. On August 9th Jeremy Loncar discussed with Chief Jeff Knudtson his intent to resign and seeks to use two weeks of vacation to extend his term date past August 24th. Jeremy reasons to Jeff that this will allow him to not have to pay too much in tax out of his last paycheck due to a final payout amount being much larger than a normal paycheck. Jeff advises Jeremy that he does not believe you can use vacation to extend the term date but will ask the City Manager. At 3:45 p.m. on August 9th Chris Melville received a phone call from Chief Knudtson indicating that he has met with Jeremy and been informed that he is resigning and would like to use vacation to extends his term date. Jeff stated that he had told Jeremy that he did not think he could use vacation to extend his date but would check with Chris. Chris concurred and told Jeff that he was correct and policy does not allow the use of vacation time to extend term date. There are several reasons for not allowing the use of vacation to work for another employer which include PERS reporting, workers compensation, insurance and other liability issues. On August 9th at 7:00 p.m. Jeremy provides Chief Knudtson with his resignation letter which is date/time stamped when received and signs it. On August 13th Chris Melville receives and accepts the resignation letter and final closeout of employment begins the week of August 20th. September 2nd payroll ends with a final payout for Jeremy is completed and final payout check issued on September 6th. On September 8th Jeremy sends email to Chris indicating he had reviewed his last two checks, one being the final payout, and noticed he was not paid his merit pay. Chris replied to Jeremy on September 11th and indicated he did not qualify for merit pay based on his resignation date in consideration of his annual anniversary date which was August 28th. Chris received a phone call from Council Member Gutierrez the last week of September wanting to know why Jeremy did not receive his merit pay which he felt he was deserving of after so many years of service. Chris explained the requirements and process of why Jeremy did not receive merit pay. At the October 2nd Council meeting Council Member Gutierrez brings the matter up under communications and asks that it be placed on the next agenda for a decision. On October 3rd Chris receives email from Council Member Gutierrez requesting Jeremy Loncar merit pay matter be placed on agenda as he feels that someone who has worked for the City for 23 years deserves to have their story heard and why they think they deserve their final merit pay. The issue is that upon receiving Jeremy's resignation letter it set his resignation date which determined his last day of employment. Based on that date Jeremy did not reach his annual anniversary date and is not eligible for merit pay. Jeremy was provided his full due payout of vacation and qualified sick leave along with any hours per his time card. Chris further stated that Jeremy has indicated to the Mayor and Council Members that Chief Knudtson and Chris mislead him about the use of his vacation time in relation to his resignation date but what had occurred is outlined above on August 9th. The
remarks about PERS have been taken out of context in the email to the Mayor and Council by Jeremy as the reference made had to do with PERS reporting and the main conversation had to do with the resignation date as it related to the use of vacation. The employee's resignation letter is not written by, signed by and a date is not selected by the employer but is at the discretion of the employee. The only provision of the resignation letter is that it be dated, received and submitted properly for final processing. The selection of the resignation date is up to the employee and was not a conflict created by the City. Finally Chris stated that neither he, Chief Knudtson or City Attorney Tom Coyle have any ill will towards Jeremy Loncar despite what has been said in an email to the Mayor and Council nor there is no intention to sling mud at anyone. Chris stated that he is following the provisions of the City policy and agreements, and to treat every employee fairly per those requirements. Chris stated that Jeremy was treated no different than a dozen or more other employees over the last several years that also fell short of their anniversary dates and did not receive merit pay.

Jeremy stated that Chris Melville's summary was correct on many issues but not the workmen’s comp or PERS issues of working for 2 entities at the same time. Jeremy stated he was not provided an opportunity because he was told he could not work for 2 public entities because of PERS and that is not the case. Jeremy stated he completely understands policy but it is the lack of personal responsibility by the employees of the City of West Wendover. Jeremy stated it is the misinformation which is why we are here.

Council Member Gutierrez stated that it almost sounds like a misunderstanding if in fact somebody told him he could not work for 2 PERS entities at the same time. Jeff Knudtson stated that he could have made the statement that he could not work for 2 government agencies at the same time or if you can you has to let PERS know ahead of time for reporting issues. Council Member Gutierrez stated it could have just been a misunderstanding and Jeremy works a 48 hour shift and could have fulfilled his duties there and here. Council Member Gutierrez stated that something else for consideration is that if something was overlooked by a few days after serving the City for over 23 years it is something that needs to be taken into account and we need to make it right if it was just a misunderstanding. Council Member Gutierrez stated that we have probably spent more money fighting this than we would have if we had just sat down and talked about it.

Council Member Hanson stated that he likes Jeremy as he has been a friend for a long time but he needs to look at how it is stated and would it set a precedent for someone that has been denied. Council Member Hanson asked what the total amount of money in question is. Chris stated that it is approximately $735.00. Council Member Hanson stated he would put in money if others would match to make the amount of money and he would put in $350.00. Jeremy stated that he would decline taking any money from them as he believes it is not setting a precedent that there are underlying problems of management misinformation.
Council Member Anderson stated that he is a black and white guy and if the policy is set it is set. Council Member Anderson stated that he had no ax to grind but rules are rules.

Council Member Holm stated that she has spent 2 days going back and forth talking to Chris and Jeff and it is a tough one. Council Member Holm stated that Jeff had stated that yes he could have said that but it was with no ill intent. Council Member Holm stated that this is a case by case as she does not think this has happened with someone coming back on merit pay. Council Member Holm stated that if there was misinformation there was a chance for him to come back and work.

Chris asked about the request for use of vacation to extend term date by the employee and the inference that management is at fault somehow for something that was said. Chris stated that Jeremy stated he would come back and work some days but had requested vacation leave first. Chris asked what the purpose of requesting vacation to extend term date if he could come back to work a normal shift. Chris asked what the purpose is of asking for something that is not in policy because if you did not need the vacation time why ask for it in the first place. Jeremy stated he was trying to use up vacation time, settle in and not have to go back and forth. Jeremy stated that if he needed to be present to achieve his merit pay that would not have been a problem. Chris stated that Jeremy has mentioned several times that had he done that he would have passed his anniversary date and got his evaluation in effect and got his merit pay. Chris stated that however Jeremy never mentioned not getting his merit pay as he had not met his anniversary date why was he under the assumption that he would get his merit pay. Jeremy stated that he was not sure of his anniversary date but wanted September 1st to be sure to have passed it.

Council Member Anderson asked for clarification about not being able to work for 2 government agencies. Chris stated that there is not a requirement that you cannot work for 2 government agencies but you have to go through a process on who is the primary and secondary employer, you must notify the City you are seeking outside employment and go through that process. Chris stated that if you do not notify PERS of this it does create issues for both PERS and the City. Council Member Holm stated that is what Jeff had said as that is what he believed at the time.

Council Member Gutierrez stated that we would not set precedent or the only precedent would be that our employees would be heard out and treated fairly. Council Member Gutierrez stated it is a case by case scenario and this was a misunderstanding.

Council Member Hanson asked to hear from Tom Coyle on how this could affect the City.
Tom Coyle stated Chris had provided information regarding this issue and they had also been in touch with POOL Personnel in which they agreed on the policy. Tom stated that POOL looked into how other public agencies handle the situation of using vacation to extend term date and it is not being done by other entities. Tom stated they looked at how the policy and collective bargaining agreements were being read and other past practices. Tom stated that it looks like the City had made the proper determination based on past practices. Tom stated that this is the first he is hearing about possible misinformation which could be a determining factor. Tom stated that it is confusing to him that Jeremy relied on statements by the Chief when determining his term date because he assumed he was getting his merit pay even after words.

Jeremy stated that policy is policy and he understands that but misinformation that leads to monetary deprivation of an employee which is what the question is here.

Council Member Hanson asked if there is a way we could call this a draw and not set a precedent. Mayor Corona stated that the only way to pay merit is to overturn decision. Chris stated that you would overturn the decision made by administration to not pay the merit pay. Mayor Corona stated that there is not another way to do this. Chris stated that the only other way was for him to have never said anything and paid him the money but that is not his job. Chris stated he is getting in trouble for doing his job, making sure the rules were followed and that the policies are intact and done properly.

Council Member Gutierrez stated that he wants Chris to know he is not being picked on as he is doing his job and that is why he has said multiple times that it is a misunderstanding. Council Member Gutierrez stated that Jeremy feels he has it coming but the question is how does the Council feel; need to make a motion and see how we feel.

Bryce Kimber stated that there have been numerous employees that have not got there merit pay when they have resigned. Bryce stated that there was a 70 year old long time employee who did not get merit and longevity, and the Council needs to keep that in mind when making a decision. Bryce stated that it is nothing against Jeremy but if you do it for one should do it for all. Jeremy stated that it is not the same situation.

Council Member Gutierrez made the motion to pay Jeremy Loncar his merit pay he felt was due to him. The motion was seconded by Council Member Holm; Council Members Anderson and Hanson voted nay. Mayor Corona stated that given it is a personnel issue and not an issue with the Fire Department it is not a conflict of interest and he can see both sides of the issue. Mayor Corona stated that he understands that we have a policy and Chris is doing his job to follow the policy but he feels there was a misunderstanding as Jeff Knudtson could not say beyond a
shadow of a doubt what he had said. Mayor Corona stated that Jeremy felt that he could not come back and work for the City when he is working for another agency. Mayor Corona stated that he sees both sides and he does not want to set a precedent but we could be opening the flood gates on anyone who has been denied merit or longevity pay. Mayor Corona stated that this is a case by case issue and if Jeremy felt he could have worked for 2 agencies at the same time he would have taken vacation and then come back and finished his time with the City. Mayor Corona stated that given that he has to vote aye.

The final vote is Council Member Gutierrez, Holm and Mayor Corona voted aye; Council Member Anderson and Hanson voted nay. Motion passes.

b. Discussion and Decision to Approve the Preliminary and Final Site Plan for the Wendover Dog Park and Other Matters Appropriately Related Thereto (For Possible Action)

Report By City Manager

Review/Comment/Action: City Council

Chris Melville stated that the final site plan takes in the conceptual approval and puts in place the basic engineered site drawings to construct the parking area and so forth. Chris stated that the project includes restroom facility, parking area, landscape, appropriate driveways and ADA access, water and sewer facilities.

Mayor Corona stated that in the map there are cars on the road where the parking is to be located. Chris stated that the image is old and that is the old Florence Way.

Council Member Hanson disclosed that he is the coordinator for the Dog Park but will not financially benefit from it.

Council Member Holm made the motion to approve the preliminary and final site plan for the Wendover Dog Park. The motion was seconded by Council Member Gutierrez and passed unanimously.

c. Discussion and Decision to Provide Aesthetic Approval for the T Mobile Tower Placement Associated with Bomarc Development, LLC/ Grease Monkey, Located at 801 Florence Way and Other Matters Appropriately Related Thereto (For Possible Action)

Report By City Manager

Review/Comment/Action: City Council

Chris Melville stated that with the original approval of the Bomarc project with Grease Monkey did not include the communication towers. Chris stated that with a larger building you may not even see the towers but due to the size of the building they will be noticeable.

Council Member Gutierrez asked how tall the towers would be. Chris stated that they are approximately 8 feet. Mayor Corona stated that he did not want them to be an eyesore and possibly be reflective. Chris stated he believes the color is silver gray with a white
face. Mayor Corona stated that he just does not want someone to be blinded during certain times of day with the sun reflecting off of them. Chris stated that it could be included in the motion to have them blend and be non-reflective. Council Member Anderson asked if a height limit could also be set. Chris stated that it has to be what the plans say or they have to come back for approval.

Council Member Hanson made the motion to provide an aesthetic approval for the T Mobile Tower placement associated with Bomarc Development, LLC/Grease Monkey, Located at 801 Florence Way with the condition of being non-reflective. The motion was seconded by Council Member Anderson and passed unanimously.

7. OLD BUSINESS
   a. Discussion and Decision to Rescind Resolution 2017-01 a Resolution Which Created the West Wendover Youth City Council Advisory Board and Rescind the Associated Youth City Council Advisory Board By-Laws and Other Matters Appropriately Related Thereto (For Possible Action)

   Report By Mayor Corona
   Review/Comment/Action: City Council

   Mayor Corona thanked the Council for tabling this item from the last meeting due to him being sick. Mayor Corona stated that unfortunately rescinding this resolution is something that he needs to do as he has had discussions with Kathy Durham and the former members of the Youth City Council who felt the way it was structured was to prohibitive. Mayor Corona stated that until the students are more comfortable and know the open meeting laws and there is a larger pool of kids who are involved civically that for now we rescind the resolution and bylaws.

   Kathy Durham stated that there is no feeder program for the Youth City Council and the first group of students was interested but were unable to do some of the things they wanted to do. Kathy stated that we need to build a pool of kids in an after school civics club to get the interest going. Kathy stated that if there are projects that the students want to do they could do them through the civics club. Kathy stated that once they see how things are done we could see about rebuilding the Youth City Council. Kathy stated that she appreciates everyone’s support and hopes to see it continue. Kathy stated that she had stepped away from it so as not to have a conflict with wanting to get a civics club going while she is running for Council.

   Mayor Corona wants to get the civics club going and he hopes to be active with it. Mayor Corona stated that the club would be an open forum in which Council Members could go to as well as have the students still attend the City Council meetings.

   Council Member Gutierrez made the motion to rescind Resolution #2017-01, a resolution which created the West Wendover Youth City Council Advisory Board and rescind the associated Youth City Council Advisory Board By-Laws. The motion was seconded by Council Member Holm and passed unanimously.

8. DEPARTMENT REPORTS
1. **Youth City Council**

No report given.

2. **Fire Chief**

Jeff Knudtson thanked the Council for making a tough decision.

Council Member Gutierrez stated that the decision was nothing personal towards anyone.

3. **Police Chief**

Donald Lininger stated that there will be a Utah Highway Patrol DUI checkpoint over Deer Widows weekend (starting October 19th). Don stated that currently one dispatch and one police officer position are being advertised and will close in November.

Mayor Corona stated that the Shop with a Cop Bingo was a great success and he wanted to thank Lieutenant Lininger and his staff for all the work they did. Don stated that with the bingo they have funding for 7 of the 10 kids they will sponsor.

4. **City Clerk/Records Officer**

Anna Bartlome had nothing to report.

5. **Chief Financial Officer**

6. **Public Works Director**

Bryce Kimber had nothing to report.

Mayor Corona stated that there had been a water leak at his house and Charlotte Jones had caught it and he really appreciates it.

7. **City Manager**

Chris Melville had nothing to report.

9. **COMMUNICATIONS**

Reports by Elected Officials

Council Member Holm stated that with the Jeremy Loncar issue she would like Chris Melville to keep doing what he is doing with the policies. Council Member Holm stated that she changed her mind with the misinformation and when Tom Coyle stated that there is a possible window there and she did not want it to extend past that. Council Member Holm stated that it was nothing personal.

Council Member Anderson thanked everyone for the work they do and the Council is here to make decisions and votes carry.

Council Member Gutierrez thanks to everyone and hopes that there is no ill will or regrets. Council Member Gutierrez stated that it is a tough choice but that is why they are here. Council Member Gutierrez thanked Chris Melville for his time on the Jeremy Loncar matter.
and you are doing your job and he understands that but is something we have to look at case by case and we treat all the employees fair.

Council Member Hanson thanked all the Department Heads for the work they do. Council Member Hanson stated it was a tough decision and that is why there are 5 people on the Council as each one has a different opinion and must make the best decision for the City.

Mayor Corona stated that he is glad he does not usually get to vote as this was a tough decision. Mayor Corona stated that Chris Melville did follow the policy and make the right decision but sometimes there are things that come back before the Council for a decision. Mayor Corona thanked Chris Melville for the work you did regarding this issue as the policy is clear. Mayor Corona stated that the annual walk to school was last week; attendance was down but it had been really cold that day. Mayor Corona stated that he would not be present at the next meeting as he will be in Los Angeles for the National League of Cities event.

Chris Melville asked who would be present at the November 6th meeting. Council Member Anderson, Gutierrez, Holm and Mayor Corona would be calling into the meeting. Council Members Flores and Hanson would be present at the City Hall.

Mayor Corona stated that Parents Empowered would be holding WAIT (Wendover Against Intoxicated Teens) 3 on 3 basketball tournament on November 9th beginning at 7 pm.

10. **APPROVAL OF THE CLAIMS**
   a. **Claims for October 16, 2018 (For Possible Action)**
   b. **September 2018 Hand Checks/EFT (For Possible Action)**
   c. **September 2018 Insurance (For Possible Action)**

Council Member Holm made the motion to approve the claims of October 16, 2018, September 2018 Hand Checks/EFT and September 2018 Insurance. The motion was seconded by Council Member Anderson and passed unanimously.

11. **COMMENTS FROM THE GENERAL PUBLIC**

Kathy Durham stated that she is the government teacher at the high school and would like to invite the candidates for City Council (Izzy Gutierrez, John Hanson and Jasie Holm) to come and speak to her government students as many of them are first time voters.

Corinne Copelan asked if anyone was planning a candidate night. Mayor Corona stated that Brenda Claiborne with the Business Connect is planning on hosting a candidate night on October 23rd at 7 pm.

12. **NEXT MEETING DATE AND ADJOURNMENT**

13. Motion to: **Adjournment (For Possible Action)**Adopted

The next meeting date is a regular meeting on November 6, 2018 at 7:00 p.m. in the West Wendover City Hall, Council Chambers #137. Council Member Gutierrez made the motion to adjourn at 8:25
p.m. The motion was seconded by Council Member Anderson and passed unanimously.

ATTEST:

Anna E. Bartlome
City Clerk/Records Officer