



CITY OF WEST WENDOVER

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WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING OF JUNE 7, 2011

The West Wendover City Council met for a regular meeting on June 7, 2011. The meeting was held at the West Wendover City Hall, Council Chambers #137. Mayor Andersen presided.

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

Others Present: Steve Shute, Nancy Green, Dixie Melville, Cheryl Lisk, Luis Gonzales Jr., Susan Perkins, Gloria Gonzales, Luis Gonzales Sr., Jessica Gonzales, Tom Coyle, Ron Supp, Bryce Kimber, Aleta Kimber, Kerry Robinson, Jeff Knudtson, Ameer Eakins, 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 Carter had a change to the minutes of May 17, 2011.

Under Communications the change is as follows:

"Council Member Carter stated that meetings for the 4th of July celebration have started; they are every Thursday."

Council Member Gorum made the motion to approve the minutes of the regular meeting of May 17, 2011 with the change as noted above. The motion was seconded by Council Member Carter and passed unanimously.

5. CONSENT CALENDAR

***a. First Reading and Filing of Ordinance No. 2011-05, an Ordinance Amending Title 1, Chapter 21, of the West Wendover City Code Entitled "Appointive Offices Additional Compensation and Benefits," by Adding a Provision Which Enables an Appointed Officer to Waive Any or All Compensation Provided by Ordinance**

Mayor Andersen read the above entitled ordinance and filed with the clerk. Chris Melville explained that this ordinance change deals with the particular section of City Code related to the compensation and benefits of the appointive officers. Chris further stated that the way to make the necessary cuts to the appointive officers pay as per the approved budget was to make a change to the City Code allowing for a waiver to be executed.

Agenda taken out of order, New Business item e heard next, see below.

6. NEW BUSINESS

***a. Discussion, Consideration and Possible Decision Concerning the Grievance Filed by Luis Gonzales and His Representatives Regarding the Termination of the Employment of Luis Gonzales from the City on March 11, 2011 and Other Matters Appropriately Related Thereto. The Grievance has been Denied by the City Manager and Luis Gonzales and/or His Representatives are Submitting the Grievance to the Council Pursuant to Step 2 of the Formal Procedure of Article 18 Grievances and Arbitration Procedure of the Local 4041 Bargaining Agreement. In Connection with this Item, Upon Showing of Service of the Proper Notice or a Waiver Thereof, There may be Discussion or Consideration of the Character, Alleged Misconduct, Professional Competence, or Physical or Mental Health of Luis Gonzales. Further, Depending on its Decision, the Council May Take Administrative Action for or Against Luis Gonzales Concerning the Grievance which has been Filed or Take Such Other Action as it Deems Proper.**

Attending by speaker phone was Priscilla Maloney a Labor Representative of the American Federation of State, County, and Municipal Employees (AFSCME), Local 4041.

Tom Coyle stated that this is the grievance of Luis Gonzales regarding his termination pursuant to his rights of the collective bargaining agreement. Present for Mr. Gonzales is himself and Priscilla Maloney, Labor Representative of the AFSCME. Pursuant to NRS 241.033, the City is required to serve notice on any person wherein his character, competence, physical or mental health may be considered at a city meeting. Tom Coyle stated that the City has served notice; the notice was served on May 27, 2011. Further a waiver of any such notices was signed by Luis Gonzales, signed May 12, 2011. Those notices are submitted to be included as part of the official record of the meeting. Priscilla Maloney explained that they were not providing legal advice on the waiver and that Mr. Gonzales chose to sign the waiver. Tom Coyle explained how the grievance process would work.

Luis Gonzales stated that he was here for the grievance concerning his job as a vehicle maintenance technician. Luis stated that there was not a job description or any essential functions listed for that position, so how could he be terminated. Tom Coyle stated that this had not been mentioned in the formal grievance or the two subsequent correspondences with Ms. Maloney. Tom stated that the Doctor was aware of the essential functions and made a determination that Mr. Gonzales could no longer perform them. Tom further stated that when Mr. Gonzales was asked to give a description of his limitations there was no mention of not having a job description or essential functions list, just could another position be found in which he would be qualified. Chris Melville stated that when Mr. Gonzales was first hired as a Public Works Technician 1 and promoted to Vehicle Maintenance Technician 1. Chris stated that as part of the promotion Mr. Gonzales would have been given a copy of the job description and essential functions as well as it was placed in his personnel file which he can review once a year. General discussion was had regarding the job description and essential functions of a Vehicle Maintenance Technician 1, and if a copy had been given to Mr. Gonzales before the promotion. On March 27, 2007 Mr. Gonzales signed a paper stating that he was being promoted to Vehicle Maintenance Technician 1 and included that he had been given a job description. General discussion was had regarding whether Mr. Gonzales could perform essential functions of the Vehicle Maintenance Technician 1, which included that lifting of 50-100 pounds occasionally and lifting of 25-50 pounds frequently. Discussion was had regarding the administrator for workers compensation and the doctor's determination of Mr. Gonzales, and whether he could be trained for another vocation or be given assistance for a short time to find another job. General discussion was had regarding the positions of Vehicle Maintenance Technician 1 and Vehicle Maintenance Supervisor, and whether a call back list could be created (would go against the current union contracts). Susan Perkins stated that due to Luis Gonzales vehicle maintenance knowledge could a modification be made to the job description that would allow him to keep working. It was stated that modifying the job description would set a precedent for any future workers compensation claims. Council Member Gorum made the motion to have the Council find that the City Administration correctly found that the light duty position is not available, that Mr. Gonzales cannot perform the essential functions of his position, that there are not other reasonable accommodations available to continue Mr. Gonzales employment and to deny the grievance. The motion was seconded by Council Member Briggs and passed, Council Member Gutierrez voted nay.

Mayor Andersen vetoed this item. Council Member Blake made a motion to override the Mayors veto. The motion was seconded by Council Member Briggs and passed, Council Member Gutierrez voted nay.

***b. In Connection with the Grievance Filed by Luis Gonzales Noted in the Foregoing Agenda Item, the Council may Consider a Motion to Enter a Closed Session to Discuss or Consider the Character, Alleged Misconduct, Professional Competence, or Physical or Mental Health of Luis Gonzales.**

Item discussed above, no action.

***c. In the Event the Council Determines to Enter a Closed Session Concerning the Character, Alleged Misconduct, Professional Competence, or Physical or Mental Health of Luis Gonzales, Such a Session will be Held and the Council will not Take Any Action in this Session**

Item discussed above, no action.

***d. Discussion and Decision to Approve the Agreement for Net Metering and Interconnection Between the City of West Wendover and Wells Rural Electric Company for the Net Metering Generation System Located at the West Wendover City Hall, 1111 N. Gene L. Jones Way, West Wendover, Nevada, and Authorization for the Staff to Prepare and the Mayor to Execute Any and All Documents Related Thereto and Other Matters Appropriately Related Thereto**

Chris Melville explained that this net metering agreement is a requirement of Wells Rural Electric Company due to the new solar array which would generate electricity. The agreement has been reviewed and found acceptable by Legal Counsel. Council Member Blake made the motion to approve the agreement for Net Metering and Interconnection between the City of West Wendover and Wells Rural Electric Company for the Net Metering Generation System located at the West Wendover City Hall, 1111 N. Gene L. Jones Way, West Wendover, Nevada and authorization for the staff to prepare and the Mayor to execute any and all documents related thereto. The motion was seconded by Council Member Briggs and passed unanimously.

***e. Discussion and Decision to Approve the Reversion to Acreage Map for Propane of Wendover, Inc., and Wendover Gas Company, A Reversion of Parcels 2 & 3 of File No. 212679, West Wendover, Elko County, Nevada. Property Located in a Portion of Section 17, Township 33 N., Range 70E., M.D.B.&M., and Other Matters Appropriately Related Thereto**

Chris Melville explained that this map of reversion is a one of the major first steps for Wendover Gas Company to move forward with their Liquefied Natural Gas (LNG) plant. Chris explained that this reversion would take the two parcels back to one, which would allow for the LNG plant to be placed without crossing property or utility easements. Chris further stated that with the reversion to one parcel the necessary utility and public easements would be provided. Council Member Blake made the motion to approve the reversion to acreage map for Propane of Wendover, Inc., and Wendover Gas Company, a reversion of Parcels 2 & 3 of File No. 212679, West Wendover, Elko County, Nevada, property located in a portion of Section 17, Township 33N., Range 70E., M.D.B.&M. The motion was seconded by Council Member Briggs and passed unanimously.

Agenda taken back in order, New Business item a heard next, see above.

7. DEPARTMENT UPDATES

Fire Chief – Jeff Knudtson stated that the only thing to add to the memo was that he would be attending the Elko County Commissioners meeting on June 8, 2011 to ask for the 2012 DOE grant funding. The grant consisted of replacing the defibrillator unit and extending the CodeRED program. The memo stated that the funding allocated for Engine 1313 to repair the water tank has been secured and saved for next year. Open application is still taking place with four new volunteers joining the department.

The department responded to the following incidents from January 1, 2011 to June 6, 2011.

Fires	6
Overpressure rupture, explosion, overheat – no fire	0
Rescue and Emergency Medical Service	100
Hazardous Condition – No Fire	4
Service Call	19
Good Intent Call	11

False Alarm and False Call	3
Severe Weather and Natural Disaster	0
Special Incident Type	28

Police Chief – Ron Supp had nothing to add to memo, which stated the Reserve Officer Program training is continuing. The Reserve Officer Unit will be utilized during the 4th of July. The contract has been received back from Elko Committee Against Domestic Violence and is being reviewed by the City’s Legal Counsel and will then be placed on a future agenda for approval. The policy and procedures for the CodeRED program are being worked on and will also be placed on a future agenda for approval. On May 18th Officers were involved with a school assembly regarding drinking and driving and texting and driving.

The department responded to the following for the month of May.

	May
Calls for Service	741
Adult Arrests	13
Warrants Served	4
Juvenile Arrests	0
Citations Issued	222
Transports	9
Field Interviews	4
Civil Papers Served	67

City Clerk/Records Officer – Nothing.

Chief Financial Officer –

Public Works Director – Bryce Kimber had nothing to add to memo, which stated that another section of bricks has been installed at Wendover Will and the bricks that had misspellings were also corrected. Precision Power did the loads test and routine maintenance on the generators at the City Hall and Fire Station. During the work on the solar array a power line was cut to some of the air conditioning units. The line was not on the plans or the as built of the City Hall and was not marked before digging began. Once the rain stopped the street sweeper was able to get out, some of the storm drain grates and areas of heavy sand and gravel were cleaned up ahead of the street sweeper. CMARZ Horizon Mobile Home Park did install 35 new radio read water meters, which was part of the agreement to change to individual garbage cans. The EPA did a capacity survey on the water system, which included the well field transmission line and distribution system. The Waste Water Phase 2 Project is moving forward at a faster pace now that it has stopped raining. They are still working on the underground utilities; they have poured the concrete for the membrane basins and are working on forming up the footings and stem walls for the building.

City Manager – Chris Melville had nothing to add to memo, which stated that the Waste Water Phase 2 Project is now in its full second month and is moving forward on schedule. The EECBG City Hall Solar Project is underway with the site being prepped; the pole mounting bases for the solar array panels have been set and concreted has been poured. Official notice has been received regarding the award amount of \$266,634.00 from CDBG for the Wendover Boulevard Enhancement Phase 1 Project. The Wendover Boulevard Enhancement Phase 1 is currently on schedule. The Chief Financial Officer recruitment is underway with closing of the position being Friday June 24th. After the approval of the Fiscal Year 2011-2012 Budget it was submitted to the Department of Taxation. Budget augmentation resolutions will be presented at the next meeting for approval. The consolidated tax continues to increase from the previous year’s totals, which is a positive sign for the City. A remodel of Nevada State Bank is currently underway. The Health and Human Services Grant submitted by Lauara Snyder was not selected by HRSA.

8. COMMUNICATIONS

Council Member Gutierrez thanked Luis Gonzales for his willingness to help the City.

Council Member Carter stated that the 4th of July is underway with some new events this year, which include a decorated bicycle contest and sidewalk chalk contest. The 4th of July planning meetings are every Thursday at 4:00 p.m. at the West Wendover City Hall Conference Room.

9. *APPROVAL OF THE CLAIMS:

Council Member Gorum made the motion to approve the claims for June 7, 2011. The motion was seconded by Council Member Carter and passed unanimously.

10. *NEXT MEETING DATE AND ADJOURNMENT

The next meeting date is a regular meeting on June 21, 2011 at 7:00 p.m. at the West Wendover City Hall, Council Chambers #137. Council Member Carter made the motion to adjourn at 8:31 p.m. The motion was seconded by Council Member Briggs and passed unanimously.

ATTEST:

Anna E. Bartlome
City Clerk/Records Officer