

**MINUTES OF WELLS CITY COUNCIL  
MEETING OF JANUARY 24, 2023**

**CALL TO ORDER**

Date: Tuesday, January 24, 2023  
Time: 7:00 P.M.  
Place: Council Chambers, Wells City Hall  
525 Sixth Street Wells, Nevada  
Type of Meeting: Regular Meeting of City of Wells Board of Councilmen  
Presiding Officer: Gary Pollock, Mayor

**ROLL CALL**

Present: Gary Pollock, Mayor  
Jonathan Goolsby, Vice-Mayor  
Laura Moore-DelRio, Councilwoman  
Chris Micheli, Councilman  
C. R. "Beth" Savedra, Councilwoman

Absent: None

Quorum: Yes

Staff Present: Samantha Nance, City Clerk  
Jason Pengelly, City Manager  
Tony Prado, Public Works  
Glenn Shamblin, Public Works Supervisor  
Dan Thornton, Public Works  
Patti Zander, Deputy Clerk

**PLEDGE OF ALLEGIANCE**

Mayor Pollock led everyone in the Pledge of Allegiance.

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Savedra made a motion to approve meeting minutes dated January 10, 2023. Micheli provided the second and motion passed unanimously.

**CITIZENS TO ADDRESS THE COUNCIL**

Denny Stanhope wanted to talk about the problem at the 4-way intersection of people not stopping at the stop sign. Stanhope added that it is mostly the big rigs and saw two incidences just this week where people were almost hit because the diesels did not stop

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for the stop sign. Stanhope heard of another incident last week. Stanhope would like Nevada Highway Patrol and Nevada DOT to be contacted to inform them of the problem and their signage is not working. Stanhope would hate to see someone get killed because of someone running the stop sign. Goolsby stated the troopers are aware and one worked the area for ten hours and wrote five citations. It is being addressed and is continuing to be addressed but NHP is short staffed like everyone else and is doing their best.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE APPOINTMENTS FOR CLAIMS COMMITTEE MEMBERS FOR THE NEXT TWO YEARS**

Savedra made a motion to approve the appointments for the claims committee members for the next two years. DelRio provided the second and motion passed unanimously.

**PRESENTATION OF THE 2021-2022 AUDIT BY EIDE BAILLY. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF FINANCIAL REPORT**

There was a scheduling conflict so this will be on the next agenda.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE SUBDIVISION PLAT MAP SUBMITTED BY FARR WEST ENGINEERING FOR PINE WEST DEVELOPMENT, APN #002-770-005**

Pengelly began that this is the piece of property that the council had already voted on extending the acreage from two and a half acres to five acres. This action is to approve the plat map and make this one parcel. Savedra made a motion to approve the subdivision plat map submitted by Farr West Engineering for Pine West Development, APN #002-770-005. Goolsby provided the second and motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY RESOLUTION 23-04, A RESOLUTION DESIGNATING AND APPOINTING A REPRESENTATIVE TO REPRESENT THE CITY OF WELLS ON THE BOARD OF DIRECTORS OF THE NEVADA PUBLIC AGENCY INSURANCE POOL**

After some discussion, Savedra made a motion to approve Resolution 23-04, a resolution designating Jason Pengelly as the primary representative with Gary Pollock as the alternate. Micheli provided the second and motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY RESOLUTION 23-05, A RESOLUTION DESIGNATING AND APPOINTING A PRINCIPAL MEMBER AND ALTERNATE MEMBER TO SERVE ON THE BOARD OF DIRECTORS OF THE NORTHEASTERN NEVADA REGIONAL DEVELOPMENT AUTHORITY (NNRDA)**

Pengelly began that NNRDA meets on the last Thursday of each month and meetings are done via Zoom. Savedra stated she could do this one. Goolsby made a motion to

approve Resolution 23-05 appointing Savedra as the principal member and Pengelly as the alternate. Micheli provided the second and motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY  
RESOLUTION 23-06, A RESOLUTION DESIGNATING AND APPOINTING A  
REPRESENTATIVE TO SERVE ON THE BOARD OF DIRECTORS OF THE  
NEVADA LEAGUE OF CITIES AND MUNICIPALITIES**

Pengelly stated there are no set meeting dates. After brief discussion, Goolsby made a motion to approve Resolution 23-06 designating Pollock as the primary and Savedra as an alternate. DelRio provided the second and motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY  
RESOLUTION 23-07, A RESOLUTION TO DESIGNATE AND APPOINT A  
MEMBER AND ALTERNATE MEMBER TO REPRESENT THE CITY OF  
WELLS ON THE ELKO COUNTY RECREATION BOARD**

DelRio stated she will stay as the alternate on this board but there is an emergency meeting this Thursday and DelRio will not be able to attend. Whoever is appointed will need to attend that meeting. Pollock did want to state that he is an employee of Elko County and didn't know if it would be a conflict for him. This board meets every quarter on the second Thursday of the last month of the quarter so there are only four meetings a year via Zoom. Goolsby made a motion to approve Resolution 23-07 and appoint DelRio as the primary and Savedra as the alternate. Micheli provided the second and motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE FAA PRELIMINARY  
GRANT APPLICATION, COMMIT MATCHING FUNDS AND AUTHORIZE  
JASON PENGELLY, CITY MANAGER, TO SIGN AND SUBMIT  
APPLICATION**

Pengelly stated this is a continuation of our airport master plan improvements. This will include upgrading the airfield lighting ball, the beacon and tower, constructing an SRE building for electronics. The building at some point will house equipment, possibly a snowplow. The federal funding is \$684,375 with the city match being around \$45,625. This money will be budgeted for when the time comes. DelRio made a motion to approve the FAA preliminary grant application, commit matching funds in the amount of \$45,625 and authorize Jason Pengelly, City Manager, to sign and submit the application. Goolsby provided the second and motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE WEST WENDOVER  
MAYOR JASIE HOLM AS THE INCORPORATED CITIES REPRESENTATIVE  
ON THE ELKO COUNTY DEBT MANAGEMENT COMMISSION**

Nance began that there are two representatives at large in the county. There is an Elko County representative, a school district representative, a smaller entity representative, the

City of Elko and there needs to be an incorporated cities representative that would come from Wendover, Wells, Carlin or Elko. The mayor of Wendover has filled that two-year position for the incorporated cities. That mayor resigned and Jasie Holm was appointed to that position. All the incorporated cities must vote on who is appointed. If anyone in Wells would like to be on this committee, a letter could be written in 2024, to be appointed in 2025. This committee reviews the annual statements of current and contemplated general obligation debt. Nance stated that annually, she presents the debt management report to the board and that gets sent to the commission to review to make sure the city isn't taking on too much debt and that everyone is paying their debt. Savedra stated that NRS 350 explains this well. They want knowledge of a financial structure. DelRio made a motion to approve the West Wendover Mayor, Jasie Holm, as the incorporated cities representative on the Elko County Debt Management Commission. Goolsby provided the second and motion passed unanimously.

### **DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY CITY MANAGER, JASON PENGELLY, TO SIGN AIRPORT LEASE RENEWAL REQUEST LETTER AND SUBMIT TO THE BUREAU OF LAND MANAGEMENT**

Pengelly presented a map showing what the City of Wells currently owns and what property is covered on the lease which would be on the east and west side of the runway. This is the safety zone for the airport runway. The city leases 197 acres from the BLM which has been leased for some time. The lease is set to expire in 2025 and is a long process so wanted to get started on it. It is our hope that this lease can be for 20 years. The price for the current lease is \$1,373 and will probably go up due to having to do an appraisal. Pengelly continued that in the long term for the airport, the city would like to extend the runway and have taxiways. DelRio asked if the increase was included in the budget. Nance replied that since this doesn't expire until 2025, there is time to put this in the budget and hope there will be enough time to get the right amount in the budget. Goolsby made a motion to approve City Manager, Jason Pengelly, to sign the airport lease renewal request letter and submit it to the Bureau of Land Management. Savedra provided the second and motion passed unanimously.

### **DISCUSSION ON PURSUING A CITY ORDINANCE ALLOWING CHICKENS IN THE CITY LIMITS**

The chicken ordinance that was previously provided was brought back to review to see what the city might want out of this ordinance to allow residents within the city to have chickens. Goolsby asked if there was anyone on the board who was not in favor of this ordinance and there was no response. DelRio asked how the permit was going to be handled. Pengelly stated there has been discussion on having the permit or not having the permit. No roosters will be allowed and the hens will be for the purpose of laying eggs. Pollock would like people to be aware of the ordinance, what the rules are for having chickens and would like the city to know who all has chickens. Pollock would like residents to come into City Hall, give us their name and let us know that they are going to have chickens then they will be provided with a copy of the ordinance. Pengelly thought

anyone interested in having chickens would come in and fill out an application, receive a copy of the ordinance and that would provide a list of who has chickens to make it easier to enforce. DelRio thought there were at least fifty residents that already had chickens. DelRio wanted to know who was going to be enforcing this. Goolsby added that in subsection 7, it states the city may revoke any permit for failure to comply and can be enforced by any local government or local law enforcement. If there is no code enforcement officer, the deputy on duty should be able to enforce the code.

Denny Stanhope came forward and asked if anybody had previously been raised on a farm or a ranch, raised chickens and had to clean a chicken coop. Stanhope stated there is a lot of work involved and understands people wanting to have fresh eggs knowing where they came from and what they have been fed. Chickens are listed as the dirtiest bird. Chickens need to be kept clean as well as the chicken coop because of the number of diseases chickens can spread. Measures need to be taken to prevent them from spreading the diseases. The dust in the chicken coop on the ground can be very harmful. The city needs to make sure the rules are enforced because there is a lot of code that is not being enforced at this time because there is no code enforcement officer. Stanhope understands it takes money to do this and wonders how the rules for chickens can be enforced when a lot of the other codes are not being enforced. Stanhope doesn't want to be down wind or next door to a nuisance because chickens are not being taken care of or the coop is dirty. Stanhope requests that the board draw up a plan that he would like to see that the city will enforce because chickens can become a very dangerous, lethal nuisance to the rest of the neighbors. Stanhope talked to a lot of people in town to see if they were interested in getting chickens and felt like it was about fifty-fifty. Some think it is a terrible idea.

Pollock thinks there is more discussion to be had on this and the community needs to be aware of what is in the ordinance and provide input. Pollock grew up on a ranch and knows what is required and it is addressed in the ordinance. As far as code enforcement, it is a problem that the city is slowly trying to address. Pollock thinks this is all about self-sufficiency and Pollock is all about self-sufficiency. This is something that needs to be enforced and it is not a good thing if it becomes a nuisance to neighbors. Goolsby added the city has been fighting the code enforcement fight for years. Goolsby added this is about family values for him. DelRio stated that they have plenty of eggs in the summer but in the winter, it costs more to feed chickens that don't usually produce any eggs.

DelRio added with this being a small community, it might be worth it to get the 4-H Club involved. There are thirty-six kids in 4-H right now. Many of them are in Wells and raise chickens. It might be good to bring the kids in to educate others on how to raise chickens. It is a large amount of work and it is cold feeding chickens in the winter. Pengelly asked if everyone was happy with what was in this code and what was discussed. DelRio's only problem is the enforcing of the code. Savedra thinks some of the code is very harsh and all of the different measurements. Pollock added it is laid out in the code so it does not become a nuisance.

Savedra asked how far away the city is in getting a code enforcement officer and thinks that needs to be worked on. Pengelly stated this is not part of the agenda item but it would be best to find someone that is retired, would have to go through post and will only be a parttime position, possibly twenty hours a week. Savedra asked if the city could move forward on getting this position filled. Pengelly added it can be done, just need to do it but it can't be done until after July 1<sup>st</sup> because the position isn't in the budget. Goolsby added that with the new AB116, there may be a way to enforce this as civil infractions and then wouldn't need to be post certified. To find someone that is post certified for a parttime position to settle in Wells will be difficult. The city may be able to find a way to do municipal codes that are not criminal, then the position would be appointed by the city and wouldn't have to be post certified if not enforcing NRS.

DelRio wanted to know if the chicken permit can be set up to be paid online because the code says it needs to be renewed every two years. Nance stated that dog license notices are sent out in the mail and not done electronically. Pengelly thought it was better for them to come in the office because then they could be provided with a copy of the code. Goolsby asked Pengelly if he saw any issues from a public works side. Pengelly said nothing on the public works side but as far as building code, setbacks would have to be followed, the chicken coop cannot be unsightly and would not need to match the house.

The code also states four square feet per chicken with a twenty-five-foot run. Pollock added that the State of Nevada is a cage free state. Any egg bought or sold in the State of Nevada needs to be legal under the cage free law. The organic cage free law provides two square feet for each chicken. Pollock thinks if the city is complying with the cage free standard of two square feet, that should be adequate. The size will be not less than two square feet per chicken.

Another thing that was discussed was if someone is renting a residence, on the application it should state whether you rent or own and if you rent, a letter would be needed from the owner of the property stating it is ok for the tenant to have chickens. Pollock encouraged input from the public. It was the consensus that most of the code was ok with the board. The board didn't feel a need to know the breed of the chickens needed to be in the code. It needs to have absolutely no roosters, require the section on renting or owning, require that setbacks are met and whether or not to have a permit fee. Nance will retype the code with the changes discussed to review at the next meeting then it will go to the attorney.

## **CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS**

Savedra made a motion to approve the Warrant Register dated January 12, 2023 through January 24, 2023 in the amount of \$86,526.45. Goolsby provided the second and motion passed unanimously.

## **COUNCILMEN'S REPORTS**

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Savedra thanked the public works for the removal of the snow and added they are doing a good job.

DelRio stated that softball season is fast approaching. DelRio asked about the concrete that was poured for the storage shed that was supposed to be built. Pengelly stated that he went through the meeting minutes where the city agreed to pour the concrete and Woolsey and the softball team would come together and buy the wood, get it built and the city would move it. DelRio added that Woolsey stated the wood shop would build the shed. Pengelly doesn't know if any of this has moved forward. Pengelly added that Little League approached him about them buying a shed and putting it on the concrete pad behind the little league field and will be purchasing it on their own. DelRio thinks between the high school softball team and the travel ball team, there may be enough money for half of a shed but may need to get donations.

Goolsby mentioned that Wells is hosting wrestling divisionals tomorrow at 4 p.m. There will only be two schools coming because other schools backed out. Tomorrow will be Wells, Eureka and Battle Mountain for 2A northeastern divisionals. On Friday, all the western teams will meet for the northern Nevada 2A divisionals in Battle Mountain. Goolsby asked everyone to please come out and support the wrestlers.

## **STAFF REPORTS**

Pengelly stated Hansen, Allen and Luce are still working to finish up the design on the Woodhills Drainage. The city is asking them to do a geo-tech which is drilling a bunch of small holes along the corridor to test the soil below to see how stable it is for construction. The city has asked them to get moving on this because the EDA grant was received three years ago and this ditch needs to be in place. There is only a year and a half to get it put in and finished. It still must go to Nevada DOT to review.

The city has been working on finalizing the contract for the Woodhills Trail project. Some phone calls will be made to landowners and then in the spring when things are thawed, will get boots on the ground.

As far as the Brownsfield Grant, work is still being done on the contract and it will be spring before that hole gets dug.

Emails have been sent to try to find other medical providers. A call from Nate Peterson with Intermountain Health Care was received. Staff told him what the city needs for health care. Peterson was going to get with his team to discuss options. Nevada Health Center will be at the last meeting in February.

Nance added that a meeting was held this week with Better City who wants to come and have a meeting to discuss the master plan and economic development. Better City is looking at the last week of February or the first week of March on a Friday. Everyone needs to look at their calendars to see what dates will work.

Pengelly and Nance will be meeting with Nevada Gold Mine tomorrow regarding obtaining additional funding for the senior center which is moving forward.

Shamblin added that public works is working on getting all equipment moved into the building for maintenance work.

Prado mentioned the 4<sup>th</sup> annual softball tournament will be June 17<sup>th</sup>.

Pollock mentioned the public works crew visited the pre-school last week and the kids had a blast. Officer Goolsby also did a presentation as did the ambulance crew. Pengelly stated staff hopes to do more of this.

### **CITIZENS TO ADDRESS THE COUNCIL**

Stanhope stated in the past, the State of the City address was held that would update citizens on what is going on around town. Stanhope added this has fallen by the wayside and several citizens have asked him if there will be a meeting to update citizens. Stanhope would like to see this brought back.

Tom Patterson mentioned that the past mayor and city manager would send out letters to people who needed to clean up their property. Patterson wondered what other action could be taken to get some of these properties cleaned up. Patterson would like to see this problem addressed.

### **ADJOURNMENT**

The meeting adjourned at 8:28 p.m.

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**GARY POLLOCK, Mayor**

ATTEST:

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**SAMANTHA NANCE, City Clerk**