

**MINUTES OF WELLS CITY COUNCIL
MEETING OF AUGUST 23, 2022**

CALL TO ORDER

Date: Tuesday, August 23, 2022
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: Layla M. Walz, Mayor

ROLL CALL

Present: Layla M. Walz, Mayor
Robert Woolsey, Vice-Mayor
Laura Moore-DelRio, Councilwoman
Chris Micheli, Councilman
Jonathan Goolsby, Councilman – arrived at 7:01 p.m.

Absent: None

Quorum: Yes

Staff Present: Samantha Nance, City Clerk
Jason Pengelly, Public Works Director
Jordan Tilley, City Manager
Patti Zander, Deputy Clerk

PLEDGE OF ALLEGIANCE

Mayor Walz led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Woolsey made a motion to approve meeting minutes dated August 9, 2022. DelRio provided the second and motion passed unanimously.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

**SECOND READING OF ORDINANCE 238, AN ORDINANCE DELETING
TITLE 6, CHAPTER 5 OF THE WELLS CITY CODE ENTITLED NUISANCES,**

IN ITS ENTIRETY AND REPLACING IT WITH A NEW AND REVISED CHAPTER REDEFINING AND REGULATING NUISANCES

Denny Stanhope stated he read the new policy and printed out the old policy to go through side by side. Stanhope didn't really see anything different other than some of the paragraphs had been moved around and the enumerated definitions were reduced in size. Stanhope wondered why this was done since there was not a lot of difference. Tilley stated in the old document there was a section of enumerated nuisances from A – Q that were lumped into once section to make it clearer.

After a complaint is filed, an investigation will be done and the city manager will write a letter. An appeal can be made to the city manager. If the decision is not satisfactory to the citizen, then an appeal can be made to the city council. Walz added that she thought the goal for Legal Counsel was to make it more actionable with more legalese language. It was our understanding that law enforcement had to issue the citation and it was cleared up that wasn't the case. Anyone on behalf of the City that was appointed to do so could issue a citation. Goolsby added that having the A – Q list when issuing a citation was overwhelming. With it combined, it makes it easier for administrators and those that are accused of violating an ordinance to look up. Woolsey made a motion to approve the new Title 6 Chapter 5 of the Wells City Code entitled Nuisances, in its entirety and replacing it with a new and revised chapter redefining and regulating nuisances. Micheli provided the second and motion passed with Goolsby abstaining.

PRESENTATION BY COUNTY TRANSPORTATION INTERIM TRANSIT MANAGER KAYLA HOPKINS ON FIVE-YEAR COUNTY TRANSPORTATION PLAN. DISCUSSION AND POSSIBLE ACTION TO APPROVE POSSIBLE COLLABORATION BETWEEN ELKO COUNTY AND THE CITY OF WELLS ON THE FIVE-YEAR PLAN

Kayla Hopkins is the interim transit manager with Elko County Transportation Department and was at the meeting to discuss transportation. The transportation department runs "Get My Ride" service which is greater Elko transit and is public transportation. Most of the service is provided for Elko and Spring Creek. There is limited service to Carlin and Wells which is a demand response origin to destination shared ride program. This is open to the public, there are no requirements, is open to everyone and all buses are ADA accessible. Seniors and Veterans are allowed to ride at no cost.

Elko County is working on a five-year transportation plan to set goals for transportation and what it should be in the next five years. The focus is how to expand transportation, how to help those in Elko County and surrounding areas get transportation. There are limited medical resources available in Elko so some people need to go out of town and don't have transportation. A substation has been created in Jackpot with a bus that was purchased for them using grant money. Jackpot paid the match and they were able to set up the substation based on their needs. Elko County Get My Ride will help them with scheduling, training and other administrative tasks but this is their service. They are now

able to take people to Twin Falls to meet their needs. Jackpot provides the driver for the bus.

Hopkins is in Wells tonight to see if the city is interested in getting a transportation program established. Hopkins is doing a workshop tomorrow where she is reaching out to the community to see what everyone's needs are, what they would like to see and how they want to see transportation grow. Eventually they would like to work with other counties like White Pine and Lincoln to meet in the middle to get this issue resolved. They are not looking for a commitment but just want to know if Wells would like help in getting their own substation. After the workshop tomorrow, a presentation will be made to the County Commissioners in September to be finalized and then will have a plan. Walz asked what the match was for the Jackpot grant and was told 15%. Tilley added that a fourteen seat bus costs about \$92,000 with a match of \$13,000. The eight or nine seat bus is \$78,000 with a match of \$11,000. The City of Wells has budgeted \$15,000 for a senior center bus so would have the money for the match if the city gets a grant.

What works for Elko may not work for Jackpot or Wells. Hopkins is here to help in any way to collaborate and get people what they need. Everyone is facing staffing shortages and supply shortages. Two CDL busses have been ordered but it looks like it will be two years before they will be received. Pengelly asked if this is separate from the Senior Center and who funds the employee? Hopkins said it is separate and are 100% funded by FTA. If the City of Wells wanted to do something like this under their umbrella, NDOT would pay the majority, Elko County would pay some and Wells would pay the match. Most of the costs are covered under the FTA grants.

Walz asked if this transportation program could replace the senior center bus so we wouldn't need two programs. Hopkins thought it could. The service could not be shut down just for seniors or the senior center, it has to be open to the public for everybody. Woolsey mentioned some of the kids at school that need immunizations would be able to use this service to get to Elko to get immunizations. One of the concerns is staffing but training is available through this program. Hopkins has a Zoom link that she will email to Tilley for the 5:30 p.m. workshop and anyone who may want to attend via Zoom. She will go over this more in depth and get more information. Woolsey made a motion to move into a collaboration between Elko County and the City of Wells on a five-year plan for the transportation plan. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY ADOPTION OF REVISED CITY OF WELLS PERSONNEL POLICIES

Walz began that a lot of the change was added wording as NRS has been updated. Walz had a question on page seven regarding proper wording on our employment application to make sure our application matches the policy. Once this is approved, Tilley will work with Pool/Pact to make sure everything is in place with our forms. Walz added that in general, we have avoided duplicating NRS wording to prevent having to change policy or policy no longer being aligned with NRS when NRS changes. Walz wonders what

Pool/Pacts stance is on that because there is a lot of NRS wording in this policy. Walz also added there are a lot of designations that we do not have like an EEO officer, a Chief Information Officer or layers of management. Walz wants to make sure we are not setting ourselves up for litigation by saying every even year we will have one training and every odd year we will have another training. Tilley stated the previous language was that there would be training periodically. Tilley stated there is E-Training available and refreshers every other year.

Woolsey stated it says the employer may test for drug and alcohol but wondered what would determine the “may.” What constitutes needing if we are not doing random testing, would it be under suspicion. Reasonable suspicion is addressed in the section when we can and can’t and what type of drug testing we can do. An automatic testing will occur when there is an accident with \$500 worth of damage which is how it is currently. Employment of relatives and code of ethics is all NRS language and Walz questions what the rationale was to include it in policy as well as it being in NRS. Tilley stated in one section, the whole section was removed and deferred to NRS. Walz thinks it is inconsistent.

Walz mentioned the “may” conduct background checks and wondered if the Elko County Sheriff’s Office was ready to background check all employees. Nance asked Pool/Pact about this and was shown a site that can be contracted with where criminal or financial background checks can be run for \$80 to \$200 but the employee would have to go to Elko for fingerprints. This process would slow down the hiring process. Woolsey mentioned that the Sheriff Department is slow with appointments for fingerprints but A 1 Alcohol and Drug also does them and there is no need for an appointment. Walz questioned if this company had a solution for needing fingerprints and if there was an allowance for remote locations.

The next item Walz wanted clarification on was the one-year introductory period. Walz wondered what the recommendation was from Pool/Pact, what it was previously and what the rationale was moving it to one year for a probation period. Tilley stated that previously it was six months. The one year gives you more time to evaluate an employee. Pengelly agreed with this change as well. Pengelly stated with everyone he has hired, he has extended it another six months for one reason or another.

Walz wanted to know what the additional cost would be to the city to add two more holidays. The city has always been closed on Christmas Eve but employees have always used their floating holiday. Tilley put in Juneteenth because the governor declared it a state holiday. The State Assembly will be meeting in February and could vote to approve it as a state holiday. If Christmas Eve is added as a holiday, then the employee would not have that floating holiday. The city is required to give employees state holidays so if Juneteenth is made a state holiday, it would be a holiday whether it was in the policy manual or not.

Woolsey wanted to know what action would be taken if there was a violation regarding prohibited activities. Would it be a verbal warning or a written warning. Woolsey asked

if there was a structure in place to deal with infractions. Tilley stated a lot of it is due process as a public employee. These are either NRS or US code or a combination of the two. Walz added that disciplinary action and appeals is on page seventy-seven and doesn't think they have changed much. Walz thought it was interesting that Pool/Pact recommends unpaid suspension be made in full work week increments for performance issues.

On maximum accrual, it was lowered approximately nine years ago because of the liability the city would have to book at the end of the year. Walz is concerned if it is raised to four hundred hours, what it would do to year end financials. Walz thought this would be a good thing to ask the auditors when they are here next week. Nance stated it has always been flexible and she watches it and will let an employee know when they are getting close to or are over their hours. Pengelly thinks the 240 hours is tough and has employees that don't like to take time off but a lot do take time in December. Pengelly wouldn't mind it going to 400 hours and then you don't accumulate any more. Tilley wanted to add that anyone with over 200 hours is required to take a week off because you need to take a break. Walz can see this problem happening all over again in a couple of years where there will be employees at their maximum and will increase the liability to the city. Walz does not think increasing it to 400 hours is the best solution because if someone is terminated or retired, it will be paid out. Walz remembers that is why it was reduced, due to the liability accrued at the end of the year. Walz added she only gets 140 hours and must use it or lose it. Goolsby stated with the state, you can't carry more than 240 by the end of the year, you use it or lose anything over 240. Goolsby continued that scheduled leave must be on the books by October 30th and if you don't you lose it. If you have scheduled leave and it gets denied, then it gets paid out. Nance likes having flexibility and having flexibility will help you keep your employees. Walz would still like to know what the auditors say. The old policy was that it had to be under 240 by December 31st.

Walz continued that page 67 talks about mothers nursing infants up to one year old. Walz knows Nance brought her babies in until they were two years old because there is no day care in the community until a child is two years old. Walz asked if this has to be one year old or is it state law. Tilley stated the minimum was one year so Walz thought this should be changed to two years old to add some flexibility. Walz did mention she won't be at the next meeting.

DISCUSSION AND POSSIBLE ACTION TO APPROVE \$48,000 TO PURCHASE A NEW SKID STEER FOR PUBLIC WORKS AND TRADE IN OLD SKID STEER

Pengelly stated that every year \$100,000 is budgeted for equipment. Pengelly continued that he has already put \$10,000 into the skid steer to get it to run and will have to spend another \$25,000 to get it back to the way it was. The list price on a new skid steer is \$114,000, the state discount is \$24,000, Cashman discount is \$3,000 so the sale price is \$87,352 and the trade in is \$37,500, leaving a balance of \$49,852 for a new one with a two-year warranty. This will be purchased outright not on a payment plan. Woolsey

made a motion to approve \$48,000 to purchase a new skid steer for public works and trade in the old skid steer. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 22-09, A RESOLUTION ESTABLISHING ROUTES AND USES OF OFF HIGHWAY VEHICLES

Tilley began that in the city code, NRS allows us to create code designating routes set inside the city. In 8-24-5, B of the city code, it says the city council shall, by resolution, establish either a map or written routes where people can drive in town and the ordinance doesn't designate the routes nor is there a map. The city doesn't have the authority to allow people to drive atv's on a state road. Any where else in town, they can drive an atv or golf cart and they can cross the state road. Goolsby added that you cannot drive an off-road vehicle on a state highway without a special permit. NRS says you can drive an off-road vehicle up to two miles to get to a trailhead. All these rules still apply. Without the resolution, when driving a golf cart, it has to be registered, insurance and a licensed driver over the age of sixteen behind the wheel. Micheli mentioned a golf cart does not have a title or a number like a vin number and wearing a helmet is required. Quinn asked if these types of vehicles go down Ninth Street are supposed to abide by the speed limits. The ones that she sees going down her street don't obey the speed limit and wondered if the city would post speed limit signs on Ninth Street. By NRS it is automatically 25 mph unless otherwise posted. Micheli added that the frontage road behind the Flying J is also a state road to the cattle guard. Micheli made a motion to approve Resolution 22-09, a resolution establishing routes and uses of off highway vehicles. Woolsey provided the second and motion passed with Goolsby abstaining.

CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS

Goolsby made a motion to approve Warrant Register dated August 11, 2022 through August 23, 2022 in the amount of \$146,303.43. Micheli provided the second and motion passed unanimously.

COUNCILMEN'S REPORTS

Woolsey thanked the city and all the sponsors for the Lamont Stuart Memorial Golf Tournament last week. Money made this year will be used on a digital score keeping system next year. The tournament was a success and the money goes to scholarships and golf course improvements.

Micheli stated that the car show was great and probably one of the better car shows. Micheli wanted to thank the city, state, Jason and all of his guys for making everything look good.

DelRio wanted to add that she is walking every morning and the park looks amazing.

Walz just wanted to say she appreciates everything everyone does and the park does look beautiful and the car show was great. School is getting ready to start and there has been a lot of painting being done including painting lines at the resource center.

STAFF REPORTS

Tilley stated that construction has started at the airport on the apron project and it has been going on for three weeks. This next week, the runway will be shut down from Monday morning to Saturday afternoon and hope to be done with some of the work earlier. The dirt runway will still be open. The plan is to be done with that project by the end of September.

CDBG had their advisory meeting and the city did receive the additional \$650,000 to get the new senior center building weathered in and winterized. There was discussion with MGM about their initial bid of 1.8 million dollars to complete the whole project. Some things were removed to reduce the price and get the building up and winterized at a cost of \$730,000.

We may have a possible bus for the senior center for a couple of years. Carlin has a few extra busses and they are going to ask the council if they want to donate one until we can get a new bus or a transportation system.

Next week, Jerry Cordova from the state USDA will be here and will go over a lot of the programs offered through the USDA for the seniors. There is a \$10,000 grant option available where they can do any safety improvements, whether it is a new roof, a ramp to the front door or handrails. There is also a low interest loan program for up to \$25,000 so they can make home improvements at a 1% interest rate for less than \$100 a month. A presentation will be made to our seniors with a group out of Elko to make them aware of all these programs that are available.

Tilley talked with Kristine Hess with the Nevada Housing Coalition. She made a presentation at the Nevada League of Cities Conference and visited with Tilley today. Earlier this year, the state announced \$500 million was available for housing with the Nevada Means Home program. When Tilley read through it, nothing applied to Wells nor was Wells invited to apply. Two billion dollars in requests were received for the \$500 million so Hess is hoping something else will open in the future. Hess was also talking about a program through the treasurer's office where infrastructure, roads and sidewalks can possibly be provided for new developments. We will see if this is an option for the Clover Estates to keep those costs down. To bring in the RCAC for possible self-help housing, development is required to be done before they will come in and do a project. There is a summit in Las Vegas the end of September that Hess will attend and will talk with Tilley after that to go over the infrastructure projects and what can be done with this money through the governor's office.

There was an outdoor REC meeting last week that Tilley went to Thursday night. It was good to hear what other cities are doing with their outdoor recreation opportunities.

Minutes of Wells City Council
Meeting of August 23, 2022

Tilley found out about a couple of other grant opportunities. Yesterday there were pre-applications due through one of the state grant programs. Tilley submitted the pre-application Monday morning for the environmental work for the Wood Hills for about \$200,000. It is a planning grant and should hear on that the beginning of September then can go through the whole application process. This will be funding for design work and possible environmental.

Tilley and Pengelly talked with Lana Carter from High Desert regarding engineering for sidewalks and improvements along Lake and Starr and sidewalk installations from Shoshone to Angel Lake Road and costs for engineering. Then funding options for sidewalks can be checked with CDBG, NDOT and others.

Pengelly wanted to thank Ricardo and Rafael for all their work on the golf course. It has come a long way. Pengelly got the final review on the Maverik.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

LAYLA M. WALZ, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk