

**MINUTES OF WELLS CITY COUNCIL
MEETING OF SEPTEMBER 27, 2022**

CALL TO ORDER

Date: Tuesday, September 27, 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
Jonathan Goolsby, Councilman

Absent: Chris Micheli

Quorum: Yes

Staff Present: Samantha Nance, Finance 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 September 13, 2022. DelRio provided the second and motion passed unanimously.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

**DISCUSSION AND POSSIBLE ACTION TO ACCEPT OR DENY
APPLICATION FOR SPECIAL USE TO ALLOW NONCONFORMING
ACCESSORY BUILDING AND TO CONSTRUCT GARAGE OR OTHER
ACCESSORY BUILDINGS WITHOUT A PERMISSIBLE MAIN BUILDING AT**

Minutes of Wells City Council
Meeting of September 27, 2022

255 THIRD STREET, SECOND ADDITION, LOT 16, BLOCK 13A, APN #002-565-012 FOR PETER MAHER

Walz invited Maher to the podium to explain what his plans were. Maher stated he wanted to make a tool shop and wanted to move the 8 x 20 container back behind his house instead of next to his current garage. Walz stated she like the new location better because primary access would be from the front driveway. This would be a conex box with a side door and a window. Maher stated if this was not approved would consider putting in a 10 x 20 woodshed. Maher likes the conex cars because it is solid and can't burn down. DelRio added that if all stipulations are met, does not have a problem with it. It was mentioned that container cars are not allowed without a special use permit. DelRio confirmed that special use permits can be revoked at any time. DelRio asked if the same timeline would be allowed as a previous special use permit to meet the required stipulations. Walz thought it would be the same. DelRio stated in previous minutes a pitched roof was a possibility. Maher did not want to screw wood into the metal because then he would be putting holes in the container. The container would be painted a rust brown like the color of his log home. DelRio stated it is the council's job to revisit the special use permits to make sure all stipulations are met.

Denny Stanhope stated he lives two doors down from Maher. Stanhope stated this issue has been addressed before with the city council. There have always been stipulations that these containers are fixed up so as not to look like a shipping container but they still look like a shipping container. Stanhope does not think this is a good idea and would like to know what it looks like now and what it will look like after. Quinn stated that previously there had been a vote not to allow containers in town. Quinn has a neighbor that was allowed to have a container that looks like a white box with red trim. Quinn feels if the city keeps allowing one more, more will be brought in. Quinn does not find them attractive in a neighborhood. Quinn has not seen any of the others that were allowed follow the stipulations the board required. Cindy Moschetti is also not in favor of container cars in town and never has been. Moschetti did say that Maher is a good neighbor. There was also one letter received opposed to the container car being allowed. Neighbors' complaints need to be considered when making the decision because this is their neighborhood.

Walz added that the fact they are not included in the code is for a reason. Gary Pollock asked what the penalty was for containers that are placed without a permit. There are quite a few around and at least Maher had the decency to do all the proper paperwork. Tilley did mention that a letter was written on two containers that were discovered while reading meters. Tilley continued that if the city is made aware of containers in town, letters can be written. DelRio feels that since the council did not follow through with the two-year requirement, write letters and enforce those requirements, it has been allowed. Woolsey and DelRio felt it was not too late to write those letters. Pengelly stated special use permits are revocable and don't even need to write a letter. Goolsby questioned whether the city should police the ones in town now before looking at additional ones and look at previous permits. Woolsey thinks it would only be fair to address the previous

permits with some follow up. Goolsby thinks it is not a no, it is just not right now to better manage what is out there already before bringing others in.

DISCUSSION AND POSSIBLE ACTION TO APPROVE CONTRACT TO LEASE MOBILE HOME AT AIRPORT TO HUNOT RETARDANT CO.

Walz began that the mobile home at the airport has been rented out in the past and it is always nice to have someone there. Manual Alejandro (Alex) is representing Hunot Retardant, and the mobile home would be used as an office. The home would be rented out year round but would only be occupied five months out of the year and used for storage for the rest of the year for office equipment. Hunot is a sub-contractor and works in conjunction with the BLM. Alex is only here for the next year or two and the goal is to find someone local to run the business. Personnel will be hired in May with contracts starting June 1st. Woolsey made a motion to approve the contract to lease the mobile home at the airport to Hunot Retardant Company for the contracted amount of \$400 a month payable monthly. DelRio provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION ON RESPONSE TO A LETTER FROM THE CANNABIS COMPLIANCE BOARD DATED SEPTEMBER 1, 2022 TO DECLARE THE CITY'S INTENT TO PARTICIPATE IN OR OPT OUT OF THE CCB 2022 CANNABIS CONSUMPTION LOUNGE LICENSING ROUND

This was on the agenda two weeks ago but more information was needed. Tilley stated the state is allowing cannabis consumption lounges. These lounges can be anything from a restaurant, arcade or a bowling alley that dispenses and serves different versions of cannabis. Concerns from two weeks ago were what happens if people leave and are impaired. The people at the CCB said this is hard to police.

Woolsey wanted the law enforcement side of things from Goolsby and if there has been any interaction statewide. Goolsby added that when the dispensary opened in Wendover, most of the people that were making purchases were older women in their sixties. Goolsby continued that the National Highway Traffic Safety Administration (NHTSA) is concerned but everybody is different. The result is not the same every time due to the way it is metabolized in your system. Tilley added that the letter they want us to sign is if the city will, at some point, want to change our code to allow a cannabis lounge or take us off the list because there is no interest. The city is either open to it or not. Walz stated it would be a privileged license that would be different than a regular business license. By saying yes, that just means we are possibly open to it in the future if it is the right situation. Walz is not sure how she feels about a lounge and questions the clientele that it would attract. DelRio thinks it would depend what type of facility it would be.

Laurie Watson just moved here four months ago because Utah has insane cannabis laws. Watson is sixty-six years old and stated that cannabis really helps with pain. Any amount in Utah can revoke a drivers license for six months plus a \$1,000 fine. If you go to the dispensary in Wendover, every license plate is a Utah plate. Watson likes to go to the drive thru facility in Elko. Watson does not think many people would go to the lounge

because they would be concerned about policing. Watson added that cannabis is not a joke and your whole world changes if you must live with pain. The dispensaries are a godsend. Quinn thinks the answer is a hard no because there are enough situations in town. Quinn also thought Mr. Maher should get the permit for his cargo container but to stop there with this being the last one allowed and would the council consider not letting anymore containers in town. Walz stated there is no guarantee because this council will never be the same group of people.

Walz added that in her mind, cannabis users use it to relax and mitigate pain and would like to use it at home. Walz wondered if items can be ordered to go from a cannabis lounge. DelRio doesn't want to say no and close the door. Gary Pollock thinks the moral issue is completely irrelevant in this situation. Marijuana was voted to be legal by the voters in the State of Nevada. The community would be well served to at least open the door to a possibility for something like that. Who knows what type of crowd it will draw. DelRio made a motion to approve the response letter from the Cannabis Compliance Board dated September 1, 2022 to declare our intent to participate or opt in. Woolsey provided the second and motion passed with Goolsby abstaining.

DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY REVISED CITY OF WELLS PERSONNEL POLICY WITH RECOMMENDED CHANGES FROM THE LAST MEETING

Walz spent time with Tilley yesterday and thinks everything has been addressed pertaining to the personnel policy. Beth Savedra did not have a copy of the whole manual but is concerned about sick leave being cut off for long time employees with twenty years or more. Tilley stated that more sick leave time is being allowed in the updated manual. Up to 960 hours can be accrued but the payout is what is limited when someone retires. Nance stated the current policy is to accumulate 480 hours and then there is a complicated calculation on the percentage depending on time of service. The cutoff now is close to what the last two retirees were at when retiring. This new policy is not hurting long-time employees. Walz added that this allows employees to accrue twice as much sick leave than they currently have but it also protects the city by sheltering the city from the liability of having to pay all those hours. Woolsey made a motion to approve the revised City of Wells personnel policy with the recommended changes from the previous meeting. DelRio provided the second and motion passed unanimously.

CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS

Goolsby made a motion to approve the Warrant Register dated September 15, 2022 through September 27, 2022 in the amount of \$435,898.90. Woolsey provided the second and motion passed unanimously.

COUNCILMEN'S REPORTS

Goolsby stated it is football season and have had the third game. There are a couple of girls on the team and encouraged everyone to root them on.

Walz will be going to Las Vegas Friday for the Governor's Summit on Infrastructure and hopes to get information on housing. Walz will be back in Las Vegas the next week for the Nevada Rural Electric Association Annual meeting. Walz will be available by phone.

STAFF REPORTS

Tilley began that the airport apron project should be finishing up this week and what has been done looks nice. The apron was expanded and another taxiway was added.

This last week Tilley went to Reno for a flood workshop and learned of new funding sources to possibly help with the drainage ditch and future culvert projects.

The FEMA appeal was successful and will be the same as what it was before. It will not be increased to the 3,500 cfs that would have put the whole RDA under a floodway. In the future, the flood map from Hansen, Allen and Luce with 1,100 cfs may be brought to the council to discuss and adopt.

Walz added that Pengelly is sending the council written reports a couple of times a month of what public works is working on and appreciates receiving these reports. Pictures were included on the last report showing the valves that required being shut off that included three blocks shut off to repair leaks. Pengelly continued that the infrastructure is bad. The three valves that were replaced were \$5,000. Pengelly thinks that public works needs to start replacing five valves a year.

CITIZENS TO ADDRESS THE COUNCIL

Quinn also wanted to thank Pengelly for his response when she calls him. Pengelly is always very cooperative.

Alex from Hunot asked if there was an online portal to pay the rent online. Walz thought if he could come in and sign the contract before he leaves for the winter, Hunot would have access to the mobile home to leave some items there for the winter, so he didn't have to take everything with him.

ADJOURNMENT

The meeting adjourned at 8:22 p.m.

LAYLA M. WALZ, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk