

**MINUTES OF WELLS CITY COUNCIL
MEETING OF OCTOBER 25, 2022**

CALL TO ORDER

Date: Tuesday, October 25, 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-Del Rio, Councilwoman
Jonathan Goolsby, Councilman
Chris Micheli, Councilman

Absent: None

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

Micheli made a motion to approve meeting minutes dated October 11, 2022. Woolsey provided the second and motion passed unanimously.

CITIZENS TO ADDRESS THE COUNCIL

Denny Stanhope requested that due to the importance of some of the items on the agenda, everyone speak into the microphones.

Jerry Bynum gave a briefing on the upcoming Wells Candidate Forum on November 2, 2022 at 6:30 p.m. at Wells High School. Bynum is bringing in a moderator from out of

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town with experience in moderating gubernatorial and congressional forums. Each of the candidates that attend will be asked the same question and there will be five questions with a set time limit. After the questions, there will be a fifteen-minute break to allow the audience to write their questions down on a card. The cards will be given to Bynum who will look through the questions. If there is a question for a particular candidate and the question pertains to the position they are running for, the moderator will read it. If it is of a personal nature, it will not be asked. Then the forum will adjourn to allow candidates to mingle with the audience. Bynum then referred to a comment on a website about the meeting being a debate.

Candidate Beth Savedra talked to Bynum at the last meeting who expressed interest in having a meet and greet. Savedra was fine with participating in a meet and greet but not a debate. Savedra thinks it sounds like it is going to be a debate where there is a moderator asking questions and then anonymous questions from the audience. Savedra stated she would show up for a meet and greet and answer questions from the public but will not participate in the November 2nd event.

DISCUSSION AND POSSIBLE ACTION REGARDING RODEO GROUNDS MAINTENANCE AND OTHER MATTERS PERTAINING THERETO

Walz began that estimates were received from NAVCO about what it would cost to maintain the rodeo grounds. A one time working of the ground would be \$4,000 but could not be done when the ground is frozen. A long-term option of removing dirt and bringing in sand would cost \$65,764.00. Walz added neither of these are in this year's budget. This could be added to the capital improvement list if the council wanted.

County resident Ashley Hansen came forward stating she is not trying to cause an issue with the city and is just trying to help the youth. Hansen also did research on costs. Hansen is the chairman of the Rodeo Bible Camp that is put on every year at the rodeo grounds. Two years ago, \$5,000 worth of sand was donated to the arena. Marc Morrison removed some sand and donated his time. Hansen does not feel that much sand would need to be removed. From the research Hansen has done, it was recommended to run a paver over the dirt to hard pan the dirt and put the sand on top. Hansen agreed with the recommendation in the quote that it should never be tilled deeper than what the sand is. A lot of sand has already been removed and was disced back up so what the Bible Rodeo put in was not effective. Hansen stated nine inches of sand instead of twelve inches would be adequate if the hard pan was done. Hansen had a quote of \$12 per cubic yard of sand from Vega.

Hansen also found a USDA Rural Development grant that lists fair grounds specifically. Hansen had copies available and highlighted the information and where there is a direct loan or grant approval. It does have to be made by the city because it is city property. Seventy five percent would be covered if the population is less than five thousand and below poverty level and the city would qualify. Tilley added the total amount allotted is \$125,000. If there are more applicants, the amount would be less. This grant is not too competitive and usually only two or three people apply.

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Walz is not opposed if there are grant dollars available to put in sand or any other improvements. Walz would like to learn more about this grant program and come up with a plan specifically for the rodeo grounds. A phased plan would be beneficial when submitting a grant application showing the long-term vision. Walz continued that there has been previous conversation about whether the rodeo grounds is in the right location or if it should be moved to where the chariot track is to make more room for baseball fields. Walz is concerned with the term of fair grounds in this grant because Wells is not a county seat and doesn't host the fair. Woolsey made a motion to look at the USDA Rural Development Grant regarding the rodeo grounds maintenance to see what money Wells might qualify for and come up with a plan of what needs to be done with the facility. Del Rio provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO ACCEPT OR DENY CITY MANAGER LETTER OF RESIGNATION AND OTHER MATTERS PERTAINING THERETO

Walz began that a letter was received from Jordan Tilley announcing his resignation, giving his ninety-day notice and would like to pursue other opportunities. That leaves the city without a city manager. Walz continued that tonight, council needs to discuss what to do as far as opening the position up. Walz would like to pursue an internal candidate. Walz is not opposed to letting Tilley finish out his ninety days and wrapping up some loose ends. Tilley would be paid for his eight weeks as it states in his contract.

Tilley stated he is grateful for the opportunity to work here and the people he worked with. It has been a growing opportunity in a lot of ways. Tilley continued that it was their thought they would enjoy small town living but have lived in the city too long, so it has been difficult. Tilley thinks there are great options within the office that can do a fantastic job as city manager that know what is going on. Tilley hopes everything continues to move forward.

Woolsey thinks keeping Tilley for his ninety days would give council time to go through candidates whether local or not. It is not a quick process and at least somebody is in place. Goolsby added that we have been through this process before and it took forever. In talking about an internal candidate, Goolsby has thought long and hard about the last time when the suggestion was to have Sammy and Jason take the position. Goolsby would like to ask Sammy to step up for a one-year probationary period and see how things work out, if she is up for it. Jason is already stepping up in the background to help with Tilley so will be available to help Nance. Walz would prefer to have Jason be the city manager because he has the most experience managing people and Sammy could be a deputy city manager and help with the programs and grant writing. Walz added neither has been approached. Woolsey thinks both would be excellent candidates.

Pengelly stated he appreciated the offer to be city manager but thinks Sammy is more qualified to be the lead point with the paperwork and grants. Pengelly continued that they have a great working relationship now; he takes care of everything in the field, the

buildings and the infrastructure. Pengelly recommended to appoint Sammy as the lead and he would be second in charge which is what he is doing now with Tilley and did with Supp. Goolsby thinks appointing Nance would save time and money because it could be a while before another city manager is found and does not want to make the same mistake and overlook a very valuable candidate that is already working for the city.

Micheli thought we needed to get back to the item on the agenda and deal with Tilley's resignation instead of trying to find a city manager right now. Micheli asked Tilley if he thought his head would be in the job for the next ninety days or would he be thinking about the move and everything else going on. Tilley thought he would be focused on the job and has a couple of grants he planned on working on in November and December when things slow down. Tilley stated he would be in it if that is the choice of the council. Tilley continued that after meeting with the mayor last week, he had seen in some of the old minutes that Jason and Sammy had been recommended last time and was surprised the council didn't go that route in the first place and thinks they would be great. That would avoid either hurrying to make a quick decision in the next ninety days and there is someone in the office to work that job. Woolsey added that another positive is they both are up on all the projects going on. Walz stated Micheli is right that no one can be appointed as city manager tonight but can accept the resignation and have a separate agenda item to consider filling that position. Micheli thought it could be something that could be on the agenda for the next meeting. Woolsey thought the resignation and the time frame both needed to be addressed.

It is in the contract that Tilley gets eight weeks of pay whether he works or not. If Tilley gives his ninety days' notice and the council decides to let him go before the end of the ninety days, then Tilley will get his eight weeks' severance pay. Walz feels it would be beneficial to have some transition period. Woolsey stated there are still things in the works and need time to tie up loose ends so maybe thirty days would be needed. Goolsby thought it depended on the next candidate and if it was internal, may only need thirty days. Tilley added it states in the contract after being here a year, the city manager gets another week of vacation that will need to be paid out. It would be cheaper to end it before November 1st but there is still a lot of work that can be done. If the council has enough faith in existing staff to fill the position when Tilley is gone, what is the value of keeping him on if staff replaces Tilley internally. Woolsey added that this still needs to be discussed with the internal parties. Woolsey made a motion to accept the city manager's letter of resignation and keep Tilley on for the next ninety days until a decision can be made on his replacement. Del Rio provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION ON CLASSIFICATION ON SHIPPING CONTAINERS AS BOXCARS

Tilley stated the only reason this was researched was because a letter was written to someone who put a couple of conex boxes on their property. This person is a lawyer and disagreed that it wasn't a box car. Tilley found information as to what is a boxcar and it is something with wheels that stays on the rails and is unloaded while on the rails. Box

cars are another type of rail car. Intermodal equipment containers can be transferred between ships, trains or trucks without unloading or reloading the cargo and will go on a ship or semi-truck. A conex box is classified under intermodal container and not a box car. The city could be enforcing something in the code that isn't there. If this individual decided to proceed with a lawsuit and filled out a special use permit, what is the likely outcome. Tilley does not think that conex boxes fall under the box car category. If it is not a box car, it would still require a permit.

Woolsey thinks the verbiage needs to be updated so it is clear on what the city wants and doesn't want. It can continue to be enforced as it has in the past but is something that needs to be looked at. Walz stated that code needs to be brought back. Tilley briefly talked with Legal Counsel and Landa was trying to figure out what the difference is between box car and shipping container. Jerry Bynum worked in the transportation department. A conex box is regulated under DOT and DHS as long as it is sitting on a mode of transportation such as a rail, highway mode of transportation or maritime transportation and/or it is in a storage yard with cargo that has been securely strapped inside. If it is just sitting there or purchased by a private individual for storage or building a house, it doesn't fit under the transportation codes or DOT anti-terrorism acts. The moment a conex box is dropped at a yard and cargo has been removed, it is not a box car, therefore a conex box is not a box car. This will be on the next agenda.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE PATTI ZANDER TO PREPARE AND MAIL CHECKS ON TUESDAY, NOVEMBER 8, 2022 PRIOR TO FORMAL AUTHORIZATION BY THE CITY COUNCIL DUE TO THE PLANNED POWER OUTAGE BY WREC ON NOVEMBER 9, 2022

Walz did mention the power being out for approximately eight hours on November 9th beginning at 7 a.m. The question was should city staff prepare and mail checks prior to city council approving them Tuesday night. Walz thinks council is required by the auditors and the State of Nevada to authorize them. It was stated that Pengelly thinks he will be able to get the generator hooked up so there will be no issue.

CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS

Goolsby made a motion to approve Warrant Register dated October 13, 2022 through October 25, 2022 in the amount of \$86,374.25. Woolsey provided the second and motion passed unanimously.

COUNCILMEN'S REPORTS

Woolsey did mention that the school will be closed on November 9th due to the power outage.

Del Rio stated that PAL sports are up and running and there are more kids participating than ever. There are three girls' basketball teams for the 5th & 6th grades. Finding places for everyone to practice has been challenging.

Walz spent time with the 5th & 6th graders today at the campgrounds for environmental day and it was a good time. Walz added there are some tall girls who have a future in basketball.

STAFF REPORTS

Tilley announced that training for all the staff has been set up for every other month and is a program called Absorb. All the trainings are required federally or by NRS and will include some additional training from Pool/Pact. Staff is also being set up with “know before” which is fake phishing emails. If an employee clicks on a fake email, they must do a training. There will also be training for council members and the new mayor on ethics and open meeting law. Carlin will either come to Wells or Wells will go to Carlin. Better City is also going to do a four-hour boot camp.

CITIZENS TO ADDRESS THE COUNCIL

Quinn told Tilley that it may be a blessing for him but Tilley is leaving the city with a nightmare and is very disappointed in Tilley. Quinn would like to suggest to the city council that when and if another city manager is hired, council requires them to fill at least a two-year contract. Quinn worked with Tilley for six months and has done everything Tilley asked of Quinn. Quinn added that Tilley hasn't taken care of all the citizens, citizens that were interested in change, change that Tilley was going to bring with the nuisance ordinance. Quinn wishes Jordan well in his future but is disappointed.

Jerry Bynum wanted to thank Tilley for the job he has done. Bynum wished Tilley well and thanked him for the job he did.

Stanhope thought if there had been some conflict, that there could have been some arbitrator or something to keep the city from getting in the position the city is in. A lot of taxpayer's money was spent over a long period of time to get a city manager. It was not easy. Stanhope wondered if anyone had any experience in human resources. Stanhope does and wished he had been involved in meeting to help mediate to make this work. Stanhope is disappointed almost to the point of being angry. Stanhope thought the city was on the way to do the things that needed to get done. Stanhope wished good luck to Tilley, wishes Tilley could have stuck around longer and things could have worked out. The city and citizens are hurting right now and hopes the next time the council goes through this, they do a better job.

ADJOURNMENT

The meeting adjourned at 8:08 p.m.

LAYLA M. WALZ, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk