

**MINUTES OF WELLS CITY COUNCIL  
MEETING OF NOVEMBER 8, 2022**

**CALL TO ORDER**

Date: Tuesday, November 8, 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  
Laura Moore-Del Rio, Councilwoman  
Jonathan Goolsby, Councilman  
Chris Micheli, Councilman

Absent: Robert Woolsey, Vice-Mayor

Quorum: Yes

Staff Present: Sammy Nance, City Clerk  
Jason Pengelly, Public Works Director  
Tony Prado, Public Works  
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**

Councilman Micheli made a motion to approve meeting minutes dated October 25, 2022. Councilman Goolsby provided the second and motion passed unanimously.

**CITIZENS TO ADDRESS THE COUNCIL**

Beth Savedra wanted to recommend that the council appoint Jason Pengelly and Sammy Nance for the city manager position. Savedra feels too much time and money was spent trying to find a new city manager last time. Savedra wanted Tilley to succeed but thought it was time to cut ties with Tilley and wish him good luck so Pengelly and Nance can take over immediately.

Minutes of Wells City Council  
Meeting of November 8, 2022

**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 PERMISSIBLE MAIN BUILDING, APN  
#002-670-014 & APN #002-670-015, AARON AND KRISTINA BUSHUR**

The Bushur's came forward stating they had recently moved to Wells. The property in question is on Metropolis Road and was purchased to build their retirement home. Bushur did his due diligence to make sure the intended use of the property complied with city code. Bushur also purchased a house on 4<sup>th</sup> Street to live in until the house is built. Bushur received a letter from Tilley regarding the two cargo containers on the property as well as an application for a special use permit. Bushur filled out the application but did not think one was needed. Bushur included an explanation of why he did not feel the use fell under the code (10-10-6) that relates to box cars because it is agricultural. Bushur spoke to Tilley and discussed box cars and cargo containers as well as looked at it online. It was also mentioned to Bushur that he had an accessory building without having a main building. Bushur added this is a different animal from 1988 when the code was adopted. Bushur continued that box cars have wheels and axels and cargo containers do not. Bushur does not believe he is required to get a special use permit for a cargo container in the agricultural zoning. Bushur questioned whether allowing his cargo container should be covered under a variance rather than a special use permit. Bushur also believes that a special use permit means he is not conforming or in violation of the code which he doesn't feel he is. A variance says it may or may not conform and may want to do a variance to cover all the bases.

Walz added that she thought Bushur was right that the city was enforcing the code as a storage container and not a box car. When it was brought to the attention of the city that the code wasn't quite right, it was the consensus to bring it back and get the definitions updated. Because a special use permit has been applied for, it needs to be handled within a certain amount of time. Walz thought there was some language in the building code that states accessory buildings cannot be placed before the main structure. Walz thinks it may qualify as a variance but also wanted to know the long-term plans for this property.

Bushur stated he applied for a special use permit for a cargo container. Bushur is also concerned that if his request is denied, he cannot apply again for one year. Goolsby thinks the verbiage needs to be updated because the city code has not caught up with the times. The city code says box car however, it has been enforced as a conex box or intermodal container which would apply but the verbiage is wrong. The definition needs to be updated. Bushur added that shipping cargo containers were not even invented until the late 90's and did not exist in 1988 when this code was put into place. Goolsby added the city needs to catch up with NRS. Bushur had pictures from his property, what his plans are and what is taking place right now. The fence posts have been put up and will be putting barbed wire up. The property is open which is why he has the cargo containers which consist of an 8 x 20 and a 40-foot container to store things in as he works on the property. Bushur has planted seventeen trees and has cleaned up the property. All items in the containers are being used to make improvements to the property.

Bushur referred to the definition of a building in the code 10-2-2 which is any structure having a roof supported by columns or walls in use for the enclosure of persons, animals or chattels. Cargo containers are not a structure because they don't have a roof and they don't have any supporting columns or walls, it is a metal box. It also talks about specified use in the specified district. In the definition for a structure, it says a combination of materials constructed and erected. A cargo container is straight metal and not a combination of materials nor was it constructed permanently or attached to something having a permanent location. A cargo container is not a permanent item. It also says in the code, a temporary building may be constructed and occupied as a legal use pending construction of a permanent use. Accessory buildings are allowed in the R-3 agricultural/residential district which is what the cargo container is. Bushur added that there are significant issues in the code which Bushur has gone through two or three times and cannot find anything that references this situation. Walz stated this was not worded properly on the agenda and it would be rewritten and put on the next agenda. Walz stated that a cargo container makes sense in the agricultural area. The intent is to paint both cargo containers. Walz does not think a variance applies to this situation because that would mean Bushur is using the property in a way that varies from the code which isn't the case. Bushur thinks a variance applies more than a special use permit. Walz does not think it is a non-conforming accessory building. This will be put on the next agenda.

**DISCUSSION AND POSSIBLE ACTION TO APPOINT INTERNAL CANDIDATE FOR THE CITY MANAGER POSITION OR THE RECRUITMENT OF AN EXTERNAL CANDIDATE AND ALL MATTERS RELATING THERETO**

Walz began that everyone received a proposal last week from Jason and Sammy and there is also a copy included in the packet. Walz has spoken with both individuals and anyone is welcome to ask questions. Pengelly stated he reached out to each council member to see if there were any concerns or questions. Pengelly would like to be the city manager for the City of Wells and would like Nance to be the assistant city manager/city clerk. Pengelly reviewed the proposal that was presented to the council for the benefit of those that have not seen it and added this is a long-term plan. Pengelly would continue to be the building official, public works director and city manager. Nance added that the job description for the city manager was reviewed and the duties were split up and taken by the person that was qualified to handle those duties. Nance is currently an hourly employee and Pengelly would like to move her to a salaried employee. With the savings from this plan, an additional employee could be hired if needed.

Goolsby stated he had visited with Pengelly and Nance together and separately. Goolsby stated this opportunity was presented the last time a new city manager was needed and doesn't want to make the same mistake again. It is very beneficial to have someone internally take the position and a big cost savings. Both are already aware of what is going on within the city. With two people in the position, one person is not being burned out and there will always be one or the other in the office. Goolsby talked with Woolsey and reiterated his thoughts on this proposal since he couldn't be at the meeting. Woolsey likes the knowledge both individuals will bring to the table and can hit the ground

running. There will be no housing issue since they already live here. There is a second individual that they can lean on. This shows employees that there is room for advancement. This eases the transition period. Woolsey was also concerned about competitive pay. Woolsey referred to Wells being a place where people come and get the experience and move on to better opportunities. Woolsey also wants to reward hard working employees by hiring from within.

Goolsby added that Wells is not for everybody and Walz added that small towns are not for everybody. Walz stated it is hard to recruit and attract people to move into a small community that has experience and knowledge and be able to compensate them in the market they are used to. Starting with someone who is already committed to the community, wants to be here and growing them into the manager you want them to be is the best bet. Walz likes this plan because the hardest part of the job is managing the people and taking public scrutiny, both of which Pengelly has been doing for a long time. This will provide Nance with the opportunity to learn to be tougher and learn how to manage people, which is difficult. Goolsby continued that this is a very well thought out plan and very well put together. Del Rio asked if there were any parts of the job that would create a conflict of interest. Walz did talk with Nance regarding NAVCO Construction doing a large amount of work for the city. They are in the third degree of consanguinity. Walz has a business that provides internet service to city facilities. It can be justified by being the best quality, best price or the only provider in town, so NRS does allow you to use a contractor in those cases. This was the only instance Walz could think of that could be a conflict of interest.

Del Rio was thinking more about checks and balances and does not want an overlap created that will cause a problem. Nance added that every year when the auditors come in, they question each employee individually to find out what those check and balances are and with Pengelly being city manager, all the duties Nance does have to be approved by the city manager. Walz stated that the city is required to have the audit annually and knows the auditors would call our attention to any concerns. Walz does not think it would hurt to discuss this with the auditors to see if they see a check and balance issue with this proposal.

Walz added that contracts will have to be drawn up in the next couple of weeks and maybe can get legal counsel and/or the auditors to review them. Goolsby stated the way this item is written on the agenda is to appoint internal individuals or look for an external candidate. The internal candidates can still be appointed with the stipulation that a formal contract for each will be brought to the next meeting for approval. Del Rio just wants to make sure there is no conflict. Goolsby doesn't want to wait another year for a city manager. Denny Stanhope stated this is long overdue and a no brainer. Stanhope is from Wells and has deep roots and so do Nance and Pengelly. Goolsby made a motion to approve the appointment of internal candidates Jason Pengelly and Sammy Nance to the position of city manager and assistant city manager with the stipulation that their contract is reviewed by legal to make sure there are no conflicts of interest with checks and balances. Micheli provided the second and motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO REALLOCATE ARPA FUNDING FROM POTENTIAL HOUSING DEVELOPMENT TO BOOSTER STATION FOR WELL 7**

Tilley began that \$275,000 was allocated to two different housing subdivisions. One has moved forward and the other one has not. There is a time limit for those funds to be allocated. This is to allocate those funds to a project that is ready to go. Walz asked if this project was an applicable activity. Tilley stated this is a better fit than what the proposed project was going to be. Pengelly added that \$174,991.44 is left from what was assigned to the two projects. The NAVCO water line is complete and the balance was going to go towards the subdivision on the Wilde Brough property. Brough no longer wants to do that. Walz declared that she has a vested interest immediately adjacent to Brough's development but this decision has no bearing on this because she is not on the title. Pengelly added that Brough had a design that was thirty years old that needed to be updated and brought up to code as the state will only accept it for a one-year period. Brough received a quote from an engineer of \$18,000 to update the design. Tilley contacted Brough and told him he needed to get moving on this project to be able to use these ARPA funds. Brough wanted to use money out of the ARPA funds to pay for the mapping which is not allowed.

Well #7 is up by the chariot tracks and needs a booster pump to support the new development. There was \$280,000 budgeted and the estimate came back at \$460,000 to complete that project. These funds will be transferred to be used for that project. The headworks project is \$450,000 to \$500,000 and that will be covered by a CDBG grant and what was budgeted. Walz is fine with it as it supports housing development. The Naveran Way project cost \$125,000 for 2,000 feet. The \$174,000 would not go very far putting in water and sewer. Del Rio made a motion to reallocate the ARPA funding from potential housing development to the booster station for well #7. Goolsby provided the second and motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO IDENTIFY PROJECTS ELIGIBLE FOR THE UPCOMING CDBG CYCLE AND DIRECT STAFF TO DRAFT GRANT APPLICATIONS**

Walz began that she changed this agenda item. Tilley has a grant project identified and possibly an application almost written. Walz did not think the sidewalk project on Shoshone was feasible or economic development. Better City and NNRDA thought it was a good application, not too much money and the city should proceed with it. The application is due in February and eligibility was submitted in October. Lana Carter from Carter Engineering will be doing the engineering for this project and is willing to wait to see if funding is secured before starting the engineering. The engineering won't take very long and should be done before the city would receive the notice to proceed. This would cover from Sixth Street to Dover. Carter Engineering is also looking at Lake and Starr for NDOT grants for sidewalks in the future. Goolsby made a motion to direct staff to draft grant applications for the CDBG cycle for sidewalks on Shoshone. Micheli provided the second and motion passed unanimously.

## **DISCUSSION AND POSSIBLE ACTION TO CONTINUE CONTRACT WITH CITY MANAGER, JORDAN TILLEY OR TERMINATE AND OFFER SEVERANCE**

Walz asked for this to be put on the agenda again to see if more discussion was needed regarding the direction the city wanted to go with the city manager position. Walz thinks there is a fair amount of risk with continuing employment with an employee who is leaving. It could be in the city's best interest and Tilley's best interest to do the severance and allow Tilley to move forward. Goolsby doesn't know if Tilley has anything in the works but thinks with putting the internal candidates in place, it will allow Tilley the chance to move forward, pay the severance and end it now. Del Rio also agrees with the severance for Tilley to be able to move forward as did Micheli and to allow Tilley to figure out his plans. Del Rio asked if this would be effective as of tonight or what timeline would be set. Walz thought maybe tonight to prevent any retaliation or end of day tomorrow. Goolsby made a motion to terminate city manager Jordan Tilley's current contract by end of business day tomorrow, November 9, 2022 and offer the eight weeks severance. Del Rio provided the second and motion passed unanimously. Walz thanked Tilley for the time he has given the city and wished him the very best.

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

Goolsby made a motion to approve check register dated October 1, 2022 through October 31, 2022 in the amount of \$56,706.90. Del Rio provided the second and motion passed unanimously. Goolsby made a motion to approve Warrant Register dated October 27, 2022 through November 8, 2022 in the amount of \$1,739,438.25. Del Rio provided the second and motion passed unanimously. Walz wanted to inform the public that this request did include a 1.6-million-dollar check for airport runway development which is grant dollars that will be reimbursed to the city.

## **COUNCILMEN'S REPORTS**

Goolsby wants chickens and wants that item brought back on the agenda. Pengelly stated it had already been discussed about putting it back on the agenda because there has been a lot of talk around town about chickens. Goolsby added if you don't have to be out and about, don't drive, stay home and be warm.

Walz will be in Portland next week doing power supply meetings and be unavailable. The NNRDA meeting will be November 7<sup>th</sup> and Walz will be unable to attend.

## **STAFF REPORTS**

Tilley, Pengelly and Nance were on a phone call with representatives from NDOT on the next best steps for them to start fixing up the Wells corridor. NDOT was provided with

pictures of the condition of the sidewalks and the crown of the road. NDOT seemed to be more willing to jump on board and help a little more. It will be a long process.

A call took place today with a few representatives from Nevada Health Centers. The city has proposed a similar situation for Wells like what was done in Carlin. Carlin provided property to Nevada Health Center to build a clinic and if there is a two-month gap without coverage, the building would be forfeited. The City of Wells offer would be to provide them the use of the clinic with the same agreement. This may offset some of those costs asked for last time. Nevada Health Center will come out sometime in December. Another phone call will take place before Christmas to see if this will be a viable option.

Pengelly stated that health care is one of the top priorities along with several others he and Nance have discussed. Trailers need to be moved off the streets. There were many close calls plowing snow today. Trailers are to be moved after seven days.

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

Denny Stanhope just wanted to clarify where Bushurs property was and was told it was on Metropolis Road.

#### **ADJOURNMENT**

The meeting adjourned at 8:49 p.m.

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**LAYLA M. WALZ, Mayor**

ATTEST:

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**SAMANTHA NANCE, City Clerk**