

**MINUTES OF WELLS CITY COUNCIL
MEETING OF NOVEMBER 22, 2022**

CALL TO ORDER

Date: Tuesday, November 22, 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: Mayor Layla M. Walz

ROLL CALL

Present: Layla M. Walz, Mayor
Robert Woolsey, Vice-Mayor
Jonathan Goolsby, Councilman
Chris Micheli, Councilman

Absent: Laura Moore-Del Rio, Councilwoman

Quorum: Yes

Staff Present: Jessica Solis-Morgan, Utility Clerk
Samantha Nance, City Clerk
Jason Pengelly, Public Works Director
Tony Prado, Public Works
Glen Shamblin, Public Works
Patti Zander, Deputy Clerk

PLEDGE OF ALLEGIANCE

Jason Pengelly led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Micheli made a motion to approve the meeting minutes dated November 8, 2022.
Goolsby provided the second and motion passed unanimously.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 22-10, A
RESOLUTION APPOINTING JASON PENGELLY AS CITY MANAGER AND**

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OTHER MATTERS PROPERLY RELATING THERETO. CITY CLERK SAMANTHA NANCE TO SWEAR IN JASON PENGELLY AS CITY MANAGER AND ISSUE OATH

Goolsby made a motion to approve Resolution 22-10, a resolution appointing Jason Pengelly as City Manager. Micheli provided the second and motion passed unanimously. City Clerk Samantha Nance swore Pengelly in as City Manager. Walz added that Legal Counsel is still working on the contract for Pengelly. Landa does not believe a contract is needed but Walz thinks it would be of benefit to Pengelly and the city.

DISCUSSION AND POSSIBLE ACTION TO ACCEPT OR DENY APPLICATION FOR SPECIAL USE TO ALLOW NONCONFORMING ACCESSORY BUILDINGS AND TO CONSTRUCT GARAGE OR OTHER ACCESSORY BUILDINGS, APN #002-670-014 AND APN #002-670-015, AARON AND KRISTINA BUSHAR

The opinion of Legal Counsel is that this would be a special use permit. Walz added there has been no opposition from any of the neighbors and Walz had no opposition due to the location. Micheli made a motion to approve the nonconforming accessory buildings and to construct garage or other accessory buildings, APN #002-670-014 and APN #002-670-015 for Aaron and Kristina Bushar. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 22-11, A RESOLUTION DESIGNATING CERTAIN ELECTED OFFICIALS AND CERTAIN APPOINTED OFFICIALS AS SIGNATORIES ON VARIOUS BANK ACCOUNTS OF THE CITY OF WELLS, AUTHORIZING THE USE OF ELECTRONIC SIGNATURES AND OTHER MATTERS RELATING THERETO

Walz began that this resolution will remove Tilley and add Pengelly as a signer on the bank account. Woolsey made a motion to approve Resolution 22-11. Micheli provided the second and motion passed unanimously.

ACTION TO CANVASS RETURNS AND DECLARE THE RESULTS OF THE WELLS CITY 2022 GENERAL ELECTION

Walz stated the official results from the election have been provided from Elko County. The results were Gary Pollock was elected Mayor and Carmen “Beth” Savedra for city council. Micheli made a motion to declare the results of the Wells City 2022 general election. Goolsby provided the second and motion passed unanimously.

FIRST READING OF ORDINANCE NO. 239 – AN ORDINANCE AMENDING TITLE 8, TRAFFIC REGULATIONS OF THE WELLS CITY CODE ENTITLED “2022 TRAFFIC CODE AMENDMENT,” REPEALING THE FORMER TITLE 8, ADOPTING THE LAWS OF THE STATE OF NEVADA CONCERNING TRAFFIC LAWS GENERALLY, PROVIDING FOR THE GREAT MAJORITY

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OF VIOLATIONS TO BE PUNISHABLE BY CIVIL INFRACTIONS AS REQUIRED BY RECENT CHANGES TO STATE LAW, RE-ADOPTING CERTAIN TRAFFIC LAWS OF LOCAL CONCERN, IF ANY, AMENDING THE GENERAL PENALTY CODE IN TITLE 1, CHAPTER 4, CONCERNING APPROPRIATE PENALTIES AND PROVIDING OTHER MATTERS APPROPRIATELY RELATING THERETO

Walz stated this is the first reading only but is something that needs to be approved for our traffic code to stay in line with the State of Nevada due to recent amendments. Nance called Lauren Landa to answer any questions anyone may have. The new law requires city traffic law be uniform with the state law which now requires most offenses for traffic violations be treated as civil infractions rather than misdemeanor offenses. More serious traffic offenses like DUI and reckless driving will remain misdemeanors. Violations that are deemed civil infractions will not be prosecuted by the city attorney's office. There will be a notice and hearing process with the municipal court. This will result in either the alleged violator paying the infraction and the matter will be closed; the violator will contest and the matter will be found in violation or the violator will ignore the notice from the court and be deemed to have committed the violation. If the violator fails to pay the civil judgement, then the court will refer the matter to collections to seek payment.

Landa added that Tom Coyle does all the municipal prosecutions, but Coyle is out with a medical issue so is not able to present the code change to the council. This new law goes into effect on January 1, 2023 so the city code needs to be amended. DMV will still be able to add points against your driver's license or suspend a driver's license, but no warrant will be issued for failure to pay. Goolsby added that right now, every violation in the State of Nevada is a misdemeanor. Currently, the officer who wrote the citation is required to appear in court as well as any witnesses. After this goes into effect, it will be a civil violation and the officer will no longer be required to appear in court.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE LOVES HOSPITALITY, LLC (DBA HAMPTON INN AND SUITES) LIQUOR LICENSE

Pengelly stated that the liquor license has previously been in the name of the manager at the Hampton Inn. When that manager left, a new application would have to be done. Now, all of the officers of the Love's Corporation are on the liquor license, so this process won't have to continually be repeated. The Elko County Sheriff Department provided a letter stating there is no reason to disqualify the liquor license. Woolsey made a motion to approve the Loves Hospitality, LLC (DBA Hampton Inn and Suites) liquor license. Micheli provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE CIVIL ENGINEERING SERVICES WITH CARTER ENGINEERING, LLC FOR ENGINEERING AND DESIGN FOR SIDEWALK IMPROVEMENTS ON SHOSHONE AVENUE IN THE AMOUNT OF \$15,080.00 TO MOVE FORWARD WITH CDBG GRANT APPLICATION

Walz began that at the last meeting, the council made a motion to proceed with the CDBG grant for sidewalks on Shoshone. This would be the engineering required to submit with that grant. Pengelly added that this would be to pay for the design for the sidewalks from Sixth Street to the overpass. Pengelly stated this would also help with the drainage. Goolsby thought with the swimming pool being on Shoshone, it would be good to have sidewalks, especially in the summer when there are more kids going to the pool. The is just for the design of the sidewalks and the sidewalks will be completed with a CDBG grant if it is awarded to the city. Pengelly added if the engineering and design is done first and is available to submit to CDBG with the grant application, then it is shovel ready if the grant is awarded. Micheli made a motion to approve civil engineering service with Carter Engineering LLC for engineering and design for sidewalk improvements on Shoshone Avenue in the amount of \$15,080. Woolsey provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE PURCHASE OF NEW SNOWPLOW FROM CLEARWATER POWER EQUIPMENT IN THE AMOUNT OF \$12,655.08

Pengelly began that currently, the city has two pickup plows and a blade and it is hard to keep up. One of the new city trucks will be taken to Clearwater for them to install the plow the same day. Clearwater is who the city usually purchases snowplows through. Goolsby made a motion to approve the purchase of a new snowplow from Clearwater Power Equipment in the amount of \$12,655.08. Woolsey provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE AND AUTHORIZE CITY MANAGER, JASON PENGELLY, TO SIGN THE WASTEWATER TREATMENT PLANT HEADWORKS AND SCREENING REHABILITATION CONTRACT IN THE AMOUNT OF \$86,700 AND AUTHORIZE SHAW ENGINEERING TO PROCEED

This grant consists of \$260,000 from a CDBG grant for construction and the rest is from ARPA funds. The \$86,700 will be included in the total cost which is \$560,000 for this project. Pengelly explained how this will be new headworks at the wastewater treatment plant that will include an auger screen machine that takes out all the rags, plastics and everything else that shouldn't be there. It will screen all of them out and put them through the auger. There have been a lot of wipes flushed since COVID. When all those wipes are flushed, they float and get on the cables and weigh them down. It will break the stainless-steel cables and send the aerators shooting off like jet boats on to the bank. Woolsey made a motion to approve and authorize city manager Jason Pengelly, to sign the wastewater treatment plant headworks and screening rehabilitation contract in the amount of \$86,700 and authorize Shaw Engineering to proceed. Chris Micheli provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE AND AUTHORIZE CITY MANAGER, JASON PENGELLY, TO SIGN THE BOOSTER PUMP

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STATION CONTRACT FOR \$65,340 AND AUTHORIZE SHAW ENGINEERING TO PROCEED

Nance began that initially this booster station had ARPA funds allocated for the project but there weren't enough funds allocated with everything going up in price. ARPA funds to cover improvements like this for water, sewer and broadband infrastructure are qualified events. Pengelly added this is for well #7 by the chariot track and feeds the upper tank where the new two-acre parcels are being put in. The well runs two hundred and forty gallons a minute. If that well ever goes out and there are residents living up there, that tank will run dry before a driller gets here to fix it. This bypass pump will enable us to pull water off the main one-million-gallon tank to use as well as fire protection. It was in the original design but was pulled out of the design because of cost. Goolsby made a motion to approve and authorize city manager Jason Pengelly to sign the booster pump station contract for \$65,340 and authorize Shaw Engineering to proceed. Micheli provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS AND EXPERIENCE FOR WOODHILL'S TRAIL PLANNING & DESIGN SERVICES FOR THE WOODHILL'S TRAIL CDBG GRANT

Pengelly began that this would be \$80,000 for the design of where the trails can go. This will be working with BLM and landowners as part of the CDBG process. Woolsey made a motion to advertise for the request for qualifications and experience for Woodhill's Trail planning and design service for the Woodhill's Trail CDBG grant. Micheli provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS AND EXPERIENCE FOR ENGINEERING OVERSIGHT OF SOIL EVACUATION FOR FEARLESS FARRIS CLEANUP

Pengelly began that this is to remediate the contaminated ground from the old fuel tanks. The Brownsfield Grant would be \$80,000 and the in kind would be \$16,000. A hole would be dug to allow the soil to air out. Approval has already been received to take this dirt to the old dump site. The in-kind would be public works manpower and equipment to dig the hole as well as backfill the hole. Walz added that previous testing shows that it should be clean enough to proceed with this project. Pengelly added that once it is cleaned up, if someone wants to purchase the property, there will be proof it is clean. Micheli made a motion to advertise for the request for qualifications and experience for engineering oversight of soil evacuation for Fearless Farris cleanup. Goolsby provided the second and motion passed unanimously.

CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS

Goolsby made a motion to approve Warrant Register dated November 10, 2022 through November 22, 2022 in the amount of \$88,574.13. Micheli provided the second and motion passed unanimously.

COUNCILMEN'S REPORTS

Woolsey had a meeting today with a group called Vocational Rehab. This group offers money and services to help people who struggle for a career path and like to do as much locally as possible. The school is working with this program but is not just for the school. Any community member can take advantage of it to pay for college, vocational training and will provide housing while people learn the skill. Woolsey will be having future meetings and this is something that will benefit the city. There will be job shadowing where they will pay the wages for a person to learn the skills. Woolsey continued that the school is looking at getting a pays lab where a room is set up for kids to learn skills. This will start very basic and test aptitude to help with job placement.

Goolsby mentioned that wrestling is starting and will go through February. Goolsby also wanted to congratulate the two candidates at the meeting and congratulated Pengelly.

Walz will have a REC Board Meeting December 1, 2022 and will be the last quarterly meeting she will attend. Nance will check and see if she can start attending those meetings. Walz wished everyone a Happy Thanksgiving and mentioned the WREC Classic will be coming up the first weekend in December. Walz also announced the Wells Family Resource Center Tree Festival December 5th through the 9th and will be held at the golf course.

STAFF REPORTS

Pengelly stated he and Nance have reached out to a couple of entities regarding bringing healthcare to the City of Wells. Pengelly will report back on when they hear back.

The environmental impact study for the Woodhills Grant from Nevada Parks and Recreation that the council approved to move forward with at the October 11, 2022 meeting for \$200,000 was not completed and submitted by the deadline. This will have to be applied for again next year.

Pengelly attended the NNRDA meeting via ZOOM and there was a lot of good information at that meeting. The update from Southwest Gas was given at that meeting. Pengelly reached out to the representative after the meeting. Southwest Gas was trying to get 20% of Wells residents to say yes to bringing natural gas to Wells and they received around 30 – 35% to commit and will move forward with filing with the PUC to approve the project.

One employee left the City of Wells to pursue other opportunities and the position was advertised. There was only one applicant who will start next Monday. There is still one

more full-time position that has never been filled in Public Works since Dennis Calton retired.

Nance and Pengelly went to lunch at the Sr. Center today and there was a pretty good turnout. Health Care and getting the new Sr. Center built were among the topics discussed. The seniors were told there was enough money to get the shell, roof, windows, doors and stucco but will still be a million dollars short to totally complete it. Walz mentioned that Nevada Gold does a CDC grant program which may be an opportunity to get more funds for this project.

The senior class contacted Pengelly a couple of weeks ago wanting to paint a “W” on the water tank. Pengelly likes this idea but due to safety concerns, it was suggested purchasing a big decal that could be put on the tank. Woolsey added the class initially wanted to repaint the “W” on the mountain but due to safety concerns, it was not feasible. Pengelly added this will be put on a future agenda and the weather will have to warm up before the project can be completed.

Nance stated that Teri Gage from Eide Bailly will be submitting a 30-day extension to present the audit. Due to staff shortages, a lot of staff in the Reno office quitting, and the city having a single audit, it takes more time and there are a lot of single audits around the state due to the ARPA funding. The extension letter will have to be presented to the state and is due to the state by November 30th.

Nance talked with Kristin Brown at SHPO today regarding the El Rancho grant. This was the grant where the city requested \$50,000 and was given \$75,000. This will be moving forward but a new electrical quote will have to be obtained.

Prado mentioned that Christmas lights were being put up while the weather was decent before it snows.

Glen Shamblin congratulated Pengelly.

Jessica Solis-Morgan stated with it being the end of the month, meters were going to be read. With the remote reads, the process can be completed in a day. There are only about sixty meters that need to be manually read.

CITIZENS TO ADDRESS THE COUNCIL

Quinn stated that she and Pengelly had discussed how a trade school was needed in town and with what Woolsey reported, it looks like it is going to happen between the school and the city. Pengelly added if this was available in Wells, a person could make a good living in the city. Woolsey added this group who was at the meeting today wants to come and talk to the city council.

Gary Pollock wanted to thank everyone who voted in the election. Pollock is humbled and flattered with the response from the public and will do his very best to fill some big

shoes. Pollock stated the reason he wanted to run for mayor is because the city council and city management have a great team and is thrilled to be a part of the team.

ADJOURNMENT

The meeting adjourned at 8:07 p.m.

LAYLA M. WALZ, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk