



LAYLA M. WALZ, Mayor
 ROBERT WOOLSEY, Vice-Mayor
 LAURA MOORE DELRIO, Councilwoman
 JONATHAN GOOLSBY, Councilman
 CHRIS MICHELI, Councilman

JORDAN TILLEY, City Manager
 SAMANTHA NANCE, City Clerk
 PATTI ZANDER, Deputy Clerk

PUBLIC MEETING NOTICE
Of the
CITY OF WELLS BOARD OF COUNCILMEN

The Board of Council of the City of Wells, County of Elko, State of Nevada, will meet in regular session on Tuesday, August 9, 2022, in the Council Chambers of Wells City Hall, 525 Sixth Street, Wells, Nevada
 Beginning at 7:00 P.M.

Attached with this Notice is the agenda for said meeting of the Board.

This Notice and Agenda is posted pursuant to N.R.S. 241.020 as amended by the 2013 Legislature. This Notice and Agenda has been posted on or before 9:00 A.M. on the third working day before the meeting at the following locations:

- WELLS CITY HALL, 525 Sixth Street, Wells, Nevada
- WELLS FIRE STATION, 516 Seventh Street, Wells, Nevada
- WELLS POST OFFICE, 201 Castle Street, Wells, Nevada
- WELLS RURAL ELECTRIC COMPANY, 1451 Humboldt Avenue, Wells, Nevada
- SILVER SAGE SENIOR CITIZEN CENTER, 213 First Street, Wells, Nevada
- ROY'S MARKET, 647 Humboldt Avenue, Wells, Nevada

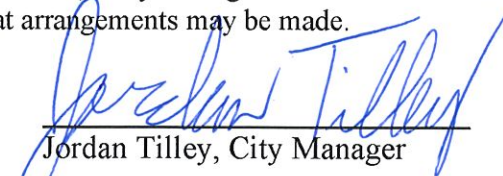
Supporting materials for this meeting may be reviewed at the office of the City Clerk, Wells City Hall, 525 Sixth Street, Wells, Nevada.

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or call (866) 632-9992 to request the form. You may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, and 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

NOTICE TO PERSONS WITH DISABILITIES

Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the City Manager, City of Wells, in writing at P.O. Box 366, 525 Sixth Street, Wells, Nevada 89835-0366, or by calling 775-752-3355 at least two (2) days in advance so that arrangements may be made.



Jordan Tilley, City Manager

TEL 775.752.3355

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The City of Wells is an equal opportunity employer

**AGENDA
REGULAR MEETING
CITY OF WELLS BOARD OF COUNCIL
TUESDAY, AUGUST 9, 2022 7:00 P.M.
COUNCIL CHAMBERS, WELLS CITY HALL
525 SIXTH STREET WELLS, NEVADA**

*Breaks and Recess Actions shall be called for at the pleasure of the Board
rather than by agenda schedule.*

Pursuant to N.R.S. 241.020, 6, notice is hereby given that items on the agenda may be taken out of order, that the Board may combine two or more agenda items for consideration, and that the Board may remove an item from the agenda or delay discussion relating to an item on the agenda any time and if the agenda is not completed, to recess the meeting and continue on another specified date and time.

Pursuant to N.R.S. 241.020, 7, any restriction on comments by the general public must be reasonable and may be restricted to the time, place and manner of the comments, but may not restrict comments based on viewpoint.

Citizens will be allowed to make public comment during each agenda item as well as at the formal Citizens to Address the Board of Councilmen agenda item at the beginning of the meeting.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of minutes of previous meeting(s) **FOR POSSIBLE ACTION**

DELEGATION:

5. Citizens to address the Council

Pursuant to N.R.S. 241.020,2 (c) (3), this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item

NEW BUSINESS:

6. First 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. FOR POSSIBLE ACTION**
7. Discussion and Possible Action to approve or deny adoption of revised City of Wells Personnel Policies. **FOR POSSIBLE ACTION**
8. Discussion and possible action to approve or deny increasing dues membership for the Nevada League of Cities and Municipalities. **FOR POSSIBLE ACTION**
9. Discussion to receive CDBG Grant ideas for the upcoming grant cycle to be submitted to CDBG for eligibility approval. **DISCUSSION ONLY**
10. Discussion and possible action to approve or deny allocation of \$24,000 of marijuana tax revenues to be spent on seven new green covers for Chimney Rock Golf Course. **FOR POSSIBLE ACTION**

11. Discussion and possible action to approve additional funding for Airport Apron project.
FOR POSSIBLE ACTION

12. Discussion and possible action to approve additional funding for Woodhill's Drainage Project. **FOR POSSIBLE ACTION**

13. Discussion and possible action to approve additional funding for the new Wells Senior Center. **FOR POSSIBLE ACTION**

14. Claims Committee Report and possible action to approve financial statement. **FOR POSSIBLE ACTION**

15. Councilmen's Report

This time is devoted to comments by Board members for general information or update Purposes and may include reports of involvement in liaison actives/meetings with matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

16. Staff reports

This time is devoted to comments by city Staff for general information or updates purpose. No action maybe taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be action item

17. Citizens to address the Council

Pursuant to N.R.S. 241.020,2 (c) (3), this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a mat raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

18. Adjournment

**MINUTES OF WELLS CITY COUNCIL
MEETING OF JULY 26, 2022**

CALL TO ORDER

Date: Tuesday, July 26, 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 Walz, Mayor – via phone

ROLL CALL

Present: Layla M. Walz, Mayor – via phone
Laura Moore-DelRio, Councilwoman
Jonathan Goolsby, Councilman

Absent: Chris Micheli, Councilman
Robert Woolsey, Vice-Mayor

Quorum: Yes

Staff Present: Samantha Nance, Finance Clerk
Jordan Tilley, City Manager
Patti Zander, Deputy Clerk

Mayor Walz opened the meeting and turned it over to Councilman Goolsby to preside.

PLEDGE OF ALLEGIANCE

Councilman Goolsby led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

DelRio made a motion to approve meeting minutes dated July 12, 2022. Goolsby provided the second and motion passed unanimously.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE APPLICATION FOR
ALPHINE SERVICE LLC TO PURCHASE DONNA'S RANCH, REVIEW OF
RECOMMENDATION BY ELKO COUNTY SHERIFF**

Minutes of Wells City Council
Meeting of July 26, 2022

A letter was provided from the Elko County Sheriff's Office stating they see no reason to disqualify the applicant for a liquor license or a brothel license. Joseph Ye from Alpine Services LLC was at the meeting stating his intention to purchase Donna's Ranch. Currently, Ye lives in Ely, Nevada. DelRio made a motion to approve the application for ALPine Service LLC for the liquor license and the brothel license. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY SPECIAL LIQUOR LICENSE FOR WELLS VOLUNTEER FIRE DEPARTMENT FOR WELLS FUN RUN JULY 29TH – 31ST

DelRio stated this is something that is done every year. DelRio made a motion to approve the special liquor license for the Wells Volunteer Fire Department for the Wells Fun Run, July 29th – 31st. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY SPECIAL LIQUOR LICENSE FOR WELLS JR. RODEO FOR AUGUST 6-7, 2022

DelRio stated this is the same as the above item, something that is done every year. DelRio made a motion to approve the special liquor license for the Wells Jr. Rodeo. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE DEBT MANAGEMENT INDEBTEDNESS REPORT AND FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Nance began this is one of the statutory regulations the state requires be completed by the first of August every year. It shows if there is any new debt. The city has not taken on any new debt in the last year. The existing debt is for two loans on water meters, the excavator and the x-ray machine. Total debt for the city is \$646,000. Based on the assessed value that the county gave the city, the city's assessed value is \$31,541,000 and the legal debt limitation is forty percent of that which would be \$12,600,000. The five-year capital improvement plan lists assets and projects for the city planned out over the next five years and what was budgeted. DelRio made a motion to approve the debt management indebtedness report and five-year capital improvement plan. Goolsby provided the second and motion passed unanimously.

DISCUSSION TO ACCEPT OR DENY APPLICATION FOR SPECIAL USE PERMIT TO ALLOW FOR COMMERCIAL REAL ESTATE BUSINESS IN RESIDENTIAL AREA AT 530 SOUTH SHOSHONE, APN #002-744-001

Walz asked if there had been any comments from neighbors. Tilley stated there were two letters received in support and one neighbor at the meeting in support and one against. Paul Bottari from Bottari & Associates Realty began that the city had previously purchased their property and needed a new place to conduct their real estate business. Bottari continued that his father-in-law passed away in February and his mother-in-law,

Norma, has Alzheimer's and needs someone to care for her. Bottari is moving away from the property management business so there will not be a lot of traffic at the residence. The only rentals left that are managed are their own personal rentals and the Marquis building which will be for sale shortly. As soon as it is sold, Bottari will be totally out of the property management business. Bottari has had an office in Wells for thirty years and has tried to be a full-service office. The Bottari's are slowing down and moving to that residence will work best for them at this time. In the evening, they take Norma home with them to Starr Valley.

Bottari does not plan on putting a sign out advertising the business. The state requires a physical address for where records are being kept. Bottari added this will be done as long as they are able to care for Norma. If Norma has to be put in a care facility, they will work out of their own home. Norma is familiar with the residence so it makes it easier for her and would appreciate the city's support. Bottari is not opposed to the city putting conditions on this as well as a time limit. Richard Gavert lives next door and does not think there is a place for a business in a residential area but feels there are mitigating circumstances and is willing to agree with this arrangement.

Tilley added that this was discussed with Legal Counsel who did not see any reason not to approve this special use permit as the home occupation and special use permit work in tandem. Goolsby asked if a time limit should be put on this permit. DelRio added that a lot of people are working from home as it is without a special use permit. Goolsby thought these were special circumstances but thought it opened the floodgates for any other business that wants to work out of a residential home. Goolsby thought this should be allowed for a two-year period and then it could be extended for another two years if needed. Walz added that special use permits can be revoked at any time if there is an issue. Bottari feels a full-service real estate office is needed in a community for it to grow. Bottari's would like to retire someday but are not quite ready. DelRio made a motion to accept the application for the special use permit to allow for commercial real estate business in a residential area at 530 S. Shoshone, APN # 002-774-001 to be revisited in twenty-four months. Goolsby provided the second and motion passed unanimously.

CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS

DelRio made a motion to approve the Warrant Register dated July 13, 2022 in the amount of \$70,083.53. Goolsby provided the second and motion passed unanimously. DelRio again made a motion to approve the Warrant Register dated July 15, 2022 through July 26, 2022 in the amount of \$212,342.06. Goolsby provided the second and motion passed unanimously.

COUNCILMEN'S REPORTS

DelRio would like to have the city help with getting some type of storage for the girls' softball. Currently the equipment is being kept in the cookshack with people in and out

all the time. DelRio tried to get donations as well as a container donated with no luck. Nance asked about the school district helping and DelRio stated it wasn't for high school, it was for the little girls. DelRio is willing to do fundraising to help with this.

Walz will be attending an NNRDA meeting tomorrow.

STAFF REPORTS

Tilley had a meeting regarding the J one Visa program that Wes Harper brought up. It looks like that is not going to work out right away because there are other requirements. One of the big issues is that it must be in an existing clinic with a physician overseeing or working in tandem with another clinic with a physician. Vance Farrow from GoED was also on the phone call who recommended using a nurse to staff the clinic. A lot of counties in the state participate in this but Elko County does not. This has to be paid into to qualify to receive some of the benefits. This will be discussed with the county manager and the commission. We don't know if this is something they weren't willing to do in the past and now may be willing to do with new leadership. Tilley is also trying to set up a meeting with Med X and Intermountain Healthcare now that they have merged.

We are still waiting to hear back on the funding for the senior center construction and thought we would have heard by now. If we get what we asked for, we should be able to get the building shell up and can take it from there to finish it.

Tilley has also been talking with the county transportation to help with a grant to get a new fourteen seat bus for the senior center. The county is also working on a widespread transportation plan throughout the county. Information will be prepared to bring back for the council to show support before it goes to the county commissioners. This program would provide a bus route from Elko to Wells then up to Jackpot and Twin Falls and vice versa and would be for all citizens. This would be a large undertaking by the county.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

LAYLA M. WALZ, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk

Minutes of Wells City Council
Meeting of July 26, 2022

CITY OF WELLS ORDINANCE NO. _____

SUMMARY: Wells Ordinance No. _____ amends the City code by deleting the current Title 6, Chapter 5 governing public nuisances and replacing it with a new chapter which updates the code to reflect requirements of the Nevada Revised Statutes governing nuisance regulations and clarifies the processes for declaring nuisances, obtaining abatement measures and providing for related offenses and responsibilities of the owner/occupant of the involved property.

TITLE: 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.

WHEREAS the Wells Board of Council Members has recognized that significant changes to the Wells City Code are necessary to clarify the description of a public nuisance and to clarify the procedure for abatement of a public nuisance.

WHEREAS the Wells Board of Council Members has determined that the best way to accomplish this goal is to repeal Title 6 Chapter 5 and replace it with this new public nuisance ordinance.

NOW THEREFORE, THE WELLS BOARD OF COUNCIL MEMBERS DOES ORDAIN as follows:

For purposes of this amendment ordinance, the entire ordinance is bold and underlined, showing the new text. The current text of the existing code of Title 5 Chapter 6 which is hereby deleted in its entirety is not shown.

SECTION 1: Existing Title 6, Chapter 5 is hereby repealed in its entirety.

SECTION 2: Title 6, Chapter 5 is hereby replaced with the following:

CHAPTER 5

NUISANCES

SECTION:

6-5-1: General Provisions

6-5-2: Definitions

6-5-3: Duty of Maintaining Property; Offenses; Remedies

6-5-4: Written Administrative Complaint of Existence of Nuisance; Emergency Declaration and Abatement

6-5-5: Investigation of Written Complaint of Nuisance; Inspection Authority

6-5-6: Notice to Property Owner and Occupant of Nuisance

6-5-7: Setting of Hearing; Hearing and Decision

6-5-8: Appeal

6-5-9: Referral to Wells City Attorney; Issuance of Citations

6-5-10: Abatement by the City

6-5-11: Assessments of Costs of Abatement

6-5-12: Collection of the Special Assessment

6-5-1: GENERAL PROVISIONS

A. Title: This chapter shall be known as the *NUISANCES ORDINANCE OF THE CITY OF WELLS*, may be cited as such, and will be referred to hereafter as the "nuisance code."

B. Purpose and Scope:

1. It is determined and declared as follows:

- a. The city has a substantial and legitimate interest in seeing that its community, including property, buildings, and premises within its limits, is kept in a safe and reasonable condition in accordance with generally accepted community standards.

- b. The keeping or maintaining of property, buildings, and premises at variance with the level of maintenance of surrounding properties will result in blight and/or unsafe conditions and substantial diminution in the employment, use, and property values of such surrounding properties.
- c. It is desirable to promote the maintenance of property, buildings, and premises in order to enhance the community appearance, and the safe, social, and economic conditions of the community.
2. The purpose of this chapter is to protect the health, safety, and welfare of the citizens of Wells and to promote the maintenance of property, buildings, and premises in order to enhance the livability, community appearance, and the safe, social, and economic conditions of the community.
3. This chapter shall apply to all property, buildings, and premises within the city without regard to the use, or the date of construction or alteration.
4. The Board of Council Members reserves that action to declare and abate a public nuisance may proceed through municipal court; however, nothing prohibits a city manager from proceeding through the Board of Council Members.

6-5-2: DEFINITIONS:

A. "Owner" shall mean the responsible party, person or entity owning the vacant lot as shown on the last tax assessment roll maintained in the Elko County Assessor's office; or any person, co-partnership, agent, operator, firm, association, corporation or other business entity, or fiduciary having a legal or equitable interest in the property or who otherwise exercises control of the property, including the trustee or guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession or control of the vacant lot by a court of competent jurisdiction.

B. For the purposes of this chapter, the term "nuisance or public nuisance" means any condition or use of premises or of building exteriors which constitutes a hazard to the health, safety, peace, comfort, convenience, safety, enjoyment and/or welfare of the public, is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the following matters declared, without limitation, to constitute public nuisances:

1. Every act unlawfully done and every omission to perform a duty, which act or omission:

- a) **Shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons.**
- b) **Shall offend public decency;**
- c) **Shall unlawfully interfere with, befoul, obstruct or tend to obstruct, or render dangerous for passage a public park, square, street, alley, bridge, causeway, or highway, or a river, stream, canal, ditch, pond, or other body of water;**
- d) **Shall in any way render a considerable number of persons insecure in life or the use of property.**

2. Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

3. Any dangerous structure or condition which may cause injury to, or endanger the health, life, property, safety, or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

- a) **Injures or endangers the life, safety, health, or property of the general public or the occupants of the property upon which the structure or condition is located, or in any way annoys or endangers the comfort or repose of a considerable number of persons;**
- b) **Violates an ordinance, rule, or regulation regulating health and safety enacted, adopted, or passed by the city, the violation of which is designated as a nuisance in the ordinance, rule, or regulation; or**
- c) **Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance, or safety.**

4. Debris, rubbish, trash, and refuse which includes all non-putrescible waste matter or debris, manure, combustible and non-combustible materials that result from normal household, community, and business activities including, without limitation, grass clippings, tree trimmings, paper, cardboard, cans, wood, glass, bedding, crockery, and similar materials.

5. Garbage which includes all kitchen and table food waste, animal waste, vegetable waste, and all household waste or residue resulting from the preparation, storage, cooking, handling, or treatment of food.

6. The violation of any state law or city ordinance which defines violation thereof as a nuisance or as nuisance activity.

7. Abandoned, discarded, or unused objects or equipment such as motor vehicles, machinery, furniture, stoves, household appliances, cans, containers, boxes, waste, old building material, and other such items.

8. Outside storage of inoperable vehicles, equipment, building materials, and other property, unless fully screened from view from outside the property and fully enclosed or otherwise protected in such manner as to prevent the harboring of insects, flies, rodents, snakes, and other animals.

9. Excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes, and gasses within the city.

10. Excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the city.

11. Weeds and noxious plant growth which includes weeds or overgrown grass, brush, or vegetation that is offensive to the senses or injurious to health.

12. Criminal activity which is defined as a nuisance under City code or State law.

6-5-3: DUTY OF MAINTAINING PROPERTY; OFFENSES; REMEDIES

- A. No person owning, leasing, occupying, or having charge or control of any premises or property shall maintain, keep, or permit to be maintained or kept, a nuisance thereon, nor shall any such person keep, maintain, or permit to be maintained or kept, such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.
- B. It shall be unlawful for any person or entity to commit or maintain a public nuisance or wilfully refuse to perform any legal duty relating to the removal of such public nuisance, and it shall be unlawful for any person or

entity to rent or lease, or permit to be used, any building or portion thereof, knowing that the same is intended to be or is being used for, committing or maintaining any such nuisance. Said crime shall be a misdemeanor offense punishable as provided in section 1-4-1 of this code, in addition to any other penalties, abatement orders, injunctive relief and fines provided herein. Such punishment shall include, without limitation, a fine not to exceed one thousand dollars (\$1,000.00), or by a sentence of confinement in the city or county jail not to exceed six (6) months, or both such fine and imprisonment, in addition to any other penalties and fines authorized in this Chapter.

- C. The remedies provided herein are cumulative and the City may proceed under one or more such remedies. A Court of competent jurisdiction for a violation hereof shall have full authority to order all measures of abatement, civil penalty, criminal penalty, injunctive relief, assessment, costs, liens and abatement by the City as part of any sentencing or civil remedies as may be made consistent such matters found in this Chapter. Each day a violation continues, whether pursued criminally or civilly, constitutes a separate violation and/or offense.

- D. The transfer of the property interests of any person receiving notice herein shall not relieve that party from liability hereunder.

- E. A civil fine may be imposed in any court or administrative action to enforce the provisions of this chapter for up to \$500/day for each day of a continuing violation after notice of violation and the expiration of the time set forth therein to abate said violation.

6-5-4: WRITTEN ADMINISTRATIVE COMPLAINT OF EXISTENCE OF NUISANCE; EMERGENCY DECLARATION AND ABATEMENT

- A. The City will not proceed on an administrative allegation of a nuisance except upon a written complaint, which can be filed by a private citizen or any appointed officer or department head of the City. Whenever a written complaint is filed with the City Clerk alleging the existence of a nuisance, the City Clerk shall notify the City Manager, who in turn shall notify the Public Works Director, or such other city official as may appear to said City Manager to be appropriate.

- B. Whenever the Building Inspector or City Manager determines a public nuisance exists and the public health, safety or welfare may be in immediate danger, then he/she shall notify the the Mayor and/or a councilmember to call an emergency meeting to seek an immediate order of abatement. When emergency abatement is authorized, notice to the owner prior to abatement is not required but the provisions regarding notice of the statement of costs shall be applicable.

**6-5-5: INVESTIGATION OF WRITTEN COMPLAINT OF NUISANCE;
INSPECTION AUTHORITY**

Except in cases of emergency as described above, the official to whom such notice is given by the City Manager shall forthwith investigate the facts claimed to amount to a nuisance and shall report verification, or lack thereof, to the City Manager within ten (10) days. Said official and any person or officer authorized to investigate public nuisances or enforce this Chapter are authorized to enter upon any property or premises to ascertain whether the provisions of the Code or applicable state codes are being obeyed, and to make any examinations, inspections and surveys as may be necessary in the performance of their enforcement or investigative duties. These may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be conducted in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the enforcement/investigative official may seek an administrative inspection warrant pursuant to the applicable procedures provided for in the Nevada Code of Civil Procedure or any applicable process established by a court of competent jurisdiction. In the case of a criminal investigation, law enforcement may seek a search warrant consistent with the applicable laws of the State of Nevada.

6-5-6: NOTICE TO PROPERTY OWNER AND OCCUPANT OF NUISANCE

- A. Upon receipt of a verification, the City Manager shall mail by certified mail, return receipt requested, a notice of the complaint of existence of a nuisance to the person owning the premises according to the current tax roll and to the person in possession, in charge, or in control of the yard, lot, or premises upon which the nuisance exists. The notice shall describe the nuisance allegation, the work of abatement to be performed, and any penalties or fines.
- B. The notice shall require:
1. Payment of fines, compliance with penalties and commencement of

work for the removal of the nuisance within 14 days after mailing of the notice, and removal of the nuisance by a date certain thereafter, affording a minimum of 30 days if the condition is not an immediate danger to the public health, safety or welfare; or

2. Within 14 days, a written request to the City Manager that a hearing be held before the City Manager to contest whether a nuisance exists, whether said nuisance should be abated or removed, whether the fines and penalties should be imposed and/or or whether it be shown that there is no nuisance or that the nuisance was caused by the City. The date specified in the notice by which the owner must abate the condition and comply with the notice is tolled for the period during which the owner requests a hearing and receives a decision.

- C. If a hearing is not timely requested, the right to a hearing to contest the declaration of nuisance, the imposition of fines and penalties and/or the requirement of abatement shall be deemed to be waived. Further, upon a failure of the owner/occupant to comply with the notice, the City Manager shall prepare and serve a notice of a finding of public nuisance and order of abatement and matters related thereto to be served by certified mail return receipt requested.

6-5-7: SETTING OF HEARING REGARDING NUISANCE; HEARING AND DECISION

- A. If a written request for hearing has been received by the City Manager within the time specified, the City Manager shall forthwith fix a date to hear the owner and/or occupant of the real property whereon the alleged nuisance is claimed to exist and of any other person desiring to be heard.
- B. At the hearing before the City Manager or the City Manager's designee, the respondent and the City shall each be given an opportunity to present arguments and evidence, to include witness testimony. The rules of evidence shall not apply. The City Manager or the City Manager's designee may terminate the hearing at a time determined in advance by the City Manager or the City Manager's designee, provided a reasonable time shall be given to permit the respondent and the City to present their respective arguments and evidence. The City Manager or City Manager's designee may terminate a hearing at any time upon a determination that the additional evidence and argument to be proffered by the respondent and the City will be duplicative or not relevant to the issues to be resolved. The City Manager or the City Manager's designee shall issue and serve a written decision upon the respondent with five (5) business days of the hearing. The written decision shall set forth the findings concerning the nuisance matter, the

fines, penalties and remedies ordered in conjunction therewith, if any, and the appeal rights applicable to the decision, if any.

6-5-8: APPEAL

- A. An owner or occupant may appeal the written decision of the City Manager within fourteen (14) calendar days of service thereof, by certified mail return receipt requested, to the Board of Council Members by filing a "Notice of Appeal to the Board of Council Members" with the City Clerk containing a statement of the basis for the appeal. The Board of Council Members shall, within forty-five (45) calendar days thereafter, conduct a hearing on the decision of the City Manager or City Manager's designee. At the hearing before the City Council, the appellant and the City shall each be given an opportunity to present arguments and evidence, to include witness testimony. The rules of evidence shall not apply. The Board of Council Members may terminate the proceeding at a time determined in advance by the Board, provided a reasonable time shall be given to permit the appellant and the City to present their respective arguments and evidence. The Board of Council Members may terminate a hearing at any time upon a determination that the additional evidence and argument to be proffered by the appellant or the City will be duplicative or not relevant or necessary to the issues to be resolved. The Board of Council Members shall render a decision at the hearing, to include a continuation thereof in the event the hearing is tabled.
- B. A written decision shall be prepared based upon the decision of the Board of Council Members and may be served upon the appellant at the hearing or forthwith thereafter by certified mail return receipt requested. This decision shall set forth the findings regarding the nuisance, if an, and any matters appropriate to abatement and penalties and fines.
- C. If work to abate and remove the nuisance is not commenced within the required period, if the nuisance is not abated or removed within the required period, if the nuisance is not abated or removed within a reasonable time after the commencement of work, or if no written appeal notice has been received by the City Manager within the time specified, the City may proceed to abate the nuisance and recover the costs, fines and penalties provided in the determination and order by the Council.
- D. The failure of an owner or occupant to appeal a decision within the times required in this Chapter shall result in the waiver of those appeal rights and strict compliance with the decision of the City Manager shall be required.
- E. The decision of the Board of Council Members at an appeal hearing pursuant to this Chapter shall be final for purposes of judicial review. Any action for judicial

review shall be commenced by filing a petition with the District Court for the Fourth Judicial District, in and for the County of Elko, State of Nevada, no more than thirty (30) calendar days from the date of the decision of the Board of Council Members.

6-5-9: REFERRAL TO WELLS CITY ATTORNEY; ISSUANCE OF CITATIONS

- A. In addition to the administrative process set forth herein, an alleged nuisance may at any time be referred to the City Attorney, who may elect to file a complaint in municipal court for a violation of this chapter and seek a conviction and abatement order from the Court separate from the actions taken in the administrative process.
- B. In addition to the administrative process set forth herein, the Chief of Police, his or her designee, or any code enforcement officer or other officer authorized to issue citations for violations of the City code may initiate a prosecution for a violation of this Chapter by the issuance of a citation into Municipal Court. Upon a conviction, the Court shall have full authority to order abatement and the other remedies set forth herein, in addition to the other penalties for a misdemeanor.

6-5-10: ABATEMENT/ENFORCEMENT BY THE CITY

If an order of the Board of Council Members is not complied with within such time as the Board of Council Members has designated, the Board shall cause the abatement and removal of the nuisance and make the cost of abatement a special assessment against the real property. If fines or penalties are not paid as provided in the order, the Board shall make such penalties a special assessment against the real property as provided in this Chapter and/or the Nevada Revised Statutes. If a court order for abatement is not complied with, the Wells City Attorney shall pursue remedies available to him/her through the court, including, but not limited to, a court order for abatement and all other remedies, costs, fines, assessments and lien procedures which could be imposed by the Board of Council Members in this Chapter.

6-5-11: ASSESSMENT OF COSTS OF ABATEMENT

Upon the completion of abatement and removal of a nuisance by the City after the Board of Council Members has ordered the owner to abate the nuisance:

- A. The city employee in charge of the work of abating and removing the nuisance shall file with the City Clerk a description of the premises and a verified

statement of the work done and all expenses and costs incurred of any nature whatsoever, and the name of the owner of the premises. The owner shall be charged with the costs and expenses by the City.

B. The Board of Council Members shall make a determination regarding the costs and expenses of abatement by the City at a regular meeting and shall:

1. Determine whether the costs and expenses were proper, the name of the owner of the premises, and the premises to be assessed; and
2. Adopt or revise the statement by resolution levying assessment and require the city clerk to record the resolution and statement in the Office of the Elko County Recorder.

C. Upon such recording, the assessment shall be due and payable and shall constitute a lien upon the premises and shall remain until paid.

6-5-12: Collection of the Special Assessment

- A. The special assessment may be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection, and enforcement of property taxes and shall be applicable to such special assessment.
- B. The Elko County Assessor shall:
 1. Make an assessment roll and levy a special assessment upon the premises and against the person chargeable;
 2. After such levy, transfer the assessment roll to the Elko County Treasurer.
- C. The Elko County Treasurer shall record the assessment in his/her office in the same manner as street assessments are recorded.
- D. Any civil penalties that have not been collected may not be made a special assessment against the property unless:
 - a. At least 12 months have elapsed from the date specified in the notice by which the owner must abate the condition or the date specified by the governing body or court by which the owner must abate the condition, whichever is later;

- b. The owner has been billed, served or otherwise notified that the civil penalties are due; and
- c. The amount of uncollected civil penalties is more than \$5,000.

E. If a special assessment is imposed under this section, the City clerk shall submit a written report to the Board of Council Members at least one each calendar quarter that sets forth, for each property against which such assessment has been imposed:

1. The street address or Assessor's parcel number of the property;

2. the name of each owner of record of the property as of the date of the assessment; and

3. the total of the assessment, stating the amount assessed for the expense of the abatement.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

SECTION 4: If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, the invalidity, unenforceability of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.

SECTION 5: That upon adoption, the City Clerk of the City of Wells is hereby directed to have this Ordinance published, by title only, together with the Councilmen voting for or against its passage, in a newspaper of general circulation printed and published in the County of Elko, for at least one publication.

SECTION 6: This Ordinance shall be effective upon the publication mentioned in Section 5 herein.

APPROVED this ____ day of _____, 2022.

CITY OF WELLS

By: _____
LAYLA WALZ, Mayor

STATE OF NEVADA)

)ss.

COUNTY OF ELKO)

AFFIDAVIT OF POSTING

SAMANTHA NANCE, being first duly sworn, deposes and says:

That she is and was at the time of posting hereinafter mentioned, a citizen of the United States, over the age of twenty-one years and the duly appointed, qualified City Clerk of the City of Wells, County of Elko, State of Nevada; that on the ___ day of _____, 2022, Affiant posted at one public bulletin board in the City of Wells, Nevada, a true, full, and correct copy of Ordinance No. _____, summarized and entitled as follows:

SUMMARY: Wells Ordinance No. _____ amends the City code by deleting the current Title 6, Chapter 5 governing public nuisances and replacing it with a new chapter which updates the code to reflect requirements of the Nevada Revised Statutes governing nuisance regulations and clarifies the processes for declaring nuisances, obtaining abatement measures and providing for related offenses and responsibilities of the owner/occupant of the involved property.

TITLE: 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.

SAMANTHA NANCE,
CITY CLERK

SUBSCRIBED AND SWORN to before me this ___ day of _____, 2022.

NOTARY PUBLIC
My Commission Expires: _____

NOTICE

NOTICE IS HEREBY GIVEN that on the ___ day of _____, 2022, The Board of Councilmembers of the City of Wells, Nevada, approved the adoption of an ordinance for the City with the following Summary and Title:

SUMMARY: Wells Ordinance No. _____ amends the City code by deleting the current Title 6, Chapter 5 governing public nuisances and replacing it with a new chapter which updates the code to reflect requirements of the Nevada Revised Statutes governing nuisance regulations and clarifies the processes for declaring nuisances, obtaining abatement measures and providing for related offenses and responsibilities of the owner/occupant of the involved property.

TITLE: 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.

NOTICE IS FURTHER GIVEN that, pursuant to NRS 266.115, notice of the adoption of the above-entitled Ordinance is being published by title, together with an adequate summary, including any amendments, once in a newspaper published in the City and posted in full in the City Hall. This Ordinance shall become effective twenty (20) days after its publication.

DATED this ___ day of _____, 2022.

CITY of WELLS

LAYLA WALZ, MAYOR

Published _____, 2022.

**PUBLIC NOTICE OF FILING OF WELLS ORDINANCE PURSUANT TO
NRS 266.115**

NOTICE IS HEREBY GIVEN that the City of Wells Ordinance No. ____, with Summary and Title as follows:

SUMMARY: Wells Ordinance No. _____ amends the City code by deleting the current Title 6, Chapter 5 governing public nuisances and replacing it with a new chapter which updates the code to reflect requirements of the Nevada Revised Statutes governing nuisance regulations and clarifies the processes for declaring nuisances, obtaining abatement measures and providing for related offenses and responsibilities of the owner/occupant of the involved property.

TITLE: 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.

was filed with the City of Wells City Clerk on _____, 2022.

NOTICE IS FURTHER GIVEN that copies of the Ordinance are available for public examination and distribution upon request at the office of the City Clerk at _____, that said Ordinance was proposed and read by title on _____, 2022, and that the Board of Councilmembers intends to take final action on the adoption of said ordinance at its regular meeting on the ____ day of _____, 2022, as a regular measure.

IN WITNESS WHEREOF, the Board of Councilmembers of the City of Wells has caused this Notice to be given by reference to the Title and Summary of the proposed Ordinance.

DATED this ____ day of _____, 2022

CITY OF WELLS

LAYLA WALZ, MAYOR

Published: _____, 2022.

PUBLICATION OF THIS NOTICE MUST BE AT LEAST TEN (10) DAYS BEFORE THE DATE SET FOR THE ADOPTION OF THE ORDINANCE.



Agenda Item F10
 Date of Meeting 8-9-22

Quotation

100 Westmore Dr., 11D, Rexdale, ON M9V 5C3
 3909 Witmer Rd., Niagara Falls, NY 14305
 TOLL FREE: 1-800-387-5808
 TEL: +1-416-745-1811 FAX: +1-416-742-6837
 WEB: www.covermaster.com
 EMAIL: info@covermaster.com

Acct. No.	Quote Date	Quotation #
C-10761453	2022-7-21	Q-092180

Bill To	Ship To
Jason Pengelly City of wells Po 366 Wells NV 89835	Jason Pengelly (775) 340-5368 City of Wells 451 Union Street Wells NV 89835

Valid to	Regional Rep	Terms	FOB	Currency	Delivery
2022-8-20	Thomas Bell	Net 30 Days OAC	FOB Origin, FRT PPD	US Dollar	2-4 Wks

QTY	Unit	Description	Sizing	Price
		EVERGREEN TURF COVERS		
9,100	sf	Evergreen Radiant - Custom Size	1 sections at 100ft wide x 91ft long	2,993.90
8,200	sf	Evergreen Radiant - Custom Size	1 sections at 100ft wide x 82ft long	2,697.80
10,920	sf	Evergreen Radiant - Custom Size	1 sections at 120ft wide x 91ft long	3,592.68
10,000	sf	Evergreen Radiant - Custom Size	1 sections at 100ft wide x 100ft long	3,290.00
11,550	sf	Evergreen Radiant - Custom Size	1 section at 110ft wide x 105ft long	3,799.95
16,200	sf	Evergreen Radiant - Custom Size	2 sections at 90ft wide x 90ft long	5,329.80
1		Shipping & Handling		1,400.00

Standard width sizes on our Evergreen Turf Covers are fabricated in 10' increments. Finished sizes are slightly narrower due to seaming. Pricing included Highly Visible Pink Anchor Staples, and Storage bags.	Total	\$23,104.13
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JT Landscapes & Hydro-Seeding, LLC

P.O. Box 1628, Twin Falls, ID 83303
 (208) 358-1454 • jtthegrassman.com

Agenda Item #10
 Date of Meeting 8-9-22
 DATE 6/22/22

SOLD TO
 City of Wells
 408 Ventosa 3060-6520
 Wells Nevada 89835

- SPRING
 FERTILIZER
 SPRINKLER START-UP
 BACK-FLOW TEST
 FALL
 SPRAYING SERVICE
 SPRINKLER BLOW-OUT
 SNOW REMOVAL

QTY	UNIT	ITEM	PRICE	TOTAL
14,000	sq'	Hydro-seed Best grass		3,500.00
		2 part process		
		Travel		400.00

RECEIVED
 JUN 29 2022
 CLK 882
 \$3,900.00
 SM

SUBTOTAL	
OTHER	
TAX	
TOTAL	3,900.00

SIGNATURE _____



TERMS: Total amount due upon completion of service. A SERVICE CHARGE OF 1% PER MONTH (which is 18% PER YEAR) may be charged on all past due accounts over 10 days. If legal action is initiated for collection, then customer may be responsible for JT&H's attorney fees and costs. JT&H has the right to refuse service in anyone.