



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, November 8, 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

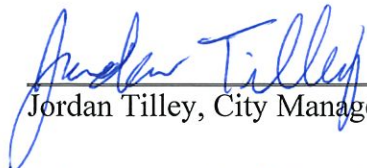
Supporting materials for this meeting may be reviewed at the office of the City Clerk, Wells City Hall, 525 Sixth Street, Wells, Nevada.

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

FAX 775.752.3419

finance@cityofwellsnv.com

MAILING P.O. BOX 366 • WELLS, NEVADA 89835 PHYSICAL 525 6TH STREET • WELLS, NEVADA 89835

The City of Wells is an equal opportunity employer

**AGENDA
REGULAR MEETING
CITY OF WELLS BOARD OF COUNCIL
TUESDAY, NOVEMBER 8, 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. 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 without permissible main building, APN #002-670-014 APN #002-670-015, Aaron and Kristina Bushur. **FOR POSSIBLE ACTION**
7. 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. **FOR POSSIBLE ACTION**
8. Discussion and possible action to continue contract with City Manager, Jordan Tilley or terminate and offer severance. **FOR POSSIBLE ACTION**
9. Discussion and possible action to reallocate ARPA funding from potential housing development to booster station for Well 7. **FOR POSSIBLE ACTION**
10. Discussion and possible action to identify projects eligible for the upcoming CDBG cycle and direct staff to draft grant application(s). **FOR POSSIBLE ACTION.**

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

12. 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.

13. 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

14. 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.

15. Adjournment

**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

Minutes of Wells City Council
Meeting of October 25, 2022

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.

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.

Minutes of Wells City Council
Meeting of October 25, 2022

LAYLA M. WALZ, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk

Agenda Item #6
Date of Meeting 11-8-22

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of Wells BOARD OF COUNCIL on Tuesday November 8th, at 7:00 p.m. in the council chambers of Wells City Hall, 525 Sixth Street, Wells, Nevada, to make a final action on this application.

Application for special use to allow non-conforming accessory building and to construct accessory building without a permissible main building on Metropolis Road

APN # 007-670-015 and 002-670-014 Aaron & Kristina Bushur

Any interested parties are invited to come to this meeting to give their views. Written comments may also be submitted to the Clerk's Office at 525 Sixth Street or P.O. Box 366, Wells, NV 89835-0366. If you have any questions, please call 775-752-3355.

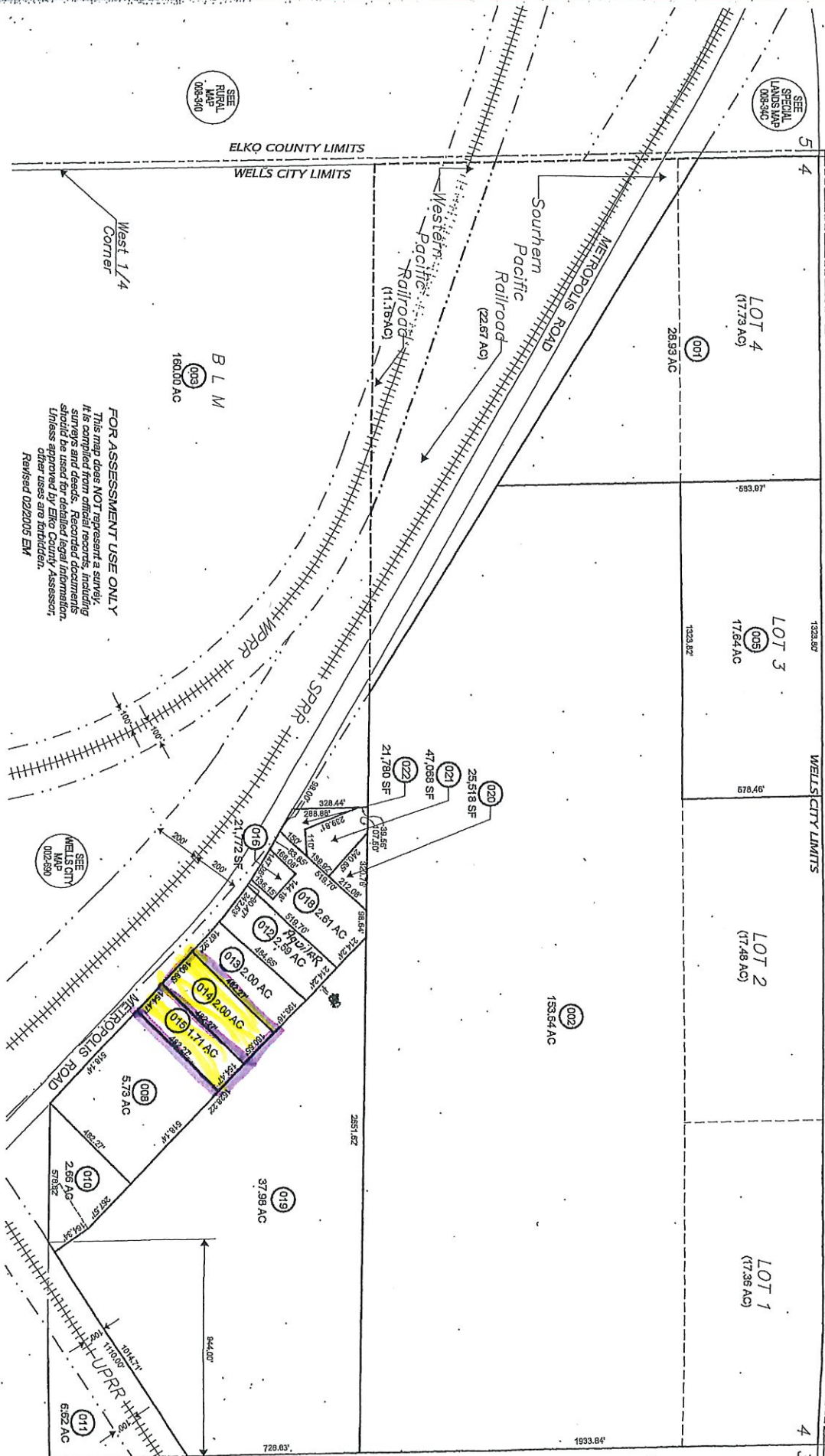
Samantha Nance, City Clerk

October 27th

CITY OF WELLS

IN

PORTION OF SECTION 4, T.37 N., R. 62 E., M.D.B. & M.
ELKO COUNTY LIMITS



FOR ASSESSMENT USE ONLY
 This map does NOT represent a survey.
 It is compiled from official records, including
 surveys and deeds. Recorded documents
 should be used for detailed legal information.
 Unless approved by Elko County Assessor,
 other uses are forbidden.
 Revised 02/2005 EM

002-670-015
002-670-014

Applicant AARON BUSHWA

File No. _____

Filing Fee Received \$ 150.00

HEARING DATES: _____

Planning Commission _____

City Council 11/8/2022

APPLICATION FOR () SPECIAL PERMIT () VARIANCE
WELLS CITY ORDINANCE 110, CHAPTER 6

TO THE PLANNING COMMISSION AND BOARD OF COUNCILMEN OF THE
CITY OF WELLS, NEVADA

1. The legal owner (s) of said property being petitioned for change is/are: _____
RECKELMANCH EM. MUST, AARON + KATHI BUSHWA, TRUSTEES

2. Legally describe property being petitioned for change: (give exact legal description including Lot, Block, Tract, etc. If more space is needed than has been provided, please put complete description on an additional sheet of paper and attach same to this application.)

Parcel # 002-670-014 + 002-670-015
metropolis ROAD, NO STREET ADDRESS AVAILABLE
* seeking special permit TO allow CAROL CEILING/SHED
ON property

3. Applicant acquired title to such property on (Date) 12-10-21

4. The property is situated (give street address or exterior boundaries of area petitioned for change by streets, alleys, property lines, etc.) metropolis ROAD

5. A detailed site plan of the property involved showing the location of all existing and proposed buildings and showing plans and descriptions of the proposed use of the property with ground plans and elevations for the proposed buildings is attached hereto and made a part of this petition.

6. Applicant(s) has/have the ability and intention to utilize said Special Permit within 185 days from the date of final approval and the applicant(s) understands that this Special Permit, if granted, can become null and void and of no effect by action of the Board of Councilmen or by the City Administrator as per section 601(e) of the zoning ordinance.

7. When a Special Permit is granted, subject to conditions, such Special Permit does not become effective until such time as those conditions have been met.

8. Current Zoning AG

9. Provisions of zoning ordinance from which property is sought to be excepted are:

10-6-6 (A)(1)

10. Explain, in detail, the type of use which will be made on this property. If it is a commercial, industrial or public, quasi-public use, include an explanation of the intended operation.

AGRICULTURAL ZONING - USE IS CARGO CONTAINERS
USED AS SHEDS / STORAGE OR BARRIS FOR LIVESTOCK
OR FEED.

11. Is the proposed site adequate in size and topographic characteristics to accommodate the Special Permit? Explain.

YES 3.7 ACRES APPROPRIATE SETBACK
AND DISTANCES FROM OTHER PROPERTIES / RESIDENCES

12. Describe, in detail, the method to be used in development as it may pertain to earth fill or excavation, flood provisions, drainage, terracing or other unusual features.

NO DEVELOPMENT REQUIRED. CARGO CONTAINERS
DROPPED / SET ON PROPERTY

13. In accordance with the zoning ordinance, construction will be commenced within 185 days, or the extension thereof. Is there any reason foreseen which would require an extension?

NO

14. Describe the site, including storm drainage, soil conditions, erosion, susceptibility, general topography, other distinguishing characteristics and any other features which may affect the use of the property.

FLAT TOPOGRAPHY, NO VEGETATION, NO
FLOOD OR OTHER INTERFERENCE.

15. (a) Will the use entail the use of vehicles? NO

(b) Number and type: N/A

16. What provisions have been made for the elimination of any traffic problems or hazards resulting from increased traffic? NO INCREASED TRAFFIC

17. (a) Is there sufficient off-street parking available on the site to meet the parking needs?

N/A

(b) Explanation:

N/A

18. (a) If a sign is to be erected, give the dimensions of the sign and the type of the sign.

NO SIGNAGE

19. (a) Will there be any outside storage of goods, materials or equipment at the site?

NO

(b) Give a detailed explanation of this type of storage.

N/A

20. (a) Will there be any accessory building structures whose uses are associated with the general use on the site? THESE ARE ACCESSORY BUILDINGS

(b) Explanation: _____

21. Will the proposed use be utilized for telephone and mailing purposes only?

NO

22. A non-refundable filing fee of \$50.00 + \$3.00 per dwelling unit as per section 602 (2) of zoning ordinance must accompany this application. The applicant assumes responsibility of paying publication costs. ("Notice of Public Hearing")

23. This application must be filed in the Office of the City Clerk of the City of Wells, 525 Sixth Street, Wells, Nevada

24. This Application will be referred to the Planning Commission of the City of Wells and a public hearing will be held on such application by such Commission.

25. The Planning Commission will then make a recommendation to the Board of Councilmen and a public hearing on the application will be held by the Board of Councilmen.

26. If the Board of Councilmen approves the application, it shall issue a Special Permit setting forth all conditions and requirements covering such use and shall make the approved site plan a part of the record of the case.

27. If the Board of Councilmen denies the permit, notice of the denial, including reasons therefor, shall be mailed to the applicant(s) at the address shown on said application.

Applicant's Name Aaron Bushman/Cable 10-10-22
Applicant's Phone Number: Home _____
Business _____
Cell 775-219-4222
Applicant's Mailing Address 392 5TH ST. ELKO, NV. 89801
Applicant's Physical Address 392 5TH ST.
ELKO, NV. 89801

I, the Applicant(s) (or an authorized agent or employer of Applicant) being first duly sworn deposes and says that all of the above statements contained in the document submitted herewith are true and as to those matters stated on information and belief, I believe the same to be true.


Applicant

Bushur Law Group, LLC

Aaron Bushur, Esq.

392 5th Street

Elko, NV 89801

775-777-9797

October 10, 2022

Jordan Tilley, City Manager, City of Wells

525 5th Street

Wells, Nevada 89835

(By personal delivery to the above address with special permit application.)

Re: September 27, 2022 Wells City Code Violation Letter

Dear Mr. Tilley,

On September 27, 2022 I was mailed a violation letter regarding two parcels of land I own in the Agricultural District of Wells, Parcels 002-670-014 and 002-670-015. There has not been an address assigned to these parcels as there are not currently any buildings on the property and no building permits have been applied for. Your letter indicates that you believe I am in violation of the Wells City Code, section 10-6-6(A)(1).

I am in disagreement as to my property being in violation of this section of the Code or any other section. 10-6-6(A)(1) states as follows:

10-6-6: PROHIBITED AND RESTRICTED USES:

A. Trailers. Etc.:

1. No tent, boxcar, passenger coach, bus or streetcar body may be erected or occupied in any use district. A mobile home may be used for permanent living or sleeping quarters only in mobile home parks or mobile home subdivisions, or R2-MH.

I have cargo containers on those two parcels of land detailed above. A cargo container does not fall under the above definition as it is not a tent, boxcar, passenger coach, bus or streetcar body. I anticipate you are referring to these cargo containers as "boxcars" as justification as to why the violation letter was sent although I believe such a definition refers to railroad box cars as railroad/train sections are commonly referred to as "boxcars" and these cargo containers do not have, nor have they ever had any axles and/or wheels justifying the term boxcar or any other car or vehicle for that matter. Further, a cargo container, these cargo containers in particular, is not/were not erected as they came delivered to the property fully constructed and the containers are not being occupied in any manner. With this being said I do not believe my property contains any violation of City Code, as no provision of that section applies to what sits on my property. I therefore do not believe I am or should be required to seek and obtain a special permit for these alleged violations.

I believe my property more appropriately falls under Section 10-7-18(A), under the Agricultural District, and these containers should be defined as an "accessory building or structure" with the more precise definition under subsection (B) being as follows:

2. An accessory building is one which is of secondary importance to the primary use, such as a garage for a residence, a small shed for garden tools, a sauna or bathhouse, a barn for a farm operation, a pump house, etc.

I believe my cargo containers to be "...a garage..." as there is a vehicle in one container, an "...accessory building..." which is of "...secondary importance to the primary use...", with that primary use being agricultural and will eventually act as a residence, and most closely relates to the wording of the Code "...a small shed for garden tools...", which is the purpose of one container, and/or "...a barn for farm operation..." as agricultural tools and vehicles are stored therein, and also important to the definition is the final more inclusive reference of "...etc."

In reference to the above, I believe the containers to be garages/sheds/barns/accessory buildings used for the purpose of maintenance of my property which situates these containers fully under the purview of subsection 10-7-18(A) and (B) which does not require a special use permit based upon my property's Agricultural District designation and pursuant to the chart contained in subsection (A) with the corresponding definitions contained within subsection (B).

With the above being said, I am enclosing this letter with my application dated October 10, 2022, as well as the required fees as a means of attempting to have this matter resolved in the most timely and efficient manner possible and without additional disagreement and wasted efforts in the future. I include this letter solely to relay my position on this matter and to reserve this argument for the future if required.

Sincerely,



Aaron Bushur, Esq.



Proposal for City Manager/Assistant City Manager Internal Promotions

Our goal is for the community of Wells to continue to grow and thrive. We want to continue to focus on community development, housing infrastructure, new businesses, recreational activities for the youth to your golden years.

To do so our office needs to be working as efficiently as possible. To achieve this level of efficiency, we are proposing that the duties of City Manager be divided among key city staff based on their strengths and experience, increasing both the level of responsibility and accountability of the current Public Works Director and City Clerk. Dividing these responsibilities based on the strengths of existing staff will ensure that all tasks are completed at the highest level and least cost for the City.

We work great together as a team and Wells is our hometown, so we want to see it succeed. We believe that this proposal is a great option to get things moving in the best direction immediately.

Below you will find the job duties we are proposing. The duties highlighted in yellow are the current City Manager duties that will be added to each of our existing duties.

City Manager/Public Works Director/Building Official

1. Develops, evaluates, and implements administrative policies and procedures to meet Board of Council goals and objectives; supervises the performance of city departments; directs the establishment of standards, goals, and objectives and evaluates the performance of departments; coordinates the activities of the various City departments to ensure timely, efficient, and effective delivery of programs and services.
2. Negotiates and/or supervises the negotiation of all City contractual agreements subject to the limitations of law and Board of Council direction; administers and enforces agreements.
3. Analyzes proposals regarding policies, programs, and services and develops recommendations to the City Board of Council; analyzes information pertaining to City

services and operations including policies, programs, methods, budgets, staffing, organization, and capital needs; writes reports and correspondence for government agencies, members of the community, and the Board of Council.

4. Provides direction and support to staff including advice and consultation to the members of the Board Council; receives, investigates, and resolves complaints and concerns regarding City programs, services, and facilities; acts as liaison with cities, counties, regional, state, and federal agencies on a broad range of matters. Informs the Board of Council operational problems and seeks advice and counsel on possible solutions.
5. Provides direction and support to staff including advice and consultation to the members of the Board Council; receives, investigates, and resolves complaints and concerns regarding City programs, services, and facilities; acts as liaison with cities, counties, regional, state, and federal agencies on a broad range of matters. Informs the Board of Council operational problems and seeks advice and counsel on possible solutions.
6. Assists the/Board of Council in the development of overall goals of the City; provides leadership and direction in the development of short- and long-range plans for achieving overall goals; works with the Board Council and others to develop community and economic development plans.
7. Performs related duties and responsibilities as required or assigned by the Board of Council.
8. Administers enforcement of ordinances codes and resolutions for the federal, state, and City of Wells Codes.
9. Responsible for planning, organizing, monitoring, and overseeing the construction and maintenance of all public works services, and for ensuring the organization's utilities, streets, irrigation projects, parks, and related facilities are maintained, operational, and in compliance with established specifications.
10. Responsible for the proper testing and operation of all water and sewer systems.
11. Determines the need for repair and maintenance of existing public works facilities and equipment; determines when purchase of new equipment or construction of new facilities is indicated; consults with engineers and other resources as required.
12. Ensures the timely completion of scheduled projects according to applicable codes and specifications; determines and implements modifications in specifications where appropriate; researches and develops specifications for material and equipment used in public works operations.
13. Responsible for developing and implementing safety standards for the operation of public works equipment and for the construction and maintenance of public works projects; ensures all public works staff are trained and adhere to safety standards.

14. Responsible for the appropriate care and maintenance of all organization-owned or controlled public works equipment and facilities; develops procedures for and maintains records and inventory of materials and supplies; implements loss control measures.
15. Develops budget forecasts for the amount of funds needed for materials, supplies, equipment, and staffing for the public works functions; monitors and approves expenditures; recommends remedial action to adjust budgetary expenditures when expenditures are over budget estimates or when unforeseen circumstances or budgetary cuts are imposed.
16. Supervises public works staff; determines staffing needs; hires, trains, schedules, evaluates, and implements disciplinary action, if appropriate, to assigned staff.
17. Makes periodic reports of planned and ongoing activities, long- and short-term goals, and impediments to the achievement of such goals to the City/County Manager and/or governing board.
18. Performs, instructs, and oversees staff in the more complex and difficult tasks encountered with public works projects and activities including, but not limited to, the operation of specialized tools and heavy equipment.

Assistant City Manager/City Clerk/Finance Director

1. Selects, directs, develops, and evaluates management personnel and other staff; instructs and trains staff and provides training programs to enhance the capabilities of staff and improve the delivery of services; listens, responds to, and resolves employee problems, concerns, complaints, and grievances; administers discipline for inadequate performance and/or improper behavior.
2. Assists in negotiating and/or supervising the negotiation of all City contractual agreements subject to the limitations of law and Board of Council direction; administers and enforces agreements.
3. Develops the annual City budget for approval by the Board of Council; monitors expenditures to ensure compliance with budgets; accounts for variances between projected and actual expenditures, initiates remedial action, and reports significant variances to the Board of Council.
4. Assists in analyzing proposals regarding policies, programs, and services and develops recommendations to the City Board of Council; analyzes information pertaining to City services and operations including policies, programs, methods, budgets, staffing, organization, and capital needs; writes reports and correspondence for government agencies, members of the community, and the Board of Council.
5. Administers the preparation of council meeting agendas; attends Board of Council meetings; makes oral and written presentations to the Board of Council and to other public and private groups; provides information to the news media and the public

- regarding City operations; represents the City with other government agencies and in meetings with the public.
6. Administers the City's personnel system including classification, compensation, benefits, recruitment and selection, and personnel policies.
 7. Assists in administers enforcement of ordinances codes and resolutions for the federal, state, and City of Wells Codes.
 8. Organizes, writes and, administers grants as needed.
 9. Provides leadership and direction in the development of plans, gathers, interprets, and prepares data for studies, reports and recommendations, coordinates department activities with other departments and agencies as needed.
 10. Serves as custodian of official City records including maintaining custody of official records and archives of the City records, public documents; performs certification and recording for the City as required on legal documents and other records requiring such certification seals and attests by signature to ordinances, resolutions, and contracts, easements, deed, bonds, or other documents requiring City certification; catalogs and files all City records.
 11. Attends regular and special City Council meetings; oversees or performs an accurate recording of the proceedings, preparation of the minute's proper legislative terminology, recording, indexing, and filing for the public record; distributes information as requested.
 12. Provides official notification to the public regarding public hearings including legal advertising of notices.
 13. Attests, publishes, indexes, and files ordinances and resolutions.
 14. Administers oath of office to public officials.
 15. Completes Bank Reconciliation, adjustments, and reports. Completes Invested Cash Reconciliation, Journal Entries and Bond Payments to include fund transfers, wires and reporting.
 16. Monitor comprehensive agency budgets, disbursement to department heads, input and development under the supervision of department heads.
 17. Prepares, generates, and edits bi-weekly payroll transactions. Reviews timecards for proper completion, accuracy, and requisite documentation. Calculates regular, overtime, holiday, incentive, and other components of pay.
 18. Generates personnel actions, including merit salary increases, new hires, name and address changes, tax withholding changes, and beneficiary changes for submission to the human resources department.

19. Prepares annual financial reports for organization departments or revenue sources; prepares statistical financial reports; prepares necessary work papers for the annual budget.
20. Responds to and resolves difficult and sensitive citizen inquires and complaints.

With this proposal we are each asking for a \$25,000 a year pay raise. We would also like Jason's annual vacation accrual be increased to 6 weeks and Sammy's to 5 weeks. Sammy is currently an hourly employee, and we would like to move her to a salaried position. Even with these pay raises we are still saving approximately \$75,000 by not hiring a sole person to fill this position. To balance duties as needed some of our existing tasks can be handed down to subordinates. With the savings from this plan an additional employee could be hired if the need arose.

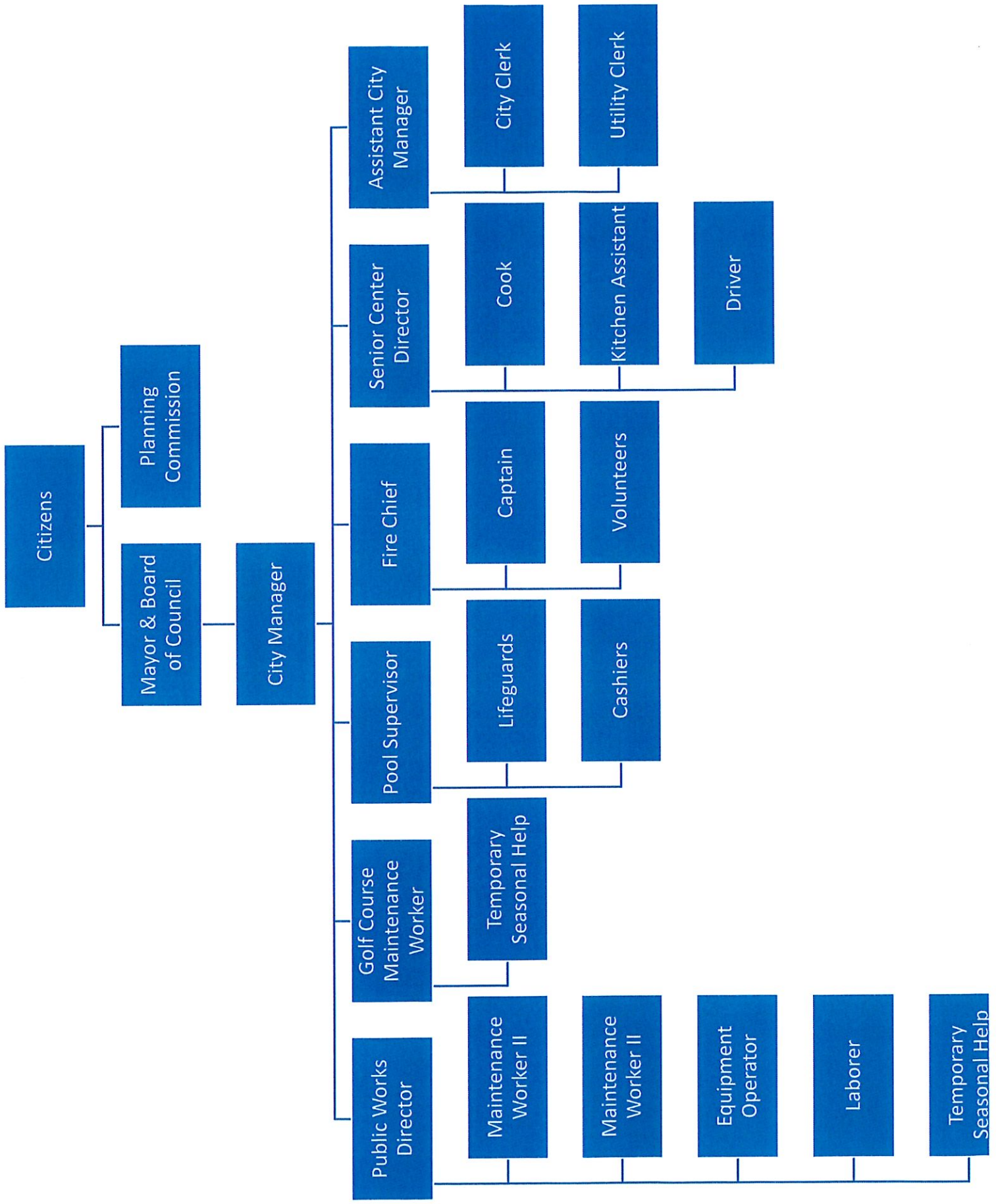
We believe that this will set the City of Wells up for success for years to come as the Assistant City Manager position will work hand in hand with the City Manager growing and learning all aspects of the job.



Jason Pengelly



Samantha Nance



- k. **Supervision of Public Property:** To exercise general supervision overall public buildings, public parks, street, and other public property (personal or real) which are under the control and jurisdiction of the Board of Councilmen.
- l. **Full Time Duties:** To understand that the function of the **City Manager** is a full-time function, often requiring time beyond a forty (40) hour work week, including, but not limited to, attendance at City Council meetings, and therefore to dedicate time for the duties and interests of the **City** as a primary job responsibility.
- m. **Reports and Recommendations:** To make reports and recommendations as may be desirable or requested by the Board of Councilmen.
- n. **Other Powers and Duties:** To perform such other duties and exercise such other powers as may be delegated to him from time-to-time by the Board of Councilmen.

3. **ABSENCE**

In case of the absence of the **City Manager** for a time period of two weeks or more, he shall appoint a duly qualified person to perform his duties during the period of absence. In case of the temporary disability of the **City Manager**, the Board of Councilmen shall appoint a duly qualified person to perform the duties of the **City Manager** during the period of any such disability.

4. **TERMINATION AND SEVERANCE PAY**

In the event the **City Manager** is terminated by the **City** during such time that the **City Manager** is willing and able to perform his duties under this Agreement, then in that event the **City** agrees to pay to the **City Manager** a lump sum cash payment equal to the base salary of eight (8) weeks' pay plus all benefits payable during said eight (8) weeks in full settlement of said termination ("severance salary"). The **City Manager** shall also be paid for all accrued benefits at his current salary at the time of such termination. However, in the event the **City Manager** is terminated because of the conviction of any felony, any offense involving a violation of his official duties or moral turpitude or removed pursuant to any provision of the Wells City Charter, Sections 3.080 (Absence from Office) or 3.10 (Removal of Officer), then that that event, the **City** shall have no obligation to pay the severance salary designated in this paragraph.

In the event the **City Manager** voluntarily resigns his position with the **City**, the **City Manager** shall give the **City** ninety (90) days advance written notice, unless the parties otherwise agree. In the event of voluntary resignation, the **City** shall not be required or obligated to pay the **City Manager** any severance salary.

Project	Allocation	Spent	Remaining Balance	Status
Booster Station/Well House/Bi-Pass	\$ 280,000.00	\$ -	\$ 280,000.00	
Wastewater Headworks	\$ 300,000.00	\$ -	\$ 300,000.00	
Water Meters	\$ 450,000.00	\$ 360,197.61	\$ 89,802.39	All purchases made
Water Line/Sewer Housing Division	\$ 275,000.00	\$ 100,008.56	\$ 174,991.44	Angel Lake Project Done
Non-Profits	\$ 300,000.00			
WRFC	\$ 30,000.00	\$ 30,814.12	\$ (814.12)	Completed
B&Gs Club	\$ 99,373.68	\$ 105,993.78	\$ (6,620.10)	Completed
SPWH	\$ 100,000.00	\$ 89,628.28	\$ 10,371.72	Ongoing
Wells Maintreet Program	\$ 50,000.00	\$ 50,000.00	\$ -	Completed
Premium Pay to Essential Workers	\$ 13,025.40	\$ 13,025.40	\$ -	Completed
Total Budget	\$ 1,618,025.40	\$ 749,667.75	\$ 847,731.33	