



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, July 12, 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

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

**AGENDA
REGULAR MEETING
CITY OF WELLS BOARD OF COUNCIL
TUESDAY, JULY 12, 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 approve or deny **RESOLUTION 22-08, RESOLUTION ESTABLISHING FEES IN CONJUNCTION WITH OPERATION OF THE WELLS MUNICIPAL SWIMMING POOL. FOR POSSIBLE ACTION**
7. Discussion and possible action to approve or deny Special Liquor License for Wells Volunteer Fire Department for Wells Fun Run July 29th – 31st. **FOR POSSIBLE ACTION**
8. Discussion and Possible Action to approve or deny adoption of revised City of Wells Personnel Policies. **FOR POSSIBLE ACTION**
9. Discussion and possible action to approve or deny increasing dues membership for the Nevada League of Cities and Municipalities. **FOR POSSIBLE ACTION**
10. Discussion to receive CDBG Grant ideas for the upcoming grant cycle to be submitted to CDBG for eligibility approval. **DISCUSSION ONLY**

11. 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.**

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

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

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

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

16. 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.

17. 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

18. 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.

19. Adjournment

**MINUTES OF WELLS CITY COUNCIL
MEETING OF JUNE 28, 2022**

CALL TO ORDER

Date: Tuesday, June 28, 2022
Time: 7:00 P.M.
Place: Council Chambers, Wells City Hall
525 Sixth Street Wells, Nevada
Type of Meeting: Regular Meeting of City of Wells Board of Councilmen
Presiding Officer: Layla M. Walz, Mayor

ROLL CALL

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

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

Quorum: Yes

Staff Present: Samantha Nance, City Clerk
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

Goolsby made a motion to approve meeting minutes dated June 14, 2022. DelRio provided the second and motion passed unanimously.

CITIZENS TO ADDRESS THE COUNCIL

Cathey Quinn asked if the fish & game department had been contacted regarding the racoon problem. Tilley did contact them and was given a phone number of someone to contact about getting traps. The city can put our own traps out but there will be a charge for fish and game to come and pick them up. Tilley is still working out the details.

**LEAH GREGORY – PRESENTATION BY NEVADA PUBLIC AGENCY
INSURANCE POOL AND POSSIBLE ACTION FOR APPROVAL OR DENIAL
OF INSURANCE RENEWAL FOR FISCAL YEAR 2022-23**

Leah Gregory was at the meeting with her newest agent, Anthony Barrington who has been there for a couple of years. Gregory reported that increases were expected to be 13% to 14% but the City of Wells only went up 8%. Everything else pretty much stayed the same. A cap has been put on cyber protection of fifteen million annually. There are programs on cyber security available for free on the Pool/Pact website. Walz asked if the cyber claims are what is driving the increases and Gregory answered yes. Goolsby made a motion to approve the Nevada Public Agency Insurance Pool fiscal year 2022-23. DelRio provided the second and motion passed unanimously.

**NEVADA LEAGUE OF CITIES AND MUNICIPALITIES – PRESENTATION OF
THE ONE NEVADA PLAN AND DUES CONTRIBUTION – WESLEY HARPER,
EXECUTIVE DIRECTOR. POSSIBLE ACTION TO APPROVE OR DENY
MEMBERSHIP DUES INCREASE PAYMENT**

Wesley Harper, Executive Director of the Nevada League of Cities & Municipalities was at the meeting. Harper was selected as Executive Director March 1, 2020. Harper visited each municipality after lockdown was lifted and spent time with other state leagues. Harper also went to other Leagues to see how those Leagues responded to their members as well as the national League of Cities for the same purpose. Each state league director has staff at the national league to help gather information to provide those resources back to their member municipalities. A survey was sent out to all members in October of 2021. From that survey, a strategic plan was created. This set the direction that members wanted the league to go. An action plan was created from the strategic plan and that is the One Nevada Plan.

Harper stated his attendance at the meeting was to discuss whether the City of Wells wants to increase its dues contribution in support of the One Nevada Plan. All the incorporated cities are part of the League. There are four concepts to the One Nevada Plan; advocacy, communication, education and economic development. Jo Walker and Harper were the only two available to administer this plan and would not be able to provide the level of service the One Nevada Plan required. The dues formula was developed to build capacity. A member/manager was brought on in February of 2022 based on the initial pledges of a core number of cities to increase their dues. To fully implement the One Nevada Plan and be the force needed in Washington, D.C. with legislative expertise and translate bills is what generated the due increase. There are seven cities that have paid the full increase. Six cities have increased their dues over what they had previously paid but not paid the full increase. Harper added that this request to increase dues is just that, a request. If the council decides not to increase the amount of dues being paid, it will not change the good standing with the league.

With respect to Wells, this interaction of having the member/manager speaking directly with the city manager has produced two things. One, they have become aware of the

sewer auger system that Wells is looking to fund. Nevada League got the project description and submitted it to the governor's office for their endorsement. The money for this is likely to come from the bi-partisan infrastructure money. The administration has divided this money in to two sections; 60% of all the money has been passed to the states for them to allocate it as they see fit, the other 40% was held back by the federal government and is sitting with the federal agencies to allocate as they see fit. What we are doing is collecting infrastructure projects from the states that want to ask us to lead the effort to get federal funding. It is being given to the governor's office for their endorsement for request to the federal government for funding from the federal agencies. The governor's endorsement increases the probability it is funded by the federal agencies. To maximize the probability of getting funded, the services of one of our partners, the Porter Group, has been retained. The Porter Group is a federal lobbying firm headed by John Porter who was a longtime congressman from Nevada. We are providing all the projects, including the auger project, to the Porter Group who will assess it, analyze it and figure out what funding stream works best and submit it with the governor's office endorsement.

The other thing learned about Wells was the need for a physician. Conversations have been started with the governor's office of economic development as well as Nevada HHS to get Wells as a possible part of the Conrad 30 J-1 Visa Program. If a foreign national went to medical school in the United States, three years of service is owed to work in a community that is a medically underserved area, medically underserved population or a health professional shortage area. Harper is pretty sure Wells qualifies but needs to confirm it. GoED has put the league in touch with the person at Nevada HHS that runs the program for Nevada.

Harper stated that every month, Christine, the member/manager puts out a report that details conversations she is having with each city, what was discussed, the priorities each city has and what the league is doing in response to those priorities. West Wendover would like the train to stop. Elko wants their Amtrak station expanded. Walz stated Wells would love a rail spur in the industrial park and would like the railroad to stop storing all their maintenance equipment in our downtown. Harper will add this to the conversation he will discuss with the railroad when he goes to D.C. in September.

Walz stated this increase in dues is huge. Harper stated last year, Wells paid \$1,290.68 and it is going up to \$9,525.83. Walz likes the direction the league is going and thinks it is worth the price but is concerned with the structure. All income in the City of Wells is based on population. Harper asked if the value of the partnership is worth the request. Harper added this is not to create hardship and it is what makes sense for the City of Wells. Based on the early commitments, enough revenue was gained to be able to afford to bring on a member/manager. Everything will not be able to be done unless every city decides to invest at the level of the One Nevada Plan but it means more can be done than has historically been done. Tilley asked if there were any cities that weren't going to increase their dues. Harper stated there is one city but he hasn't heard from everyone. This increase was not budgeted for. Tilley thought it should be a wait and see approach based on the budget.

Walz feels having more voices federally and at the state can only be good for all of Nevada. The more they know, the better partner they can be. Walz did think the league was very valuable in the last legislative session in keeping track of what bills were coming up. The league did support question three which was for municipalities and co-ops. Tilley stated a decision does not need to be made tonight, numbers can be brought back. DelRio liked the wait and see idea. Walz would be willing to go maybe halfway this year.

Harper invited the board to come to the annual conference in Las Vegas, August 9th – 12th. Harper added the reason it was in August is because that is when the congressional delegation is home. DelRio made a motion to direct staff to come back with some real numbers to be able to make an accurate decision on our contribution to the League of Cities One Nevada Plan. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 22-06, RESOLUTION APPROVING TRANSFERS FROM CERTAIN CITY FUNDS TO OTHER FUNDS DURING THE FISCAL YEAR

Nance began that this resolution is done every year and something that is required by the auditors. DelRio made a motion to approve Resolution 22-06 approving transfers from certain city funds to other city funds during the fiscal year. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 22-07, RESOLUTION TO AUGMENT THE FISCAL YEAR 2021-2022 BUDGET OF THE CITY OF WELLS

Nance stated this is also a resolution that is done every year. Nance continued that this is increasing the budgeted amounts that were approved by the State. Goolsby made a motion to approve Resolution 22-07 to augment the fiscal year 2021-2022 budget for the City of Wells. DelRio provided the second and motion passed unanimously.

REPORT AND POSSIBLE ACTION TO APPROVE LINE-ITEM TRANSFERS FOR FISCAL YEAR 2021-2022

Nance stated this is budget money that is within the general fund and moving it from the contingency account which is budgeted for every year to be there for this type of situation. This will be transferred to the street fund. There is \$60,000 in the Woodhill's grant in-kind for purchases and things to get the grant going that wasn't budgeted for. This contingency amount that was not used will be transferred to this fund. This only needs council approval. DelRio made a motion to approve line-item transfers for fiscal year 2021-2022. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY LIQUOR LICENSE FOR WELLS CHAMBER OF COMMERCE 4TH OF JULY ACTIVITIES

Minutes of Wells City Council
Meeting of June 28, 2022

Cindy Fuller was at the meeting representing the Chamber of Commerce. This is something the Chamber has done the last couple of years. Fuller stated the money raised will go towards the purchase of pumpkins for the pumpkin patch so each child can get a free pumpkin. DelRio made a motion to approve the liquor license for Wells Chamber of Commerce for 4th of July activities. Goolsby provided the second and motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION ON SWIMMING POOL OPERATIONS INCLUDING RATES, HOURS AND OTHER MATTERS RELATING THERETO

Tilley stated that there are three adults and five senior citizens who currently have a pool membership pass. There have been no family passes or children passes purchased. More people need to come to the pool, so adjustments need to be made to the hours, the rates or both. Other examples of suggested prices for passes were provided to the council members. The Elko pool prices were also available. The Elko pool has more to offer but have lower rates. Propane for the pool was budgeted at \$40,000 for the year and it will probably total \$80,000. Walz stated solar heat at the pool has been discussed ever since the pool was built. Tilley added that Pengelly doesn't think solar heat alone would be enough to heat the pool. Tilley added natural gas will also be an option once it is available. Southwest Gas informed Tilley they are hoping to start construction in early 2024, if permitting goes through.

Lifeguard Aurora Aboite was at the meeting and stated the Monday through Friday schedule is a one woman show because there is no help. Aboite continued that the lifeguard from last year stayed on and will be working the summer but has only been able to work fifteen hours a week due to PERS. July 1st, she will be able to go to her forty-hour weeks but only through August 16th because she will be going to college. Once Aboite has the other lifeguard back, there will be Thursday night swim and will be open some Saturdays. Aboite has not had anyone apply for the job which was posted in April. There were people that came and inquired about the wage. Burger King and McDonalds pay more than the lifeguard position.

Aboite stated after nine years at the pool, she has tried the schedule several different ways. DelRio asked with it being a certified position, why the rate was so low. Walz thinks it could be due to how expensive the pool is to operate. Quinn thought the rate was ridiculous but also heard that there is a shortage of lifeguards everywhere due to the fact that during COVID, nobody trained. Aboite has found a course online to get certified as a lifeguard. She does have one person who is working on getting certified. Aboite added that the fall, winter and spring schedule is based around the school time. Fridays is always available but doesn't usually get a lot of people coming on Fridays.

Aboite added the biggest problems are the rates and the temperature of the water. DelRio thinks the rates need be closer to what Elko is or lower. Rates are higher but Elko has more to offer. DelRio doesn't think it is feasible to pay someone \$10.50 an hour or to find anyone to work for that amount. Walz added that no one can get help. DelRio would like to see the pool open longer in the wintertime after school. When kids get out

of school, there is not time to swim because of it closing early. DelRio stated if only for a couple of days a week it could stay open longer would help.

Nance is on the opposite side. The city will never make enough to cover spending \$10,000 a month for propane in the winter. Nance thinks the time in the winter should be limited because extending the hours extends the heating. The extra room tax the city gets goes towards the pool expenses so nothing else will get done with recreation. The pool has pool covers so the temperature stays consistent and is not being turned up and down. DelRio hears parents complain in the wintertime about the pool not being open longer after school. Aboite said Mondays and Wednesdays in the winter, the pool was open 3 – 6 and didn't get any kids. The pool is open on Fridays because there is no school and no kids come on Friday's either.

DelRio also thinks better advertisement needs to be done to let the Resource Center, Boys & Girls Club and the school know when the pool is open. Walz stated that all this money was spent on having an indoor pool and found out that people would have rather not had it be indoor. DelRio thinks the rates need to be adjusted. Aboite stated there are quarterly passes but should look at changing the family pass so a discount is applied for each additional child. It was suggested the pool close for four months in the winter but that is Aboite's job and livelihood. It was also suggested to give a discount through the slow winter months and being open on Saturday's.

Walz would like to see a proposed fee structure with creative ideas like half off on Saturdays. Walz would also like to see how much a pool slide costs and to purchase one as plumbing was installed for a slide when the pool was built. DelRio thought that was why there had been discussion of a splash pad and opening the pool for the fresh air for the kids to go in and out. The splash pad ideas came about because we were told we couldn't have a slide. DelRio added it was on the agenda previously and had pictures of slides. The consensus is to bring back a resolution with rates lower than what Elko is charging. Goolsby likes the family rate with the rate going down for each additional child. Walz stated that recreation does not fund itself, recreations funds itself through quality of life. DelRio added that the pool and the park are what brings people to town.

DISCUSSION ON POSSIBLE MEDICAL CENTER OPTIONS AND OTHER MATTERS RELATING THERETO

Tilley asked Harper to bring more information on the J-1 Visa program which was covered earlier. Harper stated in addition to the J-1 Visa program, GoED had the idea to look to Great Basin as they have a nursing program major that can provide a graduate who is not a physician. Harper looked at this being plan B. A wide range of things is being looked at to assist and give options. Every state has an allocated number of slots that they can apply for J-1 Visa applicants. Nevada is under its quota. If Wells applied and wanted two or three slots, that can be added to HHS's docket and Wells can be in the rotation for the doctors coming out. Walz asked how the doctors are compensated and Harper did not know the answer to that or how that part works. Tilley asked if it was open to apply any time and Harper stated it is generally open all the time because Nevada

is under its quota. Tilley added that it is a 40 hour a week program so the clinic could be open five days a week. Tilley has also contacted High Sierra which is a group Better City had mentioned. High Sierra will pair younger practitioners with existing medical care centers and will find out in the next few weeks what they can provide. Tilley has also tried to contact the U of U but has not been able to talk to anyone yet. St. Lukes is also being checked in to. Tilley added the clinic is in much better shape than it was five years ago with a new x ray machine, new flooring and doors as well as a new computer system.

DISCUSSION AND POSSIBLE ACTION ON GUIDANCE FOR CHANGES TO NUISANCE CODE REGARDING ADMINISTRATIVE AND APPELLATE PROCESSES

Tilley stated the nuisance code will be on the next agenda for the first reading. There are two options for the city. A letter can be written for a nuisance issue. If it is appealed, it will come back to a smaller committee or an officer of the city then go to the city council. The other option is to go directly to the city council and then to the district court. Legal Counsel thought it would be best to keep as much of it in the hands of the city as possible. The officer would be the city manager or city clerk. Walz added that the city wants to take a more active role in code enforcement which is why the sheriff's contract is being updated.

CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS

Goolsby made a motion to approve Warrant Register dated June 16, 2022 through June 28, 2022 in the amount of \$281,018.03. DelRio provided the second and motion passed unanimously.

COUNCILMEN'S REPORTS

Walz attended the NNRDA meeting last week. It was a long meeting discussing rate structures and fees. Some of the communities were not in favor of more strategic planning and SED's meetings. There will be a SED's update that will be lighter than the previous training. The municipalities were not willing to commit the time to go through another planning session. Staff will work with the instructor directly and come back to the board for more economic development strategies for the region. Walz reported that while she was in D.C. and for the first time ever, the group met with all four of the senators, two from Utah and two from Nevada and was a once in a lifetime opportunity.

STAFF REPORTS

CDBG was out last week monitoring grants. Tilley asked about the additional funding for the new senior center. It has to go back to their advisory committee in July but it seems likely the city will get the extra funding. CDBG will also request adding twenty five percent on top of what was requested due to increased costs. There should be enough to get the shell of the facility completed.

Minutes of Wells City Council
Meeting of June 28, 2022

Ideas for CDBG grants are open until the end of September. Tilley has one idea regarding sidewalks in town.

The city will be able to keep the current phone numbers from Frontier and will be able to transfer them over to WEAVE and save about \$10,000 on the phone bill for the coming year. Some numbers will be maintained through Frontier but most will be transferred.

The County Commissioners met in Wells a couple of weeks ago. Tilley brought up the issue with the railroad on the drainage ditches. Karr and Brough told Tilley to talk to Cortez-Masto's office as there had been a similar issue in Elko with the railroad. Tilley has already contacted the Senator's office who seem very willing to work with us. As much information as possible is trying to be obtained before setting up a meeting with the railroad. Currently the culverts under the railroad are not sufficient for the one-hundred-year storm. The railroad wanted all the permit fees paid before they would even talk to us but that is not an option.

CITIZENS TO ADDRESS THE COUNCIL

Gary Pollock looked at the One Nevada Plan and believes Harper is a great partner and advocate for a small community like Wells but feels the per capita cost is maybe a little bit disproportionate. The fact that Harper has stayed through the whole meeting and didn't just say his peace and leave means a lot to Pollock as a citizen and would like to urge the council to try and find the money to keep the alliance going.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

LAYLA M. WALZ, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk

Agenda Item # 6

Date of Meeting 7-12-22

Upon introduction and motion by Councilman _____,
a second by Councilman _____, the following resolution was
duly passed and adopted:

**CITY OF WELLS
RESOLUTION 22-08**

**RESOLUTION ESTABLISHING FEES IN CONJUNCTION WITH OPERATION
OF THE WELLS MUNICIPAL SWIMMING POOL**

WHEREAS, the Wells City Charter provides that the Board of Councilmen of the City of Wells may regulate use of any public facility and fix, impose and collect fees for certain services associated with its public facilities; and

WHEREAS, the Board of Councilmen has determined that certain fees are necessary in conjunction with operation and use of the Wells Municipal Swimming Pool,

**NOW, THEREFORE BE IT RESOLVED AND ORDERED BY THE
BOARD OF COUNCILMEN OF THE CITY OF WELLS THAT** the following fees are established.

	Daily	Monthly	3 Month	Annual (Jan-Nov)
Admission, Age 12 and under	\$2.00	\$ 45.00	\$95.00	\$150.00
Admission, Adults (Age 13 to 61)	\$3.00	\$ 60.00	\$110.00	\$200.00
Admission, Age 62 and over	\$2.00	\$ 45.00	\$75.00	\$120.00
Admission, Family of 4	\$10.00	\$100.00	\$210.00	\$360.00
Each additional child (Family Pass only)	\$2.00	\$20.00	\$20.00	\$40.00
		10 Round	20 Round	
Punch Pass (Age 13 to 61)		\$35.00	\$70.00	
		Per Session	10 Sessions	
Aquasize (Age 18 and over)		\$ 5.00	\$ 40.00	
Private Parties (2 hour)	\$75.00	\$30 per hour for each additional hour (\$25.00 will be refunded by City Hall within one week after date if party areas are cleaned to satisfaction of Pool Supervisor)		
	Daily	Monthly		
Locker Rental Fee (\$1.00 will be refunded when key is returned)	\$2.00	\$25.00		

THAT for the purpose of this resolution, a family is defined as parent(s) or legal guardian(s) and child(ren) under age 18 residing in the same household.

THAT an Adult Season Pass entitles the purchaser to participate in Aquasize sessions at no extra charge and that a Family Pass entitles two named adults to participate in Aquasize at no extra charge.

THAT once an adult or child leaves the pool facility, a new daily admission fee must be paid unless that person holds a monthly or season pass or unless special circumstances exist and re-entry is pre-approved by the Supervisor on duty.

THAT Punch Passes are for all ages and may be used by multiple people upon approval of purchaser and have an expiration date one year after purchase.

BE IT FURTHER RESOLVED THAT no daily admission refunds or credits will be given in case of emergency closure, closure of the pool for health and safety reasons or for bad behavior or will monthly or annual passes be pro-rated, credited or refunded in case of emergency closure, closure of the pool for health and safety reasons or for bad behavior; and

THAT swimming lesson refunds may only be given in special circumstances exist and the refund is approved by the Swimming Pool Supervisor **and** the City Manager.

THAT memberships will be prorated to reflect rate changes only for swimming pool memberships that are still active after August 1, 2022 as determined by the City Manager.

BE IT FURTHER RESOLVED THAT private parties will be offered only at open and available times when they do not conflict with regular scheduling and depending upon availability of lifeguard personnel; and

THAT private parties will only be scheduled upon full payment and will be scheduled on a first come, first serve basis.

THAT in addition to Private Party fee, admission fees will also be charged for each person, if applicable.

BE IT FURTHER RESOLVED THAT exceptions to these fees will be given to enrolled members of the Junior Lifeguard/Fitness Swimmer Program through written rules and regulations presented by the Swimming Pool Supervisor and approved by the City Manager.

THAT all orders, resolution or parts thereof in conflict with this Resolution are hereby repealed.

THIS Resolution shall become effective and shall be force beginning August 1, 2022.

PASSED, APPROVED AND SIGNED this _____ day of _____, 2022.

CITY OF WELLS

By: _____
LAYLA WALZ, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

Administration Fund			
Salaries and Benefits	\$ 124,450.00		\$ 124,450.00
Accounting	\$ 10,000.00		\$ 10,000.00
Building Inspection Fees	\$ 20,000.00		\$ 20,000.00
Computer Support	\$ 10,000.00		\$ 10,000.00
Dues & Subscriptions	\$ 1,400.00	\$ 9,525.83	\$ 5,400.00
Liability Insurance	\$ 7,600.00		\$ 7,600.00
Legal	\$ 6,000.00		\$ 6,000.00
Miscellaneous	\$ 2,000.00	\$ (500.00)	\$ 1,500.00
Planning & Zoning	\$ 1,000.00	\$ (1,000.00)	\$ -
Postage	\$ 900.00		\$ 900.00
Publications	\$ 2,000.00		\$ 2,000.00
Building Repairs	\$ 1,500.00		\$ 1,500.00
Computer Repairs	\$ 300.00		\$ 300.00
Equipment Repairs	\$ 500.00		\$ 500.00
Computer Supplies	\$ 3,000.00		\$ 3,000.00
Consumables	\$ 3,000.00		\$ 3,000.00
Fuel Supplies	\$ 1,000.00	\$ (500.00)	\$ 500.00
Supplies Tires/Batteries	\$ 500.00		\$ 500.00
Travel/Training	\$ 2,000.00		\$ 2,000.00
Council Per Diem	\$ 3,500.00		\$ 3,500.00
Electricity	\$ 2,100.00		\$ 2,100.00
Propane	\$ 1,500.00		\$ 1,500.00
Fire System	\$ 250.00		\$ 250.00
Telephone	\$ 3,000.00	\$ (2,000.00)	\$ 1,000.00
Water	\$ 100.00		\$ 100.00
Capital Outlay	\$ 5,000.00		\$ 5,000.00
Leases/Rentals	\$ 200.00		\$ 200.00
Total	\$ 212,800.00		\$ 212,800.00

We can reduce our miscellaneous line item by \$500, planning and zoning by \$1000, fuel supplies by \$500, and telephone by \$2000 for a savings of \$4000 to be shifted to the dues line item bringing that up to \$5400. If we want to pay the total \$9543.83 we would need to reduce or administration capital outlay by \$4143.83.

Agenda Item # 11

Date of Meeting 7-12-22

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

finances, 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 any, 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.