

**MINUTES OF WELLS CITY COUNCIL
MEETING OF AUGUST 27, 2024**

CALL TO ORDER

Date: Tuesday, August 27, 2024
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: Gary Pollock, Mayor

ROLL CALL

Present: Gary Pollock, Mayor
Jonathan Goolsby, Vice-Mayor
Laura Moore-Del-Rio, Councilwoman
CR Beth Savedra, Councilwoman

Absent: Chris Micheli, Councilman

Quorum: Yes

Staff Present: Samantha Nance, City Clerk
Jason Pengelly, City Manager
Patti Zander, Deputy Clerk

PLEDGE OF ALLEGIANCE

Mayor Pollock led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Savedra made a motion to approve meeting minutes dated August 13, 2024. DelRio provided the second and the motion passed unanimously.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

**REVIEW, DISCUSSION AND SECOND READING OF ORDINANCE NO. 244,
AN ORDINANCE AMENDING TITLE 3, CHAPTER 6 OF THE WELLS CITY
CODE ENTITLED WELLS BROTHEL CODE**

Pollock stated after reviewing this code and what has been added and removed from the existing code, Pollock thinks it is in the city's best interest to deny this ordinance and revert to the code as it is now. Pollock has had a change of heart on several items. DelRio asked Pollock to explain his reasoning. Pollock stated the main reason is with the two work cards. Pollock does not think it is a good idea to have two work cards simultaneously. DelRio asked because of this change, does it entail the city spending more money to edit the code with legal counsel. Pollock stated potentially, the city could possibly go back to square one which is the existing code. There were no problems with the existing code other than some of the wording and a few issues brought up by our legal team. This wasn't enough to go through everything the city has been going through on this code. There is still a constant stream of emails, and it is costing us money one way or the other. DelRio stated that she is tired of spending tax dollars on something that wasn't broken and DelRio doesn't think it is fair. Pollock added this can be revisited down the line, or not. DelRio said or not because this is a lot of tax dollars and is not okay with it. Pollock feels the city is better off with the existing code.

Savedra stated everyone knows how she stands and is in favor of denying this. DelRio asked if it opened the city up for any liability. Pollock stated legal would have to answer that. DelRio stated Pollock's concern was one person having two cards and stated isn't that what the city has been doing? Pollock stated that has been the practice but according to the existing code, it is not supposed to be allowed. DelRio asked why this wasn't enforced and how no one knew it wasn't being enforced? Pollock stated that was a good question. DelRio is all about not spending money on something that the city doesn't need to be spending money on. It was already the way it should have been.

Bell Cummins stated she came to the council in July of 2023 asking for one word to be changed and was told the council was going to tighten up and revise the code. It was never Cummins' intent for any of this to happen. Cummins just wanted one word to be changed. Cummins doesn't know how things went the way they went. Cummins continued that Tom Coyle made the call about two cards in 2002. DelRio stated the city has had the same city code for a very long time for the brothels and why have they been operating with the dual cards when it isn't in our code. Cummins stated the reference to the two cards in the code was that a working girl couldn't have multiple cards for both houses. It was only written to stop working girls from having a valid work card for Bellas and a work card for Donna's. Tom Coyle, city attorney at the time, said two cards could be allowed. Pollock stated reading the existing code that Cummins and Pollock went through, the meaning of having two cards can be left up to interpretation.

Pollock stated that is only one of the problems. In an email Cummins sent to Pollock this morning, there are issues with the medical cards and the work cards, and there just continues to be more and more and more. It goes to Niki's point about spending time and money revising a code that doesn't really need to be revised.

The dual card issue in the existing code is a completely different argument. Tonight, the agenda item is the second reading of the ordinance and whether to proceed with that. It is not about what happened in the past. Because the first reading has already been approved

doesn't mean the rules have changed, the same rules are still in place. Cummins stated but the rules said the girls could have two cards by the city attorney. Pollock stated it is a moot point that can be covered by legal. One of the things that was written into the ordinance that is being discussed was whether two cards are allowed or not.

During the first reading, the council chose to go with the idea that there could be dual cards. Now, the idea of two cards for the different duties doesn't sit right with Pollock and other members of the council. Because of that, the ordinance may or may not be denied. What the two cards mean is another issue because it is on an existing code. Pollock stated that in his opinion, Ordinance 244 should be stricken down and decide whether to look at this code further. The other problem is the work card issue with them remaining in the box and other issues Cummins brought to Pollock today. There are several things that need to be ironed out before this can move forward. It has been a long, hard process and Pollock is tired of dealing with it. Being tired doesn't mean you rush through and make a decision that could possibly negatively impact your community going forward. Because of that, that is Pollock's reasoning for wanting to go ahead and deny this and keep the existing code for now and possibly revisit it in the future.

It is not a complete waste of money because this document is available, if the city chooses to change this ordinance at a future date. DelRio stated a few people in the community talked to her after the last meeting and are fine with the code the way it was. Things were running smoothly. Savedra made a motion to rescind and nullify Ordinance No. 244, an ordinance amending Title 3, Chapter 6 of the Wells City Code entitled Wells Brothel Code. DelRio asked, if we nullify this document, is it no longer valid? Savedra thought it could be used for future reference. Pollock stated it would just be denying the second reading of this ordinance. DelRio asked if the council could just deny it instead of nullifying. Pengelly stated just vote to not approve the second reading, it kills it then later, this document could be referred to again. There was not a second on the motion as made so the motion died. Savedra made a motion to deny Ordinance No. 244, an ordinance amending Title 3, Chapter 6 of the Wells City Code entitled Wells Brothel Code. DelRio provided the second. The motion passed with Goolsby abstaining.

DISCUSSION TO RECEIVE CDBG GRANT APPLICATION IDEAS FOR THE UPCOMING GRANT CYCLE TO BE SUBMITTED TO CDBG FOR ELIGIBILITY APPROVAL

Pengelly began that the last time this was on the agenda, one suggestion was finishing the Shoshone Avenue project. Another suggestion was putting a new roof and siding on the old senior center building as well as purchasing some of the blighted buildings in town to demolish, if the current owners are willing to sell or donate the buildings. Pengelly asked if there were any other ideas? DelRio asked if the grant for blighted buildings could be written for multiple buildings or if the grant had to be for one building. Nance stated a grant would have to be written for each specific building.

DelRio asked if the city was keeping the old senior center building. Pengelly stated that is a decision for the board in the future. There had been previous discussion about letting

the resource center use the old senior center as a preschool. DelRio added that she knows the city's intentions are to improve our main street and keep our city safe. There are quite a few blights in town, however, DelRio feels a preschool is a big need. If the city can repurpose that building, it should repurpose that building. The trailer that is being used for preschool will not be available to be used for that purpose in a couple of years. Goolsby added the high school will be taking over the trailer where preschool is right now. There will be no place to put the preschoolers. The Wells Family Resource Center board is very interested in the old senior center. Pollock stated it is right next door and a perfect situation. Goolsby added that a walkway could be attached and would help with the state funding and licensing.

DelRio asked if there was enough time to see if the owners of the blighted buildings would sale or donate them before the ideas needed to be submitted to CDBG? Pengelly stated he could start reaching out to them now and see what they say. DelRio would like to see Shoshone get finished and is torn between removing blighted buildings to create something, but the kids need to be moved up the list.

Nance stated ideas need to be submitted the first part of October and at least three ideas can be submitted. CDBG will determine eligibility. The old senior center will always be a city building so could do a long-term lease like what is currently being done at the resource center. Whether a grant for the improvements to the old senior center is awarded or not, the work needs to be done. DelRio thought the community would benefit from the improvements at the senior center more than tearing down an old building. Pollock added if those blighted buildings were razed, it creates the potential for something to be created there. Pollock agrees about doing repairs at the existing senior center. Pollock likes the idea of having the preschool and the resource center in the same area which is better for everyone. Pengelly also needs to check to see if CDBG has restrictions on a project like demolishing a blighted building. DelRio stated that if a grant is submitted for blighted buildings in town, hopefully the city can get together with the main street program to make sure something is done in those spaces.

DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 24-08, A RESOLUTION ESTABLISHING CIVIL PENALTY FEES, PURSUANT TO WELLS CITY CODE TITLE 6, CHAPTER 5, SECTION 4 AND TITLE 5, CHAPTER 14, SECTION 4, SUBSECTION "F"

Pengelly contacted several different cities to see what their fees were. A lot of them don't have a fee schedule and will just write fees up to \$999 with no set schedule. This resolution is written like Reno's with two courtesy notices before charging a fee. This is a time-consuming process, and the two notices could take four to five weeks before a fine would be assessed. If fees are assessed and not paid, then it goes to court. If the city cleans up the property and fees are still not paid, a lien can be placed on the property. Narvaiza stated this is a long process. DelRio likes that the code has teeth now on code enforcement. For Wells, these fees are fair and adequate. Pollock stated this is not being done to be mean, it is to have a safe, clean environment. Pengelly stated that if someone has a complaint, it needs to be filed in writing to start the process. DelRio made a motion

to approve Resolution 24-08, a resolution establishing civil penalty fees pursuant to Wells City Code Title 6, Chapter 5, Section 4 and Title 5, Chapter 14, Section 4, subsection "F". Savedra provided the second and the motion passed with Goolsby abstaining.

REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF A LIMITATION OF THE TIME PERIOD FOR PUBLIC COMMENT PERIOD(S) DURING PUBLIC MEETINGS AND POSSIBLE DIRECTION TO STAFF TO INCLUDE SAID LIMITATION ON FUTURE MEETING AGENDAS

Pollock recommends the limit be five minutes. DelRio asked if this is at the beginning of the meeting under citizens to address the council. Pollock stated yes, a time limit at the beginning of the meeting and the end of the meeting. DelRio understands where this is going but there are times when people come in to address the council and are not on the agenda to do a presentation and may take fifteen minutes. Pollock feels if they are going to take that long, they should be on the agenda. This also is up to the discretion of the mayor. Pollock feels five minutes is an adequate time to get your point across. DelRio made a motion to set a time period for the public comment during our meeting to five minutes. Goolsby provided the second and the motion passed unanimously.

CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS

Goolsby made a motion to approve the Warrant Register dated August 15, 2024 through August 27, 2024 in the amount of \$355,498.22. Savedra provided the second and the motion passed unanimously.

COUNCILMEN'S REPORTS

Savedra will be attending an NNRDA board meeting tomorrow. Savedra wanted to urge people to go to NNRDA's website or Facebook page and familiarize themselves with what NNRDA does. Nevada has been categorized as a land of unparalleled contrast. NNRDA does amazing work. Savedra was looking through the city code for Carlin. Carlin does a Facebook live and would like to see us do something like this to get the community more involved in what goes on at city council meetings. Savedra would like the community to see how transparent this administration is. Savedra would like it checked into to see if something like that can be done.

DelRio stated the Welcome to Wells sign coming into town north on U S 93 is tattered and falling off the billboard. The one in the middle of town looks terrible. Is it in the budget to fix those or take them down. Pengelly stated he thought those were either funded by Main Street or the Chamber of Commerce. Pengelly will contact Yvonne Stuart to see if she knows who to contact.

Goolsby stated there was a resource center board meeting yesterday and the board is very much interested in the old senior center building. There are concerns about the cost and are looking at grants. This is a good program but costs money to run.

Pollock stated school has started as has football practice. The Elko County Fair is this weekend which Pollock plans to attend. Pollock wanted to thank city staff for the school zone signs, they look great. It took time to get them programmed and working properly before school started. This is a large improvement in the safety of the school zones.

STAFF REPORTS

Pengelly began that work was done on the outside scope design of the new senior center. MGM poured the front sidewalk and is starting on the curb, gutter, sidewalk and paving.

The vac trailer will be here tomorrow with training on Thursday. The Shoshone Avenue Project is moving along. The concrete curb machine will be here on the 9th.

The paving was completed on First Street by the Resource center. Little League lights at the ball field were completed and tested last night and are pretty bright. The auditors are here this week.

Pollock mentioned that he met with the lead auditor, Teri Gage, on Monday answering questions. Gage is very impressed with the city staff and stated Pollock is lucky to have the staff we have.

CITIZENS TO ADDRESS THE COUNCIL

Goolsby wanted to add that the school zone lights are impressive. Goolsby wrote the proposal for school zone lights twelve years ago and brought it to the city and it was shot down. Pengelly was on board but administration at the time was not, so it went nowhere. It is nice to see it come to fruition. Pengelly stated it can always be added to. DelRio would like to see the solar flashing signs that flash your speed added to them. Pengelly stated there are attachments that all tie in together.

ADJOURNMENT

The meeting was adjourned at 8:11 p.m.

GARY POLLOCK, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk

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