

**MINUTES OF WELLS CITY COUNCIL  
MEETING OF SEPTEMBER 13, 2016**

**CALL TO ORDER**

Date: Tuesday, September 13, 2016  
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  
Kenny W. Huff, Vice-Mayor  
Cindy Fuller, Councilwoman  
Robert D. Stanhope, Councilman  
Yvonne Stuart, Councilwoman

Absent: None

Quorum: Yes

Staff Present: Heather M. Iveson, Utility Clerk  
Sherry Justus, Deputy Clerk  
Jason Pengelly, Public Works Director  
Jolene M. Supp, City Manager/Clerk  
Patti J. Zander, Deputy Clerk

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilwoman Yvonne Stuart

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Huff made a motion to approve meeting minutes of August 23, 2016. Stuart seconded the motion and the motion passed unanimously.

**CITIZENS TO ADDRESS THE COUNCIL**

Undersheriff Ron Supp was in attendance to give the monthly report for the Wells office. Supp also reported that the Sheriff's Department is waiting for the fingerprint results from the FBI on the new owners of the brothel which may be available by the next meeting.

Supp stated the wiring has been completed for the electronic fingerprint machine. The County IT staff need to come over to set it up and train City staff.

Wells resident Pius Nolz came forward wanting to talk to the Board regarding the vacation of property on Wells Avenue several years ago. Nolz had previously consulted an attorney and had the laws for the State of Nevada on vacating property explained to him which Nolz reviewed for the Board. Nolz owns property on Wells Avenue and First Street that was vacated by the City of Wells. Adjacent property owner Grant Hylton had a propane tank placed on the outside of his fence, which Nolz thought was his property. Nolz contacted Hylton and was told the property had been added to the lot his house is on when the City did the vacation. Nolz also complained that when the property was vacated, the corners were rounded and not squared off. Nolz stated part of the vacation process is dividing the property up, with each property owner receiving a portion. Nolz said he was not given any property on either side, nor was he contacted when it was done and thought he should receive compensation and the issue corrected to make the corners square. A fence cannot be put up with the lot having rounded corners. Nolz had contacted Supp and was told it had been done before Supp was City Manager. Nolz stated he would leave it up to the Council to decide what to do and would like to be informed of the results and if Nolz is not in agreement, will contact his attorney and take action. Walz and Supp both stated research would be done to see what had transpired.

**WES HENDERSON REPRESENTING THE NEVADA LEAGUE OF CITIES TO ADDRESS THE BOARD ON THE 2017 LEGISLATIVE SESSION, BILL DRAFT REQUESTS AND LEAGUE OF CITIES CONFERENCE AND MATTERS THEREOF**

Wes Henderson, Executive Director of the Nevada League of Cities wanted to thank the City of Wells for their membership and to feel free to contact them for any assistance. Henderson mentioned that everyone should have copies of the schedule of the conference this year. There will be two sessions on housing; one being the challenges for housing, and what solutions are available to provide housing. Henderson informed the Council that over the last year, three caucuses had been developed for large cities, small cities, towns and GID's. Henderson feels the caucuses have been successful and helps Henderson know what issues the different cities are experiencing. Henderson went on to say that next year is a legislative year and the League Board approved four Bill Draft Request's dealing with vacant property, delinquent utility bills, fuel tax distribution and affordable housing programs.

Henderson informed the Board that the annual National League of Cities Conference will be held in Pittsburgh, Pennsylvania November 16-19 and encouraged attendance if possible. Effective the middle of October, Henderson will have a seat on the Board of Directors for the national league, replacing the retiring state league director in California. Henderson will fill out this term and then hopes to be appointed to another term. Henderson said at the last Board of Directors meeting, there was discussion regarding changing the name from the Nevada League of Cities and Municipalities to the Nevada

Municipal League. There was some support as well as opposition so it was decided to postpone the decision until the general membership meeting at the conference.

Henderson referenced a handout given to each Council member that the League has become a state sponsor of the Utility Services Partner. This organization is a third party provider of insurance that provides property owners insurance on water/sewer lines from the water meter into the house for in-home plumbing line coverage.

Walz stated it is her understanding that the fuel tax distribution is distributed based on population. Henderson said there are more factors than just population. Henderson stated the county takes care of the roads and the county should keep the money.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE SITE IMPROVEMENTS AND MATTERS THEREOF FOR NEWMONT USA LTD FOR PARKING LOT AT CORNER OF VENTOSA AND HUMBOLDT**

A packet had been provided with specifications on fencing, signs, lighting, colors of concrete barriers and parking curb. Stuart was content with Newmont's choices of preferred colors. The only fencing options provided were for wood split rail. Supp thought the wood fencing was what the Board was mostly concerned about and didn't think any of the choices were what had been discussed as the preferred choice by the Board. Supp had included a copy of different styles of white vinyl fencing because that is what the Board stated at the last meeting was the preference and would also match what was across the street at the RV Park. Stuart made a motion to approve the presented packet for the parking lot development with white vinyl fencing and Supp choosing the style of vinyl fencing. Huff seconded the motion and the motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO GRANT OR DENY PACKAGE LIQUOR LICENSE APPLICATION FOR GOLDEN GATE GAS STATION CONVENIENCE STORE**

Supp reported the Sheriff's Department has done the background check and has recommended this be approved. Stuart made a motion to grant the liquor license application for Golden Gate. Stanhope seconded the motion and the motion passed unanimously.

**RESOLUTION 16-06 RESOLUTION APPROVING APPOINTMENT BY THE MAYOR OF PERSON TO BE MEMBER OF THE PLANNING COMMISSION OF THE CITY OF WELLS**

Walz began that there was a letter from Douglas Gadd expressing interest in serving on the Planning and Zoning. Huff made a motion to approve Resolution 16-06, the appointment of Gadd. Fuller seconded the motion and the motion passed unanimously.

**DISCUSSION TO INCREASE SEWER RATE FEE FOR SANI HUT DISPOSAL INTO THE CITY OF WELLS SEWER SYSTEM**

Supp began that she and Pengelly had a conversation recently that brought up the rate that the City charges for disposing of sani huts in the sewer system. Supp had the different rates from around the area. Supp informed the Board that if the rate is changed, a business impact statement will have to be done and advertised in the paper. Walz understands that the waste is highly concentrated and not an easy thing to do and asked Pengelly to explain the process. Pengelly stated the waste is highly concentrated and the waste the City does accept is dumped into a manhole out at Navco so by the time it gets to the pond, is very diluted and doesn't impact the system. The City has received requests by other people to be allowed to dump. Walz asked if the City is within its rights to refuse outside companies. Supp replied yes and that Pengelly is a certified operator and it is his duty to maintain those ponds and insure they are working properly. This is only being done for one local business at this time and the consensus was that it might not be worth raising the rate because there is not much of an impact.

**DISCUSSION AND POSSIBLE ACTION TO ACCEPT PUBLIC DRAINAGE EASEMENT LOCATED WITHIN THE NE ¼ OF THE SE ¼ OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 72 EAST, M.D.B.&M, LOREN AND VERONICA STEVENS**

Supp began that this was her daughter and son-in-law so she would be abstaining from any conversation and turned it over to Pengelly. Pengelly said this will allow drainage across the Steven's property, from Shoshone into the culvert behind the Steven's house, then to Moor Avenue and the I80 drainage ditch. Pengelly added that if the curb, gutter and sidewalk could get finished at the senior housing, it would help with the drainage issues in the area. Huff made a motion to approve the easement. Fuller seconded the motion and the motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION TO PURCHASE SECTION 3 TOWNSHIP 37N RANGE 62E M.D.B.&M FROM SOUTHERN PACIFIC TRANS**

Supp wanted to clarify that this was not to purchase the whole section, it would only be a three acre piece of property. At the last meeting, Stuart had asked for an assessment of what to do with Wells Avenue and Ninth Street where the lines of the property are not defined from the lines of the public area. Supp spoke to the railroad, who owns this property and has a minimum bid requirement of \$10,000. The long term plans would be to continue Tenth Street and straighten out Wells Avenue so the two merge at a ninety degree angle. The plan would be to move or remove the remaining old City Shop buildings and potentially have a ball field or practice field on this property. Supp wanted to put this on the agenda because Sue Ronic will be out here from Omaha and if the Board likes this idea, Ronic will not have to come out.

Stuart stated a lot of the railroad property is a total waste and it may be worthwhile looking into. Stanhope thinks the practice ball fields would be a good idea since the City has received requests in the past from people that would like to see extra practice fields.

Stanhope wanted to know if the price could be negotiated down. Local Realtor Bottari did not think this was a bad price or worth trying to talk them down. Supp added that this money would have to come out of capital improvement. Huff thinks it would solve some issues and be a benefit in the future. Supp continued that the railroad would have strict encumbrances such as not allowing residential housing or a park, which could affect the value in Supp's opinion. This property is also in the flood zone area. Walz feels if the railroad is not willing to let the property go, then they should be required to meet the ordinances of the City of Wells and maintain the property just like any other property owner and clean it up. Stuart made a motion to proceed. Huff seconded the motion and the motion passed unanimously.

**PAUL BOTTARI FROM BOTTARI REALTY TO ADDRESS THE BOARD ON DEVELOPMENT PLANS FOR 71 ACRES ON ANGEL LAKE ROAD OWNED BY WILLIAM RODRIGUEZ. PRESENTATION OF HIGH DESERT ENGINEER ASSESSMENT OF SEWER LINE FEASIBILITY AND REQUEST NOT TO PAVE STREETS**

Paul Bottari came forward stating that approximately two years ago, he came before the Board with this request. Bottari was requested to bring in more engineering information showing that septic systems would not have an impact on the City's water supply. Part of the presentation is an analysis from High Desert Engineering that would indicate there would not be a negative impact as well as other information. Bottari continued that this 71 acres is up on Angel Lake Road. The City sewer line is 4000 feet away and the property has rolling hills, making it difficult for sewer to run up hill. City water would be used for this development. Bottari added that if the City requires sewer and paved roads, this project will never happen. Tom Ballew from High Desert Engineering estimates that paving could cost \$110 a linear foot and could be more than that in Wells. Estimating the cost for pavement at \$500,000 would add an additional \$16,500 to each lot price. If the roads aren't required to be paved, the roads would be 26 foot wide county gravel standard. If three inches of millings could be put on top and then some oil, it would make a nice road.

There are a lot of the miners that want acreage to build on and fifty percent of them want to live out of town and have horses and chickens. Bottari thinks this property would need a zoning change to R-3, Agriculture/Residential, to allow property owners to have a few animals. If the City wants to have some development and have people in town, the City will have to provide what people are looking for and what they need at a price they can afford.

Stuart stated the zoning code was written to protect property owners to not get too many animals on a small piece of land where the waste would sour the land. This property is currently zoned R-1 and if zoned R-3 Agriculture/Residential, it specifically states in the code how many animals would be allowed. Bottari realizes a zoning change would have to go before the Planning and Zoning. Bottari does have potential buyers but cannot move forward until a decision is made on septic tanks and paving. Bottari needs to

know if the City will allow individual septic tanks, which would be the biggest cost. Asphalt and sewer would kill the whole project. Bottari added the modern septic systems are cheaper and more efficient.

Walz does not want to do anything that would limit development and would like to have a meeting to discuss what needs to be done to make this work. Drainage could be another issue in this area. Bottari added that part of a subdivisions requirements are to provide a drainage plan. Walz thinks more information would be needed from NDOT on how to tie into the Angel Lake Road. Huff thinks growth is needed and was against septic tanks two years ago. After reading more about the upgraded systems available, septic systems would be ok. Fuller added that her parents have the same septic system that is proposed and it works fine. The property owners that are already living above this property have septic's. Huff doesn't think the septic systems should be an issue and the City should pursue this and make it work because the City needs growth.

Walz is concerned about what type of housing should be allowed and does not want to see the area full of twenty year old singlewides or RV's. Bottari can't see anything other than new housing going in. Stuart stated covenants and restrictions should be put in place to circumvent any of these issues or allow someone to subdivide their two acre parcel. Stanhope suggested a workshop be held. Supp stated if the City can give Bottari some direction, he can bring back a tentative plat map and tentative plans. Bottari stated before he goes to the expense of a tentative plat map, needs to know if septic will be allowed and streets not paved. It is hard to put the money out not knowing this information. Walz does not know if the City is ready to make that decision tonight and would also like to look into what funding options may be available. Walz said there are two other sections of property above the sewer line and railroad so the City needs to decide if this property will also be served with septics or sewer if the decision is made to allow septics. Bottari added that if property is zoned R-2 and apartments are going to be developed, City sewer is necessary. Supp thought maybe Tom Ballew should be involved in this meeting. The City needs Ballew to come over and look at the well house and could take care of both items at the same time.

Pengelly stated the water issues that will come about with this development will require a booster pump and a fire pump to serve these people because the well only puts out 240 gallons a minute. This well could be tied in to the main line in town which is something that has already been discussed as well as the well head protection. Supp added this should only be limited to R-3 zoning and bigger lots. Supp will see what she can get scheduled with Ballew and anyone else wanting to participate.

## **CLAIMS COMMITTEE REPORT; ACTION TO APPROVE FINANCIAL STATEMENTS**

Stanhope made a motion to approve check register dated August 1, 2016 to August 31, 2016 in the amount of \$68,077.99. Stuart seconded the motion and the motion passed unanimously. Stanhope again made a motion to approve Warrant Register dated August

24, 2016 to September 13, 2016 in the amount of \$71,106.61. Stuart provided the second and the motion passed unanimously.

### **COUNCILMEN'S REPORTS**

Stanhope reported that he has driven around town and has noticed a collection of cars with no license plates and cars up on jacks out on the streets and maybe law enforcement needs to start cracking down again on these violations again.

Stuart informed the Board that there will be a Chamber of Commerce meeting on September 16, 2016 at noon at the Overland building.

Walz stated she will not be in attendance at the next meeting on September 27, 2016.

### **STAFF REPORTS**

Supp began that Staples Golf will be in town on September 26, 2016 to do the golf assessment, discuss ways of making the course more profitable and possibly moving forward with the community building. Andy Staples will be here between 11 a.m. and 1 p.m. and an agenda will be posted for a meeting at the golf course at 7 p.m.

Supp has given each member copies of the completed Strategic Plan from Better City. Supp and Walz talked about some of the items listed and discussion will continue on these items. Stuart stated there is a lot of material in those studies and it was decided to put this on the agenda to be discussed.

Justus reminded the Board that the League of Cities Conference is coming up in October and to contact her if you plan to attend so reservations can be made.

Iveson reported the Farmers Market will be held this Saturday, September 17, 2016 beginning at 8 a.m. Iveson also stated she ate lunch at the Senior Center last week and said it was really good. Walz asked if the menu was available on line and was told yes.

Pengelly reported that the paving of Moor Avenue and Tobar Street has been completed. The road closed signs are still up to deter big trucks from staying off the new pavement. Pengelly also said a lot of time has also been spent on the Wells Avenue curb gutter and sidewalk project.

### **CITIZENS TO ADDRESS THE COUNCIL**

There were none.

### **ADJOURNMENT**

The meeting adjourned at 8:48 p.m.

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**LAYLA M. WALZ**, Mayor

ATTEST:

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**JOLENE M. SUPP**, City Manager/Clerk