

THE HONORABLE CITY COUNCIL OF THE CITY OF LOVELOCK MET IN SPECIAL SESSION ON MARCH 29, 2022 AT THE LOVELOCK CITY HALL AT 4:30 P.M.

Present:	Mayor	Mike Giles
	Council members	Patricia Rowe
		Starlin Gentry
		Jonathan Reynolds
	Police Chief	Michael Mancebo
	City Clerk	Terri Wilcox
	Legal Counsel	Kent Maher

Guests: Heidi Lusby-Angvick, Rodney Wilcox, Carol Shank, Bonnie Skoglie, Rich Sorani and Sandy Sorani.

Mayor Giles called the meeting to order at 4:30 pm.

PUBLIC COMMENT-PERSONAL COMMUNICATION-CORRESPONDENCE:

There were no public comments, personal communications or correspondence.

WORKSHOP:

FISCAL YEAR 2022-202 TENTATIVE BUDGET:

The budget worksheets were reviewed and after discussion the following modifications to the proposed tentative budget were by consensus agreed upon:

Page 2:

Mayor/Council item 10-11-5000, changed to \$19,100

Page 6:

Police item 10-31-5500, changed to \$33,174

Fire Dept item 10-32-5100, changed to \$10,000

Animal Control item 10-33-5000, changed to \$71,400

Animal Control item 10-33-5100, changed to \$44,934

Page 11:

Road Dept item 21-01-5291 changed to \$10,000

LOVELOCK MUNICIPAL CODE (LMC) 11.590-11.640 – NUISANCE ABATEMENT:

The council discussed the timeliness issues and concerns with the nuisance notification, determination and enforcement procedure prescribed by the existing ordinance. Legal Counsel Maher suggested one alternative would be to have the initial notice and enforcement procedures handled administratively before the matter ever comes before the council. The notification letters must be sent to comply with due process requirements, that is, a property owner facing city penalty must receive notice there is an alleged problem which requires property owner action before a penalty is imposed. There was discussion about having a code enforcer who will be responsible for assessing the problems. It was agreed the process needs to be more efficient so there is no question on what action needs to be done.

Rich Sorani suggested writing a citation will get the job done.

Heidi Lusby-Angvick suggested that education of the public would be helpful.

LMC 11.650-11.720 – LIVESTOCK, FOWL AND NON-DOMESTIC ANIMAL REGULATION:

There was discussion about updating the code language, because of the large lots on 17th Street property owners are allowed to have a horse. The only time any type of livestock have historically been allowed to be maintained inside the city limits are for 4H and FFA project animals which are authorized only for a limited time under defined guidelines.

Council member Reynolds questioned if chickens are allowed. The ordinance does not allow chickens. Discussion followed about whether chickens should be allowed since some persons desire to use them as a source of eggs and meat. Council member Gentry stated the existing ordinance needs to be followed.

Police Chief Mancebo suggested, if chickens are to be allowed, having animal control inspect the chicken coop and, if it passes inspection, then limit the amount of chickens with no roosters.

Legal Counsel Maher suggested, if chickens are to be allowed, that if the property owner meets the criteria for keeping chickens, then a special use permit should be required, and if the terms of the permit are violated a fine citation could be issued.

LMC 11.730-11.790 - REGULATION OF GRAFFITI:

The ordinance as presently drafted is acceptable to the council.

LMC 9.280 – RATES FOR COLLECTION OF REFUSE:

Mayor Giles suggested that the “every other week” collection rates and procedure be eliminated and that all charges be based upon a monthly fee. Giles noted the city has always picked up leaves and yard waste if it is bagged and placed beside the garbage receptacle or on the curb.

Council member Reynolds suggested that the fee list be cleaned up and that the fees overall be reviewed for possible adjustment.

LMC 29.115 – BUSINESS AND REGULATORY LICENSING RULES AND FEES:

Legal Counsel Maher suggested that rather than trying to update the existing ordinance, which is very much out of date, that the city start with a completely new ordinance.

The council discussed the criteria for a marijuana dispensary and the proposed ordinance that was considered but not adopted several years ago.

REGULATION-MANAGEMENT OF UNLICENSED-INOPERABLE VEHICLES:

The council desires regulation for how many vehicles are allowed, parking in alleyways and on easements, working on vehicles on city streets, and changing the oil and dumping it into the city drains.

MAYOR-COUNCIL MEMBER COMPENSATION-BENEFITS:

It was explained that any increase in compensation or benefits will only apply to new members elected to the governing board and taking office after the ordinance effective date or to existing members after their current term of office expires and they are re-elected.

Legal Counsel Maher suggested the compensation and benefits ordinance can allow for periodic increases which automatically take effect and avoid the necessity of deferring the increases to the next term (except for the initial change which should not occur during the term when the ordinance becomes effective).

Council member Reynolds suggested a base compensation increase be considered now and then have periodic increases for future terms. Reynolds also suggested setting up a 401K or other similar plan for persons not getting PERS.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDING USE:

Pershing County Commissioner Shank requested the city use some of the ARPA funds to help keep the Senior Center afloat.

Mayor Giles stated that the city has used some of the funds for Covid 19 wages and for some major repairs to the sewer plant, both of which are allowed uses. Giles said there are two critical needs for the city: a new waste collection truck and a tractor with a front-end loader and brush hog.

LIFE SAFETY INSPECTIONS OF STRUCTURES:

Fire Chief Wilcox stated the fire department is doing fire inspections (on businesses?) two times a year. Wilcox said he hired a person to do the fire inspections, which, according to Wilcox, he can do as the fire chief without city approval. Wilcox stated Mike Heideman, who is certified from the State Fire Marshall office, was hired to do inspections. In response to questions, Wilcox explained that Heideman was not an employee of the State Fire Marshall office, he was hired to be the Pershing County fire inspector. There was discussion about the legality of just showing up and doing an inspection at a private business without cause or reason. Wilcox said business owners do not object when the inspector shows up. Wilcox said the city should just do an ordinance like the county has and the issue would be covered.

BUILDING CODES / BUILDING DEPARTMENT PROGRAMS-FEES:

Mayor Giles explained that as best as he could determine, the last time the city formally adopted a building code was in 1975. The city has been using the 2016 version of the international codes. Giles suggested the need to set it up so that the city codes automatically update whenever the standard building codes change or are updated. Giles also suggested a new computer program for building permits be procured; the existing program was developed in the early 1990s and has not been updated since then.

PLANNING-ZONING APPROVAL PROCEDURES-FEES:

Legal Counsel Maher noted the existing approval procedures for maps and the various zoning changes should be reviewed and possibly updated, and that a fee schedule for city zoning-planning procedures be adopted and implemented.

TOBACCO LAWS / REGULATION OF OUTDOOR USE AT PUBLIC FACILITIES:

There was discussion about the recent effort to place signage at outdoor public places regarding the use of tobacco, particularly smoking. The legality and utility of such signage is dependent on the language of the sign. Without legal authorization, local entities cannot make laws regarding smoking, and there is the question of enforcement if the "conduct" is not against the law. Having informational signs for public awareness may be acceptable, but there would be no penalty for ignoring the information.

PUBLIC COMMENT:

Rich Sorani remarked that the City of Lovelock is not a pretty picture, there are cars parked everywhere with broken windows, no licenses, there are houses that are in disrepair with persons living in them and there are weeds everywhere.

Mayor Giles noted the city has little control over the activities of private property owners, the best the city can do is to implement the appropriate (health, safety, welfare) ordinances and attempt to enforce compliance. It is anticipated there will be a full-time person who will be responsible for code enforcement once the ordinances are in place.

There being no further business, the meeting was adjourned at 7:50 p.m. until the next scheduled City Council meeting on April 5, 2022, at 7:00 p.m.

Michael R. Giles, Mayor

Terri Wilcox, City Clerk