

THE HONORABLE CITY COUNCIL OF THE CITY OF LOVELOCK MET IN REGULAR SESSION ON OCTOBER 18, 2022, AT THE LOVELOCK CITY HALL AT 7:00 P.M.

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

Guests: Bonnie Skogle, Jordan McKinney, Jolene Pettit, Russell Fecht, Courtney Gnatiuk, Stephanie Minor, Charlsie Wilcox, Richard Wagner, Tina Gallagher, Rodney Wilcox (Pershing County Volunteer Fire Department) , Cathie Bryant, Zev Winje, Dan Kondor, Robert Lutz, Kim Feng, Teeie Huang, Shayla Hudson (Pershing County Commission), Bryce Shields (Pershing County District Attorney), and Lovelock Indian Colony representatives: Rochelle DeSoto, Darla Donahue, Tia Happy, Deana Austin, Sandra Winup, and Debbie George.

PUBLIC COMMENT-PERSONAL COMMUNICATION-CORRESPONDENCE:

There were no public comments, personal communications or correspondence.

MINUTES REVIEW-APPROVAL:

There were no meeting minutes available for review.

No action was taken.

BUSINESS IMPACT DETERMINATION:

After review and consideration of the probable effect that each agenda item for this meeting could have on a “business” as defined by statute, Council member Gentry moved to make a finding that no item on this meeting agenda appears to impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business.

Motion carried unanimously.

SEWER-DISPOSAL ACCOUNT DELINQUENCIES-ADJUSTMENTS-REFUNDS:

The delinquent account list was reviewed and discussed. City Clerk Wilcox presented a small balance and bad debt write off list for review.

Council member Rowe moved to approve the small balance and bad debt write off list as presented.

Motion carried with Council members Rowe and Gentry voting aye and Council member Reynolds voting nay.

SIGN-BARRIER REQUEST / DARTMOUTH AVENUE / CROFOOT:

Mayor Giles advised that property owner Dan Crofoot sent a letter requesting that a dead end sign be placed at the intersection of 16th Street and that the existing barrier on Dartmouth Avenue be allowed to remain to block vehicular traffic on the 130 feet in length portion of Dartmouth Avenue which dead ends at the Crofoot property.

Council member Reynolds questioned why this was brought to the council; if a city street is being blocked, the barrier should be removed. Mayor Giles noted that Reynolds asked that the matter be placed on the agenda.

Council member Rowe moved to accept the Crofoot letter request to leave the barriers in place and to place a dead-end sign.

Motion failed with Council member Rowe voting aye and Council members Reynolds and Gentry voting nay.

Reynolds suggested Crofoot be contacted and given two weeks to remove the barriers.

PUBLIC HEARING / NUISANCE DETERMINATION / VARIOUS PARCELS:

There was no information or evidence presented on the current status of the properties at: 470, 471, 482, 483, 494 and 495 Camellia Way (off Sixth Street owned by Pavilion Homes LLC); 500, 510, 520, 525, 530, 535, 545 and 555 Rose Way (in Garden View Estates off Sixth Street owned by Pavilion Homes LLC); 527, 547 and 567 Sunflower Street (in Garden View Estates owned by Pavilion Homes LLC); and, the 6.25 acre unimproved parcel abutting Jamestown Road identified as Pershing County APN 001-081-36 (owned by Love My Way LLC).

No action was taken.

LIEN DEBT DISCHARGE OR REDUCTION REQUEST / COVERED WAGON MOTEL-DESERT HAVEN MOTEL PROPERTIES:

Dan Kondor, on behalf of the owner of the Covered Wagon Motel and Desert Haven Motel properties, questioned the fees assessed by the city for the clean-up of the properties in 2021. Kondor said the properties had been cleaned earlier that year and the owner believes the city fees were too high and should be removed or reduced. There was a discussion about the properties and it was explained that the indebtedness was incurred because city employees had to clean-up the properties to abate hazardous and nuisance conditions existing on the properties.

Council member Reynolds moved to not discharge or reduce the fees assessed by the city for the costs associated with the cleanup of the Covered Wagon Motel and Desert Haven Motel properties.

Motion carried unanimously.

It was explained to the owner and the owner's representatives that after the city lien on the properties was discharged, a state business license and city business license will have to be procured prior to conducting business activities on the properties.

ANIMAL SHELTER OPERATION PROPOSAL:

Charlsie Duffy-Wilcox advised she was present to answer any questions about the written proposal she previously provided to the city to operate the city animal shelter.

Mayor Giles said there are several questions with the proposal, in particular the responsibility for payment of various costs. It was noted that the shelter operated well when Duffy-Wilcox was an employee working for animal control. Giles suggested that some research needs to be done to determine the feasibility of having the shelter operated privately.

Giles tabled the matter until additional information is available.

LICENSING-REGULATION PROPOSAL / PRIVATE ENTITY EXCLUSIVE FIGHT PROPOSAL / MARIJUANA DISPENSARY BUSINESS:

Mayor Giles explained that the city wants to establish criteria for the licensing and regulation of marijuana dispensary and related businesses if such business(es) attempt to operate within the city. There was a regulatory ordinance introduced a couple of years prior which went to the public hearing stage of the process, but went no further. Legal Counsel Maher noted that since marijuana sale and use was allowed by state law it is advisable to have laws and regulations in place for the city to regulate the business practices. There are state laws and regulations in place, but there are no city regulations.

Sheriff Allen said he thought there was a city moratorium which prohibited marijuana business in the city. There is no moratorium in the city.

Council member Reynolds said he is not in favor of having a marijuana dispensary in the city and if rules are made then the business must be let in. Reynold suggested marijuana business be excluded from operating in the city. Council member Gentry also expressed his opinion that if the city does not do something, the business will come in; something should be done to exclude it from the city.

Legal Counsel Maher explained that marijuana business is legal in the state, but it is possible for local jurisdictions to exclude such businesses through zoning regulations.

Council member Reynolds moved: (i) to not establish terms and conditions for licensing, regulation or fees applicable to marijuana dispensary businesses in the city; and, (ii) that the city does not enter into an agreement with a private business to grant the business the exclusive right to dispense marijuana products in the city.

Motion carried with Council members Gentry and Reynolds voting aye and Council member Rowe voting nay.

It was suggested that staff start working on the zoning ordinances.

REGULATING-PROHIBITING RENTAL OF SINGLE-FAMILY DWELLING UNIT ROOMS TO NON-FAMILY MEMBERS IN RESIDENTIAL ZONING AREAS:

Cathie Bryant, the owner of a single-family dwelling unit which advertises room rental, explained that she is not running a bread and breakfast (“BnB”) out of her house, she is renting a room. She said she does not look at it as a business because she only rents the room for a short term, such as to Coeur-Rochester for three (3) weeks at a time. Legal Counsel Maher said if a room is advertised for rent or rented for a short term or a long term for the purpose of making money, a business is being conducted. The city ordinance provides that in a residential zoning district operating a business from the home is not allowed, excepting the home occupation allowed uses.

Council member Reynolds suggested if there is advertising on Airbnb, then a business license and a home occupancy permit should be procured.

Staff was directed to ensure that the proper licenses are in place for any allowed business use of the property.

Bryant stated the city should have ordinances for regulation of flippers, because she had issues with the person from whom she purchased the house. She said no contractors were used for the work that was done with the house.

Shayla Hudson noted that even an owner needs to get permits for the electrical, plumbing, etc. and usually a licensed contractor is needed to the work.

No action was taken.

CITY COUNCIL MEETING SCHEDULE:

Council member Rowe moved to schedule the November 2022 city council meetings on the second and fourth Tuesdays rather than the first and third Tuesdays.

Motion carried unanimously.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS:

County Commissioner Shank requested assistance with the senior center transportation. The grant that was written turned out to be for a vehicle, not to help with the gas costs. The county does not have the funds to cover the gas costs. Shank requested \$20,000 a year for the next two years for a total of \$40,000 to cover the costs as explained.

Council member Gentry moved to approve payment to the Senior Center of \$20,000 per year for the next two years for a total of \$40,000.

Motion carried unanimously.

Fire Chief Wilcox requested the city buy six (6) air packs for the department. Mayor Giles suggested that new quotes be obtained which include the shipping costs, and that approval be given for the purchase of three (3) packs at this time, and the purchase of additional packs be revisited at a later date.

Council member Reynolds moved to approve the purchase of three (3) air packs for the fire department and to pay the invoice upon presentation to the city clerk.

Motion carried unanimously.

BROWNFIELDS GRANT PROJECT REPORT

No action was taken.

BUSINESS-LIQUOR-SPECIAL EVENTS LIQUOR LICENSES-BUILDING PERMITS:

The following licenses and permits were reviewed and considered:

Special Events Liquor Licenses:

None

Business Licenses:

903157 – The Pioneer LLC – Charlsie-Cody Wilcox - 1025

903158 – Paladinid Construction – Steven Palachini

Building Permits:

22-1725 – Dan Crofoot – 300 16th Street – Quality First Home Improvement - Reroof

No action was taken.

PROCLAMATIONS-AWARDS:

There were no proclamations or awards.

STAFF-COUNCIL REPORTS-PROPOSALS:

Mayor Giles reported: (i) Uprise Fiber has approached the city about acquiring the Bernd Hotel property; (ii) on November 2 there is a meeting with Pool/Pact concerning a grant for upgrading the security system in and around City Hall; and, (iii) on December 6-7 the League of Cities is offering meeting law, ethics law and public officials' duties training for all elected officials.

VOUCHERS, CLAIMS AND PAYROLL:

Council member Rowe moved to approve payroll and vouchers numbered 49295-49334.

Motion carried unanimously.

PUBLIC COMMENT:

There were comments about the marijuana dispensary.

There being no further business, the meeting was adjourned at 8:29 p.m. until the next scheduled City Council meeting on November 8, 2022, at 7:00 p.m.

Michael R. Giles, Mayor

Terri Wilcox, City Clerk