

THE HONORABLE CITY COUNCIL OF THE CITY OF LOVELOCK MET IN REGULAR SESSION ON JUNE 6, 2023 AT THE LOVELOCK CITY HALL AT 7:00 P.M.

Present:

Mayor
Council members

Michael Giles
Jordan McKinney
Jonathan Reynolds
Bonnie Skoglie
Terri Wilcox
Kent Maher
Michael Mancebo

City Clerk
Legal Counsel
Police Chief

Visitors: Wendy Nelsen, Shea Murphy, Corinne Nelsen, Richard Wagner, Myke Nelsen, Shawn Rutherford, Janice Rutherford, Carol Shank, Tina Gallagher, Jerry Allen, Sandra Sorani, Sarita Gordon, Lance Condi, Steve Cerini, Tim Ricketts, Wendy Ricketts, Tia Happy, Cindy Plummer, Michael Heideman, Russell Fecht, Laura Katsaris, LeeAnn Gallagher, Mackenzie Hodges, Neil Gallagher, Kelly Thompson, Whitney Hostman, Jeff Kearns, Mike Brooks, Destiny Garrett, Bryce Shields, Rod Wilcox, Bailie Malay, Dave Skoglie and Katie Coleman (Nevada Rural Housing).

PUBLIC COMMENT-PERSONAL COMMUNICATION-CORRESPONDENCE:

Mike Heideman suggested pickleball courts should be set up. The cost is about \$50,000 to put in new courts or \$5,000 to convert the existing tennis court. Also needed would be nets and paint for the lines. Portable nets are also an option.

Sandra Sorani commented about: the weeds around town and questioned if the city has been spraying; the elm seeds filling the drain causing flooding at Western Ave. and Idaho St.; the church yard being full of weeds; and, possibly changing the ordinance so it does not take 90 days to deal with a nuisance complaint.

Steve Evenson questioned whether the boys and girls club veto was supposed to be done by resolution and suggested if it was a discussion item then it was an invalid motion. Mayor Giles noted the mayor has five (5) days to veto an action and the right to keep the city out of trouble. Evenson questioned why the mayor controls the meeting agenda and why a city council member request was not put on the agenda.

There were several comments from the audience about the boys and girls club. Jerry Allen read three letters concerning the boys and girls club, Tina Gallagher passed out what she described as an action plan, a budget and a petition with 400 signatures on it and thanked everyone for coming.

MINUTES REVIEW-APPROVAL:

Council member Skoglie moved to approve the May 16, 2023 regular city council meeting minutes, with the spelling of Shea Murphy's name being corrected and to add some of LeeAnn Gallaher's relevant comments which Gallagher will provide.

Motion carried unanimously.

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 McKinney 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:

Mayor Giles stated that because this is the first meeting of the month there is no delinquent list provided. There is one pending disconnect. The account being paid in installments per the payment arrangements with the council has now made two payments on time.

No action was taken.

ARPA FUNDING REQUEST / RADIO SYSTEM UPGRADE / SHERIFF OFFICE:

Mayor Giles noted the request has been discussed for the past year. The system upgrade will allow an expanded use of police, sheriff, ambulance, fire protection services, and school radios, particularly from inside buildings.

Council member Skoglie moved to approve use of \$120,000 of the city ARPA funds for the radio system upgrade project.

Motion carried unanimously.

ARPA FUNDING REQUEST / AIR PACKS, MASKS AND COOLING SYSTEM / FIRE DEPARTMENT:

Mayor Giles explained the fire department requested the addition of four (4) air packs for \$41,228 to complete the outfitting of the city fire truck, eight (8) masks for \$3,000 and \$5,000 for the fire station cooling system, which was requested when budgets were discussed.

Council member Reynolds moved to approve \$41,228 for the purchase of four (4) air packs, \$3,000 for purchase of eight (8) masks and a sum not to exceed \$5,000 for a cooling system for the fire station meeting room, to be paid with ARPA funds.

Motion carried unanimously.

REQUEST TO TRANSFER THE UNUSED 2023 PRIVATE ACTIVITY VOLUME BOND CAP TO NEVADA RURAL HOUSING AUTHORITY (NRHA):

Katie Coleman, NRHA Communications Director, gave a presentation and summary on the use of NRHA funding in Lovelock: seventeen (17) persons have used the program; and, \$2.3 million dollars have been spent to assist with the purchase of homes and the provide home buyer tax credits. NRHA is building a 96-unit housing project in Mesquite.

Sheriff Allen asked how people can get into the program. Coleman provided the website information and business cards for distribution.

Council member Reynolds moved to do adopt a resolution to authorize transfer the city unused 2023 private activity bond cap allocation to the Nevada Rural Housing Authority.

Motion carried unanimously.

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AMERICAN RESCUE PLAN ACT (ARPA) FUNDS:

Mayor Giles stated that the priority list for use of the funds came from the city council. The priorities can be changed, such as removing the backup generator and allocating monies for allowed general fund expenditures, which will then allow general fund proceeds to be used for the boys and girls club.

Council member Reynolds noted that the prioritization and use of ARPA funds has been a long-standing action item and suggested that \$150,000 of the ARPA funds be allocated to supplant allowable existing 2023-2024 budgeted general fund items and to be prioritized for non-profit organizations that can meet the intent of NRS 244.1505 and NRS 268.028 which vest counties and incorporated cities with the discretionary power to expend money for nonprofit organizations for a selected purpose if it provides a substantial benefit to the inhabitants.

Council member Reynolds moved to schedule a special meeting as soon as possible to address a possible resolution, if necessary, to prioritize and review the 2023-2024 budget with the assistance of the city auditor for the purpose of determining which areas can be paid for with ARPA funds, thus freeing up general fund monies to be allocated specifically for non-profit organizations in the 2023-2024 city budget, including the Boys and Girls Club of Lovelock, and upon completion the council, as a governing board, can determine which non-profits meet the idea of a substantial benefit to the inhabitants. Reynolds asked the mayor to direct staff and/or legal counsel to do so immediately. Council member McKinney suggested everyone should take a step back and take a breath, noting there has to be the ability to disagree and still get along; this has to be done the right way. McKinney said the hating has to stop; they should have been told from the first that the motion was stated incorrectly. Council member Skoglie said legal counsel should have told us what the motion should have been.

Mayor Giles said there is a motion on the floor and called for the vote.

Motion carried with Council members McKinney and Reynolds voting aye and Council member Skoglie voting nay.

BROWNFIELDS GRANT PROJECT REPORT:

Mayor Giles reported that Converse Consultants, used on the first phase of the project, have been hired for the second phase and it should be a universal transfer.

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:

There were no special events liquor licenses.

Business Licenses:

There were no business licenses.

Building Permits:

There were no buildings permits.

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PROCLAMATIONS-AWARDS:

There were no proclamations or awards.

STAFF-COUNCIL REPORTS-PROPOSALS:

Council member Skoglie asked when will the \$100,000 be made available to the boys and girls club and for the record to reflect that at the last regular meeting Council member Reynolds asked an opinion from legal counsel as to whether the expenditure of ARPA funds for a boys and girls Club was lawful, and although legal counsel did not directly answer the question, it demonstrated at the time that Maher was acting in capacity as legal counsel for the Lovelock City Council, which by law are among his duties. Skoglie said it was her understanding that after the meeting was over legal counsel assisted the mayor in preparing a veto on the very items he should have been defending on behalf of the City Council. Skoglie believes the behavior is considered a major conflict of interest for which legal counsel was required under the rules of ethics, specifically the Nevada Rules of Professional Conduct Rule 1.7 conflict of interest which provides (a) except as provided in paragraph (b) a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: 1. The representation of one client will be directly adverse to another client. 2. There is a significant risk that the representation of one or more clients will be materially limited by the lawyers' responsibilities to another client, a former client, a third person, or by personal interest of the lawyer. Since legal counsel and the city clerk refused her request to place an item on the agenda for this evening's meeting, she would like to ask the city attorney his legal opinion as to what a city council person must do in order to get an item placed on the agenda with or without action.

Council member Skoglie moved that as a part of the ongoing procedure, with regard to having council members be able to put items on the agenda, any council member may instruct the City Clerk to place an item of business, with action or non-action, upon the agenda for upcoming meetings, and that this be placed on the next meeting agenda for an action item, with any clarifications deemed necessary by other council members with the understanding that any such procedure may include council members conferring individually with legal counsel, but it is not required. There was no vote on the motion.

Council member McKinney said if we need to do a policy and procedures for the mayor and city clerk then we need to work on this.

Council member Reynolds reported there was an RTC meeting; the \$170,000 city budget was increased to \$670,000 and per Public Works Director Crim there will be a Type 3 slurry seal on most of the city streets. Reynolds said he is not sure when the project will go out to bid; he needs to talk to staff about the project.

Fire Chief Wilcox commented that the county road foreman provided a list of RTC projects and questioned if the city public works director provided a similar list. The curbs around town need painting.

Mayor Giles reported: (i) attending an emergency management meeting; (ii) Upland Fiber has all their paperwork done with USDA and will start the broadband project in August; (iii) submitting a letter of support for the hospital bill on Medicaid; (iv) the A&H property liability insurance premium increase will be about 24% over the current year; and, (v) the city clerk and mayor have a meeting with auditor Teri Gage (Eide Bailly) concerning the 2023 budget augmentations and if necessary will schedule a special meeting to go over the budget and the use of ARPA funds, but it may not occur until the end of June or first part of July.

VOUCHERS, CLAIMS AND PAYROLL:

Council member McKinney moved to approve vouchers numbered 49908 to 49939, inclusive.

Motion carried unanimously.

PUBLIC COMMENT:

Wendy Nelsen thanked everyone for attending the city council meeting and said we are here about transparency or the lack of transparency, and it appears that the city council does not have legal counsel representation.

Steve Evenson asked why the city does not televise the meetings.

There being no further business, the meeting was adjourned at 8:50 pm until the next scheduled City Council meeting on June 20, 2023 at 7:00 pm.

Michael R. Giles, Mayor

Terri Wilcox, City Clerk