

City of Elko )  
County of Elko )  
State of Nevada )

SS January 12, 2016

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, January 12, 2016.

This meeting was called to order by Mayor Chris Johnson.

**NOTE: The order of the Agenda has been changed to reflect the order business was conducted.**

## **ROLL CALL**

**Mayor Present:** Chris J. Johnson

**Council Present:** Councilman John Rice *arrived at 4:14*  
Councilwoman Mandy Simons  
Councilman Robert Schmidlein  
Councilman Reece Keener

**City Staff Present:** Curtis Calder, City Manager  
Scott Wilkinson, Assistant City Manager  
Ryan Limberg, Utilities Director  
Shanell Owen, City Clerk  
Dawn Stout, Administrative Services Director  
Jonnye Jund, Accounting Manager  
Aubree Anderson, Human Resources Manager  
Ben Reed Jr., Police Chief  
Mark Gibbs, Airport Director  
Jeremy Draper, Development Manager  
Matt Griego, Fire Chief  
Bob Thibault, Civil Engineer  
James Wiley, Parks and Rec Director  
Brian Mickels, Golf Maintenance Superintendent  
Dennis Strickland, Public Works Director  
Dave Stanton, City Attorney  
Lauren Landa, Deputy City Attorney  
Ted Schnoor, Building Official  
Diann Byington, Recording Secretary

## **PLEDGE OF ALLEGIANCE**

## **COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this

item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

Ken Brook, Congressman Amodei's Office, said as of the end of the year, the local representative, Megan Brown, has left and if anyone needs to reach them they can call 775-686-5760.

Ron Abbott, 878 Commercial St., said he had a comment to read into the record regarding medical marijuana.

Mayor Johnson said public comment will be allowed during that agenda item.

**APPROVAL OF MINUTES:**            December 22, 2015            **Regular Session**

*The minutes were approved by general consent.*

### **III. UNFINISHED BUSINESS**

Mayor Johnson read Item C. into the record. Not all of the Aspen Plaza representatives were present so he moved on to the next item.

- B. Reconsideration to allow Airport Management to proceed with Airport Master Plan and Airport Geographical Information Survey (AGIS) conditioned upon successfully accepting a Federal Aviation Administration Airport Improvement Grant, and matters related thereto. **FOR POSSIBLE ACTION**

On November 10, 2014, City Council allowed the airport to enter into negotiations with Aviation, Inc. who was the highest ranking qualified firm to provide aviation planning services at the airport. On September 9, 2014, Elko City Council granted permission to apply for a FAA Grant to complete an Airport Master Plan Update with AGIS. The Federal Aviation Administration has initially requested that Elko Regional Airport complete an Airport Master Plan with AGIS survey in 2015. However, due to failing Runway 5/23 VASI Navigational Aids, City Council acted to postpone the Master Plan until 2016 to pay for a reimbursable agreement to replace the VASIs with PAPIs. The airport is now ready to proceed with the Airport Master Plan requested by FAA officials in May 2016. All negotiations and a record of decision were accepted by the FAA already. Total entitlement AIP grant allocated \$506,667. The local share of this grant is \$31,667. MG

Mark Gibbs, Airport Director, explained this was at the request of the FAA. The last one was done 12 years ago.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to allow the airport to proceed with an already negotiated Airport Master Plan with AGIS survey conditioned upon FAA AIP grant funding availability.**

*The motion passed unanimously. (4-0)*

After the motion and before the vote, Councilwoman Simons asked if these were entitlement funds.

Mr. Gibbs answered yes.

Mayor Johnson moved back to Item C.

- C. Review, discussion, and possible action to dismiss the Petition for Judicial Review recently filed by the City of Elko regarding Case #15-119 of the State Board of Equalization, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. John Carpenter has requested the City Council dismiss the Petition for Judicial Review recently filed against the Nevada State Board of Equalization and the Elko County Assessor. Aspen Plaza Partner's, LLC is listed as a co-petitioner and is opposed to such a dismissal. Representatives from Aspen Plaza Partners, LLC will be present at the City Council meeting to represent their interests.

All supplemental information from the December 8, 2015 City Council meeting has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained he provided supplemental information for the agenda packet. He sent out a memo yesterday dated January 11, 2016. He asked if council would like the memo read into record.

Mayor Johnson answered yes.

Mr. Calder went over his memo (Exhibit "A").

John Ferricks, Manager of Aspen Plaza, said he agreed with City Staff's recommendation. We are the tenant in a long-term lease of that property from the city. As the owner of the property, the City is the only one that can request the review. The city has an economic interest in getting a favorable response on this matter because it makes that undeveloped airport property that much more attractive to potential developers. The tax favor status was a big incentive for him when developing the property he manages. He felt it was the Legislature's intent when they wrote NRS 361.157 to provide incentives for private developers to lease airport property and provide a revenue stream for rural airports. It is not unheard of that the Legislature provides such incentives to private developers. Just last year we had the big Tesla \$1.3 billion tax abatement to encourage Tesla to come in. The Legislature frequently provides these incentives for developers such as Aspen Plaza to come in and make these kinds of investments. The plain language of the NRS that Mr. Calder read into the record is that this property located on the public airport is not subject to taxation. We are simply asking the court to determine that the plain language of the NRS statute applies in our case.

*Councilman Rice arrived at 4:14 pm*

John Carpenter didn't agree that is true and felt everyone would find that out once this goes to the judicial review. He wanted to protest a transfer of monies from Ad Valorem taxes to the

airport. It is unclear to him how this is to be accomplished. Would the airport leases be raised by the same amount of the Ad Valorem is now? Would this amount then be paid to the airport fund? Or Ad Valorem taxes for various airport properties were forgiven so as to create an incentive for people to build on airport property because they would not have to pay property tax on it. He felt alternative one would be of no value to property owners because the lease payment would simply take the place of the Ad Valorem taxes. The second alternative puts the city in direct competition with business owners. The city has a proposed lease with Gary Pinkston of Meridian Pacific to lease approximately 10 acres of land near the dispatch center. The value of the property fully built out could well be in the millions of dollars. With the construction of another shopping center comes increased population and increased demand for service. If for some strange reason the Ad Valorem taxes do not have to be paid it falls on the rest of us to pay for the schools, city, county and state services, juvenile probation, senior citizen center, museum, city and county debt and other services paid for by Ad Valorem taxes such as the Convention Center, the fair grounds and the youth services. The only one that gets a break on this is the people that are not going to have to pay their Ad Valorem taxes. Maybe we should all stand up and say we are not going to pay our taxes anymore and let everything go to the devil. We don't need more schools. We certainly don't need a Convention Center. If I have to pay Ad Valorem taxes on Cimarron West when the Shell station across the street does not have pay Ad Valorem taxes, the city is going to be faced with a horrendous lawsuit. If an Ad Valorem tax free zone is established near the dispatch center, a new hotel and a new plumbing shop would not be welcomed by Gold Dust West or Chester Plumbing. They are going to pay their taxes but the other guys aren't. It makes no sense. There are many examples of the city being in unfair competition with others. This is one of the most blatant and must be stopped. The airport does quite well under the present arrangements. Room tax pays for the terminal debt. The General Fund pays for fire operation. Millions have been spent on the runway lighting and lawsuits. In this meeting this evening you are going to spend over \$60,000 of taxpayer money. He felt Dave Stanton had a conflict of interest representing the city on this matter. Gary DiGrazia has represented him for many years and now Dave Stanton is trying to make it much harder for him to do business and compete with someone across the street that does not pay any property tax when I have to pay mine. If we are going to get into the arguments regarding the statute we're going to do that when we go before the judge.

Katrinka Russell, Elko County Assessor, said John Carpenter asked her to come tonight to provide more information. The parcel is shown as being owned by the City of Elko. It does not show that it is owned by an airport authority or anything like that. When you compare and determine the rationality for the statute, other counties have created an airport authority. The city has indicated that the property falls into airport jurisdiction and is currently being leased by Aspen Plaza Partners. The lease is on what was originally a 4.052 acre parcel that was later split into three legally separated parcels. Newmont Mining has a professional office building. Costa Vida and Subway have a building on another parcel. There is also another parcel across from the Newmont building which is leased to the Airport Shell. All the parties are paying property taxes on the other parcels. Not taxing these parcels has a fiscal impact on the city and the county and the schools. She does not believe that it was the intent of the legislature to provide a tax exemption on the exempt property that is leased by a person, partnership or company in the private sector. Upon her research she has found case law that supports her decision. There have been several requests for opinions from the Nevada Attorney General's office in regards to property located at the airport that supports this. All the airplane hangars pay real property taxes on the buildings. She hopes the City of Elko supports that decision and withdraws the petition.

Mark Gibbs, Airport Director, wanted to state some facts. 1) More folks that fly out of Elko Regional Airport are buying tickets from addresses in Elko County and not within the jurisdiction of the City of Elko; 2) More general aviation patrons and people that are leasing property have residential addresses in Elko County than the City of Elko folks by a large margin. When Katrinka talks about the types of impacts and who is benefiting from the airport, county folks benefit from this airport in a large way; 3) When you look at the successful airports that are making money and not a strain on the General Fund, the overwhelming majority of those airports succeed because they had strong non-aeronautical revenues sources through land leases. The airport is important. We need to incentivize and lease out the property as much as possible in order to succeed. Each dollar we gain on the leases is one less dollar we are taking out of the general fund.

Mayor Johnson called for public comment.

John Ferricks wanted to respond to Ms. Russell's and Mr. Carpenter's statements regarding fiscal impact of the taxes. They pay \$70,000 a year to the city for the lease. That dwarfs the tax revenues that Ms. Russell stated. Leasing property to developers is a way to bring revenue into the city. One of the ways we encourage developers to lease property from the city is to honor the plain language of the NRS that states that property is tax exempt. It would be to the city's advantage to have a judge determine for sure that was the intent of NRS.

Don Newman, ECVA, said last year they collected just under \$500,000 in property taxes. Last year was \$512,000. We have seen a slight decline. In an article in the Elko Daily Free Press, Dave Stanton is quoted as saying, "It comes down to whether or not this is for an aviation purpose or not." This is clearly not being used for an aviation purpose. It is property that is debatable as to does it sit on the airport itself or on land owned by the city. What is going to happen when this ruling goes forward and then we have to rebate all the tax that has been paid? Is the council going to deny the money to the children and their education? Ms. Russell talked about the properties on a parcel apart from the airport. These businesses have nothing to do with the airport. These taxes are the cost of doing business. So are the lease payments to the city.

Dave Stanton, City Attorney, offered a brief overview. The statute we are talking about goes back to the 1960's. It's gone through a number of evolutionary changes since that time. A couple of events that are probably significant: In 1977 was the enactment of the Reno/Tahoe Airport Authority Act which was special legislation to create that specific airport. There is a provision in that legislation that says that the property and revenues of the authority and the interests, etc., any possessory interest in and to the use of the property, which the authority may grant or exempt from all state, county and municipal taxation. You have this airport created by statute that has the tax exemption. On the other hand you have the statute we are talking about (361.157) that does not have parallel language to that. In 1980 there is a Nevada Supreme Court decision that interprets that statute as not giving the type of exemption we are talking about today. As we go on in time, there must be some issues between this Reno/Tahoe airport and all other airports across the state. In 1995 the Legislature amends the exemption again in such a way that it aligns the exemption with the Reno/Tahoe Airport Authority Act. In effect, it creates an exemption for property being leased by a for-profit business residing on airport property. By 1997 there was another issue involving this exemption. This involved property that airports (specifically, Clark County) had acquired that was not actually connected to the airport. The

Clark County airport purchased 400 residences in another location. It was nearby but not adjacent to the airport. The property was occupied by residents and was being leased to them by the airport. The intent was to at some point make it part of the airport. The 1997 amendment to this statute, which is the most recent amendment to that part of the statute, creates the exemption to the exemption where it talks about property that is not part of the public airport and it is used for these other purposes. As matters now stand, it's an opportunity for a court to look at this statute that has been amended a couple of times and see how it applies to this unique set of facts that we have right here. Maybe it's not so unique and maybe there are other airports that would be interested to see how this applies. It has an impact on this airport.

Councilman Keener asked Mr. Stanton that it was brought up the Aspen Property is vested in the name of the City of Elko. All of that airport land is vested as City of Elko, is that correct?

Mr. Calder said the City of Elko Regional Airport is not an Airport authority. You would have to have a separate legal entity to actually own the property. The City of Elko is the owner of the entire airport but without doubt the FAA recognizes the boundaries of the airport and designates the boundaries of the airport. Those boundaries are reported to the state through the Nevada Department of Transportation, through their aeronautical section. That boundary is well published. There is no question what is designated as the airport. The Meridian Pacific lease went through a 2.5 process with the FAA in order to be able to lease that property on a commercial basis. It is highly regulated by the FAA. It's not allowed to be sold. The lease monies are deposited directly in the Airport Enterprise Fund.

Councilman Rice felt this was an interesting situation and we should let the court decide and continue as co-petitioners. Later on if there is some flaw in the law then we take this back to the State Legislature and let them take care of it.

Councilwoman Simons said we are trying to find out what the NRS says. We don't want to tax people that the legislature says we don't. It's not the city that would be depriving the Senior Citizen Center or the kids, it's the Legislature. Move forward and clarify this and we follow the decision.

Councilman Schmidlein said there was a little bit of talk about the airport hangars. They are for a private purpose. He can see why that is not being taxed. Air Ambulance and El Aero, do they pay taxes. The assessor nodded her head yes. They are using the airport for public purposes. This is all above us. We are not attorneys here. We need to get the decision made so we can direct the city and the county and have a clear understanding.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to continue as co-petitioners for Judicial Review regarding Case No. 15-119 of the State Board of Equalization.**

*The motion passed unanimously. (5-0)*

## **V. RESOLUTIONS AND ORDINANCES**

- B. Review, consideration, and possible approval of Resolution No. 02-16, a resolution placing an additional two-year moratorium on the issuance of business

licenses for medical marijuana establishments, and matters related thereto. **FOR POSSIBLE ACTION**

On March 25, 2014, the Council adopted a resolution placing a two-year moratorium on the issuance of business licenses for medical marijuana establishments. Staff is recommending an addition two-year moratorium. SO

Shanell Owen, City Clerk, reminded council that Elko County has an ordinance in place banning Medical Marijuana dispensaries in Elko County. In the Resolution, possession, distribution and cultivation of marijuana continues to be unlawful under the Federal Controlled Substances Act. There is a pending initiative regarding marijuana that will on the next ballot. City staff is recommending continuing the moratorium for an additional 2-year period.

Chief Reed said he doesn't wish to repeat all of the issues he mentioned the last time we heard this issue. He recommended continuing the moratorium. It is a felony under federal law to possess marijuana under any circumstance. The initiative will be on the state ballot dealing with recreational use. This may be a proven course of action until the state makes their decision. He's not sure what the Federal Government will do, if anything. The lack of enforcement from the federal government on marijuana largely stems from a policy decision from the federal government, the President right on down through the Department of Justice and the Attorney General. It's unknown what they would do, if anything different. Carlin has a moratorium on marijuana that they enacted right after we did. Wells, it's by a possible special use permit in a case by case manner. The City of West Wendover prohibited it outright. We are aware of people that have their card issued by the state and possess certain amounts allowed under the statute. We track and verify they are doing what they are supposed to be doing.

Mayor Johnson called for public comment.

Ron Abbott, President of the Elko County Medical Marijuana Patients' Association, spoke in opposition to extending the moratorium and read a statement. The primary mission of the organization is advocacy, education and social support. Also to share the many uses and benefits of medical cannabis. The Association was founded in August of 2015 after searching in vain to no avail for a dispensary or even a doctor here in Elko County who would do the recommend for a card. The Association and its members are opposed to the extension due to the unnecessary hardship that it has caused for medical marijuana patients here in Elko County. There are many; the disabled, seniors, vets that cannot travel 300 plus miles one way to get their medicine. This leaves only the option of asking a relative or friend, co-worker, neighbor or, even worse yet, the local drug pusher on the street corner, to get your medicine for you. Let's face it, if you are a patient you're going to get your medicine. Thus far the medical marijuana patients in this county and city have already endured an unnecessary almost two-year long physical, emotional and financial hardship brought upon them by the current moratorium. If this moratorium is extended another two years, that is approaching the 18 year anniversary of legalized medical marijuana in the State of Nevada, and still patients in Elko County such as myself are without their dispensary medicine. This moratorium affects the disabled, the vets and the seniors living on a fixed income the hardest. It also creates an unnecessary and sometimes dangerous delay in the patient's ability to obtain their medication. We have the same rights as the rest of the residents in this state. We are entitled to the same services. The state constitution is the law. Elko County has had in the past and presently has its share of drug problems, however, the law abiding medical marijuana

patients are not a part of it. I ask only from a standing of compassion and to help ease the pain and suffering that you, the members of our City Council, reconsider your actions tonight in this matter and the unnecessary pain, suffering that it would cause if it was extended to the patients in the City of Elko and Elko County. Not every disability uses a wheelchair. Not all disabilities are visible. I'm not only a medical cannabis activist and President of the Association helping to share the voice of concerns that is ours and the opinions of our members. I am also a medical cannabis patient. I thank you for the opportunity to speak here tonight. And I thank you for any consideration of compassion that you may have in this matter. In closing, I would like to leave everyone with one last question to ponder: Do you think it's time to ease the unnecessary hardship, pain and suffering here in Elko County and not increase it.

Tiffany Huffman said she understands what the Police Chief has said. This is a new subject for everybody. The Federal shift is that this is going to be legal. Recreationally you have states already doing it. Regarding the moratorium in the city; that is a business that is generating income and the city needs the income. As far as the cards, these people jump through hoops to get the card. These people are known. They have a card with their name and address on it. It's not the local drug dealer. Either they are going to go out to Reno to get their medicine or go to the local drug dealer.

Councilman Rice said he has had a couple of people that have approached him that are interested in establishing a dispensary. They are a local organization. They have an attorney that called him. He believes that two years ago when we first discussed this, he was in favor of the moratorium. We have had an opportunity to see what other communities are doing. The opportunities it provides are great. He would like to hear more from people that are interested in establishing a dispensary in town. This is an opportunity that the city ought to consider.

Councilman Keener said as it stands right now he is in favor of extending the moratorium but he is open to hearing from individuals that are willing to show up and speak out about it.

Councilwoman Simons felt there are complications for law enforcement with state laws and federal laws but was willing to move this to another meeting.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to table the discussion of this resolution until our next meeting and encourage stakeholders or those who have a stake in this to attend the meeting and testify.**

*The motion passed. (4-1 Mayor Johnson voted no.)*

After the motion and before the vote, Mayor Johnson liked the strategy of trying to find a happy medium of keeping in a moratorium type phase. If enough information ever came council could consider the moratorium. That is the intent of it, that it's not a binding decision. He is not in favor to table it. He would rather continue with the moratorium.

## **I. APPROPRIATIONS**

- B. Review, consideration, and possible authorization for Staff to solicit bids for the Ruby View Golf Course Irrigation Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

The Irrigation Replacement Project for Ruby View Golf Course is ready to go to bid as the design, engineering, and bid documents have all been completed. Construction will begin in the spring of 2016 and is scheduled to be completed in the fall of 2016. JW

James Wiley, Parks and Recreation Director, explained they should have received the design component in their packets. There is golf course staff present to answer any questions regarding the project. Our base bid when we started this process was \$3 million. Now the base bid sits at \$2.15 million. That allows us to incorporate a number of bid alternates. There are 18 bid alternates and he talked about some of the bigger bid alternate estimates. If we get good bids and the estimate holds true we can get most of these bid alternates done.

Councilwoman Simons asked if council voted on the total amount of the golf course.

Councilman Schmidlein answered yes and it was \$3 million. It was all explained to us that we need to get the irrigation in. He was upset because the estimate now is 30% less. Now we will be \$800,000 below the previous estimate. We need the irrigation system. He didn't agree with coming back with 18 bid alternates. Just because we have \$3 million doesn't mean we have to spend that. He supports the needs but he doesn't get why we would do all of this if we need to get the sports complex built. He was upset because he was a participant on agreeing to \$3 million but this came in 30% lower to get the same thing done.

Mayor Johnson felt they should move forward with the bidding. At today's meeting we are inline and he was pleased to see that the estimates are going down. We still need to see where the bids will come in.

Councilwoman Simons said she is fine going out to bid and she would like to see the lower bids.

Jeremy Draper, Development Manager, said talking about the alternates, in the bid document itself, it states that we are to provide a priority alternate bids to be announced by the city prior to the opening of the bids. The way that we've got this right now and based on staff's recommendations, is upgrade pipe to C900 pipe, which is alternate one listed here. Alternate two is the reuse line off the private property. That will be paid for through the water/sewer fund. Then alternate three, talking amongst staff was to redo the tee boxes on one and ten. We feel that does more for the golf course than some of the other alternates. If council is fine with that we can proceed.

Councilwoman Simons asked if his handout was his priority list (Exhibit "B").

Mr. Draper answered yes. Since there are so many alternates we need to know what council is thinking. We need to give the contractor some idea that this is the direction we are interested in.

Councilman Schmidlein asked if these were in order.

Mr. Draper answered that one and two are in order. He felt three would be the Tee boxes on one and ten. Then proceeding through the back nine and working our way through the front nine.

Ryan Limberg asked that No. 2 be moved to No. 1 and move No. 1 down.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to authorize staff to solicit bids for the Ruby View Golf Course Irrigation Replacement Project with add alternatives included in Jeremy Draper's memo with Add Alternate No. 2 as No. 1 and Add Alternate No. 1 as No. 2 and then the rest are as follows in the memo.**

*The motion passed unanimously. (5-0)*

### **III. UNFINISHED BUSINESS (Cont.)**

- A. Review, consideration, and possible ratification of City Staff's 15-Year Road Improvement/Maintenance Plan, that was submitted to Elko County, for use of the ¼ cent sales tax increase recently approved by the Elko County Commission, and matters related thereto. **FOR POSSIBLE ACTION**

At the City Council Meeting on December 22, 2015, Staff was directed to work with the Mayor to draft a plan to be submitted to the County before January 4, 2016, and to bring that plan back to be ratified by Elko City Council. DS

Dennis Strickland, Public Works Director, said this is the approach that they took at the last meeting to get a plan to Elko County that shows what our intent is if things play out as they have been presented.

Mayor Johnson asked if there has been a response from the county.

Mr. Strickland answered they have only indicated that this meets the requirements of what they were looking for. This is something that is going to be revisited at some time.

Councilwoman Simons thought it would have been great to get specific regional road projects.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to ratify staff's submittal of the City's 15-Year Road Improvement/Maintenance Plan that was submitted to Elko County.**

*The motion passed unanimously. (5-0)*

### **IV. NEW BUSINESS**

- A. Consideration to allow Airport Snow Removal (SRE) Broom Equipment bids to be issued conditioned upon successfully accepting a Federal Aviation Administration Airport Improvement Grant, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Regional Airport would like to utilize mechanical broom equipment to reduce dependence on costly runway deicing fluid. The airport utilized a donated broom SRE from Reno/Tahoe International Airport from 1999-2011 when the equipment failed due to age. The airport would like to purchase a multi-tool SRE to use on both wet slush and powder snow to reduce annual costs of runway

deicing fluid which will generate tens of thousands in savings each winter. The entitlement portion of Airport Improvement Grant is \$560,000 of which the City has an expected maximum possible match of \$35,000. MG

Mark Gibbs, Airport Director, explained we are averaging \$24,000 in purchasing deicing fluid for the runway. This broom will cut our dependence on the deicing fluid by 50%. It would probably pay for itself in about four years. It is a smart investment to start saving money long-term.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to allow the airport to bid for a replacement SRE Multi-Tool Broom conditioned upon the FAA AIP Grant funding availability.**

*The motion passed unanimously. (5-0)*

- B. Review, consideration, and possible approval of Map of Reversion to Acreage No. 1-15, filed by Daniel Norfleet, for the purpose of reverting to acreage the easterly ½ of Lot 20, Lot 21, and the westerly 15 feet of Lot 22, Block 19, of the Map of the Town of Elko, File No. 1, located generally on the northerly side of Court Street, approximately 80 feet west of 4<sup>th</sup> Street, and matters related thereto.  
**FOR POSSIBLE ACTION**

The removal of lot lines is required in order to bring the property into conformance in conjunction with a zone change for an existing residence built across lot lines. JD

Councilman Schmidlein disclosed that his wife has a business next door to this property. She leases the building that she works out of and he didn't feel that he had any pecuniary interests in this and will continue to participate.

Jeremy Draper, Development Manager, explained the lot consists of portions of three lots from the original map of Elko filed back in 1870. This removes those lot lines and brings it into conformance. He recommended approval.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to conditionally approve a Map of Reversion to Acreage No. 1-15, subject to conditions contained in the memorandum from staff.**

*The motion passed unanimously. (5-0)*

- C. Review, consideration, and possible authorization for the transfer of ownership of Elko Police Department's Canine *Zelgium* to Officer Keith Kiechler in exchange for the adoption fee of \$75.00, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Police Dog *Zelgium* is a six (6) year old Belgian Malinois. Officer Keith Kiechler has been the dog's handler for the past four (4) years. Officer Kiechler is separating from the Elko Police Department necessitating the retirement of canine *Zelgium*. Elko Police Administration believes *Zelgium* will not be able to adapt to a new handler. Officer Kiechler desires to purchase *Zelgium*. *Zelgium's*

selling price was determined by using the amount set for dog adoptions at the City of Elko Animal Shelter. BR

Chief Reed explained Officer Keichler has separated employment from the City of Elko Police Department. He has been the handler of a City owned police canine. The officer has been on staff for 4.5 years. He handled that dog almost the whole time. When working with live animals, it is not so easy when the animal and the handler separate. We talk to the other handlers, the officer in charge of the unit, and administration to get everyone's opinion as to whether the dog is what we call "recyclable." In other words, it can be transferred to someone else's handling and develop that same kind of bond and trust. In this case the dog is almost 7. We've had a lot of discussion about whether or not we can recycle that dog. The unanimous opinion was that would not be successful. The best option is to sell the dog. Mr. Stanton prepared the contract for us. He recommended going forward with the adoption.

Councilman Keener asked if the Reno PD will be able to derive any benefit from this highly trained animal.

Chief Reed doesn't believe that was Officer Kiechler's intent. There is that possibility.

Dave Stanton, City Attorney, said they could add a provision to that effect to the contract.

Councilman Rice said he is not interested in that.

Councilwoman Simons felt we couldn't keep him because that would be cruel.

Chief Reed noted the contract releases liability from the City of Elko. It would best to sell him to the handler in this case.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to authorize Elko Police Department to transfer ownership of canine Zelgium to Officer Keith Kiechler in exchange for the adoption fee of \$75.**

*The motion passed unanimously. (5-0)*

- D. Review, consideration, and possible approval for the Fire Department to apply for Assistance to Firefighters Grant (AFG) through the Department of Homeland Security to replace Self Contained Breathing Apparatus, Supplied Air Respirators and obtain Thermal Imaging Cameras, and matters related thereto. **FOR POSSIBLE ACTION**

The Fire Department's breathing apparatus are now two cycles out of compliance with National Fire Protection Agency (NFPA) standards and breathing air cylinders are reaching their end of life date. Thermal imaging cameras are of great value during search and rescue operations as well as finding hidden fires. The AFG Program has listed both these items as high priority for grant funding this year. Total amount of the grant would be around \$600,000.00 with a 10% match by the City. MG

Chief Griego explained the current apparatus the firefighters use were bought on the 2002 standards. Since then there has been two cycles of revisions to the standards. The apparatus is no longer in compliance. The chances of us being awarded the grant is pretty great. We are asking for permission to apply for the grant.

Councilwoman Simons asked would the \$60,000 be in this year's budget.

Chief Griego answered next year.

Councilman Keener asked if that amount would be enough to replace the equipment for all of the firefighters.

Chief Griego answered yes.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to recommend approval for the Fire Department to apply for assistance to Firefighters Grant (AFG) with up to \$60,000 match.**

*The motion passed unanimously. (5-0)*

## **V. RESOLUTIONS AND ORDINANCES (Cont.)**

- A. Review, consideration, and possible approval of Resolution No. 01-16, donating two (2) performance stages from the Parks Department to the Elko County Fair Board, and matters related thereto. **FOR POSSIBLE ACTION**

On December 22, 2015, Council reviewed and considered this request. Per NRS 268.028, the Council must approve the donation by Resolution after the review and consideration. SO

James Wiley, Parks and Recreation Director, explained this item just finishes up the action council took at the last meeting. We just need to set this into resolution tonight according to the NRS statute.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve Resolution No. 01-16, donating two performance stages to the Elko County Fair Board.**

*The motion passed unanimously. (5-0)*

- C. First reading of Ordinance No. 800, an ordinance amending Title 8, Chapter 1 of the Elko City Code entitled "SALE, EXCHANGE, OR LEASE OF CITY REAL PROPERTY" and repealing Title 8, Chapter 1, Article A of the Elko City Code, entitled "APPRAISER REQUIREMENTS FOR SALE OR LEASE OF REAL PROPERTY" which ordinance is entitled "PROCESS FOR USING APPRAISERS, NOTICING, AND RESOLUTION REQUIREMENTS FOR SALE, LEASE, OR EXCHANGE OF CITY-OWNED PROPERTY," such changes removing residency requirements and clarifying existing provisions to comply with Nevada Revised Statutes and any amendments thereto, and to direct

staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

The proposed amendment addresses portions of the existing code conflicting with current Nevada Revised Statutes. SAW

Scott Wilkinson, Assistant City Manager, explained we are proposing amendments to the City Code to be in conformance with NRS 268. One of the issues we had, our code required a county residency. That proved to be difficult to have appraisers on a list that actually resided in the county. He went over some of the changes.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to conduct First Reading of Ordinance No. 800 and direct staff to set the matter for public hearing, second reading and possible adoption.**

*The motion passed unanimously. (5-0)*

## **I. APPROPRIATIONS (Cont.)**

A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the general warrants.**

*The motion passed unanimously. (5-0)*

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve Print 'N Copy Warrants.**

*The motion passed. (4-0 Councilman Keener abstained.)*

**BREAK**

## **VI. 6:00 P.M. PUBLIC HEARINGS**

A. Second reading, public hearing, and possible adoption of Ordinance No. 799, an ordinance amending Title 1, Chapter 5, Section 12 of the Elko City Code entitled "Notices" by clarifying the procedure for Notice of Close of Registration and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

Shanell Owen, City Clerk, explained this is the adoption of Ordinance No. 799. It is basically a housekeeping item clarifying election procedures that take place.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt Ordinance No. 799.**

*The motion passed unanimously. (5-0)*

## II. PERSONNEL

- A. Confirmation of Mayoral appointments of City Council members to “Liaison” position within the City of Elko, and matters related thereto. **NO ACTION BY THE COUNCIL REQUIRED**

Confirmation of Mayoral appointments of City Council members to the following “Liaison” positions:

- Police Department Liaison
- Street Department Liaison
- Waterworks and Sewer Liaison
- Fire Department Liaison
- Airport and Public Property Liaison
- Parks Recreation Department Liaison
- ECVA Liaison (Board Member)
- Elko County Water Planning Commission Liaison
- Elko County Fair Board Liaison
- Recreation Board Liaison
- Mayor Pro-tempore
- Other Departments Not Listed

Mayor Johnson said this was an opportunity for council members to speak up and make changes. He asked for the pleasure of the council. He would like to make a few changes. He has taken the first position for NNRDA. He would also like to make it such where Councilman Schmidlein would be second on Streets. Mayor Johnson would take first on the RAC.

Councilwoman Simons thought that would be good.

Councilman Schmidlein asked Councilman Rice if he would interested in allowing him do the RTC.

Councilman Rice answered he would be happy to have him do that.

Councilwoman Simons asked Councilman Schmidlein if he took that wouldn't he have eight assignments.

Councilman Schmidlein answered no because some of the assignments he has only meet 3 or 4 times a year.

Councilman Rice asked that he be 2<sup>nd</sup> on RAC.

Councilman Schmidlein answered that is what he is but if he wanted to take that he could.

Mayor Johnson asked Councilman Rice if he wanted to take 2<sup>nd</sup> on RAC.

Councilman Rice answered yes.

Scott Wilkinson, Assistant City Manager, clarified that's the RDA liaison to RAC?

Mayor Johnson answered that is correct.

## **VII. REPORTS**

### **A. Mayor and City Council**

*Councilman Rice said the street crew worked very hard over the holidays. Thank you to Dennis Strickland and please pass on his thanks to the crews.*

*Councilman Keener thanked Shanell Owen for her reminder to complete his disclosure to the Secretary of State. He asked Scott Wilkinson about the operation of the Emergency Shelter. Mr. Wilkinson answered it is operating smoothly with only minor issues. Curtis Calder talked about the struggles they have had with weather reports.*

*Councilwoman Simons said there are some conflicts with a couple of the upcoming council meetings. There will be a presidential candidate visiting at the same time as the next council meeting and then during the second meeting in February is the Republican Caucus. Mr. Wilkinson offered to push RDA out to the first meeting in February. Councilman Schmidlein asked if the second council meeting in February could be moved to a Monday or Wednesday and Curtis Calder said it could be done.*

*Mayor Johnson reported the City received a letter from the Red Cross. They had helped 2 adults and 2 children after a home fire. Elko seems to be becoming more important to political parties. It is neat that it brings the federal government closer to home.*

### **B. City Manager**

*Curtis Calder reported that Elko County has established a health board. We were asked to be a placeholder and he agreed. We are in the final stages of our population estimate appeal. We will be participating in this via phone conference. There was a press release from the Humane Society regarding decommissioning the CO machine. They have found a museum in California that wants the machine to go on display. On our next agenda will be a resolution for the donation of the machine. Finally, on our next agenda, we want to talk about strategy going into the budget season. The Golf Pro Contract will be on the next agenda.*

### **C. Assistant City Manager**

*Scott Wilkinson reported they are looking at going ahead with the storefront program. He intends on advertising for that program for about a month during late January through late February.*

### **D. Utilities Director**

*Ryan Limberg reported on capital projects that are coming up and in progress.*

### **E. Public Works-Snow Report**

*Dennis Strickland reported on snow removal efforts.*

### **F. Airport Director-HVAC Emergency Repair**

*Mark Gibbs reported they had to make some emergency repairs to the HVAC system at the Airport Terminal for about \$12,500 dollars.*

- G. City Attorney
- H. Fire Chief
- I. Police Chief
  - Chief Reed reminded everyone that tomorrow is their Annual Awards Recognition Ceremony at the GBC Theatre.*
- J. City Clerk-**Financial Disclosure**
  - Shanell Owen reminded council about the financial disclosure. She will put the election calendar in each of their boxes.*
- K. City Planner
- L. Development Manager- **PD Project Update; rezone report for Rezone No. 15-15 Norfleet**
  - Jeremy Draper reported the same property that was approved for the reversal has also been approved by Planning Commission for a rezone. The Police Department is moving forward and is in good shape.*
- M. Administrative Services Director
  - Dawn Stout updated council on the sales tax revenues.*
- N. Parks and Recreation Director-**SnoBowl, and Pool**
  - James Wiley reported the SnoBowl has been open the last three weekends and each weekend has been busy. At the last meeting he reported some negative news for the Swimming Pool but since then the damages from the sewer backup have been evaluated and they are not as bad as originally thought. The last remaining boiler has burned up due to the backup and now there is only one source of heat.*
- O. Civil Engineer
- P. Building Official

## COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

There being no further business, Mayor Johnson adjourned the meeting.

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Mayor Chris Johnson

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Shanell Owen, City Clerk