

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

SS January 14, 2014

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, January 14, 2014.

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.**

Mayor Present: Chris J. Johnson

Council Present: Councilwoman Mandy Simons  
Councilman Robert Schmidlein

Council Absent: Councilman John Rice  
Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager  
Delmo Andreozzi, Assistant City Manager  
Dawn Stout, Administrative Services Director  
Shanell Owen, City Clerk  
Dennis Strickland, Public Works Director  
Ryan Limberg, Utilities Director  
Scott Wilkinson, Development Manager  
Matt Griego, Fire Chief  
James Wiley, Parks and Recreation Director  
Dawn Leyva, Recreation Services Manager  
Doug Gailey, Human Resources Manager  
Ben Mangeng, Information Systems Manager  
Karen Walther, Animal Shelter Manager  
Rick Magness, City Planner  
Ted Schnoor, Building Official  
Ben Reed Jr., Police Chief  
Mark Gibbs, Airport Director  
Dave Stanton, City Attorney  
Diann Byington, Recording Secretary

## **ROLL CALL**

## **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**

John Carpenter said he heard and saw the site plans where the new Police office is supposed to be. They are going to cut out about six feet and put it in a flood plain. What will that do to the building and what will happen?

Curtis Calder, City Manager, answered we don't have enough details to answer that accurately but we will shortly.

John Carpenter asked if there had been an appraisal ordered yet.

Mr. Calder answered the appraisal, at this point, would be if it is required through the purchase agreement. The City Attorney is working through what is required with a purchase agreement for acquiring land. When you dispose of land an appraisal is required. It is undetermined if an appraisal is necessary when we acquire land.

John Carpenter thought it was his understanding you needed an appraisal whether you sell them or purchase them. He toured the existing Police building with John Ellison and J.D. Long and agreed it is filled to capacity. He was concerned about the city is going to pay for this without going to a bond issue. If you take out of the present budget you will be taking money from something else that we need. You need to sell this to the public and go for a regular bond issue rather than trying to take it out of the present budget. He heard that the city hired the same attorneys out of L.A. for the airport. He understood they charge a lot of money per hour. Why did you hire them because we don't need another \$100,000 legal bill for the airport? Why don't you release these contracts to the public so that they would know what is going on?

Mr. Calder answered the most recent documents he had received is that the court has been petitioned to allow the Wolfsburg firm to assist in the representation of the appeal on the Supreme Court appeal. At this point there has been very little expenditure of dollars and it would just basically be the briefing.

John Carpenter asked if it is the same lawyers.

Mr. Calder answered Rich Barrows is representing the City and they are assisting Mr. Barrows.

John Carpenter asked so they have been hired.

Mr. Calder answered they have been on this case since inception when the Council hired them.

John Carpenter cautioned how the city spends its money. You need to look into that site for the Police Station.

Doug Shippy said he would like to say a few things when Council got to his agenda item.

**APPROVAL OF MINUTES:** December 17, 2013 **Special Session**  
**FOR POSSIBLE ACTION**

*The minutes were approved by general consent.*

**I. PRESENTATIONS**

- A. Presentation of a Retirement Plaque to Will Lehmann, Police Department

Mayor Johnson presented Will Lehmann with a plaque thanking him for his years of service and dedication.

Mr. Lehmann said he served 22.5 years as a Police Officer. He did his very best that whole time. He thanked everyone present. He hoped his legacy is that he never failed in his duty to the citizens or the men or women of Elko that work at the Police Department.

- B. Elko County Update by Elko County Commissioner Glen Guttry

Glen Guttry reported Charlie Myers is the new chairman. Glen will be taking over for Charlie on the RTC Board. He handed out a listing of Commissioner Assignments (Exhibit "A"). Get My Ride will go to a new provider, NV Transportation. They just passed the Right to Farm and Ranch Ordinance. He also reported on the jail expansion and the Sage Grouse issue.

**II. APPROPRIATIONS**

- C. Review, consideration, and possible final acceptance of the Swimming Pool Replastering, and matters related thereto. **FOR POSSIBLE ACTION**

At the November 12, 2013 Council meeting, the project was awarded to Adams Pool Specialties, Inc. The project has been successfully completed, and Staff recommends final acceptance of the project. JD

James Wiley, Parks and Recreation Director, recommended final acceptance.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to accept the Swimming Pool Replastering and Maintenance Project.**

*The motion passed unanimously. (3-0)*

- G. Review, consideration, and possible approval of a revised agreement between the City of Elko and Dr. Anele Kandawasvika, for the provision of part-time veterinary services, and matters related thereto. **FOR POSSIBLE ACTION**

This item was tabled during the December 10, 2013 City Council meeting.

The Local Animal Shelter Support Organization (LASSO) wishes to continue funding additional veterinary services at the Dumke-Weeks Spay/Neuter Clinic, located at the City of Elko Animal Shelter. As such, the City of Elko will act as a

pass-through entity, receiving funds from LASSO and disbursing funds to Dr. Kandawasvika. A copy of the proposed agreement has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained this is exactly like the contract from last year. There haven't been any changes.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the contract for Dr. Anele Kandawasvika for the provision of her part-time veterinary services for the calendar year 2014.**

*The motion passed unanimously. (3-0)*

- D. Review, consideration, and possible approval to utilize a Joinder Contract with the State of Idaho, for the purchase of a 5 Yard Dump Truck for the Water Department, and matters related thereto. **FOR POSSIBLE ACTION**

The Water Department has budgeted for this purchase. By utilizing the Joinder Provision, the City has saved a considerable amount of time and money on prior large equipment purchases, when compared to competitive bidding. Staff recommends purchasing the base truck and chassis through the Joinder Provision, and thereafter purchasing the dump bed in accordance with the City Purchasing Policy. RL

Ryan Limberg, Utilities Director, thanked Dennis Strickland for doing the research on this truck. He was able to find an opportunity to use the Joinder Provision through the State of Idaho. Staff recommended approval. This would be used by the Water Department.

Dennis Strickland, Public Works Director, added Rush Truck Center is the company that has offered the Joinder opportunity. They have been the low bidder on three of the last four big fleet truck purchases.

Councilman Schmidlein said when he reviewed this item, the spreadsheet had a total of \$81,400 and on the agenda it was listed as \$81,000. Was there an additional discount?

Mr. Limberg answered that a few minor items were removed from the bid such as auto door locks and auto windows. The contract is for \$81,000.00.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the purchase of the base truck and chassis utilizing the Joinder Provision in the amount of \$81,000.00.**

*The motion passed unanimously. (3-0)*

- E. Review and possible approval of Five Year Base Contract between Jviation, Inc., and the City of Elko to provide engineering services at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

This base contract will dictate the fees and rates for individual projects selected by the Airport during the next five year period ending December 31, 2018. Each specific airport engineering project will be negotiated at the appropriate time based on materials, hours, and scope. This master base contract is the vehicle that allows the airport to negotiate with Jviation on engineering projects without the requirement to open each individual engineering project up for a public competitive selection process during this five year period. This base contract is in conformance with FAA Advisory Circular 150/5100-14D. This contract has also been reviewed by City of Elko legal counsel. MG

Mark Gibbs, Airport Director, explained the contract is basic and follows all FAA requirements.

Councilman Schmidlein asked in reference to the Time and Material (T&M) rates how much will be done on a T&M basis? He felt those rates were a bit high.

Mr. Gibbs explained how the FAA selects the firms. It is not based on the lowest bidder, but instead on the professional qualifications. Jviation is by far the best qualified firm based on all of the applicants that they saw and reviewed. We want a top notch firm working at the airport. The FAA, on the cost side of this, will be paying for 93.25% of all of those engineering costs.

Councilwoman Simons said anybody involved in this selection would have been impressed with Jviation. She felt they will be wonderful for us.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the base contract with Jviation and allow negotiations on scoping services and allow the Airport to obtain an independent cost estimate per FAA guidelines. Final negotiations will be reported back to City Council before asking Council to close this matter publically.**

*The motion passed unanimously. (3-0)*

- F. Review, consideration, and possible approval of the final acceptance of the West Idaho Street Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project was awarded to Q&D Construction, minus the Deductive Alternates, on August 27, 2013, in the amount of \$371,049.67. On September 24, 2013, the Council approved awarding Deductive Alternates 5, 6, and 7, in the amount of \$150,324.15. With change orders to the project, the final cost is \$522,424.36. Q&D Construction has satisfactorily completed the project. Once final acceptance is approved, the City will invoice Gateway RV, Kennemetal Tricon, and Franklin Building Supply for their portions of the project. DS

Dennis Strickland, Public Works Director, explained we did bring the project in just barely over budget due to some additional asphalt placed in proximity to Gateway RV. Overall the workmanship was great and we had no complaints from the affected property owners. He recommended final acceptance. We are only waiting for NV Energy to go in and flip the switch.

Councilman Schmidlein asked about the lighting. When NV Energy was there they had some arching issues. He was curious when the lighting would take place.

Mr. Strickland answered when NV Energy can get a technician out there.

Councilman Schmidlein said he noticed a huge separation on the lighting placement. There is one at Hot Springs and then as you get to town there is huge separation. Will another light be placed?

Delmo Andreozzi said one limiting factor on the lighting is that there is a vast amount of driveway along the frontage. That may be the result of that gap.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve final acceptance of the West Idaho Street Project and authorize staff to invoice Gateway RV, Kennemetal Tricon and Franklin Building Supply for their portions of the project.**

*The motion passed unanimously. (3-0)*

- H. Review, consideration, and possible award of the bid for a Type 6, 4-wheel drive, Brush Truck for the Fire Department, and matters related thereto. **FOR POSSIBLE ACTION**

The deadline for submitting bids was 3:00 p.m. local time on Friday, December 27, 2013, and four (4) bids were received. MG

Matt Griego, Fire Chief, explained this was the Capital Equipment request the Fire Department had to replace one of its aging brush trucks. The operators reviewed the bids. They recommend the lowest base bid only to Apparatus Equipment & Services, Inc in the amount of \$106,259.00.

Councilwoman Simons asked if we won't go in later on and add in the additive alternates.

Chief Griego answered no, they are recommending the base bid only.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to award the base bid for the Type 6 4-Wheel Drive Brush Truck for the Fire Department to Apparatus Equipment & Services, Inc. in the amount of \$106,259.00.**

*The motion passed unanimously. (3-0)*

### **III. NEW BUSINESS**

- A. Review, consideration, and possible authorization for Staff to solicit for Statements of Qualifications (SOQ's) for the Design and Engineering Services for the City of Elko CDBG project, and matters related thereto. **FOR POSSIBLE ACTION**

The City was successful in obtaining a Community Development Block Grant for the installation of missing infrastructure along Silver Street from 12<sup>th</sup> Street to Idaho Street during the 2013 grant cycle and has recently received authorization to use the allocated funds for the project. Staff is requesting authorization to

solicit for Engineering Services for the project. Upon an evaluation of the SOQ's, a recommendation will be brought back before Council. JD

Shanell Owen, City Clerk, explained she just received notice to proceed from CDBG on the grant. The next step would be to go out for SOQ's on the project. There is a draft in the packet.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to authorize staff to solicit for SOQ's for engineering services for the Silver Street CDBG Project.**

*The motion passed unanimously. (3-0)*

- B. Review, consideration, and possible action to fill a vacancy on the Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

On November 26, 2013, Council accepted a letter of resignation from the Planning Commission from Reece Keener due to his appointment to the Council. Staff conducted the standard recruitment process and received one letter of interest to serve on the Planning Commission, a copy of which is included in the Council packet. The appointee will fill the remaining term of Reece Keener expiring in July 2016. RM

Rick Magness, City Planner, explained we received this letter of interest from Tera Hooiman. This would bring a great addition to the Planning Commission. We welcome her invitation.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to fill the current vacancy on the Planning Commission with appointee being Tera Hooiman with the term expiring July 2016.**

*The motion passed unanimously. (3-0)*

- C. Review, consideration, and possible appointment of Ms. Cynthia Delaney to the Arts and Culture Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

There is one (1) vacancy on the Arts and Culture Advisory Board. Ms. Cynthia Delaney has expressed an interest in serving on the board. A letter of interest has been provided for you in your Council packet. CC

Curtis Calder, City Manager, explained Cynthia Delaney is requesting to be appointed to the same position she vacated a year ago.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to fill the current vacancy on the Arts and Culture Advisory Board with appointee being Ms. Cynthia Delaney fulfilling the remainder of the term.**

*The motion passed unanimously. (3-0)*

- D. Review, discussion, and consideration for a possible donation of old sports field light fixtures from the Parks Department to the Elko County Fair Board, and matters related thereto. **FOR POSSIBLE ACTION**

As a result of lighting upgrades to the Newton softball field and the Ernie Hall baseball field, the Parks Department has a surplus of approximately 42 old light fixtures that are slated for disposal. The Elko County Fair Board is requesting these be donated for possible use at the Elko County Fairgrounds. JW

James Wiley, Parks and Recreation Director, explained included in the packet is a letter from Walter Winchell requesting the donation. There is a surplus of lighting fixtures. One option to dispose of the surplus lighting is to donate them. Staff recommends donating them to the Elko County Fair Board.

Councilman Schmidlein wanted to make sure we won't need any spare parts off the old lights. (no)

Councilwoman Simons asked how much they would be worth.

Mr. Wiley didn't have a value. If they were in public auction there would be a minimal return.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to authorize the donation of the old light fixtures to the Elko County Fair Board.**

*The motion passed unanimously. (3-0)*

- E. Review, consideration, and possible approval of amendments to the City of Elko Purchasing Policy, and matters related thereto. **FOR POSSIBLE ACTION**

On September 24, 2004, Council formally approved the City of Elko's Purchasing Policy. Since then, State Statutes have changed several times and Staff would like to incorporate the most recent changes into our policy so they are consistent with State Statute. A copy of the revised policy is in the packet for review. DS

Dawn Stout, Administrative Services Director, explained the purchasing policy was put in place quite a few years ago. When we put it in place we basically followed NRS at that time and the top limit for going to formal bid was \$25,000.00. Since then the state statute has changed to \$50,000.00. That is why we are making this change with the city policy. We are matching the state policy in NRS.

Councilwoman Simons asked if anything under \$10,000 can just be bought.

Ms. Stout answered it can but there are still some requirements in there. They have to go and make sure they are getting the best value.

**\*\* A motion was made by Councilman Schmittlein, seconded by Councilwoman Simons, to approve the amendments to the City of Elko Purchasing Policy which are consistent with the State Statutes.**

*The motion passed unanimously. (3-0)*

- F. Review, consideration, and possible approval of boundary line adjustment between property owned by Douglas and Crystal Shippy, located at 1375 Mountain City Highway, and property owned fee simple by the City of Elko, Nevada under NRS§ 278.5692, and matters related thereto. **FOR POSSIBLE ACTION**

The property in question is located on the boundary of Elko Regional Airport and Ship's Cycle, near the east entrance to the General Aviation hangars. The proposed boundary line adjustment involves an equal exchange of real property totaling 5,037 square feet (0.156 acres). The airport has obtained conditional approval from the Federal Aviation Administration to release the Federal obligations from the portion of real property held by the City of Elko. Additionally, both areas of real property have been recently appraised at equal value.

In 2011, a deed survey of the property discovered that the airport perimeter fence encroaches upon approximately 5,037 square feet (0.1156 acres) of Mr. Shippy's property which was purchased from the Nevada Division of Wildlife in 2003. The proposed land exchange would provide Mr. Shippy access and use to the same amount of usable of real property he purchased in his quit claim deed recorded with the Nevada Division of State Lands.

The public real property the airport seeks to release is adjacent to Mr. Shippy's Southeastern property line and is non-aeronautical property that has remained vacant since 2001. The airport does not wish to relocate the airport perimeter fence as there are several underground utilities, power poles and grade changes that make relocation extremely costly and difficult. Due to the size, location and limited ability for the property to be assigned to any other use, this portion of real property meets the definition of a land remnant. This land remnant will be transferred between the City of Elko and Mr. & Mrs. Shippy with both parties paying equal shares towards the administrative costs for a Boundary Line Adjustment. MG

Mark Gibbs explained Mr. Shippy contacted him earlier today but he was not able to meet with him. Mr. Shippy does have some comments. He indicated on the overhead screen the subject property and described the land exchange.

Doug Shippy said he didn't totally realize in this land exchange and he didn't agree to split the cost of the survey. He is doing the city a favor and the city is doing him a favor. He will have to build a wall and it will cost a huge amount. He described another solution to the land exchange using the pointer and the overhead screen. He wanted to be accommodated for the amount of fence he will be giving the city.

Mr. Gibbs said FAA funds built the fence in question. The fence is part of the Airport's property. By taking 6 inches into Mr. Shippy's property that would leave the fence well within the Airport Property. The fence is required for security regulations.

Mr. Shippy said as it sits right now all of this fence is on his property. If we bring the property down straight it will level off the back line of the property. This plan that he and Mr. Gibbs are looking at is a good plan because you won't have to move any fencing. For the last ten years he has been paying rent on an adjacent piece of property to the city. He has paid a total of \$19,287 in rent on that property and has received nothing. He wanted to sit with Mr. Gibbs and discuss another option.

Mr. Gibbs voiced some concerns about changing the plans again and increased costs. The city had been welcome to changes in December when this was being discussed. Mr. Morley had indicated that Mr. Shippy had agreed to this plan. If this is changed again there will be increased costs to the city and he wasn't sure if the Airport would be funding those costs or not. He would have to withdraw this and table the item.

Councilman Schmidlein asked Mr. Shippy about the area he wanted to change. Is that usable property or is there a slope?

Mr. Shippy answered there was a driveway. He wanted this item tabled.

Councilman Schmidlein said he can see a potential security risk with a wall next to a fence and a fence higher than the fence.

Mr. Shippy said it would not cause any problems with anyone going over the fence.

Mr. Calder said Mr. Shippy indicated he has been renting the property south of his property but he has been paying for parking. He was given the opportunity to lease the property but instead opted for parking on a per space per day basis. If there is going to be a major change to this then he recommended tabling this.

Mr. Shippy said he agreed.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to table this item.**

*The motion passed unanimously. (3-0)*

- G. Discussion, consideration, and direction for the possible formalization of a partnership between the Recreation Department and the Elko SNOBOWL regarding the administration and management of operations at the SNOBOWL, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko SNOBOWL recently approached the Recreation Department to discuss the idea of forming a public / private partnership between the two entities to assist with the administration and management of operations at the Elko SNOBOWL. The City of Elko would potentially assume oversight of the revenue and expenses related to operations and the foundation would focus efforts on capital

improvements and expansion. Information regarding the SNOBOWL has been included in the agenda packet for review. Staff is seeking direction from Council to consider the possibilities of forming the partnership. JW

James Wiley, Parks and Recreation Director, explained he met with his staff and with Curtis Calder earlier in the day. He recommended tabling this item tonight based on the fact that there was a small council present. He would prefer that the full council be present for their presentation. There were representatives from the Snowbowl present if council wished to delve into the item tonight.

Councilman Schmidlein said he felt this should be participation amongst the whole county and not just the city. He thought they should hit up the County Commission.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to table the agenda item.**

*The motion passed unanimously. (3-0)*

- H. Review and possible extension of a Golf Professional Agreement between the City of Elko, Nevada and Bradley John Martin, DBA Martin Creek Holding Company, LLC., effective January 1, 2014, and matters related thereto. **FOR POSSIBLE ACTION**

On January 10, 2012, the City Council approved a Golf Professional Agreement between the City of Elko, Nevada and Bradley John Martin, DBA Martin Creek Holding Company, LLC. The approved agreement includes a two (2) year extension clause upon the approval of the Golf Professional and the City Council. Mr. Martin has expressed an interest in extending the current agreement with no modifications. A copy of the Golf Professional Agreement has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained this is the agreement approved back in 2012. He met with the golf professional to see if he wished to extend this. There was only one change made to the cover sheet. The name of the company has changed a little bit.

Councilwoman Simons asked how is Mr. Martin's performance evaluated.

Mr. Calder said Mr. Martin is not an employee, he is a contractor. He gets complaints if there are issues. He hasn't gotten any complaints. In talking to golfers they seem to be satisfied with his performance.

There was some discussion about the carts at the golf course. It was decided that council should include purchasing golf carts in the next budget.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve a two year extension of the Golf Professional Agreement effective January 1, 2014.**

*The motion passed unanimously. (3-0)*

- J. Review and possible approval of a Lease Agreement between the City of Elko and the Elko Television District, effective January 1, 2014, and matters related thereto. **FOR POSSIBLE ACTION**

On November 12, 2013, the City Council adopted Resolution No. 24-13, a resolution finding that is in the best interests of the public of the City of Elko to lease certain land to the Elko Television District. A copy of the proposed lease agreement and Resolution No. 24-13 has been included in the agenda packet for review. CC

Mr. Calder explained this is the final step in the process of finalizing the lease. He recommended approval.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the lease agreement between the City of Elko and the Elko Television District effective January 1, 2014.**

*The motion passed unanimously. (3-0)*

#### **IV. RESOLUTIONS AND ORDINANCES**

- A. Review, consideration, and possible approval of Resolution No. 02-14, a Resolution amending Golf Fees at the Ruby View Golf Course pursuant to Elko City Code, Title 8, Chapter 13, Section 3 of the Elko City Code, and matters related thereto. **FOR POSSIBLE ACTION**

At the December 16, 2013 Golf Course Financial Advisory Committee meeting, the committee recommended forwarding a resolution to Council amending golf fees for the Ruby View Golf Course. A draft resolution has been included in the agenda packet for review. DS

Dawn Stout, Administrative Services Director, explained the rate changes.

Councilman Schmidlein talked about the current deficit. Will the proposed increases cover the shortfall? (yes)

Ms. Stout said going forward, costs always go up for salaries, benefits and operating costs. The irrigation upgrade is coming up but we haven't figured out how we are funding that yet.

Mayor Johnson talked about the irrigation system and other issues at the golf course. He felt the fee increases should address all the long-term needs, including upgrading the irrigation system. Maybe the sewer fund should help fund the upgrade too.

Councilman Schmidlein argued back about the sewer fund. He wanted to table this tonight because he doesn't feel these increases will be sufficient to cover the required repairs and future maintenance. He didn't want to approve the proposed increases and then have more increases in a few months to approve.

**\*\* A motion was made by Councilman Schmidlein to table this agenda item and have staff come back with all the irrigation upgrades that will be necessary along with a proposed five-year plan of what those costs are going to be. The proposed rate increases need to address all the irrigation issues.**

*The motion died for lack of second.*

After the motion, Tony Araquistain, Golf Course Financial Advisory Committee, explained they asked the golf course consultants to come up with a couple more options to look at. The consultants are working with Mr. Wiley on those options. No one on the Advisory Board expected the Council to make a decision on the irrigation system this year. He talked to some other municipal golf courses and found that they take the attitude that the golfers pay for the day-to-day maintenance and the city will fund the infrastructure. In a public course it is almost impossible to fund a major upgrade like the irrigation system with a rate increase. He compared Ruby View rates with the rates of similar golf courses and noted our rates are pretty competitive. He encouraged accepting the rates as proposed and moving on.

James Wiley, Parks and Recreation Director, updated council on the irrigation plan. There is going to be more forthcoming on this issue and it will not be resolved this year. We do need to be looking at replacing the system in the next two to three years.

Ms. Stout noted it is that time to send out invoices for cart sheds and we would like to include the price for the season passes. We are on a short timeline and need to make a decision.

Mayor Johnson said he was in to approve the proposed increases.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve Resolution No. 02-14 Amending Golf Fees at the Ruby View Golf Course pursuant to City Code Title 8 Chapter 13 Section 3.**

*The motion passed unanimously. (3-0)*

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

- A. Second reading, public hearing, and possible adoption of Ordinance No. 778, an ordinance Amending Title 1, Chapter 5, Entitled “2013 Elections Code Amendment,” by requiring the period to declare candidacy to be on the same dates as those established for Statewide General Elections, providing further that the provisions of State Law govern City elections, and matters related thereto.  
**FOR POSSIBLE ACTION**

Ordinance No. 778 amends the Elko City Code to more closely follow the laws for statewide general elections and provide for uniform procedures that will assist the City Clerk and Staff in providing for City elections. SO

Shanell Owen, City Clerk, explained this is a housekeeping item from when we changed our election cycle to coincide with the county’s cycle. The filing dates for a city election will be March 3<sup>rd</sup> through the 14<sup>th</sup>. Once this ordinance is adopted she will prepare the resolution that declares that the city is having an election. That would be on the next agenda for adoption.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to conduct Second Reading for the Public Hearing and adopt Ordinance No. 778.**

*The motion passed unanimously. (3-0)*

- B. Review, consideration, and possible action to adopt Resolution No. 01-14, a resolution of the Council adopting a change in zoning district boundaries from PC (Planned Commercial) to C (General Commercial), involving approximately 19.67 acres of property located generally 920 feet east of the corner of S.R. 227 (Lamoille Highway) and Powder House Road, filed by Elko Mountain Village LLC, and processed as Rezone No. 10-12, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on October 2, 2012, and took action to forward a recommendation to Council to approve Rezone No. 10-12, with findings in support of its recommendation. However, the approval was subject to a condition that a boundary line adjustment be recorded before the application could move forward to Council. RM

Rick Magness, City Planner, explained this item is fulfilling what it needed to do under Rezone No. 10-12. The zone change gives the flexibility the developer is looking for. The developer was present.

Aaron Robertson, with Blue Ox Development and Elko Mountain Village, has been working trying to get something going. They want some flexibility because of the topography on the hillside.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to adopt Resolution No. 01-14 as recommended by the Planning Commission.**

*The motion passed unanimously. (3-0)*

After the motion and before the vote, Councilman Schmidlein asked if city staff is okay with this.

Mr. Magness answered staff is in favor of this. Also the Development Department is in favor of this too.

**Council voted on the motion.**

- C. Review, consideration, and possible action to adopt Resolution No. 20-13, a resolution of the Council adopting a change in zoning district boundaries from LI (Light Industrial) and AG (General Agriculture) to LI (Light Industrial), involving approximately 37.337 acres of property located generally on the west side of W. Idaho Street, north of P and H Drive, filed by Artisan East LLC with authorization from Bar L Ranch and processed as Rezone No. 10-13, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on September 3, 2013, and took action to forward a recommendation to Council to adopt a resolution to grant Rezone No. 10-13 subject to specific conditions with findings in support of its recommendation. The Development Department recommended additional conditions in its memo dated September 17, 2013. The applicant was not present during the September 24, 2013 Council meeting to agree to the conditions therefore the hearing was tabled to an unknown date. RM

Rick Magness, City Planner, explained there is one change to the Resolution. There was an Artisan representative present. In working on the Development Agreement there is a need to change the expiration date on the first condition to December 31, 2015. Staff is in favor of this rezone with these conditions. This will parallel more with the Development Agreement.

Mark Rotter, Manhard Consulting, is in agreement with the conditions proposed and the change in the date.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to adopt Resolution No. 20-13 subject to the conditions agreed to by the petitioner as recommended by the Planning Commission and/or as updated by staff, including the change in condition No. 1; changed from November 30, 2014 to December 31, 2015.**

*The motion passed unanimously. (3-0)*

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

- I. Review and reflection upon Calendar Year 2013 goals and objectives, including discussion of possible goals and objectives for Calendar Year 2014 and beyond, and matters related thereto. **ACTION WILL NOT BE TAKEN**

This agenda item is intended to review past goals and objectives as well as elicit discussion and ideas for future projects, land acquisitions, and/or significant capital items for future budgetary consideration. CC

Mayor Johnson said his intention is not to have this all finalized today. He would like to hear from different folks. It is a good exercise to get the year started. As an elected official he has learned that time goes by fast.

Councilman Schmidlein thought they could have a general discussion, but the most senior councilman and the newest councilman are not present. Even with the discussion tonight he would like to bring the discussion back to another night. They will have a lot of good input. He did not prepare 100% for this item because his first thought was to table this item.

Councilwoman Simons said she wrote down some general ideas:

- She felt the number one priority needs to be roads.
- The Golf irrigation project is a big one.
- We need to finish up the Police Station

- and the Sports Fields
- and the Airport.
- Looking ahead we need to start talking about a new swimming pool and a new cemetery. Maybe we can start setting aside the funds and making the plans.

Mayor Johnson said he wanted to go through the items from last year:

- He is still in with financing the Police Building.
- The financial plan for the Herrera Sports Complex - The city of Elko has done a good job for having a plan overall. He wants to address the needs of all city sports. The city should have a plan showing where they want to be and how to get there.
- Define the scope of the capital improvements to the golf course irrigation – he felt the city is on the right course to identify it and have a good discussion.
- Secure Section 18 to open up opportunities for the city – that is looking out the 10-year window as to where the city can grow. He sees that as the direction that the city will go.
- Regional traffic flow – that comes back to a lot of different streets. The city can get the right-of-ways secured and get them identified. He likes what has been done and where the city is.
- RDA scope of work – that one has come to light more and we need to continue down that path.
- He like Councilman Perry’s item of no increases in personnel.
- New World was an expense the city put into to become more efficient.

Councilman Schmidlein wanted to add a couple of things:

- One item he had was to reduce spending.
- We are working on trying to get sidewalks in school areas. We need to move forward with that.
- On 5<sup>th</sup> St. there is a walkway near a park and we are going to work on a street light there.
- A water tank at the 5600 level. We can only expand our infrastructure so much but we need to continue to look at that. That will help future development.
- We need to fall back to the general focus of the Master Plan Implementation. The former councilmembers put this in place and we need to take a further look into this. We are covering everything we can within our means. Our goals will change with the times.

Mayor Johnson wanted this continued at the next council meeting. Also, it was mentioned to him to have a goal of Council Meetings lasting only an hour. Instead he wants to take a look at a consent agenda.

Delmo Andreozzi, Assistant City Manager, said from a public works point of view, they can come up with a list of things to do but we make a guess based on our available resources. We know from an operational standpoint where we have limitations and capacity issues in our water and/or sewer and where roadwork needs to be done. Really that was to coordinate all of us to look at it and work together. It’s good for council to have a higher view as we continue to grow and go into some of these other issues.

**NO ACTION**

#### IV. RESOLUTIONS AND ORDINANCES (Cont.)

- B. First Reading of Ordinance No. 779, an ordinance amending Title 3, Chapter 2, Section 3 of the Elko City Code entitled "General Provisions" hereby allowing temporary emergency shelters within C (General Commercial), LI (Light Industrial) and GI (General Industrial) Zoning Districts, filed and processed as Zoning Ordinance Amendment No. 2-13, and to direct Staff to set the matter for public hearing, second reading, and possible adoption, and matters related thereto.  
**FOR POSSIBLE ACTION**

Staff has been working with a local service provider pursuant to the recently adopted Policy, Procedures and Action Plan for Extreme Cold Weather. Friends in Service Helping (FISH) has a suitable location that has been evaluated by Staff within its complex that could be utilized as an emergency cold-weather shelter; however, the GI zoning does not support that type of use. The City would need to amend its zoning codes to enable the possibility to establish and allow emergency shelters in the C, LI and GI zones via the Temporary Use Permit process, which process permits the City to impose special conditions, such as the time frame during which the emergency shelters may operate. The Planning Commission considered this item on January 7, 2014, and took action to forward a recommendation to Council to adopt an ordinance to approve Zoning Ordinance Amendment No. 2-13. RM

Delmo Andreozzi, Assistant City Manager, explained they identified this issue and council initiated this amendment to the zoning code. It has gone to the Planning Commission and they have supported this. To make this law we need this first reading and then second reading and adoption. He indicated on the overhead screen what was proposed to be amended.

Mayor Johnson asked if anything more transpired with the Red Cross.

Mr. Andreozzi answered we continue to have discussions with the Red Cross. We do have an MOU with FISH and we have Calvary Baptist Church that has a facility that can be used. We are required to provide training so we continue to reach out to Red Cross. They have cots and blankets that are on stand-by. Red Cross will be coming here to Elko and provide some training to volunteers.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to conduct First Reading of Ordinance No. 779 and direct staff to set the matter for Public Hearing, Second Reading and possible adoption.**

*The motion passed unanimously. (3-0)*

#### II. APPROPRIATIONS

- B. Review and possible approval and/or ratification of Print 'N Copy Warrants.  
**FOR POSSIBLE ACTION**

Curtis Calder, City Manager, said when he wrote the agenda he didn't know Councilman Keener wasn't going to be present so the issue is moot tonight. You can act on the first item and approve all the warrants since Councilman Keener is absent. The reason they are broken out is because Councilman Keener would have to recuse himself from voting on the Print N Copy warrants. Tonight you can approve the warrants as a whole, including the Print N Copy warrants.

Mayor Johnson asked when would there be a time that council would declare a single source.

Mr. Calder answered this is different than a public works contract. This falls under the purchasing law 332 vs. public works which is 338. What the law says is that you can purchase up to \$1,500.00 a month from a business owned by a board or council member assuming it is a local sole source. It doesn't have to be a sole source statewide but a local sole source.

Councilwoman Simons asked even though we have Office Max we can call him a sole source.

Mr. Calder said you can't call him a sole source. You should only be seeing on the warrants, things that went out and quoted. Once they made a determination that Print N Copy is the only source, or if not the only source, that it is the cheapest source they could make that purchase. Everyone but Councilman Keener could vote on those warrants. We are monitoring those purchases to make sure they do not exceed the \$1,500.00 threshold per month. This is a complex and interesting situation that you don't run into very often.

Councilman Schmidlein wanted to comment on this. When we elect to run for a City Council position we are making sacrifices as to what our livelihood was. He had a 16 page write up when he took the oath of office. He disagreed with a few of the items on the list. He would like Councilman Keener here to answer questions. In NRS 332.800, your last item there, "so would be a great inconvenience due to a lack of any other local source." He talked to Elko Daily Free Press today. Daily Free Press offers 90% of what Print N Copy does. That's why he challenges this. We need to go to a source that doesn't impact the City Council or the City Staff spending extra time trying to make sure we don't exceed a certain dollar figure. After talking with Jeff Mullins I also spoke to Carol Mott. They claim they are less expensive on several items that we already purchase from Print N Copy. He wanted to challenge all the quotes that were received on this stuff. One thing they did tell him was that they do not have the capabilities of printing full blown drawings. There are many items that can be purchased. They also mentioned another company as well as Office Max that can do the same printing.

Mr. Calder said he will examine the Elko Daily Free Press option. They used to do commercial printing in-house. It was his understanding that the printing has been farmed out to Twin Falls.

Councilman Schmidlein said they do farm that out but the revenue comes through Elko and does not go to Twin Falls. We are still getting our tax base here.

Mr. Calder said the statute cites local sole source. A lot of the printing done is on a last minute basis. If something needs to be shipped out of town for whatever reason, that is not going to accommodate us. We will talk to them and get a quote sheet about what they can do. If we have enough lead time we won't have a problem if it gets shipped out. We are trying to work around

the language of the statute so we are not in violation of that particular part of it. You can get almost anything if you want to go out of town and if you have the time to go out of town.

**See the following item for action taken pertaining to this item.**

- A. Review and possible approval and/or ratification of Warrants. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the warrants including the Print N Copy warrants.**

*The motion passed unanimously. (3-0)*

## **VI. REPORTS**

- A. Mayor and City Council  
*Councilwoman Simons said she would like a consent agenda.*
- B. City Manager  
*Curtis Calder will be attending the Sage Grouse meeting. He will also be attending the Trial Center Advisory Board meeting tomorrow at 6:30 at the Trail Center. In preparation for the next Council meeting, we will have Andy Artusa from Nevada State Bank here going over options for the bonding options.*
- C. Assistant City Manager  
*Delmo Andreozzi reported staff was asked to go to the RTC to ask for a signal at Errecart and Silver. RTC has agreed to fund half of it.*
- D. Utilities Director
- E. Public Works
- F. Airport Director
- G. City Attorney
- H. Fire Chief  
*Chief Griego passed out his January Newsletter (Exhibit "B").*
- I. Police Chief
- J. City Clerk  
*Shanell Owen reminded the appointed officials that their Financial Disclosure Statements online are due tomorrow.*
- K. City Planner  
*Rick Magness reported regarding Downtown Redevelopment there will be a meeting for the RAC on January 23<sup>rd</sup> at 1pm to accommodate having Mr. Peter Wallace, Director of Economic Development to be there.*
- L. Development Manager  
*Scott Wilkinson reported their goal is to have the Artisan Agreement back to Council on the 28th. It has been revised and is in the final stages of review.*
- M. Administrative Services Director – Monthly Consolidated Sales Tax Report  
*Dawn Stout reported on the monthly Consolidated Sales Tax (Exhibit "C").  
Doug Gailey reported that the work done at the pool is very nice. We will be starting employee contract negotiations next month.*
- N. Parks and Recreation Director

*James Wiley failed to mention earlier that he will have to bring back a resolution for adoption for the lights donation. The Swimming Pool has been without geothermal heat the last few weeks and he was hoping that will be back up. They are currently soliciting bids for the Tennis Court Project. They are well on their way of starting the process of updating our cemetery records.*

O. Civil Engineer

#### **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 Chris Johnson adjourned the meeting.

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Mayor Chris Johnson

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Shanell Owen, City Clerk