

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

SS January 27, 2015

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, January 27, 2015.

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: Councilman John Rice *left at 6:50 pm*  
Councilwoman Mandy Simons  
Councilman Robert Schmidlein  
Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager  
Ryan Limberg, Utilities Director  
Dawn Stout, Administrative Services Director  
Shanell Owen, City Clerk  
Rick Magness, City Planner  
James Wiley, Parks and Recreation Director  
Doug Gailey, Human Resources Manager  
Dennis Strickland, Public Works Director  
Mark Gibbs, Airport Director  
Jeremy Draper, Development Manager  
Dave Stanton, City Attorney  
Jonnye Jund, Finance Manager  
Matt Griego, Fire Chief  
Ben Reed Jr., Police Chief  
Ty Trouten, Police Lieutenant  
Ted Schnoor, Building Official  
Vince Smith, Water Superintendent  
Brian Mickels, Golf Course Superintendent  
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**

*There were no public comments.*

**APPROVAL OF MINUTES:**      January 13, 2015 **Regular Session**  
**FOR POSSIBLE ACTION**

*The minutes were approved by general consent.*

**I.      PRESENTATIONS**

- A.      A reading of proclamation by the Mayor recognizing the month of February as Beef Month. **NON ACTION ITEM – INFORMATION ONLY**

Mayor Johnson read the Proclamation and presented it to Shelly Satterthwaite, Elko County CattleWomen, while she presented Mayor Johnson with a tri-tip roast.

- B.      Presentation of a Retirement Plaque for Water Superintendent John “Vince” Smith. **NON ACTION ITEM – INFORMATION ONLY**

Mayor Johnson presented Vince Smith with a plaque in appreciation for his dedication and service to the City of Elko.

Ryan Limberg, Utilities Director, said a few words in support of Vince Smith.

Vince Smith, Water Superintendent, expressed his appreciation to the City of Elko.

- C.      Presentation of an Appreciation Plaque by the Ruby View Golf Course Financial Advisory Committee to CarWil for their generous support of Ruby View Golf Course. **NON ACTION ITEM – INFORMATION ONLY**

Mayor Johnson and members from the Ruby View Golf Course Financial Advisory Committee presented the plaque.

Tony Araquistain, Ruby View Golf Course Financial Advisory Committee, said a few words in support of CarWil and all they have done to help support the Golf Course.

**V.      NEW BUSINESS**

- F.      Review, consideration, and possible approval of a request from The Special Olympics for the use of a portion of the Elko Swimming Pool Parking lot for the Special Olympics Polar Plunge on February 14, 2015, and matters related thereto. **FOR POSSIBLE ACTION**

Special Olympics will only be closing the north parking lot spaces next to the pool and are requesting the closures from 10:00 a.m. to 2:00 p.m. They have provided the required insurance. SO

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the request from the Special Olympics for use of a portion of the Elko Swimming Pool parking lot for the Polar Plunge on February 14, 2015.**

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

Annette Kerr, Elko County Sheriff's Office, thanked everyone for their support. Mayor Johnson has pledged to plunge and he needs sponsors.

Councilman Keener and Councilwoman Simons both pledged money for the Mayor's plunge.

## **II. PERSONNEL**

### A. Employee Introductions:

- 1.) Josh Taylor, Police Officer, Police Department

*Present and introduced.*

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

- B. Review, consideration, and possible authorization for the Arts and Culture Advisory Board to begin work on a project for 2016, and matters related thereto.

### **FOR POSSIBLE ACTION**

At the January 7, 2015, Arts and Culture Advisory Board meeting the board forwarded a recommendation to Council to begin work on an event to be held in August 2016. Planning and budgeting for the project will need to commence over the next few months, and the board is seeking authorization to begin planning. JD

Catherine Wines, Arts and Culture Advisory Board, explained they want to sponsor Shakespeare in the Canyon at the Lyon's Camp in Lamoille Canyon. They are looking at grants to bring in a professional Shakespeare company to put on the production. These types of things are popular in other areas. She would like their blessing to do that.

Mayor Johnson asked if there will be a cost to the City.

Ms. Wines answered that there would be costs to get it off the ground and the money can possibly be recouped.

Councilman Rice explained the idea would be that we would be designating the line item for the Arts and Culture Advisory Committee. It is a costly event that gets recouped by ticket sales and grants. He felt this was a viable project with private participation as well.

Councilwoman Simons asked if we got it off the ground and it is successful, where would the profits go.

Curtis Calder, City Manager, said if there were monies to come back it would go to the city and council would decide where it goes from there. Grants would possibly have a matching component and there is a possibility the money would need to be refunded. Money would go to the General Fund since that is where it would come from.

Ms. Wines noted that it costs \$500 up front to reserve the Lyon's Camp.

Mayor Johnson thought this sounded like a petition whether or not the Arts and Culture Advisory Board moves towards this type of event.

Ms. Wines answered yes they are asking if they could explore this further.

Councilwoman Simons thought it was a great idea and she would love to see more Shakespeare here.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to authorize the Arts and Culture Advisory Board to begin work on a Shakespeare project for 2016 and have them come back with more details and financial layout for the event.**

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

Ms. Wines explained that for 2015 they want to start an annual event called the Mayor's Art Award. They are also looking forward to a project in 2017. They want to do a similar project to what has been done in Chicago and Salt Lake City; cow statues and possibly a boot statue that can be seen all over town.

### **III. APPROPRIATIONS**

- B. Review and possible approval of a proposal from Griffin Communications Group for legislative support services during the 2015 State of Nevada Legislative Session, and matters related thereto. **FOR POSSIBLE ACTION**

In preparation for the 2015 Legislative Session, Staff is requesting approval of the Griffin Communications Group Proposal in the amount of \$25,000. A copy of the proposal has been included in the agenda packet for review. CC

Councilwoman Simons has met these people and felt they do a fabulous job. This is critical for Elko and money well spent.

Councilman Rice had a lot of confidence in them due to his experience with them.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the proposal from Griffin Communications Group in the amount of \$25,000 for lobbying at the 2015 State of Nevada Legislative Session.**

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

- C. 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**

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

Mr. Calder explained the only revision to the contract is the term. We renew this every year based upon the availability of funding through LASSO.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the agreement between the City of Elko and Dr. Kandawasvika.**

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

#### **IV. UNFINISHED BUSINESS**

- A. Review and possible approval of the “Consent to Assignment and Assumption of Non-Exclusive License Agreement,” thereby assigning, transferring, and setting over all rights under the Non-Exclusive License Agreement between the City of Elko and Elizabeth Younger Agency to Lamar Transit, LLC, and matters related thereto. **FOR POSSIBLE ACTION**

Elizabeth Younger Agency Ltd. who provides airport advertising services for Elko Regional Airport was recently acquired by Lamar Transit, LLC. The current staff at the Younger Agency who provide advertising services for the airport will continue to provide us with advertising support services under Lamar Transit, LLC. The assumption of the airport advertising contract by Lamar Transit will continue through April 1, 2016. Lamar is the nation’s largest outdoor advertising firm. MG

Mark Gibbs, Airport Director, explained he corrected the name from the last meeting.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to allow the assignment of the Airport Advertising Services Contract to Lamar Transit, LLC from the Elizabeth Younger Agency Ltd.**

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

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

- A. Review, consideration, and possible acceptance of a Deed of Dedication from Emma Joyce Payne Revocable Trust for the dedication of approximately 1,550 lf of Ruby Vista right-of-way containing 2.528 Acres, and matters related thereto. **FOR POSSIBLE ACTION**

At the June 10, 2014 Council meeting, Annexation Application No. 1-14 was accepted and referred to the Planning Commission for review and consideration. Dedication of the Ruby Vista Right-of-Way was recommended as a condition of annexation by the Planning Commission. JD

Jeremy Draper, Development Manager, indicated on the overhead screen the area being considered.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to accept the Deed of Dedication for the Ruby Vista Right-of-Way.**

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

- C. Review, consideration, and possible approval of a Water and Sewer Service Agreement with the Te-Moak Tribe of Western Shoshone Tribal Council (Tribe) and the Council of the Elko Band of the Tribe (Elko Band), and matters related thereto. **FOR POSSIBLE ACTION**

The above parties have requested water and sewer service for an 8 lot subdivision known as the Indian View Heights 8-Lot Subdivision (Project). The Water and Sewer Service Agreement has been drafted by City Legal Counsel and is modelled after previous similar agreements. RL

Ryan Limberg, Utilities Director, explained in the packet is the Engineer plans for the project and the agreement.

Councilman Rice asked if the development would be residential. (yes)

Councilman Keener asked if they will be on metered service. (yes)

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Water and Sewer Service Agreement between the Elko Band and the Te-Moak Tribe of Western Shoshone Tribal Council and the City of Elko.**

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

- D. Review, consideration, and possible approval of Revocable Permit No. 1-15, filed by Maverik Inc., to occupy a portion of the Idaho Street right-of-way located generally on the northwest side of Idaho Street between 11<sup>th</sup> Street and 12<sup>th</sup> Street, to accommodate the placement of tables, chairs, and a park bench, continue the use of an existing free-standing sign, and construct a store canopy, landscaping and related irrigation, and matters related thereto. **FOR POSSIBLE ACTION**

Jeremy Draper, Development Manager, explained they have met with Maverik. They are in the process of submitting plans to reconstruct the property. He recommended approval of the Permit.

Councilman Keener asked if the store would remain open during the construction of the new building.

Todd Myers, Maverik Inc., answered they would keep that old store open as long as possible. The canopy will not extend over the sidewalk but it will be over the right-of-way. They are proposing some landscaping that would go along the sidewalk. There would also be a short wall that could block the view of some of the pavement. This property is smaller than they typically build on and it has been a challenge to make this work.

Mayor Johnson asked if the corner will match with the Idaho Street project.

Mr. Draper answered no. They are proposing to bump-out the corner out and get rid of the right-hand turn lane. It will have to come back to council for a street cut permit. They have had their engineer out there and made some observations about the traffic.

Councilman Schmidtlein asked if a traffic study needs to be done.

Dennis Strickland, Public Works Director, didn't think we needed to do a traffic study. He has also been monitoring traffic patterns over there and we probably should have the traffic merge at 14th Street. We could possibly work with Maverik to make their corner match with the other corners in that area.

Mr. Myers agreed and they are already planning on using the same color concrete and materials so that it matches. They are talking about two entrances into the store and different parking.

Councilman Rice was surprised this wouldn't warrant a traffic study.

Mr. Draper explained this road isn't at full capacity so it doesn't need traffic study. When they did Idaho Street they did a full traffic study on everything.

Councilman Schmidtlein thought there was going to be more of a bottle neck at 12<sup>th</sup> and Idaho Street until Silver Street gets punched through.

Mr. Strickland said that bottleneaking is happening now and Maverik will not be impacting that. We have been criticized for the road work done on Idaho Street but his observations have been that we have eliminated accidents and other conflicts that were there when it was a 4 lane road.

Councilwoman Simons asked when they were planning on breaking ground.

Mr. Myers answered they need to do a conditional use permit and plans will be submitted in the next week or two. They have done some renderings that will be presented at the meeting next week. The President of Maverik will make a presentation in May of what it looks like now, what they want it to look like and where they are in construction. It will take about 135 days to build.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve Revocable Permit No. 1-15 subject to the execution of a standard license agreement between the applicant and the City of Elko.**

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

After the motion and before the vote, Mayor Johnson called for public comment without a response.

**Council voted on the motion.**

- E. Review, consideration, and possible approval of an Agreement between the City, Parrado Partners, LP a California Limited Partnership and Gloria E. Capps, Trustee of the Gloria E. Revocable Trust of 1989 terminating obligations under an existing agreement between the City and Stitzel/PPV, and matters related thereto.  
**FOR POSSIBLE ACTION**

The City and Stitzel/PPV entered into an agreement dated July 7, 1998 with addressing certain obligations on both parties for the dedication of a portion of Silver Street and the development of Silver Street. Stitzel/PPV no longer own the property. The obligations stipulated in the agreement were binding. The City vacated the dedicated portion of Silver Street under resolution 3-14. All of the obligations have been satisfied. Approval and recordation of the agreement clarifies that no further obligations are due by virtue of the agreement with Stitzel/PPV. If approved by the Council, the proposed agreement will be recorded with the County Recorder's Office. SAW

Mr. Calder explained this is a housekeeping item in preparation for the acquisition of the property. We would like that this issue be tied up and recorded so there won't be any issues with the preliminary title report.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve an agreement between the City of Elko, Parrado Partners, LP a California Limited Partnership and Gloria E. Capps, Trustee of the Gloria E. Capps Revocable Trust of 1989 terminating obligations under existing agreement between the City of Elko and Stitzel/PPV.**

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

## **VI. RESOLUTIONS AND ORDINANCES**

- A. First Reading of Ordinance No. 790, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located approximately 360 feet west of the intersection of E. Idaho Street and Youth Center Road in Section 36, T. 35 N., R. 55 E., M.D.B. & M., Elko County, Nevada, consisting of 40.86 acres, more or less, filed by the Emma Joyce Payne Revocable Trust, Virginia F. Decker, Robert L. Byrne, Lloyd B. Austin, Susan J.

Charron, and Deborah D. Koch and processed as Annexation No. 1-14, and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition for the subject annexation on June 10, 2014 and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation on July 1, 2014 and took action to forward a recommendation of approval with findings back to Council. RM

Rick Magness, City Planner, explained council considered the dedication of Ruby Vista earlier this evening. He recommended approval.

Councilman Schmidlein asked about the future plans for development.

Mr. Magness answered there has been some interest on this parcel but those interested parties that have come forward have expressed various future intents but right now the matter is to just have this annexed into the city.

Councilman Rice asked if this is in the vicinity of the state property we were trying to get ahold of about a year or so ago.

Mr. Magness answered yes but there is another private parcel between the one being considered tonight and the state parcel. We are talking to the owner of the private parcel regarding Ruby Vista and then we can approach the state about the connection.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to conduct the First Reading of Ordinance No. 790 and direct staff to set the matter for Public Hearing, Second Reading and possible Adoption.**

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

- B. Review, consideration, and possible approval of Resolution No. 03-15, a resolution amending various fees related to Parks and Recreation Department Services pursuant to Elko City Code, Title 8, Chapter 13, Section 3, and matters related thereto. **FOR POSSIBLE ACTION**

In an effort to offset rising costs associated with operating and maintaining services provided within the Parks and Recreation Department, staff is requesting an amendment to the current fee schedule. A draft resolution has been included in the agenda packet for review. JW

James Wiley, Parks and Recreation Director, explained there are several ball players in the audience that would like to speak tonight. Fees are something that we don't look at on a regular basis. We look at them when we need to. There are rising costs for operations and we have lost some substantial revenue that we are trying to make up. The Recreation Department receives subsidies to stay afloat. The deficit has become so large that the subsidy cannot make up the difference. The most drastic change you will see in the proposed resolution seems to be the fee

for Men's Softball; from \$50 per player to \$85 per player. They did comparisons with other cities. Our rates are comparable. He discussed some of the proposed changes.

Councilman Keener said he had the opportunity to meet with staff and go through these items. This is not something that we open up and revise on an annual basis. We are behind on some of these fees. These are wonderful recreational opportunities and in order to maintain the level of service that Parks and Recreation has it is critical that the programs be sustainable. It is never fun to pay more for something but he felt the users are getting an excellent value for their money.

Dave Delaney, 1698 Adobe Way, has been playing Men's League Softball for 15 years. Most of the players are miners that need something to do outside the mining environment. There are 400+ players. When you do an increase like that you will lose players. This is a community. We do tournaments and bring teams in from out of town.

Mayor Johnson asked if Mr. Delaney had a fee to propose.

Mr. Delaney thought the proposed increase was substantial. They can raise the fees but \$35 is too much to raise the fees. They want to bring more people into the softball community and not the opposite. They don't want to discourage players.

Mayor Johnson asked how Elko compares to other communities and their fees.

Mr. Delaney said Eureka charges about \$200 for a tournament. They are a small knit community with only about 14 teams. We hold more than that in our tournaments.

Mayor Johnson noted that we are talking about standard season league fees and not tournament fees.

Councilman Rice asked Mr. Wiley when the last time we looked at these fees was.

Mr. Wiley answered they haven't looked at these fees since we started managing the league five years ago. We adopted their fees when we took over managing the league.

Councilman Rice asked if he consulted with league representatives when discussing these fee increases.

Mr. Wiley answered no. This matter is before council because they have a timeline issue. We did send out notification to all of our players and we heard from several. That was our best attempt to get the word out that we will be discussing it tonight.

Councilman Rice asked about other responses Mr. Wiley has received.

Mr. Wiley answered he has only talked to a couple. He thought they could see the value. The reason it is such a huge increase is that we offer 18 games. Other leagues are getting fewer games. We were trying to get about \$5 per player per game for the service being provided. Maybe we need to look at reducing the service. We wanted to be fair across the board for everyone.

Councilwoman Simons asked about the park fees. They were raised about 5 years ago? (yes) She asked Mr. Delaney if it would be more reasonable to raise the fees a little bit and decrease the number of games.

Mr. Delaney answered not at all. This brings revenue into the town. Decreasing the number of games won't do anything. We want to play.

Councilman Schmidlein asked Mr. Wiley how many players are in the women's league.

Mr. Wiley answered last year they had 179 players. Co-ed had 333. Men's league had 467 last year.

Councilman Keener asked Mr. Wiley to describe the responsibility the Parks Department has for the league.

Mr. Wiley explained that it all starts in the office where they have Jarod Linder the Program Coordinator. It is his main job to coordinate registrations and prepare the schedule. The schedule is built around the mining schedules and that is a lengthy process. Mr. Linder also coordinates the scheduling and training of the umpires that are at every game. There are also materials costs that come out of the players fees. On the maintenance side we have the Parks Department has one full-time person and a seasonal person to the sports fields. The level of service to maintaining the fields has come up over the last eight years. Some of those costs have been absorbed such as sprinkler maintenance, fertilization, importation of infield material, etc. He understands what the players are saying but the reality he is faced with is trying to keep the level of service where it is at and reduce the subsidies that come in from people that don't play softball or use the park system.

Glen Murphy, 2975 Lanae Court, said his issue with some of the points is that Elko is being compared to Reno. Reno has 3 times the fields than we do with better equipment. He has reservations with raising the fees to be close to what Reno's fees are when we have half the quality of the fields. Are we charging people to play tennis? We just revamped the tennis courts and we don't charge those people anything. He is upset that we are going after one adult league here.

Bailey Billington-Benson, 2733 Shadow Ridge Drive, has spoken with her softball team and their complaint is the status of the fields. Last year the outfields had muddy areas and the infields were riddled with potholes. She understands the maintenance is stretched thin. If we are paying more to play will the fields be better maintained? Players are willing to pay the higher fees as long as the maintenance is improved. She felt there was a safety risk with the fields being in that condition.

Councilman Keener asked regarding the condition of the fields. Did that persist throughout the entire season?

Ms. Benson answered yes.

Mr. Calder mentioned he has been with the city long enough to know how the adult league used to operate before the city took over the administration. At the time he was concerned about the

city taking over the operation of the fields and the leagues would result in this very discussion. Once we realized what the costs were, we were required to hire additional staff to do this. When times are good and excess taxes are coming in no one ever wants to talk about increasing fees. When things get tighter we don't want to raise the fees because we waited too long to do the increase. The city staff concur that the administration of the fields and the league has improved the sport compared to eight or nine years ago. The City of Elko is making serious efforts to build new sports fields. When he sees a large deficit in the Recreation Fund we need to look at the rates at a minimum and if we can't get there we need to look at how much we want to be involved in the overall administration of these private leagues.

Danny Story, 975 Clarkson Drive, has been part of this league from just about every angle (city staff, ball player, umpire, coordinator, advisor, etc.). Since the City took over there have been improvements. Last year the fields were in subpar condition but there were extenuating conditions. He would like to see this looked at on the sponsorship fee level. It is easier to hit up the businesses than increase the player fees. The level of service has increased but he doesn't think it has increased that much. He fears one program is supporting an entire department.

Councilwoman Simons thought it was a huge percentage to go up. Softball isn't supporting the other leagues. We are trying to get better fields. If we are going into a deficit as it is now, how could we get the nicer fields built? If we don't increase these then the plans to build the other fields will have to be put on hold. Maybe increase the fees only 50%.

Councilman Rice agreed that it is a dramatic increase in fees. When you look at it on a per game basis it is a \$1.94 increase per game and that seems reasonable. We adopted this program and tried to maintain it with that fee structure. We probably waited too long to bring it up to market. It may be a good idea to have an advisory group such as the Golf Course has.

Will Moschetti, 312 Oak, spoke about the fee increase. If there are ten guys on your team it is \$1,000 going to \$1,350. The actual increase is 35% and not 70%.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to adopt Resolution No. 3-15 amending fees charged for Parks and Recreation Department services as presented.**

*The motion passed. (3-2 Councilwoman Simons and Councilman Schmidlein voted no.)*

After the motion and before the vote, Councilman Schmidlein said we just got done spending over \$1 million for the tennis courts. He used to play softball too. If you are going to make increases then everyone needs to pay. Shouldn't the tennis players pay to play?

Councilwoman Simons noted that the players can play on any empty field they can find. The tennis players don't asked for the Recreation Department to coordinate a schedule.

Councilman Schmidlein thought part of the tennis players' pitch was that they would bring tournaments to the City of Elko.

Mr. Wiley said they didn't design the courts to bring tournaments here.

Councilman Schmidlein asked why don't the tennis players have to pay to play. That is what you are doing to these guys.

Mayor Johnson said it has been brought up and staff can look at that. Staff can bring back fees for the tennis courts.

Mr. Wiley agreed work needs to be done. If they can organize a tennis program and charge for it, we will move in that direction. That is fair. We do offer tennis lessons for a fee.

Councilman Schmidlein wanted to discuss raising sponsorship fees to offset fees for the player. As a sponsor with Canyon they would be willing to pay more money to cut the costs per player. He wanted to go with \$75 for the men and raise the sponsorship fee to \$600.

Councilman Rice asked if that is sustainable.

Councilman Keener said they want a model that is sustainable in the long run. When Mr. Wiley and his group went through this they assessed the fee increases on the basis of the Department's input/share of resources that is required by these different activities. That is how the charges came down; based on the demands on the Parks and Recreation Department. It isn't a matter of sticking it to just one group.

Tony Araquistain, 2085 Meadow Ridge Drive, commented some years ago they faced some big fee increases at the Golf Course. They formed some work committees and found volunteers to donate equipment, sand and time. He took days of vacation to work at the Golf Course. He hates seeing the rates going up. Maybe these guys can volunteer or raise funds to improve things to try to keep the fees down.

**Council voted on the motion.**

- C. Review, consideration, and possible approval of Resolution No. 04-15, 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 January 12, 2015 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 resolution is before council. The Advisory Committee put these fees together to present to council. They wanted to raise all passes other than the youth passes and young adults over two years so she will probably be in front of council later in the year to raise the fees again.

Mr. Calder said this is a good example of the city working with an advisory group and looking at the fees every year. The fee increases have been small each year.

Councilman Schmidlein felt these fees were justified.

Councilman Keener said it's no fun paying higher rates but it is still an outstanding value.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to adopt Resolution No. 4-15 amending the rate structure for Ruby View Golf Course.**

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

## **VII. PETITIONS, APPEALS, AND COMMUNICATIONS**

- A. Review, consideration, and possible action to approve Curb, Gutter, and Sidewalk Waiver No. 1-15, filed by Elko Motor Company, which waives the requirement for installation of a five foot wide sidewalk on the northeast side of Dale Drive abutting 1585 Lamoille Highway, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 2-13-3 public improvements are required for all new construction involving the addition of gross floor area exceeding 400 sq. ft. Elko Motor Company is requesting a waiver based on Dale Drive being a private street with no sidewalk requirement from the City at the time of construction in 1997. The area where the five foot sidewalk would run is a prime automobile display area, and if the road itself were narrowed to accommodate the five foot sidewalk it would decrease access to the area. These points are not evidence that it is impractical to install required improvements. Staff recommends denial of the waiver. RM

Jeremy Draper, Development Manager, explained they have representatives from Elko Motor Company present in the audience. Dale Drive is a private drive. Our code requires private drives that provide access to four or more lots to have 5 foot sidewalk on both sides. This provides access to the parcel that Elko Motors sits on but also access to Audrey Drive, which is another private drive. This has been submitted and conditionally approved. One condition was installation of the sidewalk or approval of this waiver. He went out and took pictures of the area (Exhibit "A"). The applicant is willing to install sidewalk from Clarkson to Audrey Drive. Staff is fine with that because of the light poles in the way on Dale Drive.

Mayor Johnson asked if staff and the developer are in agreement. (yes)

Councilwoman Simons thought it was great that they found an agreement that everyone is happy with. Will somebody come back and say we didn't require them to do it?

Mr. Draper felt that could happen. If you put sidewalk from Audrey to Lamoille it will push the display stalls back 5 feet. They would have to put the sidewalk around the poles.

Councilman Schmidlein went out there and looked for himself. They could lose 3 stalls by going around the light poles. He is in no mood to authorize a waiver.

Councilwoman Simons asked if we removed our authority to grant a waiver.

Mr. Draper answered that council cannot approve a deferral. There was never a waiver issued for this property before. The plans were approved and it was an oversight.

Dave Stanton, City Attorney, said he pulled up the code section that gives council the authority to grant a waiver based on a request from the property owner. It needs to be based on evidence that it would be impractical to install the curb, gutter and sidewalk because of circumstances beyond reasonable control of the applicant. There are criteria for granting the waiver. If it is the property owner making the request, that has to be the basis for granting it. It wouldn't be just the cost of the project. It needs to be circumstances beyond the reasonable control of the applicant. It can be terrain or other issues.

Councilman Keener added this is a private drive and is unique to Elko. There are some difficulties with the lights. Staff is on board to working with the applicant. He is good with this.

Mr. Draper clarified the conditions that have triggered the sidewalk requirement.

Dennis Strickland, Public Works Director, said he wasn't real keen with this but it can be done. His concern is that pedestrians won't have any choice and the parking lot will not be ADA compliant.

Councilman Rice felt that sidewalks should be where people walk. He would like to stick to the policy of the sidewalks.

Chuck Bierbach, Elko Motor Company, noted a car dealership is different than a drug store. The inventory is all front. If we have to put a sidewalk in there then the cars have to be pushed back. There may be a safety issue with driving around the parking lot. Those display spaces are critical to his business especially with the addition to the service bay.

Councilwoman Simons thought it sounded detrimental to where they park their cars and how many you can place there. Legally, the reasons we can grant a waiver do not include where you can display your inventory.

Mr. Bierbach said people do not walk to their dealership. They may walk on the other side of the street but not at the dealership.

Councilwoman Simons said we have ran into that before. If you don't have pedestrians it seems silly to put in a sidewalk but it is in the code and we should be equitable.

Mr. Bierbach said this will cost him some of his best display spaces. He will lose the 22 spaces.

Ryan Limberg, Utilities Director, asked if it would acceptable that the sidewalk be on just one side of the street.

Mr. Draper answered because of the number of properties this private drive serves they are required to have the sidewalk on both sides of the street.

Councilman Schmidlein suggested reducing the sidewalk on the side of the building to 8 feet to give them more room for the parking stalls.

Nate Nilky, 356 Royal Oak Circle, said that 10' space along the side of the building is landscaping and has a grade change in it. It cannot be shortened to 8' without making it significantly steeper.

Mr. Draper felt it is possible to get sidewalk all around the property. Perhaps council will allow staff to work with the developer further to get this worked out.

Mayor Johnson noted these are tough issues. We want to make sure we get this right so that other property owners don't come in and argue about what has been decided in the past.

Bill Hance, 724 5<sup>th</sup> Street, from a marketing standpoint you want retail visibility for the cars. Maybe eliminate the on-street parking on Dale Drive and kick the sidewalk out in front of it. The sidewalk will be in front of the light poles and the vehicles will have the same parking stalls.

Councilman Keener pointed out that this business contributes to the community \$1,000's of dollars each year in sales tax proceeds. He is on board with the sidewalk from Clarkson to Audrey that Mr. Draper described.

Councilwoman Simons asked if these reasons fall under the reasons we need to grant a waiver. If they don't then we can't do it.

Councilman Keener said staff has spoken regarding this. They were good with the partial sidewalk.

Councilman Schmidlein said if they were going in that direction then we need to make the ramp entrances ADA compliant.

Councilman Schmidlein proposed that on the Lamoille Hwy side, fill in the missing sidewalk, ADA complaint and then go to the entrance and make it ADA complaint, stripe 5 ft back to where ever the sidewalk will begin and then bring the sidewalk from Clarkson up to the flagpole with a thickened edge sidewalk.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, that on the Lamoille Highway side fill in the missing sidewalk there, make it ADA compliant coming off the planter area where the rocks are at, then go to the entrance and make it ADA compliant going through there, stripe five feet back from back of curb from Lamoille Highway all the way down to where ever the sidewalk will begin, then bring the sidewalk from Clarkson up to the flagpole with a thickened edge sidewalk.**

*The motion died.*

After the motion and before the motion died, Councilman Keener noted there are practical difficulties for the developer on this.

Councilman Schmidlein added to the motion that they **“need to maintain five feet going around the light poles.”**

Councilman Keener didn't think he understood what the motion had been. He thought it was going to stop at the gravel portion and then the sidewalk would continue as originally discussed from the flagpole area. He withdrew his second.

Councilman Rice noted it would be exempt from putting in a concrete sidewalk and provide some pedestrian access along there.

Councilman Schmidlein wanted to maintain a five foot footprint by utilizing the asphalt for pedestrians. You have to get the people off the street.

Mr. Draper thought we may be able to reduce the width of the sidewalk around the light poles.

Mr. Strickland said we could reduce it to four feet for ADA.

Mr. Stanton suggested in the code there is another way of granting waivers that gives the city a bit more flexibility than if the property owner requests the waiver. That is under subsection b of 2-13-3; if the waiver is requested by the Development Department instead of by the property owner.

Councilwoman Simons wanted to send this back and have everyone find a way around that.

Mr. Hance said the light poles can stay where they are and take 2.5 feet of the street and still have the five foot sidewalk and only take 2.5 feet from the street.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to go with the sidewalk from Clarkson to Aubrey Drive, and find that it is impractical to be installing a sidewalk along the right-of-way to the south. He also requests that the landowner install a proper sidewalk from where the sidewalk ends at the corner of Dale and Lamoille Highway along that gravel and provide the infrastructure to be ADA compliant.**

*The motion passed. (4-1 Councilwoman Simons voted no.)*

After the motion, before the second and the vote, Councilman Keener asked for clarification. The section with the 20+ parking spaces; there will be no sidewalk through that zone.

Councilman Rice answered that is correct and he indicated on the overhead screen where the sidewalk would be. Right now the only option someone in a wheelchair has is to go into the street. He wanted anyone in a wheelchair to be able to go into the parking lot and then get back on the sidewalk where it starts up again.

Councilman Keener seconded the motion.

**Council voted on the motion.**

**BREAK - Councilman Rice left at 6:50 pm.**

## VIII. 6:00 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution No. 01-15, a resolution of the Elko City Council adopting a change in zoning district boundaries from GI (General Industrial), R-SA (Residential – Special Area Overlay), and PQP (Public, Quasi-Public) to PQP (Public, Quasi-Public), involving approximately 53.782 acres of property located generally along the Humboldt River corridor 975 feet east of Hot Springs Road to 370 feet east of Lyon Avenue, filed by the City of Elko and processed as Rezone No. 7-14, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request during a regular meeting on January 6, 2015. It took action to forward a recommendation to City Council to adopt a resolution which approves Rezone No. 7-14 as presented. The Commission included findings in support of its recommendation. RM

Rick Magness, City Planner, explained this is a housekeeping item.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to adopt Resolution No. 1-15.**

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

- B. Review, consideration, and possible adoption of Resolution No. 02-15, a resolution of the Elko City Council amending the Elko City Master Plan Land Use component by adding C (General Commercial) as a corresponding zoning district under the Residential - High Density designation, the Implementation component by reorganizing and updating the projects and adding three new projects, the Land Use map by cleaning up numerous land use designations, and the Pathways map by updating the bicycle lanes and routes, filed as Elko City Master Plan Amendment No. 1-14, and matters related thereto. **FOR POSSIBLE ACTION**

On January 6, 2015 the Planning Commission adopted its Resolution No. 1-14 to amend the Land Use and Implementation components, and the Land Use and Pathways maps of the current Elko City Master Plan, and also took action to recommend City Council adopt said amendment via a resolution. An amendment of this type requires positive action by both the Planning Commission and the City Council. If the City Council suggests any changes to the Master Plan amendment as adopted by the Planning Commission, the Master Plan must first go back to the Planning Commission for review and approval. RM

Mr. Draper explained we have our Land Use map and the changes are highlighted. Also identified is the zone change just made. Future zone changes are indicated. The trails plan has been updated to show future trails and bike lanes. We want to look at the possibility of providing trailheads for ATV's to load and offload. The Rec Board recommended adoption.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to adopt Resolution No. 2-15.**

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

## **VII. PETITIONS, APPEALS, AND COMMUNICATIONS (Cont.)**

- B. Review, consideration, and possible approval of code interpretation regarding the design of the HVAC Systems for Winchester Court Housing Project, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant would like to use the same water heater, supply, for the HVAC system as well as the domestic hot water system. The 2009 UPC 602.2 indicates that no connection can be made to domestic water system carrying water that has been used for any other purpose. TS

Mr. Draper explained there was a representative from Village Builders who are doing the Winchester Court project. The 2009 UPC states that in a domestic water system you can't have your water heating the HVAC system as well as being used for domestic uses. The 2009 International Plumbing Code (IPC) allows for that but we haven't adopted that code.

Mayor Johnson asked why do you think it is another use.

Mr. Draper said they are proposing using the boiler for the heating of the building as well as the use for showers, sinks and items like that.

Mayor Johnson wondered if the code said "for another use" so that it doesn't have an issue with contamination. He has seen this design before and it has been used in other apartments.

Mr. Draper said if it is used in HVAC and domestic the piping in both systems needs to meet the potable water standard. The 2009 UPC says "carrying water from any other source or containing or carrying water that has been used for any purpose whatsoever." That says that no person shall make a connection or allow one to exist between pipes or conduits carrying domestic water supply or carrying water that has been used for any other purpose whatsoever. In Ted Schnoor's interpretation of the code and the code reviewers, is "carry for any other purpose." If that water is being cured for HVAC purposes it can no longer be used for domestic purposes. Winchester Court is under construction and this was a value engineering type of decision that was brought before the city.

Councilman Keener asked if the original plans were not approved with this type of system. Mr. Draper said that was correct.

Kelly Harmon, 1750 North, 1780 East, North Logan, UT, Village Builders, noted this was one of the value engineering items that we put on the table. Over the last several years they have built over 600 units with this type of system. The UPC code does allow the authority having jurisdiction to make exceptions to this. He handed out some papers (Exhibit "B"). The UPC covers a wide variety of different applications when it refers to the heat exchangers. He understood the reasoning behind why this was denied. The requirements in code are to eliminate the potential for pollution and/or cross contamination. If we were dealing with a heat exchanger

that has a heat transfer medium other than potable water, we will have that risk. The IPC has recognized the proposed system as an acceptable system. In his discussions in pursuing this option he spoke with Darin Foster who is a distributor of hydronic fan coils. He explained that currently they are selling these systems in Las Vegas and Reno. It is an economical way to deal with heating systems.

Mayor Johnson felt it comes down to 602. It says that “no person shall make a connection” and that is not happening here. He felt this is allowed in the code because they aren’t making a connection and it is all tied together. This is a common method.

Mr. Harmon said they want to eliminate the secondary heat exchanger.

Mayor Johnson said they won’t get that. If you have one fluid to another, you have to have the secondary even if it is potable water.

Councilwoman Simons asked if this was allowed in the IPC and the UPC 2012.

Mr. Harmon answered the 2012 clarified that because this particular application was not clarified in the 2009. It comes down to there is no chance of any pollutant to come in contact.

Mayor Johnson said if there is potable water on both sides of the exchanger than you can have a single source exchanger.

Mr. Harmon noted that is was they are requesting.

Councilwoman Simons asked if under our City Code we are allowed make exceptions to this or if this is allowed in the 2009 UPC.

Mayor Johnson felt it was allowed as an exception in the code.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to allow the petition for the submitted design of the HVAC system for Winchester Court Housing Project, and council interprets that it is per the UPC code.**

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

## **II. PERSONNEL (Cont.)**

- B. Review, consideration, and possible adoption of Application Filing Period Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Application Filing Period Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Doug Gailey, Human Resources Manager, explained these are HR policies. This one says we will have a period in which we will have the application open.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to adopt the Application Filing Period Policy.**

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

- C. Review, consideration, and possible adoption of Children and Animals in the Workplace Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Children and Animals in the Workplace Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained we made some changes to this to make it more family friendly and available for a case-per-case exception.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to adopt the Children and Animals in the Workplace Policy.**

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

- D. Review, consideration, and possible adoption of Eligibility of Applicants Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Eligibility of Applicants Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained this policy lines out who can get disqualified and why.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the Eligibility of Applicants Policy effective January 27, 2015.**

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

- E. Review, consideration, and possible adoption of Employment Scope Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Employment Scope Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained this policy talks about the employment section of the employee policy book.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the Employment Scope Policy effective January 27, 2015.**

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

- F. Review, consideration, and possible adoption of General Requirements for Filing of Applications Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The General Requirements for Filing of Applications Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained this says we require an application for each job.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the General Requirements for Filing of Applications Policy effective January 27, 2015.**

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

G. Review, consideration, and possible adoption of Job Announcements Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Job Announcements Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained this says we will announce the jobs and gives the guidelines for open recruitments and promotional recruitments.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the Job Announcements Policy effective January 27, 2015.**

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

H. Review, consideration, and possible adoption of Source of Application Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Source of Application Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained this one helps us put together a recruitment plan of where we are going to recruit.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve the Source of Application Policy effective January 27, 2015.**

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

### **III. APPROPRIATIONS (Cont.)**

A. Review and possible approval of Warrants. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the warrants dated January 27, 2015.**

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

## IX. REPORTS

- A. Mayor and City Council  
*Councilwoman Simons expressed her desire for a consent agenda.*
- B. City Manager – Local Government Summit  
*Curtis Calder handed out some papers (Exhibit “C”) regarding consent agendas from the City of Henderson. In the old days there used to be a consent agenda but he can’t find anything in code regarding it. He also reported on the Nevada League of Cities Local Government Summit that was held last Friday. (Exhibit “D” Board of Directors Meeting). We have been invited down February 17, 2015 to the Legislator to give a presentation on our Air Service Development Bill which is still in a BDR format.*
- C. Assistant City Manager
- D. Utilities Director - W/S Superintendent Retirement  
*Ryan Limberg reported that Dale Johnson will be the new Superintendent for Water/Sewer.*
- E. Public Works  
*Dennis Strickland reported the new traffic signal at Silver and Errecart will be working for one week as of tomorrow.*
- F. Airport Director
- G. City Attorney
- H. Fire Chief  
*Matt Griego reported on his monthly newsletter (Exhibit “F”).*
- I. Police Chief
- J. City Clerk
- K. City Planner  
*Rick Magness reported there will be an open house next Wednesday starting at 6:30 pm and they will be working on the downtown corridor. It will be at the Western Folklife Center and the public is invited. (Exhibit “E”)*
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director
- 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 Chris Johnson adjourned the meeting.

---

Mayor Chris Johnson

---

Shanell Owen, City Clerk