

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

SS February 11, 2014

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, February 11, 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: Councilman John Rice  
Councilwoman Mandy Simons  
Councilman Robert Schmidlein  
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  
Scott Wilkinson, Development Manager  
Jeremy Draper, Civil Engineer  
Matt Griego, Fire Chief  
James Wiley, Parks and Recreation Director  
Dawn Leyva, Recreation Services Manager  
Joe Carr, Parks Superintendent  
Doug Gailey, Human Resources Manager  
Ben Mangeng, Information Systems Manager  
Rick Magness, City Planner  
Ted Schnoor, Building Official  
Ben Reed Jr., Police Chief  
Rich Genseal, Police Lieutenant  
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 spoke about settling the airport lawsuit. It has been going on for seven or eight years. At the last arbitration, Mike Lattin wanted \$60,000 to settle this. He wanted the city to settle. He was told what the city was doing last year wasn't going to cost anything but now he sees it cost \$100,000.00. Now there was a mistake and the engineers weren't included on the suit. Get out of this deal and get it over with. It has gone on long enough and has cost too much money so far. He also mentioned having information available right before the meeting starts. It doesn't give people long enough to make a reasonable and good decision. There is no reason to have it ready sooner.

An audience member said he didn't see the "Tent City" issue on the agenda. Mayor Johnson explained that was an agenda'd item and will be discussed.

Randall Davis, longtime resident of Nevada, wanted to speak about the homeless issue. Mayor Johnson asked if he wanted to speak about the ten acre parcel to be dedicated. Mr. Davis thought the entire meeting had been dedicated to that discussion and agreed to speak during that agenda item.

#### **APPROVAL OF MINUTES: January 28, 2014 Regular Session**

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the minutes as submitted for the regular meeting of January 28, 2014.**

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

#### **I. PRESENTATIONS**

A. A reading of a proclamation recognizing the month of February as "Beef Month"

Mayor Johnson read the proclamation and gave it to a representative of the Elko County Cattlewomen.

Elko County Cattlewomen gave Mayor Johnson a tri-tip to thank him.

#### **IV. NEW BUSINESS**

A. Review, discussion, and possible action regarding an alternate Police Department Facility site, located in the Main City Park, and matters related thereto. **FOR POSSIBLE ACTION**

At the January 28, 2014 City Council meeting, Staff was directed to evaluate the City-owned property located in the Main City Park, in the general vicinity of the tennis courts, as an alternate location for proposed Police Department Facility. In addition to input from the Parks & Recreation Advisory Board, three primary reviews were conducted: 1) City Development/Parks Staff; 2) Police Department Staff; and 3) Lombard-Conrad Architects.

Correspondence as of February 6, 2014 has been enclosed for review. Additional information from the February 6, 2014 Parks & Recreation Board meeting and Lombard-Conrad Architects will be forwarded to the City Council upon receipt.  
CC

Mayor Johnson asked Councilman Schmidtlein what was the update on this item.

Councilman Schmidtlein said he asked that this be on the agenda because he felt we need an alternative site in case the CAPPs site isn't approved by FEMA. He felt by putting this across the street there is a lot of money to be saved. He wanted input from the public. He had a drawing drawn up and asked Jeremy to bring it up on the overhead screen. If there are potential savings why not look at it? He attended the Parks and Recreation Board meeting last Thursday night and they voted to deny it. We will be taking space from the park but we are in the process of adding 80 acres to the park system. He spoke about his idea of moving the tennis courts to Angel Park. At the CAPPs site we will incur costs beyond just the site and the building. He wanted to break down the other costs that will be incurred. Geothermal is already in the park and it won't cost as much as running geothermal to the CAPPs site. We will start getting into tough times with the budget due to lower Ctax. On the screen he talked about the proposed site at the Main City Park.

Mayor Johnson said he didn't realize how big the Police facility would be in relation to the park. It will be a tough sell. In the event the Silver Street property failed this could be an alternative? He asked Councilman Schmidtlein what he wanted from council.

Councilman Schmidtlein said we need to figure out if this is a contender or not. We can move forward without voting on this. If we are unable to obtain the CAPPs site then we will be back at square one. Don Newman with the Convention Center wrote a letter not supporting this. He agreed with his concerns 100% but felt there could be alternatives.

Councilwoman Simons said she isn't opposed to spending staff time and resources on looking for a backup site. She can't see this as being the site; maybe at the Airport or across from the Indian Colony. She doesn't think the park would be a backup with all of the current uses it has. We don't have the support of the Recreation Board. Our Master Plan doesn't support this. We need to move away from this site as a Plan B. She can't support this site for a Police Station.

Councilman Keener said he feels like staff should be putting their time on the due diligence on the Silver Street site. If there is a problem then at that point we would investigate other alternatives. He read from the Elko Daily Free Press editorial from February 6, 2014. *"Elko is finally on its way to get in a new Police station. We are also pleased that the Police station will be built on the east side of town. Nearly all commercial growth in the city has been focused on the west side, greatly increasing traffic congestion. The old railroad main line property along East Silver Street has great potential for balancing out the city if done right. We hope the city's development and redevelopment efforts move in that direction."*

Councilman Rice said if he were to comment he would be repeating what Councilwoman Simons and Councilman Keener have said. He felt this was a waste of our time and resources.

Mayor Johnson said he has been involved with his children and knows about the need for park area. Elko is in need for more park space. He didn't think we should give up park space for a city operation.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to reject the idea of locating the Police Department in the Main City Park and continue and affirm the selection of the Silver Street site and move forward with due diligence in regards to the Silver Street site.**

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

- B. Review and discussion of Elko Police Facility Opinion of Probable Cost, as provided by Lombard-Conrad Architects-Nevada, Ltd., and matters related thereto. **INFORMATION ONLY-ACTION WILL NOT BE TAKEN**

Curtis Calder, City Manager, said in the packet is a one-sheet summary and Byron Smith is present to answer questions. He noted the total project cost number does include \$250,000 to account for the other half of Silver Street if the city needed to complete that.

Mayor Johnson asked that it be put on the overhead screen.

Councilman Schmidlein asked in regards to the half side of Silver Street, does that include the storm drain system or will the CAPPs group install that.

Byron Smith, Lombard-Conrad Architects, answered he will have to get that clarified.

Mayor Johnson asked if the engineer's estimate included that.

Mr. Calder said he noticed street lights were not part of the estimate. He wasn't sure about storm drain.

Councilwoman Simons noted the \$250,000 might not include electrical and it might not include a storm drain.

Mr. Calder said this estimate was provided by Lombard Conrad. The developer had his engineer come up with an estimate that was less than this number. There is also a possibility the city may not have to pay for those improvements because we haven't approached the adjacent businesses to see if there is any appetite to participate.

Councilman Keener asked if staff looked and didn't find any deferrals.

Mr. Calder said he believed that was the case and we have not located a deferral agreement.

Councilman Keener asked Mr. Smith if all of these expenses here with the exception of the geothermal cost would be in play regardless of the location.

Mr. Smith answered yes unless you went back to the Kittridge Canyon site.

Councilman Schmidlein said there has been some talk about moving the power lines. Will CAPPS do that or will the city?

Mr. Smith said they didn't know at this time. It would benefit CAPPS if the lines were moved. He felt the city could negotiate with him and share the costs. The rough estimates to move the lines are \$230,000 to run the lines overhead and \$290,000 to run the lines underground.

Councilman Schmidlein would like to get the costs a little closer if we are moving forward. These are some big numbers starting to come up. 14<sup>th</sup> street is not in here but if we did go ahead and do all the improvements, 14<sup>th</sup> street would come into that.

Audrey White, Elko, said her concern is about the traffic there. Has there been a traffic impact study done?

Mayor Johnson asked if that has been part of the scope. (no) Is it required?

Jeremy Draper, Civil Engineer, answered when we are doing development that is impacting a road that is already at capacity, anytime we have commercial or a large subdivision, we do require that. Engineering would like to see that as part of this because as we do develop that area, regardless of it's a Police Station or other industrial uses, we like to see a traffic analysis done for that property as it does impact 12<sup>th</sup> and 14<sup>th</sup> Streets.

Mr. Smith said the Master Plan study that was initially done on this project has data in there that speaks to calls for service for officers. There is a lot of information put together.

John Carpenter said he doesn't see any of the costs for the issuing of the bonds in the estimate. He also doesn't like that you will take it down 6 feet and then build the building in a hole there.

Mr. Smith said there has been a great deal of criticism about this being in a hole. He explained the site proposal while showing a drawing on the overhead.

Councilman Rice, speaking as a representative of the Geothermal Users Group, said they received a grant from the Department of Energy for \$600,000 to update the current geothermal project. That grant only covers the existing project. In subsequent phases of the project, we are going to have to deal with the disposal and the city has intended for many years to develop a disposal system using the Stitzel cooling ponds. That is an issue separate from this project. It has been their intention to run the disposal line to that area. He is also confident that since the Department of Energy likes this project that funding for that could come from other sources as well. The geothermal is not an expense for this project. This project could benefit by that but it isn't anything we should be considering for this project. The roads and sidewalks is another separate item. When considering this project we need to focus on just the costs for building a new Police Department.

Councilwoman Simons noted if we take into account all these costs we have talked about, and not include geothermal or 14<sup>th</sup> Street, we are still not far off the estimate. Her estimate was approximately \$6.5 million.

Councilman Keener asked with some of these costs increasing, would there be a possibility of doing a storage building as a second phase.

Mr. Smith said they haven't discussed phasing this project. There are things that cannot be stored in an unmanned building. Chief Reed could probably speak to that better than he could. He didn't feel that was a good option.

Councilman Schmidlein asked if we did away with the solar panels on the roof, could we possibly save some money.

Mr. Smith said the grants that made those panels affordable in the past are not available now.

There was some discussion about moving the power lines on the property.

## **NO ACTION**

## **II. APPROPRIATIONS**

- C. Review, consideration, and possible award of a contract for the Main City Park Tennis Court Reconstruction Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the November 12, 2013 Council meeting, Staff was authorized to solicit for bids for the reconstruction of the Tennis Courts in the Main City Park. Bids were opened on Friday February 7, 2014, a bid tab will be provided for Council to review. JD

Jeremy Draper, Civil Engineer, they did review the bids. The low bid was \$535,500.00 from Dianda Construction. The budget for the project is \$500,000. We have contacted Dianda and they are willing to do some value engineering if so desired. In the specifications we asked that the contractor doing the concrete work should be performed by a single contractor. Dianda did not have that qualification. We looked at the next two bidders, Ormaza and A&K Construction. Ormaza Construction didn't complete the project using less than 50% of their subs. A&K Construction has the same issue as Dianda. He offered it up to council if they wanted to award the project to Dianda which might lead to a bid protest. If not we can go back and rebid the project.

Councilwoman Simons asked if any of the bids met with the specifications.

Mr. Draper answered CG&D Enterprises did and they were the highest bidder.

Mayor Johnson asked for clarification about the bid protest.

Mr. Draper answered most likely it's going to be concerning the use of multiple contractors to complete the specifications for post tension concrete. Dianda has a contractor that does just the rebar and post tension cables. Then they would use Q&D Construction to place the concrete. That is where the issue is.

Councilman Schmidlein said his opinion is that basically everyone is over the budget. He wanted to hold firm the \$500,000. Some council wanted to go less and others wanted more. He thought they should go back and do some value engineering and get this below what we want to build it for.

Councilman Rice agreed that we need to go back and change the specs. We are over budget. He felt this could be turned around in time for the construction season.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to direct staff to re-examine the specifications for the project and put the project back out to bid and bring back a competitive bid tab in a timely manner.**

*The motion was withdrawn.*

Before the withdrawal, there was some discussion about the proper wording for the motion.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to reject all of the bids and that we direct staff to re-examine the specifications and go back out to bid.**

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

- B. Consideration and possible authorization for City staff to solicit bids for an Automated Teller Machine (ATM) at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Nevada State Bank and Trust contacted the Airport Director with interest in installing and operating an Automatic Teller Machine in the airport terminal. The installation of ATM services at the airport terminal enjoys very strong support among the anchor tenants (SkyWest Airlines, Enterprise, Hertz, and Budget car rental). Opening bids to the public allows all interested parties to participate in free and open competition. MG

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to move forward and direct staff to solicit bids for an Automatic Teller Machine at the Regional Airport.**

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

- D. Review and possible approval to solicit proposals from qualified vendors for mobile food concessions at the Leonard Herrera Softball Complex, Monday through Friday during ball games, and matters related thereto. **FOR POSSIBLE ACTION**

In an effort to provide concessions at the ball fields during games, Staff is requesting authorization to solicit proposals for a mobile food service concession. JW

Pedro Romero asked if you would be able to do alcohol beverages.

James Wiley said they do allow for the sale of alcohol at the softball complex but he talked to Shanell Owen today and it gets tricky with mobile vendors and a liquor license. He wasn't sure if they would allow for alcohol sales through a mobile vendor.

Mayor Johnson said that that was a good question. Something needs to be drafted into the bid request.

Shanell Owen, City Clerk, said currently we don't have a classification for liquor sales from mobile units. They wouldn't fit under the retail category. It would be a matter of redoing that and seeing if council would want to include that in the liquor code. There is some concern with state law. There are strict requirements on transportation of liquor. This is something we would have to look into.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to authorize staff to solicit proposals from qualified vendors for mobile food concessions at the Leonard Herrera Softball Complex.**

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

- E. Review, consideration and possible approval of the City's cost allocation plan for Fiscal Year 2014 pursuant to NRS 354.613, and matters related thereto. **FOR POSSIBLE ACTION**

The City cost allocates services and expenses provided by general fund personnel to the various enterprise funds. Pursuant to NRS 354.613, the City may under a non-consent item that is listed separately on the agenda for a regular meeting of the governing body, approve transfers to pay the expenses related to the purpose for which the enterprise fund was created. As recommended by the City's independent auditor, this item fulfills the requirement of the referenced NRS. DS

Dawn Stout, Administrative Services Director, explained this was a recommendation from the audit. She said they have been doing this since there have been Enterprise Funds but other cities have gotten in trouble because they have cost allocated and paid for things out of their Enterprise Funds they shouldn't have. We have multiple personnel in various departments that act on behalf of many different departments. For example, out front they take the water and sewer bills and one person is strictly dedicated to that. However, other people in the office can take calls or take payments and help customers. Those services are cost allocated to the water and sewer funds. We do landfill billings and landfill billings and other billings throughout the city. She included in the packet a liability charge-out based on assets the city owns. She used a 5-year average on the sheet to balance out the numbers.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the cost allocation plan as presented for the various expenses provided by personnel from the General Fund to the various Enterprise Funds.**

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

- F. Review and consideration of a proposal for professional services from Lombard-Conrad Architects-Nevada, Ltd. for the Police Department Facility Project, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the Lombard-Conrad Architects-Nevada, Ltd. proposal has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained this is an outline of the proposal in phases. Phase one which is a fixed fee, this would be the update to the current plans that have been suggested. It would also include the new site design, civil engineering and landscape. Phase 2 is the secondary step once we know the site is sound and we are moving towards construction.

Councilman Schmidlein said if we move forward with phase one, he couldn't see moving forward with the soils and civil portion of this because we have no sales agreement in place and we may not purchase this property if we can't get it approved through FEMA. Why are we going to waste money moving forward on doing the geotechnical and the soils portion of the property when we don't even know if we can purchase this?

Mr. Calder thought that was a good question and was sorry the architect wasn't there to answer the question. He wasn't sure if the design was contingent on the soils coming back. We can approve what portion of Phase 1 you are comfortable with and come back with a better explanation.

Councilman Keener said this will not be one of our shorter meetings so perhaps we could get Mr. Smith back after the school district meeting.

Mr. Calder said that was a possibility. You can table this and bring him back.

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

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

### **III. UNFINISHED BUSINESS**

- A. 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

Mayor Johnson disclosed he had an interest in a private capacity through his relationship with his father, Charles Chester. Since this decision will not impact his father in any way no matter which way council votes, he felt a disclosure is warranted and he will participate in voting because the vote won't affect Charles.

James Wiley, Parks and Recreation Director, gave a presentation video on the Snobowl. (Exhibit "A")

Dawn Leyva, Recreation Program Director, said if you vote for this partnership, the Recreation Department will be in charge of operations only. The Snobowl Foundation would be in charge of any fundraising for growth and/or expansions. With a partnership with the city the insurance will drop about \$10,000 a year and there would be other cost savings. They would also be able to apply for grants. She prepared a spreadsheet showing a three-year average. The Snobowl pays for itself when it is open and it pays for expenses. When they are not open they do not bring in revenue and they don't have any expenses.

Councilwoman Simons said it sounded like the county was involved in this at the beginning.

Mayor Johnson said the county purchased the property for the Snobowl. The county still owns the property. The Snobowl is up against a seasonal operation. He felt the city should take a look at this as a general concept and move forward. The city and the county have both been involved with this from the beginning. If you look at the future of the Snobowl and the operations thereof, the sustainability is there. There is still support from the private aspect but this would enhance it and help solidify the operations and sustainability.

Councilman Rice liked the idea too. This is a well-used facility in the winter months. It is also used the rest of the year for mountain bike runs and other activities.

Councilman Schmidlein asked does the city currently donate \$10,000 a year to the Snobowl.

Dawn Stout, Administrative Services Director, said they get part of the room tax to about \$30,000 a year. That is the only donation they get from the city.

Councilman Schmidlein said Canyon Construction has donated many years up there. There is a lot of sentimental value up there. The videos were encouraging. He has some hick-ups along the way. He likes that the Recreation Department puts on ski lessons but he is optimistic if the city should take responsibility of the daily operations. Our resources are limited with the Parks and Recreation Department. What is presented tonight is a push-push operation. This isn't part of the city scope of services. He doesn't think this is the city's responsibility to take on. He cannot support this tonight.

Councilman Rice thought it fell into the city responsibility and falls into the scope of the mission. An example would be the city managing the softball leagues. This is in-line with the mission.

Councilwoman Simons agreed with Councilman Rice. The vision even talks about recreation opportunities and she thinks this is quite similar. The mere fact that it is located on county

property is the wrench that gets thrown in. She didn't think that was enough to stop what we are apparently already doing. This will be formalizing what we are already doing.

Mr. Wiley met with the foundation at their committee meeting. We don't have any intention of this being a burden on the Parks and Recreation Department. We have proof that the operations sustain it. We sell the season passes at the Snobowl and we may be able to increase those sales by selling them at the Recreation Department. When they are open Dawn Leyva is there every weekend. We also like the addition of the mountain biking trails up there. There will be some impact to the city and there will be some impact to the Financial Department because we will be processing the bills, expenses and payroll.

Sue Kennedy has been volunteering at the Snobowl for 10 years. Snobowl was originally organized to be a 501C4 and that has proven to be difficult as they try to do fundraising. Most of the granting agencies have looked for them to be a 501C3 organization and they are in the process of changing to that type of organization. The community support is still there because people love this organization. They are in the process of raising funds for snow making machines and they are in the process of writing a grant due in April to build a biking trail. Partnering with the city will make this work. It will allow the operations to be sustainable and it allows them to develop a successor for Rocky Bush.

John Carpenter wasn't sure how he really felt about this. We have all donated to this and we probably did that because we all loved Charlie Chester. What happens to the private donations when the city runs it? He thought people would stop donating because they pay taxes. He also had some concerns with the insurance and what would happen to the city's rates if there was a catastrophe up there. He supported this and also thought Angel Park would be a good place for a snow making machine.

Greg Barker appreciated Mr. Carpenter's comments. Has there been any precedent set whereby our city assumes administrative and financial responsibility for a property and an activity that doesn't fall inside the city limits? Would this fall better under the stewardship of the county?

John Schmidt suggested treating this as a quasi-enterprise fund where there is some sort of GNA cost allocation or a nominal management fee or something to offset some of the burden that the city might be carrying.

Dale White, 2088 Colonial Drive, said they lived their first 5 years in Nevada in Reno. During that time there was a similar facility called Sky Tavern that worked with the City of Reno Recreation Department. It was similar to what they are talking about tonight.

Mr. Calder said there is a little bit of precedent of the city working with foundations. The city works with the Johnnie Appleseed Foundation for the playground. We also work with the LASSO Foundation, the local area shelter support organization. The city in essence operates the spay/neuter clinic but it is paid for through the foundation. Similar arrangements can be made. We found, especially with LASSO, that people choose to donate both to the city for the animal shelter as well as LASSO. Some people don't want to donate to a foundation but they are more comfortable donating to the city and vice versa.

Councilman Rice added from his own experience another example would be the GBC Foundation. We also supported the operation of the California Trail Center and that is outside the city limits. We did the same thing for the UNR Fire Science Academy when it was in operation. There is a lot of precedence that we have done this. Sky Tavern is a great example too.

Mr. Wiley said it is a common theme around the country. There are a number of ski resorts that have either county or city involvement.

Councilman Keener asked Mr. Wiley if there were profits at the end of the ski season, those profits would go back to the foundation. Likewise, if there was a shortage that foundation would step in to bridge the gap. Is that correct?

Mr. Wiley answered basically speaking, yes. The model in terms of the operation is totally dependent on whether we are open or closed. When we are open we get revenue. We do have some donations from the room tax revenue that helps offset some of those costs.

Councilman Rice said one of the projects of the foundation is to raise enough money to finally install snow making machines. With those installed in most years those would provide snow coverage that would allow us to have those full seasons where we get those 9000 skier days.

Ms. Stout said the Youth Recreation Fund is a fairly small special revenue fund. Most of the revenues that come in have a specific purpose. The adult leagues have a specific line item both for the revenues and the expenditures. Those revenues stay in the fund and they roll over to the following year. You can track those from year to year to see if you are paying for your costs or not. It is very specific. It would be Snobowl Revenue and Snobowl Expenses.

Councilman Keener asked of the expenses are any of those on there fixed. Meaning, they are still ongoing even if there is no snow to ski on?

Ms. Leyva said the only fixed expense would be Rocky Bush's wages. Mr. Bush's wages are paid by room tax.

Rocky Bush said he has talked to Al Park Petroleum. They have been the consistent supplier up there for fuel for the generator. They indicated to him that they are not going to stop. As for the other types of donations he has no idea. Snow making is their big thing because the last three years have been very dry years. In 18 years they have had 5 years that he has not been able to open the chairlift due to the lack of snow. The push for this partnership is mainly due to trying to get a 501C3 designation.

Glen Guttry, County Commissioner, said the county takes care of the road. He said the support from the community for the Snobowl has been incredible. The county has always been there to support the Snobowl when they have needed it. He doesn't think there is any problem with the foundation at all. All the money will go to the foundation and then it will be operated by the city. This is a well-supported activity and having the city run it is the way to go.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to direct staff to draft a partnership agreement between the City of Elko Recreation**

**Department and the Elko Snobowl regarding the administration and management of operations at the Snobowl and return it to Council for approval.**

*The motion passed. (4-1 Councilman Schmidlein voted no.)*

## **BREAK**

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

- C. Review and possible designation of an independent auditor to prepare the annual audit for the City of Elko for Fiscal Year ending June 30, 2014, pursuant to NRS 354.624, and matters related thereto. **FOR POSSIBLE ACTION**

Each year the City is required to designate an independent auditor prior to March 31 of the year in which the audit is to be conducted. There is a copy of an engagement letter from Kafoury Armstrong, and Co. for audit services for the fiscal year ending June 30, 2014 for your review. The estimate listed is not to exceed \$82,000. DS

Dawn Stout, Administrative Services Director, explained Kafoury Armstrong has been our auditor since 1976. The main reason for that is that they are the only local agency that provides that service. A previous council had asked that they go out for RFP's and we did that with two proposals being submitted. We got one from Kafoury and one from a firm out of Las Vegas that was going to use staff out of Seattle. As staff we felt it was prudent to reappoint Kafoury as they have been our auditors for so many years and they are the only local firm who provides that service. The cost is going up about \$5,000.00. Our new system will require a little bit more auditing services to audit that system.

Councilman Keener asked about the increase. Is that a one time learning curve for them? Once they get everything established will it go back or will that be ongoing?

Dawn Stout said it is a one year learning curve charge.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, approve Kafoury Armstrong, and Co. as the City of Elko independent auditors for the fiscal year ending June 30, 2014 in an amount not to exceed \$82,000.00.**

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

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

- B. Review, consideration, and possible action to designate a parcel of City-owned land for the purposes of allowing overnight camping, and matters related thereto. **FOR POSSIBLE ACTION**

The City has been studying possible measures to improve public health, safety and welfare by amending Code Sections contained in Title 5 relative to conduct on and use of public and private property within the City, to include overnight

camping without permission and various types of conduct that constitute offenses against the public peace.

On November 13, 2012, Council received an overview of the relevant Code sections, together with recommended amendments, in an effort to further explore the effectiveness of the Code as it is presently written.

On September 10, 2013, the Council again reviewed the relevant code sections and considered the need to designate an area that permits overnight camping in an effort to address the constitutional issues related to amending the code. The Council directed staff to work with those who might be affected by this requirement and solicit feedback regarding such a proposal.

A survey and report has been completed for Council review. City staff recommends that the Council approve and designate a location that allows overnight camping, which will enable the City to finalize the revisions to the relevant sections of City Code.

The Council may further provide guidance on the possible designation of an area of City-owned property that allows camping, provides limited services meeting basic sanitation needs. DA

Delmo Andreozzi, Assistant City Manager, mentioned there will be a bit of a discussion on this. This is a complex issue. Solutions are very difficult to identify and the issues are diversified. When we first examined this in response to some citizenry that were concerned with some of the behaviors that were associated with vagrancy, council has worked through this in a very deliberate and thoughtful manner. As we tried to evaluate and come up with a report which is in the board packet, it is very difficult to come up with anything that is ironclad. In that report you will see there are, in our best estimates, 80-90 people “point in time” who are homeless. We had 30-35 respondents. They were split in designating a location. One reason we are talking about designating an area appears to be a fundamental piece in this puzzle. Cities across America are dealing with this on both sides of the issue. As we looked out to other communities, Boise has a shelter, Reno/Washoe County area has a shelter. Carson City does not have a shelter but there is a homeless population in all these places. There is even some homeless and tent camping in Winnemucca. One of the concerns that we have with this dispersed camping is there are some environmental concerns that are associated and it is very difficult for us to respond in the case of an emergency. It is also hard to provide basic services to where some of that camping is taking place. We have identified a location. It is a little bit far removed. No matter where we designate a spot there will be some neighbors that are affected by that decision. As we look at the overall site there were some pros and cons. We looked in the corridor to find a parcel but this piece came to the forefront. It is ten acres so the population could be dispersed throughout that area and possibly minimize some social impacts. The city has owned this piece for quite a while. It is located right off Hot Springs Road. If council selects this site there will be some zoning issues that we will need to work through. This is an important piece for us to be able to enforce our current codes or amend our codes. We do get complaints on a regular basis regarding the vagrancy issue. There are two individuals that are handicapped and Get My Ride may be able to assist with that. At this location we would be able to bring in some basic services that we are unable to provide to the “point in time” individuals camped along the river. He

checked with a porta-toilet provider and the cost for a porta-toilet at that location would be about \$81.00 a month. He felt the franchise agreement with Elko Sanitation would allow for a dumpster to be placed there at no additional cost. He recommended at a minimum to re-evaluate this as we go forward. He did place on the dais a letter from Lori Vavak voicing her concerns about camping (Exhibit "B").

Councilwoman Simons asked how far is this parcel from FISH.

Jeremy Draper, Civil Engineer, did a quick calculation and it is about 1.9 miles.

Randall Davis, 700 Commercial Street, talked about a situation he witnessed in Redding, CA. There the homeless had vandalized private and public properties near where they had been camping. He was worried that would happen here too.

Ron Goldie, Elko, said he owns the old Nevada Green property close to where this is at. He has a greenhouse and a fishpond there. He felt the homeless will be all over his property and it will be a mess out there. It will devalue his property and won't do anyone any good.

Councilman Keener asked if he had any fencing around the property.

Mr. Goldie answered he has only owned the property for a couple of years and hasn't had a chance to put up any fencing or even repair the existing fencing. He is sure they will head towards water and especially the warm springs.

Gil Hernandez, 1316 7<sup>th</sup> Street, said we have a number of veterans that are homeless too. He felt this comes down to addressing the constitutional rights of the homeless. As far as the river, no one really owns the river. He is concerned that the parcel is a ways away and if you have ever tried to pack your belongings on your back for a distance, the weight may be too much. The sanitary issues are big issues. No one wants them in their backyard. He has also heard complaints about the trail. There are laws on the books to handle these issues but they aren't being utilized. We have other laws that pertain to health issues that are on the books. He doesn't understand why there aren't bathrooms there or dumpsters along the river. Maybe a shelter needs to be built near the river. When we had them at the VFW they protected our stuff. The homeless are going to be homeless if they want to be homeless.

Dave Stanton, City Attorney, said the issue of laws concerning activities taking place such as littering and public urination, in terms of what we can and cannot enforce, the key thing is that we cannot criminalize homelessness but we cannot also criminalize life sustaining activities. If it is something that someone needs to do in order to live and there is no alternative available to them then that cannot be criminalized.

Gil Hernandez said he doesn't want to see this as a legal avenue to penalize the homeless.

Jeff Williams, Board of Directors for FISH, said this has been contentious for some time. Homelessness is not illegal. Nor is it immoral. He worried that we were making this item more complicated than it should be. We need to deal with the simplest things we can. No one wants to see these people so displaced that they are treated with disrespect or hurt in any way. The property is a reasonable site. Unless you take action nothing ever changes. Nothing has changed

for the last three or four years with what they are dealing with. He suggested a river awareness walk so everyone can see the problem first hand. He supported this item.

Ken Snyder said he owns property immediately south of the parcel talking about. He had no problem with the homeless people being there but has anyone asked the homeless if they would move there because there is nothing to attract them there?

Susan Thornburg, 4211 Bullion, has an employee that is homeless. She feels this location is too far away. They have a lot of people vandalizing Gateway RV. Plan B for the Police Department should be out there and not the homeless. She felt the homeless will not move out there.

Randall Davis, 700 Commercial, said he heard the inmates in Redding, CA volunteer and help clean up.

Councilman Schmidlein asked Mr. Andreozzi if he had the “point in time” evaluate the site. You had a survey completed but did they look at the proposed site?

Mr. Andreozzi said they didn’t look at the proposed site. He deferred to John Schmidt.

John Schmidt, Cornerstone Church, explained the survey and the questions that had been asked.

Councilwoman Simons asked about the water situation.

Mr. Andreozzi answered at this time we haven’t contemplated putting water there but it is possible to have water on site. He sees this as a park that provides some services.

Councilman Keener asked if there were a camp location, what would be the most probable means in terms of the route taken from the camp to downtown or FISH. Hopefully it doesn’t cut through businesses or yards.

Mr. Andreozzi answered the area is accessible. There is a route from the Errecart Bridge. There is some continuity along the river corridor that would get them to Errecart.

Councilman Schmidlein asked in reference to the blue rooms; will there be any criteria like on a job site? If 90 people camp there that means 9 restrooms and could cost up to \$1,000 a month.

Mr. Andreozzi restated the estimate he was given and said it was based on 10 people per week.

Councilman Rice said he gets asked why don’t we move people from out of the river area. It is difficult to answer. Mr. Stanton used the phrase, “life sustaining activities.” We would be allowing them to continue with their life sustaining activities but in a designated area, correct?

Mr. Stanton answered that is correct. This has been litigated in other cities over the last decade or so. There are a lot of different circumstances. Courts have come back with recognizing that people have a right to live and that anything that they need to do in order to live or to survive is protected. If that is taken away by governmental action then that is a violation of their 8<sup>th</sup> Amendment Right. If the city were to go down along the river right now and round up the homeless and have them pull up all of their camps or take away anything that they need

including shelter and send them to the edge of town then his prediction would be that the court would say you can't do that. On the other hand, a number of communities have set up camp cities or they have set up homeless shelters and the courts have looked at those situations and said okay. In that case you are giving the homeless people an alternative. They are given a place where they can go and they can continue to live. In that case the courts are upholding the actions of city governments in controlling the dispersed camping we are talking about.

Councilman Rice said this is more of a situation than a problem. This will give us an opportunity to manage the situation as opposed to solving a problem.

Councilman Keener said in the survey it was established that the homeless would participate in a camp environment if there were rules. In order to help mitigate as much of the impact as possible to the residents that are in proximity to this proposed site, could there be stipulations that they are not supposed to go to the south or west of this location? Is that something that could be practically asked for and enforced?

Mr. Stanton answered up to a point in terms of trespassing on private property. Those laws are on there right now and can be enforced. In terms of saying you can't go onto other public areas, no you can't do that.

Councilman Keener asked about dogs and other pets.

Mr. Stanton answered that pets complicate this. He didn't know of a case that dealt with that issue as a pet as a life sustaining issue. He predicted that if that went to court the court may sympathize with the homeless. You may not be able to exclude pets and we may have to find a way to deal with it.

Councilman Schmidlein asked if this will become more of an open campus type park. Will there be fencing or will it be open area? The hot hole there may become a bathtub for washing and bathing. How can we prevent access off and on to other properties?

Mr. Andreozzi answered fencing is something that has been talked about. We don't have anything funded for that yet but it is something that we can do.

Councilman Keener noted if there was support to move forward to designating a campsite at this parcel, there would need to be another process to enter this into code. There would be other opportunities for public input.

John Carpenter asked Mr. Stanton if the city established a tent city with amenities, would you pick those people up and take them there. (no) What if you just told them to go to this other destination?

Mr. Stanton answered there would be a process in communicating this to the homeless population. The police would be able to make an arrest for committing a crime.

Jennifer Kidwell, 2095 Colonial Drive, noted the Reasonable Accommodation of Americans with Disabilities Act and the point in time individuals that do have disabilities. She was

concerned about transportation for those with disabilities to FISH (where there is a soup kitchen) and even Job Connect (for day laborers).

Greg Barker, 2211 Sierra, said there are already codes in books to enforce overnight camping within city limits. Because we are providing a place now, that we are deciding now to start enforcing the codes in the books?

Mr. Stanton said the issue came up when we started looking at and revising these codes. The issue of overnight camping along the river and elsewhere in the city has been controversial for a while. The city started studying and revising the codes and talking about ways to modernize and implement them. In this discussion we also recognized that in order to enforce the codes the way people in the community would like to see them enforced, we have to provide an alternative to the homeless population. We can't just kick them out of the city. This has been litigated in the courts across the country and the courts have come back and said being homeless is not a crime and cannot be criminalized. You can't enforce laws in such a way that you make it impossible to be homeless in a community. That generated the discussion of finding alternatives and finding ways to try to find the best fit. It isn't a perfect solution. This may be the only piece of property that the city has available this size that might be suitable for this type of use.

John Schmidt, Cornerstone Church, said we are talking about people that currently reside in tents. There are other people that live in shelters and other circumstances. We are not sure if we actually have 80-90 people living in tents.

Kimberly Reese, 252 cliff place, said they did their point in time count at the end of January. There is no way of knowing how many are sleeping in tents at this time but she thought it was more than the count in January.

Ken Snyder asked is there a liability issue for homeless people on the city property.

Mr. Stanton said there is always potential for liability whenever anybody is on city property. It depends on what happens.

Susan Thornburg asked will we build a nice park or will we just put some dumpsters out there with some porta potties.

Mayor Johnson thought that was a good question. If a park, what procedures would be followed to develop it?

Councilman Rice thought Mr. Andreozzi was making an analogy about a public area where we can put a bathroom and a water spigot and have people gather.

Mr. Andreozzi said the first thing would be designating the area and having the area defined. He can't predict exactly how this thing will happen. He wasn't sure if ten acres would even support all the people that go there.

Mayor Johnson said this situation is not unique to Elko. When he did his own research into the solutions to homelessness the things he is finding are not necessarily designating areas to provide the same type of lifestyle, but to provide homes. When you look at what Salt Lake City is doing

you want to know what that is all about. We just went through a huge housing shortage. Is that a driver for the increase in the folks that we have living along the river? How does this parcel fit into a plan where Elko can end homelessness? There has to be some type of action but he isn't sure if this will help. We do need to clean up the river.

Councilman Keener said it is important that there is a segment of the homeless population out there that this is the lifestyle they have chosen. Circumstantial homelessness can be addressed and resolved in many cases but when you have people that either have psychiatric medical problems, or, that is just what they select, there isn't much helping cure that situation. The problem has been ignored for long enough and it would irresponsible for council to not take action. He would support setting this up on a trial basis and re-evaluate this in the future. Perhaps have a monthly update so difficulties could be addressed.

Councilman Schmidlein asked Mr. Andreozzi if in his research was there any other site that could be solicited to accommodate this. He isn't sold on this property.

**\*\* A motion was made by Councilman Keener to direct staff to work and form some type of agreement to utilize the city parcel that is located to the east of Hot Springs Road for a homeless camp. This is an area that will protected by fence and have rules of conduct associated with being a member of this camp including a curfew.**

*The motion was withdrawn.*

Before the withdrawal, Mr. Stanton interjected that the agenda item was to designate a parcel of land for this.

Councilman Keener withdrew his motion.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, for council to designate the parcel owned by the city located to the east of Hot Springs Road as the site of a future homeless tent camp.**

*The motion was withdrawn.*

Before the withdrawal, Councilwoman Simons voiced her concerns about this not being a solution. To solve homelessness, whole state and cities are putting people into homes. That is what people are finding success with but she wasn't sure if that was feasible for a city our size. She didn't feel that enough people would go to this parcel for it to be a solution. We need something closer to FISH, food and a shower.

Councilman Rice restated that this goes back to managing a problem. We can take some action that goes in the direction of the motion on the floor or to maintain the status quo. There have been no other suggestions and it would irresponsible for us as leaders in the community to maintain the status quo.

Councilwoman Simons said designating this property isn't going to change the situation down at the river.

Councilman Keener said this would be a starting point and not a long term solution.

Mayor Johnson agreed that they need to get some action moving but wanted to move in a direction that benefited for a long term solution. He stated he would not vote for this parcel but would vote for postponing this.

Councilman Rice said by postponing this we are not acting.

John Carpenter said he doesn't think designating this parcel will do any good and won't help anybody and may make a bigger mess.

Mr. Andreozzi had Jeremy Draper show on the overhead all of the land inventory parcels. Starting at FISH, he indicated all of the parcels available. Most are not accessible and/or too small for this use. The parcel discussed was the only parcel they could find that would fill the needs in the general location.

Mayor Johnson noted that two members are ready to vote on the motion and two are not sold on this. If we vote now the motion may fail. He discussed Parliamentary Procedure and Previous Question and asked council what direction they wanted to go.

Councilman Rice felt another option would be to keep it simple and vote on the motion on the table and address all the other unanswered questions as we go along. Even though this is a difficult pill to swallow it will keep the door open for further discussion and move this in the direction we want to go.

Councilman Schmidlein didn't want the motion to die but he wanted some other sort of motion or he will vote against this.

Councilwoman Simons asked if the motion could be amended.

Mayor Johnson said another option would be to vote to postpone this. An amendment to postpone could be made.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to amend the main motion and move to postpone this agenda item.**

*The motion died.*

Before the motion died, Councilman Keener said he wasn't sure what he would be voting on.

Councilwoman Simons said she was amending her motion to add, **"...until the next meeting."**

Councilman Schmidlein wanted her to add that this be brought to a special session.

Mr. Calder pointed out that Mayor Johnson will be gone at the next council meeting.

Councilman Rice felt that was not an amendment to the motion. That is a separate motion. He felt it was out of order.

Jeff Williams said if you decide to postpone then he would recommend touring the river area as a group soon.

Jennifer Kidwell said that even though this is city property it is also considered as their home. She wanted to give the homeless notice that they will be touring the area and she felt the tours should be small groups. She asked Mr. Williams if they were forming a committee.

Jeff Williams answered that he had asked her to let him know when they could meet and he hadn't heard from her. We are in a situation where we need to make sure that the City of Elko and its leaders are aware of what is happening along the river. It is important that we don't cover up the issue so they can see what they are voting about.

Mayor Johnson felt that maybe they could compromise and have small groups. He wanted a course of action that provides solutions.

Susan Thornburg agreed that there should be a committee. She volunteered to be on the committee and help clean up. She wasn't in support of corralling these people into a fenced piece of property.

Mr. Stanton said one option would be to let the first motion die and not act on it. Then make a second motion to table the agenda item.

There was some discussion about the first motion and possibly letting it die. Also discussed was different ways to word a motion.

Mr. Calder said he gets complaints on a regular basis about the situation along the HARP trail. The legal advisor advised that we need to designate a place for the homeless to go to so we may be able to enforce city codes. We have received letters from the Nevada Department of Environmental Protection asking the city to do something with regards to the pollution in the river. Nothing will get addressed if we don't take action.

Chief Reed and Chief Griego each talked about the public safety issues they have with the homeless along the river.

Councilman Keener withdrew his motion.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to designate a city parcel for the purposes of setting up a homeless tent facility.**

*The motion died.*

Councilman Rice and Councilman Schmidlein both felt this doesn't do anything and they won't support the motion.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, table the proposed agenda item tonight and call to have it put on a special session and come back and regroup and see what additional information we can gather prior to meeting.**

*The motion passed. (4-1 Councilman Rice voted no.)*

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

- D. Review, consideration, and possible action to accept the 2013 Annual Report of Planning Commission Activities, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an annual report of its activities to the City Council. On February 4, 2014 the Planning Commission took action to approve the 2013 Annual Report of Planning Commission Activities and forward it to the Council.  
RM

Rick Magness, City Planner, said this yearly report has been submitted for council review.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to accept the Planning Commission Yearly Report.**

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

#### **V. RESOLUTIONS AND ORDINANCES**

- A. Review, consideration, and possible approval of Resolution No. 9-14 creating a Public Utility and Drainage Easement for public purposes of constructing, repairing, operating and maintaining a public utility and drainage easement, and matters related thereto. **FOR POSSIBLE ACTION**

The recordation of this easement will protect the City's sewer main and storm water system for property being sold under a related item, Resolution 8-14. The property is located on the northerly side of Ash Street, between Fifth Street and Sixth Street, also known as APN #001-067-007. SO

Shanell Owen, City Clerk, explained this item is related to the next item. It is a remnant piece of city property that has a sewer main going through it and then also storm drainage. We are protecting that sewer main and storm drain system so that we can sell this property to Glen Guttry Family Trust.

Councilman Schmidlein noted this can be acquired by the trust but they can't build on it. Is that correct?

Ms. Owen answered yes it is very restricted as to what they can do. He can put in a driveway or landscaping but no buildings of any kinds.

Councilman Schmidlein asked in reference to building does he need to keep back a certain amount of feet from the property with development. Does he still have to maintain the 5.5 or 7.5 setback or can he build all the way up to the edge of this acquired additional property?

Ms. Owen answered he would be able to build all the way up. Setbacks will come into play with the piece that he owns next door. The only thing would be that if he joined the parcels together there would still be that easement and he may get some relief with setbacks. When the easement was drafted the entire parcel was set at the easement. We will have the entire 25 feet as the easement.

Councilman Keener disclosed Mr. Guttry is a personal friend but he didn't feel this would influence his vote one way or the other on it.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve Resolution No. 9-14 creating a utility easement for public purposes of constructing, repairing, operating and maintaining a public utility and drainage easement.**

*The motion passed. (4-0 Councilman Rice was absent.)*

- B. Review, consideration, and possible approval of Resolution No. 8-14, a Resolution approving the sale of real property to a private party, pursuant to NRS 268.061(1)(e), and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the northerly side of Ash Street, between Fifth Street and Sixth Street. The property is 2,500 square feet and is encumbered with a sewer line and storm drain. The City received a request for the sale of the subject property from Guttry Family Trust. The appraised value of the property is \$2,500.00. SO

Shanell Owen, City Clerk, explained this is the subject property that we previously talked about. Mr. Guttry came to the city and requested that he would like to purchase this property. He understood that he cannot build on it. When looking at NRS 268.061E we found we could work directly with the adjacent property owner being the Guttry Family Trust. This is a remnant piece of property and is very small in size 2,500 sq. ft. The city did obtain an appraisal on the property and it came back with a value of \$2,500.00. We worked with Tom Coyle to make sure the resolution was agenda'd right and worded correctly.

Councilman Keener disclosed that Mr. Guttry is a personal friend but he doesn't feel that will influence his decision one way or the other on it.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve Resolution No. 8-14 selling the property described as APN: 001-067-007 to the Guttry Family Trust**

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

- C. Review, consideration, and possible approval of Resolution No. 10-14, a resolution changing the Elko Redevelopment Agency Fund from a Capital

Projects Fund to a Special Revenue Fund, and matters related thereto. **FOR POSSIBLE ACTION**

Previously the City Council had approved the Elko Redevelopment Agency as a capital projects fund. As time has passed, the purpose of the fund has changed from a capital projects fund to a special revenue fund as there have been employee expenses related to maintenance of the corridor, contract expenses related to the master plan development, and an incentive program for the businesses located within the boundaries of the Redevelopment Agency. These types of activities don't qualify as capital expenditures thus changing the purpose of the fund. Staff is recommending that the purpose of the fund be changed to better reflect the current activities of the fund. DS

Dawn Stout, Administrative Services Director, explained when the auditors came in and looked at these they suggested we make this change. It was a good time to make the change with the new accounting software.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the change in the Elko Redevelopment Agency Fund from a Capital Projects Fund to a Special Revenue Fund effective fiscal year 2014 and forward.**

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

## **II. APPROPRIATIONS (Cont.)**

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

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

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

F. Review and consideration of a proposal for professional services from Lombard-Conrad Architects-Nevada, Ltd. for the Police Department Facility Project, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the Lombard-Conrad Architects-Nevada, Ltd. proposal has been included in the agenda packet for review. CC

Mayor Johnson asked if council needed to return to this item since it was tabled earlier, hoping for Byron Smith's return to explain some details.

Mr. Calder said they were unable to locate Mr. Smith and we could just keep this as tabled. No further action needed at this time. It will be brought back to the next meeting and he will make sure Mr. Smith will be present.

## VI. REPORTS

- A. Mayor and City Council  
*Councilman Keener asked about the \$500,000 amount for the tennis courts. Is that the highest investment of that money looking at the priority list? James Wiley answered that has been debated for several years. It is a lot of money but they feel like if we are going to have a tennis facility we need to do it right with post-tension concrete.*
- B. City Manager – Elko County Sage Grouse Comments;  
*Curtis Calder included in the agenda the Elko County sage grouse comments for their review.*
- C. Assistant City Manager  
*Delmo Andreozzi reported regarding the curb, gutter and sidewalk project on West Idaho Street, Franklin Lumbar has paid their portion in full. Gateway RV has made a payment.*
- D. Utilities Director
- E. Public Works
- F. Airport Director – SkyWest Airlines Meeting on February 6, 2014  
*Mark Gibbs wanted to report on air service at a later meeting but will be giving a full report at the next meeting instead.*
- G. City Attorney  
*Dave Stanton appreciated the lively discussion over the homeless issue.*
- H. Fire Chief  
*Chief Griego handed out his latest newsletter. (Exhibit “D”)*
- I. Police Chief
- J. City Clerk  
*Shanell Owen reported she had placed election calendars in each of the council members’ mail boxes.*
- K. City Planner
- L. Development Manager
- M. Administrative Services Director-Sales Tax Update  
*Dawn Stout gave a Sales Tax Update. (Exhibit “C”)*
- 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**

John Carpenter wanted to bring their attention to what he felt would be a good place to put the Police Facility; on Airport land near the terminal building where the National Guard was going to go. You don’t have to buy any land there and you may save the taxpayers almost a half a million dollars.

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