

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

SS February 24, 2016

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 5:00 p.m., Wednesday, February 24, 2016.

This meeting was called to order by Mayor Chris Johnson.

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

ROLL CALL

Mayor Present: Chris J. Johnson

Council Present: Councilwoman Mandy Simons
Councilman Robert Schmidlein
Councilman Reece Keener

Council Absent: Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
Dawn Stout, Administrative Services Director
Jonnye Jund, Accounting Manager
Aubree Anderson, Human Resources Manager
Rich Genseal, Police Lieutenant
Mark Gibbs, Airport Director
Jeremy Draper, Development Manager
Brian Burgess, Deputy Fire Chief
Fritz Sawyer, WRF Superintendent
Mike Hess, Landfill Superintendent
Mike Haddenham, Assistant WRF Superintendent
Bob Thibault, Civil Engineer
James Wiley, Parks and Rec Director
Dennis Strickland, Public Works Director
Dave Stanton, City Attorney
Cathy Laughlin, City Planner
Ted Schnoor, Building Official
Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

APPROVAL OF MINUTES: February 9, 2016 Regular Session

The minutes were approved by general consent.

Mayor Johnson asked if an item is going to be tabled.

Curtis Calder, City Manager, answered there is an item under Resolutions and Ordinances that has an incorrect acreage listed. We were going to recommend tabling Item V-A.

I. PRESENTATIONS

- A. A reading of a proclamation by the Mayor in recognition of March 2016 as American Red Cross Month, and matters related thereto. **FOR POSSIBLE ACTION**

Mayor Johnson read the Proclamation and presented it to Ms. Bailey Benson-Billington representing the American Red Cross.

II. PERSONNEL

- A. Review, consideration, and possible approval for the Water Reclamation Facility to overlap the position of Water Reclamation Facility Superintendent for a maximum of 30 days in order to train a new Water Reclamation Facility Superintendent, and matters related thereto. **FOR POSSIBLE ACTION**

Fritz Sawyer, Water Reclamation Facility Superintendent, has announced his resignation. Staff is seeking Council permission to start his replacement in advance of the effective date of his resignation in order to allow for training of the new employee by the outgoing employee. RL

Ryan Limberg, Utilities Director, explained we have a few months before Mr. Sawyer leaves us.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to authorize staff to hire the new Water Reclamation Facility Superintendent prior to the resignation date of the current WRF Superintendent with a maximum overlap of 30 days.**

The motion passed unanimously. (4-0)

III. APPROPRIATIONS

- B. Review, consideration, and possible authorization for Staff to Award the Truck Load Out Facility Project, and matters related thereto. **FOR POSSIBLE ACTION**

The bid was rejected on November 24, 2015. Staff was allowed to re-bid the project. Bids were opened on February 12th. The Bid Summary and Staff recommendation is attached for your review. FPS

Councilman Schmidlein disclosed he had a direct conflict. His partners at Canyon Construction are also owners of Great Basin Engineering Contractors. He recused himself and left the room.

Mayor Johnson disclosed he bid as a subcontractor for the project to Schell Creek Construction. Even if they were awarded, Chester Plumbing would not be awarded as a sub.

Mr. Limberg explained they rebid this project and received four bids. The two lowest bidders were deemed non-responsive after legal review. The next lowest bidder is at \$1.1 million. He recommended award to Great Basin Engineering Contractors as the lowest responsive bidder. One issue is do we want to award this even though this is over-budget and staff's position is yes. We have the available financial resources in the budget. Another issue has been, award to whom? Staff's position is to follow the rules and regulations as they are laid out for us. That's why we are recommending award to the lowest responsive bidder. The bidders are present in the audience. He thought they would like to explain their side of the story.

Dave Stanton, City Attorney, spoke about the Shell Creek Construction bid. He received a call from their attorney, Jim Cavilia. He asked the attorney to submit a follow-up letter explaining his client's position in this matter (Exhibit "A"). He read it into the record:

Dear Mr. Stanton,

Thank you for speaking with me yesterday with regard to the above referenced matter scheduled for consideration by the Elko City Council this evening. As I mentioned, this law firm has been retained by Schell Creek Construction, Inc. with regard to its bid on the Water Reclamation Facility Truck Load-Out Project. It is my understanding that the City is considering rejection of Schell Creek's bid on the basis that Schell Creek, as a general contractor, is not undertaking at least 50% of the work. Attached is a summary of Schell Creek's bid showing that the work to be self-performed is approximately 28% of the total. We do not believe any of the other bidders on the project can self-perform 50% of the work based upon the specialty work involved in the project, including but not limited to masonry, mechanical, roofing, odor control and electrical. It is simply not possible for a general contractor to perform 50% of the work. As you will see in the attached summary, the total cost of the specialty work is well in excess of 60% of the total work. Based upon the fact that none of the general contractors are in fact qualified to self-perform 50% of the work. Schell Creek is requesting that this bid requirement be waived and the project be awarded to Schell Creek as the

lowest responsive bidder. Thank you for your attention to this matter on such short notice. Schell Creek will have a representative at the City Council meeting this evening. If you have any questions call.

In the bid documents, all of the bidders signed a form that was submitted that incorporated the Orange Book. There is one sentence in the Orange Book that is at issue. "The bidder to whom award is made shall not subcontract more than 50% of the total cost of the project." In the bid documents Schell Creek's is at 28%. City council has the authority to waive certain defects in bids. If there is a minor irregularity, a technical defect, something on that order in the bid, those types of things can be waived. If it is something larger than that, where by waiving it the Council would be effectively be giving a competitive advantage to one bidder over another, then that is crossing the line. If there is going to be a waiver, it can't be just for this contractor for this job. It would be a decision not to follow that requirement. It has been consistently applied in the past. That would be a concern. There would be a lack of consistency were that decision to be made.

Councilman Keener asked if that creates a conflict for the Mayor.

Mayor Johnson answered they put in a bid but they were not awarded it.

Councilwoman Simons wondered Shell Creek says it is impossible to do over 50% of the work but everyone else says they can.

Mayor Johnson asked Mr. Stanton if Schell Creek could be awarded the bid.

Mr. Stanton answered he sees it as non-responsive because it doesn't comply with the Orange Book requirements.

Derek Olstrom, Schell Creek Construction, said it was mentioned that we all signed a piece of paper acknowledging that we knew what the Orange Book was. The Orange Book requirement was mentioned after the fact when talking to Ryan. It wasn't on the pre-bid notes. The City website doesn't mention anything about clicking on an Orange Book. Depending on how this is done, he looked at the percentages of Great Basin Engineering and they say they will be doing 68.1% of the job. They say they are going to self-perform the roofing portion of this project. There has to be a certified installer through the manufacturer they are using because it calls for a 20 year warranty. He would like proof that they are able to do this roofing. The Orange Book thing, how does this 50% come into play as a requirement of the city?

Mr. Limberg handed out a copy of the page that discusses the bid requirements. Great Basin Engineering Contractors have both an A and B license so they are able to perform more of the work. Schell Creek has a B license and would have to sub out the A type work. On the general provisions of the Orange Book, section 100.12 it says the bidder to whom award is made shall not subcontract more than 50% of the total cost of the project. There may be some differences on the costs. The contractors can take different approaches to this. One may sub to Chester Plumbing with Chester Plumbing providing both the labor and the materials to do the work. Another general may provide the materials and have the subcontractor perform the work portion

of it. That can change the number balance. On the form, we look for the main contractor listing themselves and a listing of over 50%.

Mr. Stanton asked Mr. Limberg if he could explain what was discussed at the pre-bid meeting.

Mr. Limberg answered they discussed this bid form, page 25. As a general rule he goes over this form for each and every project because there have been so many issues with this form. He goes over the subcontractor form and the red language on it. He tells the contractors that even though it is a subcontractor form, if you are the general contractor you have to list your name on this form. They also go over the percentage of work. As the general contractor we are looking for your number to be 50% or more. It is something that we really don't even mention anymore or keep track of because it is common language that we talk about at each project we do.

Mr. Olstrom said if this is awarded to Great Basin he would like to see if Great Basin is legally capable of doing the roofing work. Who monitors this percentage?

Mr. Limberg answered looking at page 25 of the bid documents, before the project starts, how that form is filled out and is the general above that 50% number. On a project like this payroll will go to Shanell Owen and she looks at the prevailing wages.

Mr. Olstrom asked if that shows who is purchasing the materials.

Mr. Limberg said they get a submittal from the contractor but he wasn't sure if it is broken down to show who is purchasing the materials.

Fritz Sawyer, WRF Superintendent, said in the bid document they ask for a schedule of value. Once the notice to proceed is issued then that is part of what will come back to the city. We don't have access to that at this point. We only have access to what is on page 25. You do have the right to a five-day protest

Mr. Olstrom asked if he were to put down 65% then you will go off our word?

Mr. Limberg answered we don't split the hair further than what this bid document shows us.

Mr. Sawyer said this was reviewed in the pre-bid. We constantly go through this. It is in red and we mention the Orange Book in several places.

Councilwoman Simons asked if at some point we notice that someone isn't doing 50% of a project, what happens.

Mr. Limberg doesn't recall a time that has happened.

Dennis Strickland, Public Works Director, said the contractor could be placed on a list to be rejected from future projects because it is illegal to do that.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to award the Truck Load-Out Facility Project at the WRF in the amount of \$1,146,271.64 to Great Basin Engineering Contractors who was the lowest responsive bidder.**

The motion passed. (3-0 Councilman Schmidlein abstained)

- C. Review, consideration, and possible approval of a Professional Services Agreement with Manhard Consulting, Ltd. for Construction Management Services required for the Exit 298 Waterline Project, and matters related thereto. **FOR POSSIBLE ACTION**

The services provided include Construction Assistance/Inspection, Materials Testing, and Engineering Support. RL

Mr. Limberg explained the amount is approximately 10% of the project cost. The proposal is in the agenda packet.

Councilman Schmidlein said they retained as many people locally if he heard right.

Mr. Limberg said yes, there are a couple different firms that will be doing the work. Manhard's amount is on the back of the proposal for \$10,000. It will be local engineering firms doing the construction assistance, inspection, construction staking and materials testing. That is how we prefer to see it so we can have someone here that can visit the site every day.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve a Professional Service Agreement with Manhard Consulting, Ltd. for the construction management services for the Exit 298 Waterline Project.**

The motion passed unanimously. (4-0)

IV. NEW BUSINESS

- A. Review, consideration, and possible approval to appoint two candidates to the Arts and Culture Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

There are two (2) vacant positions open on the Arts and Culture Advisory Board. Ms. Susan Scarlet-Macaw and Ms. Mica Johnson have both submitted letters of interest. Copies of the letters and resume have been included in the Council Packet for your review. CC

Curtis Calder, City Manager, explained there are two vacancies and two letters of interest. We ask that those appointments be made.

Councilwoman Simons asked if they are required to live within the city limits.

Mr. Calder didn't have the by-laws with him but he believes you do not have to be a city resident.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to appoint Ms. Susan Scarlett Macaw and Ms. Mica Johnson to the Arts and Culture Advisory Board.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible action to authorize Staff to give a Landfill Voucher to adult volunteers that participate in the "Take Pride in Your Community Cleanup, Greenup, Recycle Event and Prescription Drug Roundup" event, and matters related thereto. **FOR POSSIBLE ACTION**

This year's "Take Pride in Your Community Cleanup, Greenup, Recycle Event and Prescription Drug Roundup" event is scheduled for Saturday, April 23, 2016. In the past, Council has provided one voucher to the adult volunteers that were engaged in cleaning public property/right-of-ways. The voucher concept was very popular with the volunteers and affords them the same opportunity to remove waste from their personal property and dispose of it without having to pay a tipping fee at the landfill. In order to provide these volunteers the same opportunity as other citizens, these vouchers would be good for one day. DS

Dennis Strickland, Public Works Director, explained this has been part of the event for a number of years.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to authorize staff to give no more than one landfill voucher per family to adult volunteers that participate in the Take Pride in Your Community, Cleanup, Greenup, Recycle Event and Prescription Drug Roundup.**

The motion passed unanimously. (4-0)

V. RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance No. 797, 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 generally on the south side of Tamarack Road approximately 320 feet east of Royal Crest Drive in Section 17, T. 34 N., R. 55 E., M.D.B. & M., Elko County, Nevada, consisting of 1.25 acres, more or less, filed by Chad and Kimberly Anderson and processed as Annexation No. 3-15, and to direct Staff to set the matter for public hearing, second reading, and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

City Council accepted the petition for the subject annexation on June 9, 2015 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 7, 2015 and took action to forward a recommendation of conditional approval with findings back to the City Council. JD

Mayor Johnson noted this one is recommended to be tabled.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to table agenda item V-A, first reading of Ordinance No. 797.**

The motion passed unanimously. (4-0)

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible acceptance of a petition to sell a portion of APN 001-610-104 pursuant to NRS 268.061 1. (e), and authorization to Staff to obtain an appraisal, and matters related thereto. **FOR POSSIBLE ACTION**

The DiGrazias have petitioned the City to purchase property addressing possible encroachments on City owned property. The property in question is a portion of a parcel already listed for sale on the City Land Inventory, and the DiGrazias will pay for the appraisal. NRS 268.061 1. (e) allows the governing body to sell property owned by the city to any person(s) who owns property adjacent to such property without offering it to the public if the governing body determines, by resolution, that the sale will be in the best interest of the city, and the property is a parcel that is too small to establish an economically viable use by anyone else. JD

Jeremy Draper, Development Manager, explained the DiGrazias purchased the house a few years ago. They wanted to get a survey to make sure all of the improvements are included on their property. Some were actually on City property. They came to the city to find out what can be done about this. It was determined that a boundary line adjustment could be done to correct the problem. They are requesting a piece of property that is 27.87 feet wide by the depth of their own property. Some of the neighbors have expressed some concerns based on the size of the remaining lot. One concern is that these are all larger lots and the parcel left would be just over 8,000 sq. ft. We are asking council to accept the petition from the DiGrazias so we can proceed with the appraisal. Also, pursuant to NRS 268.061, determine that the parcel as a result of the size is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale. That will allow Mr. DiGrazia to purchase the property at the appraised price and we would not have to place that parcel up for auction. The neighbors ask that we consider the size of the remainder lot. On the overhead screen he showed a conceptual concept of what a developer would do. It is only conceptual. We don't know what a developer will come in and actually do. There is an option B that the DiGrazias are willing to consider.

Mayor Johnson asked how much would be needed to be in compliance with the trees and the deck.

Mr. Draper explained there is a retaining wall underneath a cluster of trees that sticks out approximately 20 from their property. They requested that we go 27 feet. That allows them access to a door into their basement. There is no other access to the basement from inside the house. The deck is built right on the property line. That is not in conformance with our current zoning code. This could be fixed with a variance but with a BLA we would request that they purchase 5.5 feet. He showed option B on the overhead screen. They would like to retain the planter that they have up front, along with the retaining wall.

Councilman Schmidlein said if you go with the almost 28 feet you are taking the meat and potatoes out of the majority values of the property itself. The topography shows drop-offs. It hinders trying to do good development to the remaining 8,000. He was up there the other day. There is a property corner stake, is that the proposed stake?

Mr. Draper answered yes. Mr. Thibault has looked at the topography for the entire area and he has shown some contour lines that would work to make the 8,000 sq. ft. lot buildable.

Councilman Schmidlein said at the end of the day, the retaining wall, even though it would be on the other property, whoever develops that particular property, the retaining wall could be retained and stay there. The problem now is to have access out of the basement.

Mr. Draper said if the DiGrazias don't own the property where the retaining wall is, he would ask them to remove that improvement from our property.

Scott Wilkinson, Assistant City Manager, added that we also need to establish a proper setback.

Councilman Keener disclosed Mr. DiGrazia does legal work for him but he doesn't feel this would affect his judgment on this issue.

Councilman Schmidlein also disclosed that Mr. DiGrazia represents Canyon Construction on many cases but he didn't feel that his opinion or judgment is impaired by that.

Mayor Johnson asked if the roadway could be turned to make that lot bigger.

Mr. Draper answered the road could shift another 10 feet. Mr. Thibault did take a look at the topography of this. He looked at Midland Drive tying into Spruce Road directly and because the topography there we were unable to do that. This was the next best option. The road could have shifted another 10 feet. If we go with option B it will reduce their request by about 1,400 sq. ft. That would increase the size of the remainder lot to roughly 9,500 sq. ft. A developer coming through here this subdivision between Spruce and the existing does not have CC&R's that would restrict the minimum lot size to 10,000 sq. ft. None of the lot sizes on the conceptual drawing is set in stone. The only one affected is the width of the lot next to the DiGrazias.

Curtis Calder, City Manager, said this is all city owned property on the city's land inventory. The City Council can choose to make certain parcels unavailable for sale. This is just making the assumption that a developer will come in and want to develop that area.

Lina Blohm wanted to applaud the DiGrazia's for bringing this to the forefront. A lot of money has been spent to make improvements in an area that has such bad topography. Council should consider that everything adjacent to this area has requirements of lot sizes being a minimum 10,000 sq. ft. Wouldn't it be a shame that you would not consider property values in what is adjacent to College Park because it would definitely detract from property values.

Councilman Schmidlein suggested another alignment where there is a diagonal line from the retaining wall to the 5.5 feet. Do we have to have square adjustments?

Mr. Draper answered we do not have to have square adjustments.

Councilman Schmidlein said with a jagged line there you are struggling to put a house on there. He felt Ms. Blohm was correct. If that area is to ever be developed there is a huge amount of earthwork that has to be done. He questioned if any houses are going to be built on a hillside.

Mr. Draper indicated property down the hill from the lot in question that have similar size lots to the remaining property. There are developers that are moving dirt for these subdivisions.

Mr. Wilkinson added that we are planning our next cemetery being located in this area.

Bob Thibault, Civil Engineer, discussed his thought process in doing this work. Spruce Road was positioned first to accommodate the cemetery parcel. That parcel is roughly the same size as the current cemetery we have downtown. That is why Spruce Road is pushed over to the east. As Jeremy mentioned, Midland cannot connect into Spruce Road. It is too steep going down that hill. Barrington can and at the same grade that it is currently at. The intersection of Midland coming onto Barrington he kept the intersection perpendicular. It is set back from Spruce Road because Spruce Road at some point will be a significant road. We don't want intersections too close together. The lot that was left over is certainly buildable. Those roads are recorded. It doesn't mean they can't be moved but it is not just a matter of redrawing it. The lots are not recorded.

Dina Sands said her concern is the smaller lot and the affect it will have on the neighborhood. She was hoping we could just combine what is left over as one lot. Maybe it could be used for a different purpose. There are concerns about having a smaller house there.

Councilman Schmidlein asked what is the sq. ft. of that lot.

Mr. Draper answered the DiGrazias are requesting 2295 to be purchased using option B. The original was 3687. We are adding another 1400 sq. ft. to the 8,000 sq. ft. lot. This is all conceptual.

Councilman Keener asked to get a look at the retaining wall. Councilman Schmidlein let him see the pictures on his phone while Mr. Draper brought up Google Maps on the overhead screen.

Gary DiGrazia said they decided to come up with alternate plans because we were aware of some opposition to this. They wanted to get around the retaining wall and get to their storage room.

We wanted to keep the cottonwood trees that are there but they are willing to give those up if needed. We are just trying to resolve a mess we got into when we purchased the property. No one knew this problem. When we became aware of it we were pretty upset.

Mayor Johnson said he goes back and forth. He felt we could find a resolution. Could this be challenged? He could make the argument that this property has value because of the information being presented of a potential subdivision. We have to decide if this needs to be offered to the public for auction. We can't have a smaller lot. We don't know what they roads will do yet. We need to be careful saying that this property only has value to the DiGrazia's.

Mr. Wilkinson felt the roads were soundly engineered. We looked at the NRS because we have a petition to purchase a portion of a property. We are not creating a remainder that would not meet the minimum requirements of our code. We are just pointing out the possibilities of what could happen with the remainder.

Mayor Johnson said it's great to plan for the future. He sees a great solution that says we have city owned property that we can sell and we can put money in the city accounts, we can develop this neighborhood and we can develop it as a minimum parcel size. If we can get there that is what he would like to see.

Councilwoman Simons asked in order to let them buy it we have to determine that this property they want to buy is so small that there is no use for it. Aren't we saying we can still build a house on it?

Mr. Draper answered no. We are saying that the portion that we are selling to the DiGrazias is too small for our city code for a residence.

Mayor Johnson said the city is creating a parcel that is benefiting the adjacent property owner. This could be challenged by the other property owners by saying they want to have bigger lots, then the adjacent property owner shouldn't have that part of the land and we have the size of lot we want to see.

Mr. Draper said you can make that determination and have the property go to auction. If you let us know that you want that 8,000 sq. ft. lot to be 10,000 sq. ft., we can do that. Looking at option B, that adds 1,400 sq. ft. and now the lot is 9,500 sq. ft.

After some discussion about conceptual lot sizes, it was decided that the lines need to be redrawn in order to achieve the minimum lot size.

Mr. Thibault said the lines could be adjusted to have two lots that are at 10,000 sq. ft. with the BLA.

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

The motion passed unanimously. (4-0)

VII. 6:00 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing and possible adoption of Ordinance No. 801, an ordinance amending Title 3, Chapter 2, Section 17 of the Elko City Code entitled “TRAFFIC, ACCESS, PARKING AND LOADING REGULATIONS” which ordinance is entitled “TRAFFIC COUNT, PARKING NUMBER AND LOT DESIGN, AND PARK AND RIDE FACILITY REQUIREMENTS” by adding requirements pertaining to traffic counts and park and ride facilities, and adjusting the traffic visibility, access, civil improvements, parking requirements table, and parking lot design requirements, and other matters appropriately related thereto, filed and processed as Zoning Ordinance Amendment No. 1-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission took action to initiate an amendment to the zoning ordinance on December 1, 2015. The Planning Commission then held a public hearing on January 5, 2016 and took action to forward a recommendation to City Council to adopt an ordinance which approves the zoning ordinance amendment. Council conducted First Reading of this Ordinance on February 9, 2016, and directed Staff to set the matter for second reading, public hearing, and possible adoption. JD

Mr. Draper offered to answer any questions.

Mayor Johnson called for public comment without a response.

Councilman Keener asked what the implications to developers with these changes are.

Mr. Draper said we are starting to get the driveways spaced appropriately. Right now we allow for driveways to be almost back to back. We are hoping this will reduce the number of conflicts on the roadways. We will also see a change in the number of parking spaces. The required parking spaces for schools almost doubled. They reached out to the school district and they are currently using the proposed standards. He thinks this will help us develop a little bit smarter going forward. He also did this to provide for park and ride facilities.

Councilman Keener asked if this will solve the problems.

Mr. Draper said he hopes it will help us moving forward.

Mr. Wilkinson said he thought we will see a real benefit as we get into the larger areas of our community that are annexed and haven't been developed. It will allow us to adjust driveways appropriately. As we move into section 19 we can really start addressing the traffic issues with the proper planning.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to conduct the second reading, public hearing and adopt Ordinance No. 801.**

The motion passed unanimously. (4-0)

- B. Second reading, public hearing, and possible adoption of Ordinance No. 802, an ordinance amending Title 3, Chapter 2, Section 2 of the Elko City Code entitled “DEFINITIONS” and Title 3, Chapter 2, Section 12 A. 3. of the Elko City Code entitled “(LIGHT INDUSTRIAL DISTRICT) PRINCIPAL USES PERMITTED”, which ordinance is entitled “PARK AND RIDE FACILITIES” by adding a definition for park and ride facilities, and adding park and ride facilities as a principal permitted use within the LI (Light Industrial) Zoning District, and matters related thereto, filed and processed as Zoning Ordinance Amendment No. 2-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission took action to initiate an amendment to the zoning ordinance on January 5, 2016. The Planning Commission then held a public hearing on February 2, 2016 and took action to forward a recommendation to City Council to adopt an ordinance which approves the zoning ordinance amendment. Council conducted First Reading of this Ordinance on February 9, 2016, and directed Staff to set the matter for second reading, public hearing, and possible adoption. JD

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to conduct second reading, public hearing and adopt Ordinance No. 802.**

The motion passed unanimously. (4-0)

III. APPROPRIATIONS

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

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the warrants.**

The motion passed unanimously. (4-0)

VIII REPORTS

- A. Mayor and City Council
Councilman Keener mentioned that he read a report on the homeless situation prepared by Pastor John Schmidt. It was the best report on the issue that he has ever read and encouraged everyone to check it out.

- B. City Manager
Curtis Calder reported March 8 will be a regular council meeting. We are looking at having a special meeting right before that for the first budget workshop. We may start the meeting at 2:00 or 3:00 pm. Since the Police Chief is out sick, the political visits do generate increases in overtime for the Police Department. It is nice to have the politicians visit Elko but there is a cost to Elko. As the elections continue and we keep getting these types of visits, it will impact the bottom line.
- C. Assistant City Manager
- D. Utilities Director
Ryan Limberg reported water quality reports will be out in a few weeks and all is good there.
- E. Public Works
Dennis Strickland reported we may be done spending money on plowing snow for the year. That resource that we rely on so heavily probably cost was probably about \$100,000 and change this year. Most of the holes have been filled in. We are getting ready to start making more permanent repairs.
- F. Airport Director
Mark Gibbs met with Skywest Airlines with Councilman Keener and Curtis Calder. We are hoping to get Skywest out here this summer to meet with the two larger mines to talk to them about the importance of business travel and keeping the airline here in Elko.
- G. City Attorney
- H. Fire Chief
Brian Burgess handed out the monthly newsletter (Exhibit "B").
- I. Police Chief
Rich Genseal said they are glad for the reprieve from the candidates.
- J. City Clerk
Shanell Owen said the filing for office will start March 7th and end on March 18.
- K. City Planner
- L. Development Manager
Jeremy Draper reported regarding the air quality permit for the landfill; we are finally out to public comments. Once that is done we will have a new permit at the landfill. He updated Council on the Sports Complex and the Police Station.
- M. Administrative Services Director
Dawn Stout reported the budget workshop next time will be for the General Fund, as well as, the Governmental Fund.
- N. Parks and Recreation Director
James Wiley reported the bid opening for the Golf Course Project will be this Friday at 3:00pm.
- O. Civil Engineer
- P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

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

Mayor Chris Johnson

Shanell Owen, City Clerk