

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

SS February 25, 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 25, 2014.

This meeting was called to order by Mayor Pro Tempore John Rice.

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

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

Mayor Absent: Chris J. Johnson

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Ryan Limberg, Utilities Director
Dawn Stout, Administrative Services Director
Shanell Owen, City Clerk
Dennis Strickland, Public Works Director
Mike Hess, Landfill Superintendent
Scott Wilkinson, Development Manager
Jeremy Draper, Civil Engineer
Matt Griego, Fire Chief
Doug Gailey, Human Resources Manager
Rick Magness, City Planner
Ted Schnoor, Building Official
Ben Reed Jr., Police Chief
Mark Gibbs, Airport Director
Dave Stanton, City Attorney
Diann Byington, Recording Secretary

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

John Carpenter handed out a copy of what he presented at the Debt Management Committee this morning (Exhibit "A"). He had some concerns with the selected site and wanted the city to consider some airport property for the new Police Department. He felt the bond issue using the gas money is a bad idea because the city said they needed the money for the streets.

APPROVAL OF MINUTES: February 11, 2014 Regular Session

The minutes were approved by general consent.

I. PERSONNEL

- A. Badge pinning and administration of the Fire Officer's Oath to Captain Troy Delong.

Chief Griego introduced Captain Troy Delong and his wife. His wife removed the Driver Badge and put the Captain Badge on his uniform. Councilman Schmidlein administered the Fire Officer's Oath.

- B. Review, consideration, and possible approval of the revised position description for Volunteer Lieutenant, and matters related thereto. **FOR POSSIBLE ACTION**

The position description for Volunteer Lieutenant has been revised and updated to more accurately reflect the actual duties performed and to comply with updated position description standards as recommended by POOL/PACT. DG

Doug Gailey, Human Resource Manager, explained this is a new job description for the Volunteer Fire Department. One of the things we are trying to get away from is the Volunteer Chief. In order to do that we had to create two new job descriptions: a Volunteer Lieutenant and a Volunteer Captain.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the position description for the Volunteer Lieutenant as presented and effective February 25, 2014.**

The motion passed unanimously. (4-0)

- C. Review, consideration, and possible approval of the revised position description for Volunteer Captain, and matters related thereto. **FOR POSSIBLE ACTION**

The position description for Volunteer Captain has been revised and updated to more accurately reflect the actual duties performed and to comply with updated position description standards as recommended by POOL/PACT. DG

Mr. Gailey explained this is the other half of the previous item: the position of Volunteer Captain.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the position description for Volunteer Captain as presented effective February 25, 2014.**

The motion passed unanimously. (4-0)

- D. Review, consideration, and possible approval of amended Separation Payments for Appointed Officials policy, and matters related thereto. **FOR POSSIBLE ACTION**

The current policy for Separation Payments for Appointed Officials is out of date and does not match the industry standard. The Employment Contract language for the Police Chief was approved by the Elko City Council and included the industry standard for Separation Payments. The City of Elko Appointed Official Separation policy was last updated in December of 1994. The proposed policy includes updated legal information and matches the industry standards for that policy. DG

Mr. Gailey explained we are trying to get this policy up to date.

Mayor Pro Tem Rice asked if it is in-line with what we approved for the Chief's contract.

Mr. Gailey answered it was exactly what was approved.

Councilman Keener noted paragraph 2 section C was a severance payment. If you have been in a job for 2 years and 1 day and you get a six month's severance that is 25% of your compensation package. If we are going to that then we need to consider bumping up the years of service.

Mr. Gailey said other cities are offering this. Part of the reason for the 6 month severance is because it is an appointed position and usually that person has moved to a specific location.

Councilman Schmidlein asked who does this entail.

Mr. Gailey answered just appointed officials: Police Chief, City Clerk, Fire Chief, City Manager, etc. It is only those that are considered employees. The City Attorney is not an employee and neither is the Sexton.

Councilman Keener said if it was kept like it was (with three months), if someone objected to that then that can be negotiated individually to have a different term than what is published?

Mr. Gailey said he would be against that. He would argue this is our policy and this is what we agree is acceptable. If we are going to negotiate outside of our policy then we don't really need a policy. Our policy should reflect what we are going to do.

Mayor Pro Tem Rice understood the concerns but also understood the industry standards. As we recruit in the future we need to be competitive in the market. This makes us competitive in the market.

Councilman Schmidlein agreed but said this could be negotiated. When you bring in a professor do they get a 6 month severance package? He doesn't do it in his industry.

Mayor Pro Tem Rice said it depends on when they were hired but there are contracts. If you are a faculty member there is no protection unless you are tenured. Depending on when you were hired, there is a 6 month notification period for termination of contract.

Councilman Schmidlein noted in the private sector this is non-existent. He felt that term could be negotiated if they stay with the 3 month severance package.

Councilwoman Simons said that isn't impossible but it shouldn't be done. We want to be competitive within our sector. Perhaps if we extend that period of time out to three years instead of two we will still be competitive. We aren't competing against private companies; we are competing against other cities.

Mayor Pro Tem Rice said if you take a look at those numbers we will be taking a big step backwards. You extend that period to three years then it will be worse than the current policy.

Mr. Gailey noted it is important to know this is regarding termination "without cause."

Mayor Pro Tem Rice asked if the appointed official is negligent then this does not apply.

Mr. Gailey answered correct. He explained that the council does decide what is cause and what isn't cause. It might be negligence or it might be a poor review.

Mayor Pro Tem Rice felt in light of this being about termination without cause then this is a reasonable proposal.

Councilman Keener said that made sense.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the amended separation payments for Appointed Officials policy effective 2/25/2014 with the corrections as submitted in our packet.**

The motion passed unanimously. (4-0)

After the motion and before the vote, William Hance asked if State appointed folks have any protection like this. He didn't think they did. You are competing in a government level the State people are just as much as a city or a county and should be considered.

Mayor Pro Tem Rice said the State has different protections in place in a different form.

Council voted on the motion.

II. APPROPRIATIONS

- C. Review, consideration, and possible direction to Staff to solicit bids for the Manzanita Lane Paving Project, and matters related thereto. **FOR POSSIBLE ACTION**

The engineering for this project is close to completion. The Water Department has budgeted money for the public improvements in front of the City's wells on this street. The work will include 30' of paving, and curb, gutter, and sidewalk on one side of Manzanita in front of City wells No. 27, 31, 38, and 42. RL

Councilman Schmidlein disclosed that there is a possibility that Canyon Construction may bid on this as a subcontractor. He just wanted to bring that out in the open. He didn't feel at that time that he needed to recuse himself.

Ryan Limberg explained the Water Department has \$517,000.00 in this year's budget for this work. We did budget for it last year. We would like to do the public improvements in front of our four well sites that are located on Manzanita Drive. That would be curb, gutter, sidewalk and 30' of paving. If these properties were to develop today this is something we would require of the developer.

Councilman Schmidlein said as far as the city and the well sites, he thought it was awesome that we were stepping up. He wasn't sure if this should fall under the Water Department. On the street improvement side it should fall under the Street Department to step in for part. It shouldn't be 100% from the Water Department.

Delmo Andreozzi, Assistant City Manager, said in this case the adjoining property owner is the Water Department. If we do a park project or any city project, then that fund would pay for the development requirements for that particular property and all associated improvements. The Water Department is the legal owner of these sites and they have been developed for water wells.

Mr. Limberg said he has spoken to Mr. Strickland and he is willing to participate on this project.

Dennis Strickland, Public Works Director, agreed that this shouldn't be totally borne by the Water Department. Originally they were looking at full-width improvements on Manzanita but that was not appropriate. In the future we will figure out how to deal with that Union Pacific frontage. There are some funds left from their Manzanita improvements from last year. They will try to get some intersections out there and use the funds appropriately.

Councilman Schmidlein said from a construction standpoint, as we go through Manzanita right now we are only paving patches. With all those joints down the road he is worried. He wished there was some way somehow they could do everything in conjunction to do some overlay.

Mr. Strickland wasn't sure if we could get there or not. We can deal with those shortcomings in the future. We have a pavement thickness out there so we can stagger that joint. We can crack-fill any shortcoming and maybe look at a micro-surface to seal the roadway.

Jeremy Draper, Civil Engineer, pointed out what Cashman Equipment did on Manzanita a year ago using the overhead projector. The Engineering Department has taken it upon themselves to get the entire roadway designed by a single engineer and that way we don't have different engineers looking at small sections. That way we won't create drainage issues or utility conflicts. As the properties develop we will just basically hand them the plans when they submit their improvement plans to the city.

Scott Wilkinson, Development Manager, said one thing we need to do as a city is to have the same expectations of ourselves as we do the developers. That is why the Water Department is doing what they are doing.

Councilman Keener asked if there was any place where we have a gap in infrastructure where this funding might be better deployed than putting an island where this is at.

Mr. Wilkinson answered the issue is it's a Water Fund so they have to have those expenditures related to their development of parcels for water well usage.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to direct staff to solicit bids for public improvements on Manzanita Lane on the frontage of the wells number 27, 31, 38 and 42.**

The motion passed unanimously. (4-0)

- D. Review, consideration, and possible authorization for the City of Elko to apply for Transportation Alternatives Program (TAP) Grants through NDOT, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko was recently notified of this grant opportunity through NDOT, all applications are due to NDOT by March 14, 2014. The purpose of the TAP funds are to improve non-motorized mobility, historic preservation, scenic accessibility, Safe Routes to School programs, and environmental/vegetation management. Funding through NDOT will provide up to 95% of the project costs. Staff recommends that the project to be submitted for coincide with our 5 year Capital Improvement Plan. JD

Jeremy Draper, Civil Engineer, explained they did identify four projects. He went over each of the projects: 1) curb, gutter and sidewalk improvements around the High School; 2) sidewalk improvements around Grammar #2; 3) sidewalk and lights along Spruce Road; and, 4) lighting improvements along the HARP trail and extending the trail under the 12th Street Bridge. He thought maybe #1 and #2 could be combined to make one larger project.

Councilman Keener asked if this was in the priority list.

Mr. Draper answered no. There has been discussion that the HARP Trail should be a priority. There is a lot of concern along the HARP Trail. That could be one. If we could get that trail extended underneath 12th Street and up to the apartments, then the kids that attend Southside will not have to cross 12th Street.

Mr. Andreozzi said this may be a priority and there are benefits to the project. Because there is a high population of students walking in this area, and keeping them off 12th Street would be an added benefit. The HARP Trail project seems to offer more bang for the buck for the staff.

Mr. Strickland said they are all great projects and that is why council is being left to decide. The HARP Trail would probably be their number one choice.

Councilwoman Simons asked why we couldn't combine 1, 2 and 4 as a "Safe Route to School" project.

Mr. Draper said the total cost of this will exceed the cost of the past projects. In the past the maximum award was \$650,000.00. Just the HARP Trail alone would be about \$400,000.00. This year we did receive almost close to \$1 million for our two projects. This year we want to scale it back a little bit and go in with a \$400,000.00 project to NDOT. It is the pleasure of the board.

Mr. Strickland said he presented last year on behalf of the city and we were one of the few entities that had multiple projects.

Councilwoman Simons noted that the areas around the High School and Grammar #2 are in very poor condition but she felt the HARP Trail should be the priority.

Councilman Schmidlein said from a safety standpoint he felt some good points were made about keeping the children off of 12th Street.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to authorize staff to apply for the HARP Trail extension and lighting project for possible funding with NDOT TAP Grant Program.**

The motion passed unanimously. (4-0)

After the motion and before the vote, Mayor Pro Tem Rice asked since this would be a 95% grant, does the city have the money in place for the other 5% match.

Mr. Draper answered yes. They will go through this and really determine what the actual cost will be.

Council voted on the motion.

III. SUBDIVISIONS

- A. Review, consideration, and possible acceptance of public improvements for the Brookwood Phase 3 Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved the Final Map on July 26, 2011. An Agreement to Install Public Improvements and a Performance Guarantee was entered into on April 22, 2013.

The Agreement was backed by a Cash Deposit with the City of Elko in the amount of \$148,610.

The Developer has substantially completed the Public Improvements in accordance with the approved plans with a few outstanding items. The City is in receipt of the required Quality Assurance and Quality Control test results and Certification from the Engineer of Record. Upon acceptance of the Public Improvements by the City Council, the Developer will be required to provide a one year maintenance guarantee for Phase 3 in the amount of \$84,152. The Developer has requested the maintenance guarantee for Phase 3 include a commitment by the Developer to guarantee a small section of concrete in Phase 2. Replacement costs for the Phase 2 concrete are estimated at \$9,752.50. Staff is recommending the Phase 2 obligation be consolidated with the Phase 3 maintenance obligation. The total maintenance obligations would be \$93,904.50.
SW

Scott Wilkinson, Development Manager, explained when we did the Phase 2 inspection we had some spalling in some areas. Rather than have two maintenance bonds out there he wanted to combine them. It will actually buy the city about sixteen months of additional maintenance period on the Phase 2 work for us to watch that.

Councilman Schmidlein asked if the developer was in agreement.

Mr. Wilkinson answered yes and included in the packet was an email and an engineer's estimate from the developer.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to accept the Brookwood Phase 3 Subdivision public improvements based on the following condition: to include \$9,752.50 in the Phase 3 maintenance security for Phase 2 concrete resulting in a maintenance guarantee for the amount of \$93,904.50.**

The motion passed unanimously. (4-0)

IV. UNFINISHED BUSINESS

- A. Approval of amended Non-Disclosure Agreement (NDA) between Elko Regional Airport, and the Nevada Institute for Autonomous Systems for Unmanned Aerial Vehicle development, and matters related thereto. **FOR POSSIBLE ACTION**

The City Council already approved the Non-Disclosure Agreement; however, after review by Mr. Stanton, City Attorney, he recommended additional language that was not present on the NDA at the time it was approved. The new NDA has new language inserted that reads: *Par. 5 (viii) "or (viii) is or becomes subject to disclosure under Nevada public records laws or any other controlling law or order of a court of competent jurisdiction."* This change has already been approved by Crystal Neufeld of the Nevada Institute for Autonomous Systems.
MG

Mark Gibbs, Airport Director, explained the item was straight forward and happy to answer questions.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the amended Non-Disclosure Agreement.**

The motion passed unanimously. (4-0)

- B. 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**

This item was tabled during the February 11, 2014 City Council meeting. A copy of the Lombard-Conrad Architects-Nevada, Ltd. proposal has been included in the agenda packet for review. Staff recommends only Phase I of the proposal be approved at this time. CC

Curtis Calder, City Manager, said we have a representative from Lombard-Conrad Architects present to answer questions.

Byron Smith, Lombard-Conrad Architects-Nevada, said he would answer questions.

Councilman Schmidlein said his concern was the site survey and geotechnical report. Without a sale receipt in hand why would we do this? If the site falls through then we are wasting money. There is no hurry until the sales agreement and the bond goes through, then we can't do this.

Councilwoman Simons asked when we will know for sure if that site will work for us.

Mr. Calder said the developer is waiting for a response back from FEMA. At the next meeting we will be bringing the first reading for the bond ordinance. The previous site was a different location and was designed to the 2006 codes. He wasn't sure how much the civil and geotechnical play into the new codes for 2009 and asked Mr. Smith to answer that.

Byron Smith said they need to redo the work. A number of things need to happen. The purchase agreement needs to be finalized and the FEMA needs to go through. We cannot start our work or building design until they have the geotechnical work. Any work they don't do they won't charge for. Until the city authorizes them to move forward with the design work they cannot move forward.

Councilman Schmidlein asked if they run into FEMA issues then why are we approving this tonight. If nothing is going to happen then why is this in front of us?

Mr. Smith said the advantage of taking care of this now is that when those things happen we won't have to come back to council and then wait to get things started.

Mr. Calder said this way we can accelerate the timeline. This is one of many things that need to happen. Council said they wanted to move forward and break ground this year. Mr. Stanton is working on the purchase agreement with the developer. Once the FEMA document is approved that will be coming to council shortly thereafter.

Councilman Keener said we should go ahead and approve this since no funds will be spent until council authorizes this. We can have it off our plate now and not worry about it. At such time we hear back from FEMA and get the purchase agreement tied up we will not have to look at this again.

Councilwoman Simons thought this agreement would have to come back to council and didn't see the harm in waiting.

Mayor Pro Tem Rice said they will not do any work until everything gets into place. We made a decision for this to be the direction we are going. We are fast approaching the construction season. We are not putting dollars at risk because we won't be billed for work that doesn't get done. He favored going into this agreement in Phase 1.

Councilwoman Simons said she didn't understand what they were giving him authorization to do now when they can't do anything until council gives him the go ahead.

Mayor Pro Tem Rice answered we are saving time.

Mr. Calder said these are technical questions for Mr. Smith. There are several things that need to occur: the design changes in the building and the code update. Perhaps he can move forward with some of that without the geotechnical information.

Mr. Smith said they could make some of the changes but it would be more expedient for them to tackle it all at once. The design changes in the building are fairly minor. There is one change with regard to the armory where they will be revising the walls that enclose that to a masonry wall and those require a foundation. The geotech will affect the foundation design.

Mayor Pro Tem Rice said we are moving on a path. There was unanimous agreement that this is the direction we want to take. He worries about a pattern of putting things off. He thought this was the smartest, most prudent decision to continue on the path we set for ourselves.

Councilwoman Simons said she didn't have any problems with the contract but she didn't understand why we can't wait until after we hear back from FEMA.

Mayor Pro Tem Rice said this would put everything in place for us to be able to move on this as quickly as we can. We are not putting dollars at risk.

Scott Wilkinson, Developer Manager, said he wasn't aware of a FEMA application the city has submitted that was denied. He wasn't sure there was going to be an issue with the FEMA application. If Lombard-Conrad can move forward with some of the design changes and then as the grading finishes up they do the geotechnical work and wrap it up it would compress the schedule.

Mr. Smith said the developer has submitted the grading plans to the Building Department for review and approval. The developer has indicated that he will not wait for FEMA to start his grading. The design changes he has gone over with the Chief and staff, they can get started on

those and make those changes regardless of the site. The foundation of the building may change due to the geotechnical.

Councilwoman Simons doesn't want him to do any site specific work yet. She doesn't want to go through this process again.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve Phase 1 of the Lombard-Conrad Architects proposal.**

The motion passed. (3-1 Councilman Schmidlein voted no.)

After the motion and before the vote, John Carpenter said you shouldn't be doing anything on this site. You will have to have a public hearing on the bond issue. After this goes out to the public then you can know if this will happen or not. You can be making a \$2 million mistake here. You need positive feedback from the public.

Mayor Pro Tem Rice said he is confident in the direction we are going and the comments he has gotten from the public are all positive.

Council voted on the motion.

Councilwoman Simons asked if in the interest of time that council can be given the Print N Copy warrants for review.

As Mayor Pro Tem Rice was reading the proceeding item, John Carpenter said he wanted a copy of the Print N Copy warrants that Dawn Stout had just handed to council. Ms. Stout said she would make him a copy as soon as council was done with them.

V. NEW BUSINESS

- A. Review and possible approval to apply for a Nevada Commission on Tourism Marketing Grant and an Elko Convention and Visitors Authority Marketing Grant, and matters related thereto. **FOR POSSIBLE ACTION**

The proposed grants will market Elko as an air travel tourist destination to out of state travelers. Elko Regional Airport has budgeted \$5,000 in FY 2014-2015 towards a 2014-2015 Nevada Commission on Tourism (NCOT) Marketing Grant to advertise SkyWest Air Service from the Salt Lake City market to Elko. SkyWest Airlines is excited to participate in providing focused marketing expertise to advertise Elko as an event/tourist destination. Elko Regional Airport has never leveraged NCOT grant dollars in marketing Elko air service before. The combined match between the ECVA and the airport will allow for a \$10,000.00 local match for a total marketing budget of \$20,000 with NCOT participation. This will include advertising in Delta Sky Onboard Magazine, Destination Article in Sky Magazine, Advertising Display in Salt Lake City International Airport and Salt Lake Magazine.

Elko Regional Airport requests an additional FY 2014-2015 amount of \$7,000 from the Elko Convention and Visitors Authority to address marketing travel expenses directly related to establishing new air service to Reno. According to NCOT, the Reno-Elko flight will be critical for organizing and marketing tourism travel to Elko by air. Without an Elko link to Las Vegas or Reno, the state cannot build and market tour packages that are the backbone of attracting and lengthening tourist stays in the state of Nevada. MG

NCOT Marketing Grant=\$10,000 match
ECVA Marketing Grants
NCOT Matching =\$5,000
Marketing Expenses Air Service Development \$7,000

TOTAL GRANTS \$22,000

Mark Gibbs, Airport Director, explained the passenger load has dropped by 10% in the last year. We are looking to bolster the business traveler which is the vast majority of our travelers with leisure travelers. We want to leverage tourism to Elko. These are preliminary numbers tonight for planning purposes since we haven't entered into any agreements for grants yet. We will also be asking the Elko Convention and Visitor Authority to participate.

Councilman Keener asked do you anticipate that it will be easy to measure results with this program.

Mr. Gibbs said they can address that and include an air survey.

Councilwoman Simons added this was taken to the Airport Advisory Board and they feel this will be positive for Elko.

Councilman Schmidlein asked you are also going to try to solicit Reno transportation?

Mr. Gibbs answered we will move forward with air service development to Reno regardless.

Don Newman, ECVA, said this is a bold opportunity. He is pleased with Mr. Gibb's energy and enthusiasm. Tracking may be tough. Passenger counts are going down. We go out and pursue groups but then we can't get them here from the nearest major airport. We support working on this together.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the Airport effort to market Elko as an air service tourism destination through grant sharing programs specific to the NCOT Grant.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible adoption of RESOLUTION NO. 12-14, A RESOLUTION ADOPTING A NEW LANDFILL FEE SCHEDULE PURSUANT TO ELKO CITY CODE TITLE 9, CHAPTER 2, SECTION 21, setting a new fee schedule to eliminate the fee for disposal of clean fill at the City

of Elko Solid Waste Facility (Landfill), and matters related thereto. **FOR POSSIBLE ACTION**

The Landfill currently has a deficit of 3 million cubic yards of fill at the Landfill. Staff feels elimination of the fee may encourage the importation of fill that could compensate for the shortage and also could be used as daily cover material. The fee would need to be reinstated when the deficit has been met. DS

Dennis Strickland, Public Works Director, explained the clean fill deficit may never be met. We may need to look at other means to get that fill or petition the state for an alternate daily cover. We are trying to deal with windblown issues. With the upcoming NDOT project we may be the recipient of some material. We need to try to use every tool in our tool bag to shore up this deficit.

Councilman Keener asked if he really felt that this will make a difference.

Mr. Strickland said if someone needs to bring 100 loads in there but they can take the same load somewhere else for free then they won't bring it to us. It would be good for us to encourage people to bring us this material.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve Resolution No. 12-14 adopting a new Landfill Fee Schedule pursuant to City Code Title 9, Chapter 2, Section 21, setting a new fee schedule to eliminate the charge for clean fill at Elko Solid Waste Facility.**

The motion passed unanimously. (4-0)

II. APPROPRIATIONS (Cont.)

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

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to accept the warrants minus Print N Copy's warrants.**

The motion passed unanimously. (4-0)

Councilwoman Simons asked John Carpenter if he only wanted a copy of the Print N Copy warrants or all of the warrants.

John Carpenter asked why the warrants aren't given to the public for review. He has never gotten any of them in his packet.

Mayor Pro Tem Rice asked if they were available any place other than on the dais.

Mr. Calder said in general the warrants come to the council on the day of the meeting. We pay bills right up to the time of the meeting. They are not in the agenda packet but are available upon request.

Dawn Stout, Administrative Services Director, said the warrants are typically three expandable files. It is hard to include them in the packet.

Councilwoman Simons asked if they are required to be in the packet.

Ms. Stout wasn't aware of any other board that does that.

Mayor Pro Tem Rice asked if they can make a copy and make it available the day of the meeting in the lobby.

Ms. Stout answer yes we could.

John Carpenter said maybe somebody would like to see how you are spending your money. That would be public information.

Ms. Stout said they are required by state statute to post all payments at the end of each quarter on our website.

Mayor Pro Tem Rice noted it is online in accordance with NRS statutes. We are fully compliant. What we are doing right now is separating the Print N Copy warrants.

William Hance said as of January 1st, anything available to council is required to be made available at the same time the agenda is available. That information does need to be provided prior to the meeting.

Mayor Pro Tem Rice said Mr. Stanton will look into that.

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

John Carpenter said he never got a copy of the warrants and asked if council wanted another open meeting law violation filed against them.

Mayor Pro Tem Rice said we have had complaints filed and we have been found in every instance to be compliant.

John Carpenter said he would like to bring it to them of really what happened. You were not compliant with the open meeting law. Ms. Stout said she would make him a copy and he hasn't gotten it yet. What are you trying to hide?

Mayor Pro Tem Rice asked Mr. Carpenter to lower his voice because they were having a civil discussion. We are in compliance with terms of disclosure of warrants.

Councilwoman Simons said if Mr. Carpenter really wanted a copy of those two pages of the Print N Copy warrants then maybe we can start on reports while he looked at them.

Mayor Pro Tem Rice felt they were in a position where they could actually vote on the warrants and continue to be in compliance. He would entertain a motion to approve the warrants from Print N Copy.

John Carpenter said council is not in compliance until he gets a copy of the warrants.

Mayor Pro Tem Rice said he was out of order and he had asked for a motion.

John Carpenter said he has been told that a few times. He was telling Mayor Pro Tem Rice that he is out of order and not in compliance until he gets to look at those warrants.

Councilwoman Simons said we are in compliance but let's give everyone a chance to look at these.

Council went on to reports while copies of the warrants were made for Mr. Carpenter's review.
Action for this item was taken after the reports.

VI. REPORTS

A. Mayor and City Council

B. City Manager

Curtis Calder reported there is a special California Trail Advisory Board meeting tomorrow night at 6:30 pm in this room. Anyone is welcome to attend.

C. Assistant City Manager

Delmo Andreozzi said they are planning the 13th Annual Take Pride in Your Community Event scheduled for April 26 this year. They will be checking with everyone for their availability to have the special workshop council requested for the overnight camping issue. The TAP grant has had many names over the years and he reminded council about some of the projects the city has done with that grant money.

D. Utilities Director

Ryan Limberg reported the WRF Aeroter Project is near completion.

E. Public Works

Dennis Strickland reported on the big project that is about to kick off with NDOT and head down Mountain City Highway.

F. Airport Director

Mark Gibbs thanked everyone for their support of the UAV Program. Newmont is going to be getting special worthiness certificates for UAV's at their minesites.

G. City Attorney

H. Fire Chief

I. Police Chief

J. City Clerk

Shanell Owen reported individuals interested in filing for the council or mayor openings can do that starting Monday and that extends for two weeks, Monday through Friday 8:00 am to 5:00 pm.

K. City Planner

- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

II. APPROPRIATIONS (Cont.)

- B. Review and possible approval of Print ‘N Copy Warrants. **FOR POSSIBLE ACTION**

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

The motion passed. (3-1 Councilman Keener abstained.)

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**

William Hance read from NRS 241.020(6) that “a copy of any supporting material is required upon request to be given to a member of the public. If the supporting material is provided to the public body before the meeting it is to be made available to the public at that same time. If it is made available at the meeting to you, it is made available to the public at the same time.” You need to have a copy available to the public when it is made available to council.

Councilwoman Simons noted that the warrants had been made available to them at the meeting.

Mr. Hance said then you have to have a copy of it available to the public when you receive it.

There being no further business, Mayor Pro Tempore Rice adjourned the meeting.

Mayor Pro Tempore John Rice

Shanell Owen, City Clerk