

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

SS March 10, 2015

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, March 10, 2015.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

Council Present: 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
Dawn Stout, Administrative Services Director
Shanell Owen, City Clerk
James Wiley, Parks and Recreation Director
Doug Gailey, Human Resources Manager
Fritz Sawyer, WRF Superintendent
Mike Haddenham, Assistant WRF Superintendent
Mike Hess, Landfill Superintendent
Jonnye Jund, Accounting Manager
Mark Gibbs, Airport Director
Jeremy Draper, Development Manager
Tom Coyle, Assistant City Attorney
Matt Griego, Fire Chief
Ben Reed Jr., Police Chief
Rich Genseal, Police Lieutenant
Bob Thibault, Civil Engineer
Rick Magness, City Planner
Ted Schnoor, Building Official
Diann Byington, Recording Secretary

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

APPROVAL OF MINUTES: February 24, 2015 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Proclamation by the Mayor recognizing the 50th Anniversary Celebration of the Calvary Baptist Church. **NON-ACTION ITEM**

Mayor Johnson read the Proclamation and presented a copy of it to Sam Crouch.

Sam Crouch, Senior Pastor at Calvary Baptist Church, thanked the city for the opportunity for the community to join with them in celebrating their 50th Anniversary.

- B. Presentation of the Annual Crime Report presented by Police Chief Ben Reed. **NON-ACTION ITEM**

Ben Reed, Jr., Police Chief, gave a presentation. (Exhibit "A")

Councilman Keener thanked the Chief for the presentation. He asked about intimidation. That number was up from last year. Are officers more aware of that now?

Shelby Smith, Police Records Supervisor, explained some of the numbers included in that would be identity theft and impersonating another. There are a few different crimes that go into that NCIC code.

Chief Reed added to the explanation that some of those codes get complex as to what is included. A typical one that people get hung up on is forcible rape. That is all different types of sexual assault and not just the classic forcible rape crime. It also includes attempts.

Councilman Keener asked if these crime reports were compared to other cities per capita and could that be used as a benchmark.

Chief Reed said he hasn't done that but we may be comparable. You have to be careful with per capita comparisons.

III. APPROPRIATIONS

- C. Review, consideration, and possible authorization for Staff to solicit installation bids for the WRF West Secondary Clarifier Mechanism Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the November 10, 2014 meeting, Council approved purchase of the replacement mechanism. Pending Council approval, delivery is scheduled for mid-May, with installation commencing thereafter. The replacement mechanism was approved in the Fiscal Year 2014/2015 Budget. FPS

Fritz Sawyer, WRF Superintendent, explained they have ordered the equipment and we expect delivery in mid-May. They would like to go out for bids to get the equipment installed.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve soliciting bids for the installation of the WRF West Secondary Clarifier Mechanism Replacement Project.**

The motion passed unanimously. (4-0)

- D. Review, consideration, and possible final acceptance of the Silver Street/Errecart Boulevard Traffic Signal Project, and matters related thereto. **FOR POSSIBLE ACTION**

On September 9, 2014, Council awarded the bid for the Silver Street/Errecart Boulevard Traffic Signal Project to Par Electrical Contractors in the amount of \$229,466.00, which included a \$10,000 contract allowance that was utilized for striping and a pole box. Par Electrical Contractors has satisfactorily completed the project at this time in the amount of \$221,547.69. DS

Jeremy Draper, Development Manager, explained this is the completion of our latest traffic signal. We did come in under budget.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the final acceptance of the Silver Street/Errecart Boulevard Traffic Signal Project.**

The motion passed unanimously. (4-0)

- E. Review, consideration, and possible authorization for Staff to solicit bids for a used Water Wagon for the Landfill, and matters related thereto. **FOR POSSIBLE ACTION**

This item was to be proposed in the FY 2015/16 Budget. Staff would like to move forward at this time as a unit that would fit within our budget may be available. This unit would replace a 1992 Water Wagon, with over 15,000 hours, that is in need of a new engine and brakes. Estimated repair costs are \$50,000.00. The

current unit is to be disposed of by trade in or auction. Trade in value is unknown at this time. DS

Mike Hess, Landfill Superintendent, explained this was going to be budgeted in the next fiscal year. These items are specialty items anymore and you have to have them built. They are looking to replace one that is not worth the money it would take to repair it. They want to get a unit with fewer hours on it. The current unit may be worth scrap iron prices. We either need to spend a lot of money to repair the current unit or purchase another one. In the Reno area there are some machines coming available out of a rental fleet.

Councilwoman Simons said they are worried that since these machines are rare right now and Tesla may smash them up.

Mr. Hess said we are going into the construction season. If those machines are being sold they will probably be sold before the start of our fiscal year.

Councilman Schmidlein noted these items are in high demand with the weather warming up. You get to the point when something needs to go to the junk yard.

Mayor Johnson asked if they should also solicit bids for new.

Mr. Hess said you can't do that because it is a custom build. You have to buy the tractor and then send it in to have a tank manufacturer build a tank to put on it. We want to budget \$200,000 for a used machine. New machines sell for \$500,000 or more.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to authorize staff to solicit bids for a used Water Wagon for the Landfill.**

The motion passed unanimously. (4-0)

- F. Review, consideration, and possible authorization for the Elko Centennial Committee to purchase lapel pins to kick off the Centennial Celebration, and matters related thereto. **FOR POSSIBLE ACTION**

At the February 17, 2015 Centennial Committee meeting action was taken to request authorization for the purchase of lapel pins to help boost interest in the planning efforts for Elko's Centennial Celebration in 2017. JD

Jeremy Draper, Development Manager, displayed the logo for the Centennial celebration on the overhead screen. They want to make lapel pens using this logo and pass them out. A quote was included in the packet.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to authorize the Centennial Committee to purchase lapel pins up to \$3,000.**

The motion passed unanimously. (4-0)

- G. Review, consideration, and possible authorization for the creation of a force account for the construction of the new Police Station, and matters related thereto. **FOR POSSIBLE ACTION**

At the February 24, 2015 Council meeting, MGM was awarded a contract for the construction of the Elko Police Station. Due to the size and complexity of the project, Staff would like to establish a Force Account of \$100,000 to allow for the approval of Change Orders beyond our standard policy. Prior to approval, the Architect of Record for the project, as well as the Project Management Team will review all change orders for the City. BR

Mr. Draper explained this is similar to what we have done for other large-scale projects. This \$100,000 will be approximately 1.8% of the bid total. The Architect and his firm figured a 5% contingency. We are under the 5% contingency on this. Staff is limited to about \$25,000 on change orders. Anything above that would require council approval.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to authorize the use of a Force Account in the construction of the new Police Station in the amount of \$100,000.**

The motion passed unanimously. (4-0)

- H. Review, consideration, and possible authorization to enter into a contract with NV Energy to relocate existing overhead utility lines that bisect the site for the new Police Station, and matters related thereto. **FOR POSSIBLE ACTION**

At the February 24, 2015 Council meeting, an award was made for the construction of the new Police Station, which included an additive alternate to relocate the Police Station based on the relocation of existing overhead utilities. NV Energy has provided an estimate of \$87,883.00 to relocate the overhead facilities, staff is seeking authorization to enter into a contract with NV Energy for this work. JD

Mr. Draper explained they would like to table this item at this time and bring it back when they have a contract.

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

The motion passed unanimously. (4-0)

IV. NEW BUSINESS

- A. Review and possible designation of an independent auditor to prepare the Annual Audit for the City of Elko for Fiscal Year ending June 30, 2015, 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 Eide Bailly, LLP, for Audit Services for the Fiscal Year

ending June 30, 2015 for your review. The estimate listed is not to exceed \$80,000, plus \$2,500 if major programs subject to single audit exceed one program. DS

Dawn Stout, Administrative Services Director, explained in 2009 we awarded a five-year contract to Kafoury-Armstrong. Last year she asked that the contract be extended because we were implementing a new system. She asked that this be extended one more year again and then go out for bids next year. We are looking to start the audit again in June.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve Eide Bailly, LLP as the City of Elko Independent Auditors for the fiscal year ending June 30, 2015 in the amount not to exceed \$80,000.**

The motion passed unanimously. (4-0)

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

On January 27, 2015, Council approved Revocable Permit No. 1-15. Maverik's attorney requested modifications to the license agreement which was previously presented to Council. Staff felt the modifications were significant enough to have Council consideration again. The City Attorney has reviewed the modifications, and both attorneys are now in agreement. RM

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve the Modified License Agreement between Maverik, Inc. and the City of Elko for Revocable Permit No. 1-15.**

The motion passed unanimously. (4-0)

- C. Review, consideration and interpretation of the City Code relating to the requirements for party walls to be located on lot lines between spaces within a building recorded as a commercial condominium, and matters related thereto. **FOR POSSIBLE ACTION**

Community Development is currently receiving applications to build on or across property lines. The adopted building code, 2009 IBC Section 706, allows buildings to be constructed on property lines when proper fire walls are installed. TS

Ted Schnoor, Building Official, explained he had been requested to bring this to council for interpretation. Information from our Building Code and an interpretation from a representative from ICC (the author of the building code) is included in the agenda packet. He is dealing strictly with building codes. The building they are looking at has been recorded as a commercial

condominium. Building Codes do not address that type of situation. In his research he has found that is a real estate term to sell airspace within one building. The building codes are direct regarding protecting properties and building structures next to or on property lines. If a parcel line is recorded it is a lot line according to the building code and it needs to be protected. If you build on a lot line you have to have proper walls. The code refers to them as party walls. The building codes do not address this particular type of situation. It only addresses the property lines. Legal counsel did some interpretations for us. Within the NRS there is some information as to how the state addresses these things. As he is dealing with this right now, he would require that the property lines be merged into one parcel.

Councilman Schmidlein noted that one tenant will be taking over the entire facility. If we require them to do new mapping and the tenant leaves when the lease is up, then they would have to back through the mapping stage again to subdivide the building.

Mr. Schnoor said if the owner of the property wanted to maintain that as condominiums, then yes. There is nothing in the codes that would prevent him from having separate tenants in the building. We are dealing with the presence of property or lot lines.

Tom Coyle, Assistant City Attorney, said he was asked to look at the state law and determine if the unit boundaries or the lines drawn on the plats are actually property lines or lot lines under the state law. They did a detailed review of NRS116 and NRS278. It wasn't particularly defined but when you do that you find that those lines are treated the very same as property lines or lot lines. In both NRS chapters there are descriptions required to create these units. Those locations that are placed on the maps become and constitute the boundaries of those units. The changes to those boundary lines are very strict limitations. Basically you are required to make an amendment to the declarations of the condominium association and also a new amended plat. It was their conclusion that those lines were the same as a property line or a lot line. From there they were told by Mr. Schnoor and Mr. Draper that if those were lot lines then under section 706 in the UCC that would require a party wall there. With all this information, council needs to interpret the code. If council wants to require the party walls on the property line that would give direction to the Building Department. If council determines not to that would also give them direction.

Attorney Robert Wines, representing Doug & Madea Snyder as the owners of Terraces III, put some drawings on the wall showing the original drawings from when the condo association was created. The drawings indicate that the interior walls are designated as unit boundaries and not a property line. He showed that there are only two parcels. Building 11 is located on the back quadrant of one of the parcels. They believe that the unit boundaries as shown on the plat map for the Condominium Association is a designation of the airspace within the walls. The condo declaration designated that the Terraces Condominium Association would all of the real estate; everything but the air space located within the condominium units. NRS 116.211 (Exhibit "B") in 1 sub 3 says "that after acquiring an adjoining unit or an adjoining part of an adjoining unit, the party may remove or alter an interior partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common interest community. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries." This is specific to the condominium association law. NRS 116.11.06 provides that a building code may not impose any requirement upon any structure in a common interest

community which would not impose upon a physically identical development under a different form of ownership. His office sits across three city lots. What you are telling me is that I have to put in fire walls through the middle of his building and divide it into three separate places even though it is one office. He doesn't see how this applies. He looked at the language of the building code provided by Mr. Schnoor. Chapter 706 1.1 requires that a wall located on a lot line between adjacent buildings... There is no lot line between adjacent buildings here. This is a division between two unit spaces located within a single building. We do not meet the requirements of that provision because it is not a lot line and these are not adjacent buildings. Requiring fire walls will seriously restrict the owner's ability to use those buildings. There are very few commercial condominium developments in the City of Elko, and not many in the state. It was the County Assessor that required that each of these have a separate parcel number so they could tax the airspace in each unit and make more money. Even though each space has a parcel number on it but he wasn't sure if that created a separate lot or parcel that is trying to be protected by Chapter 706.

Councilwoman Simons asked if his argument is that the whole building is included in one parcel. That there are no lot lines within the building?

Mr. Wines answered the code that he passed out seems to indicate that is correct. If you look at 117.010 it says that a condominium is an estate in real property consisting of an undivided interest in common in portions of a parcel of real property, together with a separate interest in space.

Mayor Johnson asked is a division line is defined by an NRS statute.

Mr. Wines could not find anything that defines a division line.

Mr. Snyder said there was a definition of division line in the packet in his letter.

Mayor Johnson thought that definition went along the lines of the condominium NRS.

Councilman Keener said he has been in some of the units. SRK has one building that includes four units. Requiring party walls will create problems for the existing tenants.

Mr. Wines said there are other companies that have expanded into other units. KRJC is in 1.5 units. There would be multiple owners affected by this decision.

Mr. Snyder said 25 out of 54 units would have a problem with this code.

Councilman Schmidlein pointed out that he didn't believe there are any comparable items within the city. He wasn't even sure what other similar developments would be in the state. He didn't think they would be setting precedence with this decision.

Mayor Johnson noted there would be a concern with the Building Department with interpreting the code.

Mr. Schnoor said when he saw a plan presented to him he saw five unique parcel numbers. It was brought to his attention that the county likes that. When he sees parcel numbers he sees

individual pieces of property. We are saying that if you have a property line we have to treat it as a property line. There is a concern with the history of what is already out there. A lot of people have bought spaces in this complex and they are established. If it already exists he will not touch it. The only reason this piece of property came into the forefront is because there is a major remodel of the building. The building code does not address a commercial condominium. It only addresses a property line or a lot line.

Mayor Johnson said the building code is generic. Then you have the NRS side of it that looks at what could be allowed for in a condominium. Any city would have that same struggle. The building code doesn't take into consideration what a state statute would have.

Mr. Schnoor agreed and added that the ICC states this doesn't override or have any conflict with any rules or regulations that may be in the state.

Mayor Johnson asked if the code has something in it that states, in a case such as this, that the NRS would prevail.

Mr. Schnoor said that is why they were there for an interpretation. He could interpret the lines in different ways than someone else would interpret the NRS.

Mayor Johnson said one thing in favor is that in the condominium code it talks about when the ownership is the same between the two or it is purchased, that the wall could be established based on whatever that person wanted.

Scott Wilkinson, Assistant City Manager, wanted more testimony about mapping and remapping a commercial condominium project. It is a two part step. It isn't just submitting maps to the county. There are issues with the declarations and such.

Mr. Snyder said it would be very complicated to change the property lines. This interpretation could dissolve his association.

Mr. Wines added that there are legal requirements with remapping a condominium like this. You will also have to have a meeting and restate the CC&R's.

Councilwoman Simons asked if there were other properties in town that had parcels within a parcel like the one being discussed.

Mr. Draper said it all depends on how the parcel map is drawn. One that resembles this is the parcel that Marshalls is on. It has its own parcel with a firewall between it and Raleys. It is not a condominium. When he initially looked at this the first thing he saw was that these were property lines and it requires firewalls. His first comment to Ms. Laughlin was that this would require a parcel map to merge those property lines. When he did his initial review he was not aware of NRS 116. He didn't know that was how this was recorded. Mr. Coyle was consulted to review this and now we need council to give their interpretation of which would supersede: the building code or NRS.

Mr. Coyle noted it was brought up about NRS and building code being in conflict. The NRS does sort of address that issue. NRS 116.1106 states that a building code may not impose

requirement on a structure which it would not impose on a physically identical development under a different form of ownership. He spoke with Mr. Draper and he indicated they are not doing that. Subsection 3 says the provisions of this chapter do not invalidate or modify any provision of any building code. Provided you are not doing a prohibited act then the building code would be applicable. When you have common ownership and there is an existing partition you can remove it and that doesn't affect the boundaries. We have no issue with that. If you removed it the boundaries are still there. It boils down to an interpretation of that building code. The issue is the second issue that Mr. Wines brought up; is this really something we would call adjoining buildings and a property line that would be present for adjoining buildings under that 706 provision. He indicated that it would not. Mr. Schnoor went to the ICC and they said, "No, we use that provision and require a party wall between those lines."

Cathy Laughlin, Laughlin Construction, said if you look back at the plan that Mr. Wines presented, on the plan that was filed and recorded, there is .46 feet recorded between the two boundary lines between each unit. The exterior wall on each building is a 2x6 construction. The boundary line is on the inside of the exterior wall and on the inside of the unit separation. It is calling out the airspace within those exterior walls.

Mr. Snyder wondered what would the city gain if he be required to put up the firewalls. He is going to lose. The city would not gain anything. Staff is asking that he erase his condominium and build the same building.

Councilman Schmidlein threw out do we want to discourage potential business tax base coming back to Elko. This is a unique development that cannot be compared to other developments in Elko.

Bob Thibault, Civil Engineer, pointed out 1) Mr. Wines' building is in the tree streets and located on different lots. He has done maps of reversion for people on the tree streets that desire remodels or new buildings. This doesn't affect the existing but it does change the new construction. 2) The party walls are built to protect property owners. If the unit boundaries remained the units could be sold off individually in the future. 3) Mr. Wines brought the tentative maps for the condominium. He wished they brought the actual recorded maps for us.

Mr. Schnoor thanked everyone for their involvement in this. If we are not going to address this as lot lines, we would deal with this as we would deal with any strip mall.

**** A motion has been made by Councilman Schmidlein, seconded by Councilman Keener, that party walls or firewalls are not required under the IBC 706 in commercial condominium projects of record where the adjoining units are under the same ownership.**

The motion passed unanimously. (4-0)

After the motion and before the vote, Mr. Coyle asked if the motion is that was their interpretation of 706. He wanted clarification.

Councilman Schmidlein answered yes, that was the interpretation of 706. He thought this was a good debate with a lot of good information.

Councilwoman Simons noted there was so much that staff has to look at, codes, NRS and other conflicts. Sometimes it gets complicated.

Council voted on the motion.

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 791, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located approximately 2,700 feet northeast of the intersection of East Idaho Street and Manzanita Lane in Section 30, T.35 N., R.56 E., M.D.B. & M., City of Elko, Nevada, consisting of 11.985 acres, more or less, filed by N.A. Degerstrom, Inc. and processed as Annexation No. 3-14, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition for the subject annexation on January 13, 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 February 3, 2015 and took action to forward a recommendation of approval with findings back to Council. Council conducted first reading of this Ordinance on February 24, 2015, and directed Staff to set the matter for second reading, public hearing, and possible adoption. RM

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to conduct the second reading and adopt Ordinance No. 791.**

The motion passed unanimously. (4-0)

V. PETITIONS

- A. Review, consideration and possible approval to waive all application fees and civil improvements associated with development of a temporary homeless camp site to be located off Hot Springs Road, and matters related thereto. **FOR POSSIBLE ACTION**

Council took action on March 18, 2014 approving the development of a temporary homeless campsite located on City property off Hot Springs Road. Friends in Service Helping (FISH) has applied for a temporary use permit to operate a homeless camp site on Hot Springs Road. The hearing is scheduled for the April 7, 2015 Planning Commission meeting. Section 3-2-3(C)(5)(i) allows for the Council to waive permit application fees, and/or any requirement for on-site and off-site improvements with respect to a parcel of land used as a temporary emergency shelter or temporary campground, or for temporary camping, provided that the use is for a humanitarian purpose. The waiver which may be granted

pursuant to this subsection C5i may include, without limitation, a waiver of the requirement for meeting development standards; the installation of curb, gutter and/or sidewalk; the extension of sewer and/or water lines to the property line; or applicable permit fees.

The City will develop the site to minimum standards required for the proposed use. Site development will include: controlled ingress/egress, fencing, water availability, minimum parking, camp site layout and designation, and a pad area to accommodate a solid waste receptacle and sanitary sewer facilities. SAW

Scott Wilkinson, Assistant City Manager, explained the application fee we are looking at is the temporary use permit fee which is \$200. There are no other application fees we are considering with this permit. FISH has made that application. We anticipate hearing that on the upcoming Planning Commission agenda. They plan to fence the area, a hydrant and a pad for a dumpster. There will be a parking area for those that need to go to work, etc. There will be a designated camping area.

Mayor Johnson asked if the agreement is approved between FISH and the City, then this is a go. Will there be more steps?

Mr. Wilkinson said there will be a public hearing at the Planning Commission meeting for the temporary use permit. We are considering a two year time limit. We need an agreement with FISH for FISH to be the operator. We are working with FISH to have some rules for the campers.

Mayor Johnson stated he doesn't like to waive anything. Would it be better to address this as a humanitarian need? Is that what we are doing?

Mr. Coyle affirmed that would be council's finding so you would have authority to waive.

Councilman Schmidlein asked if they would be coming back to council for amenities and such.

Mr. Wilkinson answered he doesn't envision that coming back to the council. He is providing that information now.

Councilman Schmidlein pointed out that fire rings were discussed and he had asked that those be specifically pulled out.

Mr. Wilkinson said they thought fire rings would be appropriate just in case the campers wanted to build a fire. Maybe we want to discourage that.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to waive all application fees and civil improvements associated with the development of a temporary homeless campsite to be located off Hot Springs Road and we do have the flexibility for humanitarian type endeavors to waive applicable fees.**

The motion passed unanimously. (4-0)

II. CONSENT AGENDA

- A. Review, consideration, and possible adoption of Performance Management Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Performance Management Policy has been updated and formatted consistent with POOL/PACT HR recommendations. DG

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

The Compensation Policy has been updated and formatted consistent with POOL/PACT HR recommendations. DG

- C. Review, consideration, and possible adoption of Dispute Resolution Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Dispute Resolution Policy has been updated and formatted consistent with POOL/PACT HR recommendations. DG

- D. Review, consideration, and possible adoption of Health Insurance Coverage Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Health Insurance Coverage Policy has been updated and formatted consistent with POOL/PACT HR recommendations. DG

- E. Review, consideration, and possible adoption of Leave of Absence Without Pay Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Leave of Absence Without Pay Policy has been updated and formatted consistent with POOL/PACT HR recommendations. DG

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

The motion passed unanimously. (4-0)

III. 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. (3-0 Councilman Keener abstained)

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

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

The motion passed unanimously. (4-0)

VII. REPORTS

- A. Mayor and City Council
*Councilman Keener reported he is working with James Wiley and Curtis Calder regarding the Adult Sports League and the increased fees. There is a meeting scheduled for tomorrow.
Mayor Johnson attended the airport hearing with Mark Gibbs and Curtis Calder. It was a success.*
- B. City Manager
Curtis Calder reported on the possibility of a special hearing on a liquor license. The hearing may be in April at the earliest. SB125 will have additional hearings that staff will need to attend. Local Government Day at the Legislature is scheduled for Monday, March 30.
- C. Assistant City Manager
- D. Utilities Director
- E. Public Works
- F. Airport Director
Mark Gibbs reported on some changes and developments to the AIP grants. The FAA Master Plan that had been previously approved is being moved to 2016 in order to fund the power issue that had been discovered with the VASI's.
- G. City Attorney
- H. Fire Chief
Matt Griego updated council on the ongoing negotiations with the county. Local businesses helped the Fire Department distribute over 2500 flyers regarding checking batteries in smoke alarms.
- I. Police Chief
- J. City Clerk
- K. City Planner
Rick Magness said there are some meetings next week on Wednesday that RDA would be interested in. They are combined RDA and RAC meetings at the Western Folklife Center.
- L. Development Manager
Jeremy Draper reported that NDOT is back in full swing with their Elko Urban Job. The Police Station contract is out for signatures and it is expected back next week.
- M. Administrative Services Director
Doug Gailey reported the consent agenda really helped them out and today they finally had the last employee policy. He will be putting it all together and distributed to the employees. They also settled with OE3 today.
- N. Parks and Recreation Director

- O. Civil Engineer
- P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

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

Mayor Chris Johnson

Shanell Owen, City Clerk