

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

SS March 11, 2014

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, March 11, 2014.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

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

City Staff Present: Curtis Calder, City Manager  
Delmo Andreozzi, Assistant City Manager  
Dawn Stout, Administrative Services Director  
Shanell Owen, City Clerk  
Dennis Strickland, Public Works Director  
Scott Wilkinson, Development Manager  
Jeremy Draper, Civil Engineer  
Matt Griego, Fire Chief  
James Wiley, Parks and Recreation Director  
Doug Gailey, Human Resources Manager  
Ben Mangeng, Information Systems Manager  
Rick Magness, City Planner  
Ted Schnoor, Building Official  
Ben Reed Jr., Police Chief  
Rich Genseal, Police Lieutenant  
Ty Trouten, Police Lieutenant  
Shelby Smith, Police Records Supervisor  
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**

**There were no public comments.**

**APPROVAL OF MINUTES: February 25, 2014 Regular Session**

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the minutes for February 25, 2014 in their entirety.**

*The motion passed unanimously. (4-0 Mayor Johnson abstained due to his absence.)*

**I. PRESENTATIONS**

A. “Salute to National Surveyors” Proclamation

Mayor Johnson read the Proclamation and gave a copy of it to some representatives.

Mayor Johnson said there had been a request from the applicant to table the public hearing item. Since it is under public hearing, does the city have the discretion to table it?

Dave Stanton, City Attorney, answered that the city council does have the authority to table any item on the agenda. If it is a public hearing item it can be tabled as long as it is noticed the same way.

Mayor Johnson said they would wait until public hearing to table the item.

B. “School Resource Officers” Presentation

**ACTION WILL NOT BE TAKEN - INFORMATION ONLY**

Chief Reed explained this topic was mentioned in a previous meeting but tonight was the full presentation. Sheriff Pitts and School Superintendent, Jeff Zander were present and prepared to speak.

Jeff Zander, Elko School District Superintendent, explained he has been meeting with Sheriff Pitts and former Police Chief Don Zumwalt over the last three years regarding putting resource officers back in the schools. Ever since the Sandy Hook incident the School District has asked officers to have a bigger presence in the schools to build a relationship with the children, parents and staff. They have also put on active shooter training at all of the facilities. They put together a task force and put together some ideas about what programming they need for the resource officers. The Sheriff and Chief had a lot of input. It is his hope to get all the municipalities together to raise the funding and participation to get this started. It is a conceptual plan at this time.

Sheriff Jim Pitts said he has pushed each year to get school resource officers in his budget. This year he got together with Chief Reed and they feel they might have a solution. They put together a \$450,000 budget with 4 officers shared with the city. It will be run as a task force such as NDI.

This will put a uniform presence in the schools. They are just presenting tonight but later will ask for contributions. Safety in the schools is important to him.

Chief Ben Reed said he is trying to find a way to offset the cost of bringing in two school resource officers. You will have enhanced safety in the schools and you also have crime prevention. The officers end up being role models to the children.

Mayor Johnson asked what number of calls you have that are specific to the schools and will this program help alleviate that calls.

Chief Reed said there were about 400 for the city and about 500 for the county last year.

Sheriff Pitts said the school resource officers would also work after school functions. This can help cut down on overtime that the other deputies are putting in. These officers would be flexible with their time for these events. When the officers are not in the schools they would be used on the street and would be encouraged to take their vacations and attend trainings during the summertime.

Councilman Keener asked about using retired officers for this?

Chief Reed said there would be an issue with the training and POST certs. Sheriff Pitts said the retired officers are limited on how many hours they can work per week and not affect their retirement.

Mr. Zander said they will be going to the mines for money and applying for grants. He hopes to get more private funding for the program.

Chris McLeod asked how many active shooters have they had in Elko County? (none) Out of the calls to the schools where were they from? (Mainly Elko and Spring Creek) Have there been any impact studies about the police presence and how it affects the students' studies?

Mr. Zander said there are a lot of statistics regarding the students and how the police presence affects them but he didn't have that information with him. This is about school crisis and we don't want to look back and say we should have done that.

Sheriff Pitts said we don't want to be the county that says "we should have." He wants to be proactive in this. The last shooting in Colorado lasted 80 seconds because they had an officer on campus. We want to have officers on scene and be proactive instead of reactive.

Chris McLeod asked why we don't have a dedicated person at each school that handles this instead of an officer. He mentioned teachers had guns in their desks when he was attending school.

Mr. Zander said having guns on campus is a liability. If someone is carrying a gun on campus he must be POST certified per NRS.

Judy Andrus, Executive Director Family Resource Center, said her position is they are providing case management and work with the families that are involved in some of these incidents talked

about to provide wrap-around services. They believe some of the incidents that occur on the campuses are not created in a vacuum and the children are acting out due to a low level of family functionality.

Jeff Williams, County Commissioner, said there are a lot of things we could do and a lot of things that we cannot afford. We could enact some restrictions that you would find in an airport but many parents wouldn't want that type of security. What can we do to secure the schools so we don't have tragedies such as Sandy Hook? The schools have taken some measures and now we need armed police officers that can help stop an active shooter if that were to take place. He felt this was a great program and the children are worth the efforts.

Pam Borda, NNRDA, added that one would not think that this is an economic issue but it is. If the schools were safer that would make this area more attractive to businesses wanting to come to this area.

C. "Connect Nevada" Presentation  
**ACTION WILL NOT BE TAKEN - INFORMATION ONLY**

Lindsay Nagelsky said she has been working with rural counties to look at broadband internet access. They formed a team to look at Elko County. She was pleased to say that Elko County is one of the three certified connected communities in the state. The team got an award and she brought road signs that will show everyone that we are broadband ready.

Councilman Rice thanked her and her office for all of their assistance in this. It was a comprehensive process and they are pleased with the outcome.

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

A. Review, consideration, and possible direction to Staff with regard to a pending Development Agreement with Artisan East, LLC, and matters related thereto.  
**FOR POSSIBLE ACTION**

Council took action at its meeting on December 17, 2013 committing the City to consider a possible Development Agreement with Artisan East, LLC. The Council considered and passed three motions as follows:

1. Directed Staff to address the sanitary sewer with a City commitment to construct the required force main at such a time as flow demands.
2. Limit the City funding to \$1.65 Million for construction of the water main.
3. Direct staff to revise the agreement in accordance with the motions and bring the draft agreement back to for Council consideration before proceeding with procedures as outlined in Section 3-2-26 of City code.

Based on the Council action, substantial revisions to the draft agreement addressing the funding gap between the Engineer's estimated costs and phasing and timing of sanitary sewer construction were required.

Staff has provided Artisan a draft agreement for consideration and requested Artisan to review and comment on the agreement. Artisan's last communication to staff, dated February 14, 2014, indicated it could not cover the funding gap for road construction costs and suggested the City may want to consider constructing the water line. On February 21, 2014, Staff requested that Artisan finalize its position on the progression of the agreement. Artisan has not responded to Staff's request. SAW

Scott Wilkinson, Development Manager, explained they asked Artisan to revise the agreement. We didn't have a response from Artisan. In January staff was asked to revise the agreement and send it out to Artisan which they did. The last communication they had was that Artisan could not deal with that funding gap. Artisan suggested that the city should put in the water line but they never really came out and said that. He asked them to address that issue so they could move forward but they didn't respond. Councilman Rice has had some discussion with Artisan. After this agenda item was drafted Artisan did accept the agreement again and revised it and sent it back to staff. At this time he did not recommend that city council consider some of those revisions so they can hear them at a later date. When he drafted this he recommended two motions based on the circumstances at that time.

Mayor Johnson asked the Artisan representative to come forward and asked if he had any comments.

Ed Davis, Artisan, said the principals could not make the meeting tonight. In looking at all the emails going back and forth he felt they were close to an agreement.

Mayor Johnson asked if he would like to request some time. (yes)

Councilman Rice said his recommendation would be April 8. Artisan did respond quickly with a markup of their revisions. If we postpone then the principals could be present at the council meeting. He felt they could still make a motion on the second recommended motion. He wanted a timeline.

Mr. Wilkinson said that is important because we have timelines in that agreement. If we don't resolve the issues by April 8, meeting the timelines won't be realistic.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to direct staff to communicate from the City Council the request that Artisan East, LLC continue to work on their revisions to the Development Agreement that was presented to them using the track changes in word for those revisions and bring them back to council along with the update Exhibits G, H, K & L and that it be brought back to us in time to be posted with the April 8 agenda, which it would need to be in the city's hands by Wednesday, April 2<sup>nd</sup> in order to be properly posted.**

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

## V. NEW BUSINESS

- B. Review, consideration, and possible action to amend the Lease between the City of Elko and the Northeastern Nevada Museum to properly reflect the area of utilization that occupies City Property and the possible approval of a minor area increase for the purposes of a Capital Campaign Initiative to rehabilitate the current museum with the inclusion of a possible building expansion, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to the terms of a lease agreement, the City has maintained an affiliation with the museum since the early 1960's in a collaborative effort to build the community asset that museum has since become. Under the lease agreement, for decades the Northeastern Nevada Museum has provided a public service of considerable value that the City would otherwise have been required to spend money to provide. That lease agreement has been amended and extended a number of times. The current lease agreement is effective until March 9, 2025.

The museum presented a concept to the City to expand its operation into a new building that was to be located in the grass area adjacent to the current location and across from Chris Sheerin Way on July 10, 2007. The Council approved the concept and directed that a new lease be brought back for consideration and possible approval.

After much consideration and deliberation, the museum has determined an alternative approach would be more operationally efficient and be less of an impact to the open space.

The museum footprint has been expanded twice since the original site was developed. It does not appear as though the legal description was ever amended to reflect the current operational footprint.

The museum respectfully requests that the City Council consider correcting the lease area discrepancy and allow the museum to expand its footprint as depicted on the attached drawing, to initiate a Capital Campaign Initiative to rehabilitate the current museum with the inclusion of a possible building expansion. DA

Delmo Andreozzi, Assistant City Manager, explained he serves on the Museum Board and has helped navigate this particular issue. He used the overhead and indicated the boundaries outlined in the current lease agreement with the museum. That was done back in the early 60's. It doesn't appear that the lease area has ever been amended. That leaves a little bit of a conflict with the lease and the building footprint. We need to rectify and make sure that the legal area actually captures the footprint of the museum. The museum has been working on a western art exhibit that includes a possible expansion.

Rena Hanks said they are excited about this opportunity. They have the Will James collection and an Edward Borein collection but they don't have the space to exhibit those collections.

Claudia Wines added going over Chris Sheerin Way would not be a great idea. This plan takes up hardly any of the park.

Mr. Andreozzi said if the council wants to proceed with this there are specific findings council needs to make in the motion.

Councilwoman Simons asked about going downstairs.

Ms. Hanks answered they are currently working with Barrick for a mining exhibit to go in downstairs.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve an amendment to the lease between the City of Elko and Northeastern Nevada Museum to properly reflect the area of utilization that occupies city property and approve a minor area increase for the purposes of a Capital Campaign Initiative to rehabilitate the current museum with the inclusion of a possible building expansion with the following findings: The Northeastern Nevada Museum is; recognized as exempt under section 501(c)(3) of the Internal Revenue Code; is by virtue of the aforementioned lease, affiliated by contract or other written agreement with the city; and, provides to residents of the city or to other persons a service that the city would otherwise be required to expend money to provide.**

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

- D. Review, discussion, and possible consideration of a request from Mr. Kris Wright, District Manager, Elko Sanitation Co. for a 2.4% increase for residential and commercial services, effective February 1, 2014, and matters related thereto.  
**FOR POSSIBLE ACTION**

Elko Sanitation has a Franchise Agreement with the City of Elko for the collection, transportation, and disposal of municipal solid waste and the collection, transportation, and diversion of residential co-mingled recyclables.

Pursuant to Section 15.01 of the current Agreement the contractor may request in writing a rate increase every two years to reflect ordinary changes in the cost of doing business, as measured by fluctuations of the Consumer Price Index (CPI).

Enclosed in the agenda packet is a letter from Mr. Wright, along with supporting documentation as required under the agreement from a Certified Public Accountant, certifying the Contractor's costs to provide services under the Agreement has exceeded the increase in the corresponding CPI .

The last commercial rate increase was in June 2008, while the most recent adjustment for the residential services were done during the period when the current Franchise Agreement was renewed (June 2012), at which time the level of services were changed and co-mingled curbside recycling was added. DA

Mr. Andreozzi introduced Kris Wright from Elko Sanitation.

Kris Wright, Elko Sanitation, offered to answer questions.

Councilman Rice asked about a fuel surcharge that was granted previously. Was that repealed?

Mr. Andreozzi answered no but that was the last increase that took place in 2008. Fuel prices may have come down a little bit but their operating costs have increased.

Councilman Rice would like that cleaned up a little because that was a surcharge that was put in place as a temporary fix. He doesn't mean to take away those revenues but wrap it up.

Mr. Wright asked if that was a full surcharge or was it built into the rates.

Mr. Andreozzi answered there are two mechanisms where Elko Sanitation can ask for an increase. One is under the CPI provision and the other is under Extra Ordinary Provision. It wasn't necessarily a surcharge that would go away. There was no sunset provision. That increase was done just for fuel and they had to have a compete audit done. This is a little bit different because their costs for service have eroded any savings they may have had with that fuel increase.

Councilman Rice would like to see it wrapped up in the cost of service.

Mr. Andreozzi said it was just an increase.

Councilman Schmidlein asked about the fuel charges for 2011 and item "truck other." He said he was confused and wanted specifics.

Mr. Wright said that other charge was the cost of maintenance on the trucks. He wasn't sure what the fuel charges were based on.

Councilwoman Simons noted that six years ago there was a rate increase and then just a couple of years ago the service was cut. It is hard as a citizen to swallow that we need to raise those rates again.

Mr. Wright said the residential rates were addressed a couple of years ago but the commercial rates have not been increased for six years. They have seen a 23% increase in the costs for commercial. They have delayed this request several times. We can only request these increases every 2 years in January. The cost of business has increased more than 5% for them and CPI is up 3.4%. We based this request based solely on the Franchise Agreement language and we are trying to recover some of the costs of doing business.

Councilman Schmidlein said on the commercial side this is most of the increase. The residential side doesn't have much increase. On the residential side we went from two days a week pick up service to one day a week. Why is there an increase when service is decreased?

Mr. Wright said the decrease in service was to accommodate the recycling project. Recycling is not cheap and it is costly to get it to Salt Lake City for processing.

Councilman Keener asked Mr. Andreozzi about increases in the past, have they been audited?

Mr. Andreozzi answered in this circumstance an audit is not required and is not a component of the analysis.

Councilman Rice said two years ago when we considered the rate increase for the recycling program and a reduction in service, the rates were competitive to others in the region. He understood the cost increase but we try to increase rates in a way that it can survive 5-6 years. Perhaps it might be good for council to understand and take a look at what our neighbors are paying as well? Perhaps consider this in two weeks.

Councilman Schmidlein would like to see what the fuels are based on. Amortization and depreciation has gone up 40% and why would this go up that much in two years? He would like to see additional documentation. Labor goes up and that happens to everybody. He would also like to see the costs for the recyclables. He wanted to make sure this doesn't happen every two years.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to direct staff to continue to work with Elko Sanitation to get some of the details that were outlined in this discussion and bring it back for council consideration at our next posted meeting or at the earliest possible time.**

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

After the motion and before the vote, John Carpenter wondered what has happened in the recycling deal. It keeps things going for the landfill and he likes the recycling but what are the true expenses with going to Salt Lake City? It seems that is what drove this whole thing a few years ago.

Mike Lattin, 3250 Idaho Street, asked Kris Wright if they eliminate the recycling would they still need to increase the rates.

Mr. Wright said they would have to do a study to answer that question.

Mr. Lattin thought the answer looked simple to him. If it costs more to take it to Salt Lake than you are making then you are losing money. It has to cost money for picking it up since you aren't getting any money to do that.

Patrick Likely, 526 Poplar Drive, asked regarding the trucks, are you using the same trucks in the county and the city?

Mr. Wright said both styles of trucks are being used in the county and the city but not the same trucks.

Pat Likely asked if an analysis has been performed to running on the unimproved roads in the county compared to the city streets.

Mr. Wright answered they have not done an analysis.

Bill Hance said he fills his recycle bin more than the regular trash and often times Elko Sanitation does not pick up all of his recycling because he puts it next to the bin at the curb.

Mr. Wright said the Franchise Agreement is written that all material must be in the cart but they may need to address that.

**Council voted on the motion.**

- E. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Section 3-2-3 (General Provisions), prohibiting medical marijuana establishments, and matters related thereto. **FOR POSSIBLE ACTION**

A memorandum from Police Chief Ben Reed, Jr. and a legal opinion from David Stanton, City Attorney have been included in the agenda packet for review. If approved, first reading of Ordinance No. 780 is scheduled for consideration under Resolutions and Ordinances. BR

Dave Stanton, City Attorney, explained why they were having this discussion. Legislative action taken last year will make it legal to have medical marijuana businesses in the state while it is still illegal under federal law. This new state law will create a heavily regulated activity at the state level. There has been a lot of talk about medical marijuana establishments but that includes more than just a dispensary. The Legislature has recognized that local communities have a say in whether or not the communities want to allow these activities to occur. The two main areas where local governments have a roll in all of this is 1) the issuance of business licenses and 2) in zoning. What the statute says is in order for a medical marijuana establishment to be registered with the state the local government has to provide proof that this entity has been given a business license and that it conforms with local zoning requirements. The issue before council relates only to the zoning issue. By making a change to the zoning code as proposed it would remain effective even if the federal government were to legalize these types of activities. The city council could do nothing and wait for the federal government to change. If the federal government changes the law then the city clerk will be able to issue business licenses. It is unknown what will happen at that level. If there is a zoning change that will be more long term. It comes down to an issue of policy and how does the City of Elko want to deal with this new type of business. He cannot advise the city on how to violate federal law.

Councilman Rice asked if there was movement on that within the bar and the State of Nevada.

Mr. Stanton said he has received emails from people working on this from the state bar. Even though an opinion hasn't been issued the consensus is that as matters stand right now, attorneys cannot facilitate the violation of federal law.

Chief Reed noted that a medical marijuana establishment is defined as 1) a testing lab, 2) a cultivation facility, 3) a facility for the production of edible marijuana infused products, 4) a medical marijuana dispensary, or 5) a business that has registered with the State Department of Health and paid fees to act as more than one of these types listed. The critical thing is that the legislature has directed the State Department of Health and Human Services specifically the Division of Public and Behavioral Health to regulate this. They are the issuing authority as to a

permit to operate based on whether the locals have provided compliance with a business license and zoning. There are certain amounts of these facilities that can be established throughout the state and that statute talks about what the number is. Our belief is that one would be eligible if permitted in the county of Elko. It is based on our population. Since about 2001/2002 NRS has also allowed for registry identification cards that would allow a person to possess under certain circumstances. It is a violation under federal law to possess any amount. We have a substantial drug problem in this community. Based on his experience in another state, demand and supply go hand in hand. If you have an establishment that is supplying you will see an increase in grow operations that were clandestine. The reason behind all of that was trying meet demand with the supply. We can see that here. The Elko Police Department would probably by default be the one responding to any complaints from the citizenry about such establishments. The state has said they would install inspectors but he hasn't seen much detail to that. He has reached out to Police Chiefs in other areas to find out what their concerns are. Armed robberies are up everywhere these exist. Thefts occur from the establishments. Unfortunately that becomes a violent crime and people get in the way when the crime is unfolding. There is confusion in the community and amongst law enforcement as to what is permitted and what is not. There is a lack of resources to police any of the establishments. For those sworn to uphold the law, there is a conflict in the laws between the state and federal government. He felt the right thing to do would be to prohibit the existence of medical marijuana establishments in the city, at least for now.

Mr. Stanton added because of the way the City Code works in zone changes then we can't have a first reading tonight. It has to go to the Planning Commission.

Councilwoman Simons said she doesn't feel they could do anything on this because they swore to uphold the constitution. Federal Law is supreme to state law. How can we vote for something that is in direct violation of federal law?

Sheriff Pitts mentioned the county is looking to pass a similar ordinance. Lyon County has already passed an ordinance similar to this. This can be a big manpower issue for law enforcement because the state hasn't put anything in place to say how they are going to police these. Speaking as someone that worked in a narcotics unit for 14 years, every bust they ever did had marijuana in it and he believes marijuana is the gateway drug.

Councilman Keener asked for citizens and patients that have a prescription for medical marijuana, how they get that filled when they live in a community that doesn't allow dispensaries.

Sheriff Pitts answered that some of them grow it themselves.

Councilman Rice said they get a grow permit and that is what people have been doing in Nevada.

Councilman Schmidtlein asked what percentage of people in Elko County hold a medical marijuana card.

Chief Reed answered he doesn't know that. They had one that came through them recently. He doesn't know if the state has that information. He suspects that is minimal.

Councilman Schmidlein asked how is the impact of California passing medical marijuana on Elko County? If we are going to have a free flowing interstate full of marijuana from California to Colorado he wants to get a grasp of the whole picture. We are indicating here that we want to pull the carpet out before they get to Elko. The state may come back and say we need to allow it.

Mr. Stanton said the legislature would have to pass that the local entities will allow it, and that would be different than what Councilman Schmidlein was asking about.

Councilman Schmidlein noted the way it is written we can deny this.

Mr. Stanton said the way it stands right now, the city cannot issue a business license because it has to comply with federal law.

Don Zumwalt, 1554 Tamarac Rd., is concerned about public safety. No matter what the state or federal government does, you need to keep public safety as number 1. In places where medical marijuana is legal they are having a lot of problems with the establishments. He encouraged council not to allow medical marijuana and keep the establishments out of Elko County.

Sharon Hughes, 287 Oak Street, asked who decides who gets medical marijuana cards and how do they get it?

Chief Reed answered there is a list of requirements that you would need to apply and it comes from the state.

Cathy McAdoo, PACE, talked about a survey that was done in January 2014 where the people that responded said drug abuse is one of the top three health issues in our city. As we legalize things more and more it makes things more accessible to the youth and it sends them a message that it is not dangerous.

Assemblyman John Ellison, Elko, talked about the history of medical marijuana in the state. Only 16 states have approved this as of now. The city will see problems if they allow this. He was in opposition to this and is still in opposition.

Chris McLeod said his background is private education and works with youth and family services. The youth that he sees coming to him are not sneaking marijuana onto campus. They are sneaking the oxycontins and ritalins. They sneak any pill you can get legally from a pharmacist. In all his years' experience the problem is not marijuana. He grew up here in Elko. He finds it striking that council would take such umbrage with allowing someone to get medicine and yet be comfortable with brothels.

Vanessa, 717 Maple Street, said she has kids attending school here. Marijuana has not been a concern; it is all of the other drugs.

Councilman Rice said he has gotten more comments on this than any other item. Most are in favor in licensing an establishment here in Elko. He wasn't sure they could do anything at this time. He suggested a moratorium for a period of time. The chief has said that we do not have the resources right now to deal with all of the consequences of this. There are other communities in the state that will be going in the direction of establishing medical marijuana facilities and we

could stand to learn something from them before we take any action. April 1 is the deadline and we do need to take some action. A moratorium is a more practical way to make sure we have something in place by April 1.

Councilwoman Simons asked why do we have to do anything because we can't issue licenses.

Councilman Rice said a moratorium provides more protection for the clerk. People could challenge the interpretation of not issuing a business license because it is against federal law. The opportunity for a lawsuit is there without some sort of legislation.

Mayor Johnson asked if the thought is that the city would be in a better position if a moratorium is adopted.

Councilman Rice thought so.

Mr. Stanton said if nothing gets done then the City Clerk cannot issue business licenses to anyone that would be violating federal law. The question would be is this applicant going to engage in a business that will violate federal law. The federal government can change the law and legalize medical marijuana establishments. Another approach would be to change the zoning code which is the issue tonight. If that were to happen it would have more permanency because it would be at the local level. In terms of establishing a moratorium, he isn't sure if that would make much of a difference because right now they are operating as if they had a moratorium already. That can be visited at another council meeting. He would want to look into that issue first.

Shanell Owen, City Clerk, commented if council decides to approve this once it gets approved by the federal government we would have to make a lot of changes to our code.

Chief Reed said a moratorium satisfies his immediate concerns and allows more time for the issue to unfold at the state and federal level. His only heartache over a moratorium issue is what it does; it keeps the issue alive and it can be revisited with more lengthy discussions.

## **THERE WAS NO ACTION**

Mr. Stanton will do some research on a moratorium and have some information at another council meeting.

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

- A. Public hearing on the fair market value of a ±6.91 acres portion of APN 001-770-004, and possible adoption of Resolution No. 13-14, a resolution of the Elko City Council accepting the appraised fair market value of a portion of APN 001-770-004 and approving the sale to Northeastern Nevada Regional Properties LLC, and Douglas Debenham for the purposes of economic development pursuant to NRS 268.063, and matters related thereto. **FOR POSSIBLE ACTION**

William Tessler, Appraiser, has appraised the property at \$105, 000. RM

Mayor Johnson noted that the purchaser asked that this agenda item be tabled.

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

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

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

- F. Review, consideration, and possible action to renew the Elko County Fairgrounds Lease Agreement for ten (10) years, effective August 1, 2015, between the City of Elko and the Agricultural District No. 4 (i.e., Elko County Fair Board), and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko recently received a request from the Elko County Fair Board to renew the current Lease Agreement for ten (10) years, effective August 1, 2015. The current Lease Agreement includes a provision for the renewal, on the condition that the property is not needed for future community development purposes, as determined by the Elko City Council. City Staff is unaware of any community development activity that would prevent a ten (10) year renewal. CC

Curtis Calder, City Manager, introduced Walter Winchell with the Fair Board.

Walter Winchell explained the lease in place ends August 12, 2015. We would like to have the land for more than ten (10) years because of the difficulties associated with trying to build a permanent structure out there or getting a loan. Also in 1992 there was a sublease made to the Sheriff Posse across from the Basque House. He would like to see that lease abandoned.

Mr. Calder explained there is an amendment to the existing lease that allows two things to occur: a subletting of property to the school district for some parking and this subletting for this space over by the Basque House. We can't just put something on the agenda that would eliminate that amendment. It is a sublease between the Fair Board and the Sheriff Posse and they can simply terminate their sublease.

Mr. Winchell said they may come back in five years and get the lease extended another ten (10) years so there is always a ten (10) year window.

Councilman Rice said we have the ability to provide for a longer lease. The Fair Board has been doing great things in terms of long term planning. If you are able to take a look at things and maybe come back in five (5) years and ask for an even longer extension.

Mr. Winchel explained a couple of years they had a building catch on fire and this year it has to be replaced. They are still battling with insurance companies and will be looking for funding.

Councilman Rice said he serves on the State Historical Preservation Office Commission and there is money available for restoration of historic buildings just like that one.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to renew the Elko County Fair Grounds Lease Agreement for ten (10) years to be effective August 1, 2015.**

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

After the motion, before the second and the vote, Councilman Keener asked if anyone has seen the actual lease because he only has a copy of the amendment in his packet. He wasn't sure what he was voting on exactly.

Mr. Stanton said he saw it several years ago.

Mr. Calder said the lease dates back 30 years or so. The part that is pertinent in this renewal is in the amendment.

**Council voted on the motion.**

- G. Review, consideration, and possible action to conditionally approve Parcel Map No. 1-14, filed by Parrado Partners LP, for the division of approximately 24.781 acres into 4 parcels, located generally east of the intersection of Silver Street and 14<sup>th</sup> Street (APN 001-630-060), and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item at its March 4, 2014 meeting and took action to forward a recommendation of conditional approval to the City Council. The Parcel Map contains an offer of dedication for right-of-way and it is for this reason that the map was referred to the Planning Commission and subsequently to the City Council. RM

Rick Magness, City Planner, recommended approval based on the conditions from Planning Commission. The applicant is present for some comments.

Robert Capps, developer of Silver Street Business Park, explained the development and gave a presentation (Exhibit "A").

Mr. Magness added he received a letter in support for this item from Pam Borda from NNRDA (Exhibit "B").

Lina Blohm, RAC Chairperson, emphasized the importance of bringing more light industrial into the city limits and about connecting Silver Street to Idaho Street.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to conditionally approve Parcel Map No. 01-14 subject to conditions as recommended by the Planning Commission.**

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

## VI. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 11-14, a resolution of intent, proposing the issuance of, and authorizing the publication of notices relating to General Obligation (Limited Tax) Public Safety Bonds (Additionally Secured by Pledged Revenues) for the purpose of financing the cost of acquiring , constructing, improving and equipping public safety projects; providing the manner, form and contents of the notices thereof; providing other matters properly related thereto; and providing the effective date hereof, and matters related thereto. **FOR POSSIBLE ACTION**

The Debt Management Commission, at their meeting held February 25, 2014, approved Resolution No. DMC 01-2014 authorizing the City of Elko to proceed with the issuance of the City's General Obligation (Limited Tax) Public Safety Bonds (Additionally Secured by Pledged Revenues) in the maximum amount of \$3,000,000. This resolution is the next step in the bonding process and authorizes the City to make the proper publications in the local paper. DS

Dawn Stout, Administrative Services Director, explained Kendra Follett (Bond Council from Sherman and Howard) and Andy Artusa (Zion's Public Finance) were present to answer questions. This is the next process and does begin the 90 petition period. The newspaper notifications are ready to go.

John Carpenter commented he would like to see this item tabled for further discussion. He had a plan to save the taxpayers \$2 million and not encumber the 2.5 cent gas tax. That needs to be discussed in the open so people know what is going on. He was in favor of constructing a new Police Department Building but he thought it needs to be done at another location.

Shane Daz, President of the Elko Police Officers Association, thanked everyone for letting him speak. The building they are in is falling down around them. It has long outlived its use as a Police Department. The topic of the Police Department has been a hot button topic at these council meetings for some time now, as it should be since it is such a large purchase for the city. He came across a letter written by Mr. Lattin, the owner of Canyon Construction. The issue of the site location is a dead issue. It has been voted on and the council has decided. He thanked council for their decision on East Silver. With the Police Department being built on East Silver Street, it takes a blighted area and begins a transformation for the city to expand. With the Police Department going in this area it could possibly attract future business to build in this area. It makes the area for the safer for the child care facility that is in that area. For some reason, they can't explain it, there is not a whole lot of crime rate around Police Departments. Traffic will slow down for children in the area when they see police cars and a Police Department. As far as the site being built in a flood plain area, most of North 5<sup>th</sup> Street was built on a flood plain area and the home values have gone up in that area. There are ways to make this site be outside the flood plain area and it is his understanding that the owner of the property is more than willing to work with the city to get this done. In Mr. Lattin's proposal he writes that the Police Department building should be moved to a dirt lot near dispatch. This lot proposes some issues. It is his understanding that this lot is able to be leased land that could create revenue for the city. It doesn't make sense to take money away from the city. In Mr. Lattin's proposal he calls the new Police Department building a very nice building and constructed to a very high quality and level

of aesthetic appeal. But later in his cost savings outline with changing the site to the Airport he wants to remove the paved parking area. Mr. Lattin has a lot more construction experience than he does but he knows removing the paved parking area from the construction plans takes a very nice building and makes a building that has lost its aesthetic appeal. This also becomes a safety and health hazard. A dirt parking lot will generate pot holes which will cause people walking in the area at night to trip and break something. It will cause a dust hazard. The inside of the building will always be filled with dirt and put dust particles in the air. It will also cause our black police cars to always be dirty. Police cars are one of the first things that the public see when they arrive at calls. Do we want to give them the idea that the Police Department doesn't care about their appearance? Do we also want the constant repairs that will come from having a dirt parking lot? He didn't know of any government facility that does not have a paved parking lot. Mr. Lattin also suggested eliminating the storage and operating building. This building is very important to the Police Department's operations. This building will be used to store vehicles such as the bomb truck and other expensive bomb related equipment, the SWAT vehicles, and citizen's vehicles that are awaiting a search warrant (which the department is legally responsible for while they are in possession). If these vehicles are stored outside the city will potentially spend large amounts of money to have these vehicles refurbished or to buy new ones. Taking away from the proposed building or site does not make the situation better for the Police Department. We have already over grown our current site and in dire need of more building and storage space. By taking away a paved parking lot and building it is giving us less than what we have now. If this location is a true issue the city has a fallback site which is located at Ruby Vista. It is city owned property that is ready to be built on. In regard to the bond financing issue we realize the importance of being responsible stewards of the taxpayers' money and we appreciate those who are raising concerns about this. That being said the current facility is simply no longer serviceable for the needs of the Police Department and the public that we serve. It will never be any cheaper to build a new Police Department facility than it is today. Every year construction costs increase. By delaying this building for any length of time the costs for construction will only rise. He hoped council will take into consideration the needs of the citizens and the Police Department so they can further function at a high capacity that we can all be proud of.

Mike Lattin made a rebuttal to Mr. Daz's comments. He didn't think the comments sounded like his letter. He explained he didn't want to remove the paved parking lot; he suggested that we didn't need that amount of parking for the public at the Police Station. By saving costs at the Police Station and maybe even delaying the construction of the storage building a few years down the road we could preserve the 2.5 cent optional gas tax for street improvements. Street improvements are the priority for the City of Elko in his opinion. He wanted the city to be more conservative with spending their money. He felt the proposed area for the Police Station will remain the same in the next 10-20 years even if you put the Police Station there. We aren't really accomplishing anything.

Councilman Rice asked Mr. Lattin if he was a resident of the City of Elko. (No) These are all interesting ideas and it would have been great to hear about these some time ago. He felt the timing was interesting.

Mr. Lattin said he has been there many times offering his suggestions but he has been told to sit down and shut up.

Councilman Rice said it would be interesting to hear more about the distribution of the gas tax monies. He felt there was some confusion as to how that works and that it is actually very different than Mr. Lattin's view. When the gas taxes were raised by Elko County our revenues increased. It was his understanding that when the revenues increased it gave us the opportunity to pay 75% of the Idaho Street Bond with RTC and 25% General Fund. It actually freed up the General Fund dollars. Is that accurate?

Mr. Calder said percentage wise it may not be exact but it is conceptually correct.

Councilman Rice said when the county raised the gas tax our RTC revenues increased which allowed us to pay a higher proportion of the bond on Idaho Street with gas tax money which is what those dollars are to be used for and then lowered the percentage we are paying with General Fund dollars which provided us with revenues that didn't have the same restrictions as the gas tax. We are not planning or paying for the Police Station with any RTC funds.

Councilman Schmidlein said that 2.5 cent additional tax should not go to Idaho Street. It should go to improvement and rehabilitation of other streets in the city. That bond was passed in 2010. In 2012 we got another increase and instead of using it to fix streets we are proposing using it to go towards Idaho Street. We are moving backwards with that funding.

Councilman Rice said his point is that we are not paying for the Police Station with RTC funds.

Councilman Schmidlein said the city asked for a tax increase to go towards new improvements in the City of Elko and they are not doing that.

Mayor Johnson said you can make the argument either way. The gas tax is going to roads and that hasn't changed. The argument is that money can be saved and that the city could have the same funding form as it does now.

John Carpenter said you can argue all you want about where it is going to but the simple answer is that it is not going to the streets in Elko which it was passed for. We need this for the streets in Elko. He felt they were taking \$200,000 from the Elko Street Department Fund. It is his understanding that you are using RTC money and Ad Valorem funds to finance the bond issue on Idaho Street. Why should the taxpayers pay to buy land when there are acres and acres of land out there by the Airport? It needs a fair hearing. The money is going to start slowing down and we need to be prepared for that. If you pass this tonight then you have a publication date of this Resolution. That is supposed to be March 17, 2014. So the 90 days is for citizens to go and get signatures to put this to a vote of the people. That 90 days should start on March 18, 2014 and then June 15<sup>th</sup> is the 90 days and that is a Sunday. If you can get enough signatures (5% of the voters that were registered to vote at the last general election in the City of Elko) it can go to an election. His estimate is 340 signatures. That will put the city off until December. He asked again to table the item. He doesn't want to take this to the voters but he wants everyone to have a chance to look at this thing. It is tough to get a bond issue passed in this town.

Dawn Stout, Administrative Services Director, asked Jeremy to bring up her budget presentation again. She explained when the city originally went to the RTC Commission to ask for the Interlocal Agreement for the RTC monies to go to this bond we had no inclination that the board would raise that gas tax. We were basing it on the 6.5 cents. The fact that they did raise it to the

9 cents obviously we get more monies out of that and it helps to pay the bond and frees up money that comes to the city. In conjunction with the RTC monies being raised by Elko County Commission, that increased the monies that come to the City of Elko as well as our assessed valuation going up. Just by the fact of our assessed valuation more than doubling in the last 20 years that increases the revenues that come to the City of Elko in all of the various different funds that we have. We are not using any money that would go to any of the street funds. We are not raising taxes; we are reallocating within the city's debt rate that we have (the Ad Valorem rate). Thanks to the County Commission for raising the RTC tax, it freed up monies for other uses in the city.

Audrey White, Elko, admitted that they always come to these meetings and it is a hobby of theirs. After all the meetings she has attended she thought there has not been any defined numbers to the costs. She gets asked questions by citizens because they are intimidated to the point where they do not want to attend meetings and make negative comments. How many of council have laid that kind of money on the table for a project, personally? They did and it was a tough go because the city fought them. The Police Officers go to work every day and face dangers she couldn't think of just to protect us and they are working in an unsafe environment. She asked Mayor Johnson if there was any kind of a tentative offer made on any site for the Police Department.

Mayor Johnson answered staff was directed to do due diligence on the Silver Street Property.

Ms. White asked what the terms of the due diligence are; have they been disclosed to the public or fellow council people and is it in a written document.

Mayor Johnson answered no, that process hasn't ended yet.

Ms. White asked how can you know what the due diligence is.

Mayor Johnson answered that the city decided to run two processes in parallel because of the 90 day public comment period. The city is not bound or making any commitment. One process is to get bond approved and the other is the due diligence to that particular site.

Ms. White said they have been through due diligence a few times. One needs a real clear understanding of who is doing what and who will pay for what. This is what she has been listening for in these meetings. We don't know what is going on.

Councilman Schmidlein asked Ms. Stout is it smart financing if we would go ahead and wait 12 months and in the next budget come up with a potential \$1 million, you will save \$600,000 over a 20 year period of time. We will borrow \$3 million and we are paying back \$5,023,000. It does have justification and then on top of that you are not going to spend \$300,000 on purchasing the property and you are not going to spend \$300,000 potentially to move power lines. If we hold off the garage and everything else for storing all of the material and wait a few years there is a potential chance here that we can pay for this Police Station within three to five years and not go to any bonds. That is a lot of merit and smart business. He is 100% behind replacing the Police Station. Is there any merit potential if we wait 12 months, is there a possibility we can come up with \$4.something million?

Ms. Stout answered her crystal ball isn't that clear. We live year to year here and we have seen it change significantly within a year. Just a few years ago we saw our sales tax numbers dwindle quite rapidly and we were pulling the strings back on the General Fund. We were looking at possible employee reductions because it was that bad. We try to do the best job we can to be as conservative as we can.

Mr. Daz commented their issue is that they have been in this building for longer than he has been alive. That building is terrible. We have to work in that every single day. The equipment we store outside, Mr. Carpenter said it would be fine if we just plug it in. It has been working that way so far and we have been lucky. We have a bomb truck that parks at the Airport that was paid for on a federal grant that is ¼ million dollars. Is that something you want to leave outside for a year in Elko weather? We are getting to a point where we don't have any room to store our equipment. We have a SWAT vehicle that was donated to them from the military that needs to be maintained. The unsecured parking; people can go into their parking lot at any time. They just had a subject that was able to get out of their impound yard inside the garage. We need secure parking. This building is not a Police Department, it is a church. If another site was picked would this really be an issue?

Councilman Schmidlein answered he could care less at the present moment because they were discussing bonding. He is trying to bring up that had this been built across the street he could have saved the city \$1 million from what is being proposed. That means the city would save an additional \$600,000 above and beyond that on financing.

Mayor Johnson asked to talk about long-term and medium-term and a couple of scenarios. If we get 4 out of 5 vote for funding and the petition is successful to put it on the ballot, does the city have the option at that point to go to medium-term financing?

Andy Artusa, Zions Bank Public Finance, answered if there is the petition you could change the method of financing and not go forward with the general obligation revenue bond and issue general obligation medium-term bonds that would not be subject to the 90 day petition period.

Mayor Johnson noted if council doesn't pass the motion the only option would be the medium-term financing.

Mr. Artusa said that would be the other option or a revenue bond backed by a specific identified revenue stream of the city but the result there is a higher interest cost and a higher reserve fund requirement. You would not get the amount of proceeds you are getting with the general obligation medium-term or general obligation revenue bond.

Mayor Johnson asked if the city approves tonight with four fifths voting on the long-term and comes across information as being suggested tonight that here is a better way of doing that, can the city change that?

Mr. Artusa answered yes. You are not committing yourself to borrowing any money or a specific amount. You are just starting the process. As you move along with the site selection we can change the size of the bond or not issue any bond at all. This is the starting of the authorization process. Once the 90 day petition period is up then the bond ordinance comes back

to two readings before the city council. The goal here is to get the process started because it takes so long.

Kendra Follett, Sherman Howard, said it doesn't lock you into issuing at any time. You could issue after adopting the bond ordinance or you can issue months later or a year later.

Mayor Johnson asked if they went to the medium-term financing does that require a 90 day period? (no)

Mike Lattin wanted to clarify for the public; by going this route you are incurring the cost of both bond council and financial consultant of around \$92,000.

Mayor Johnson asked how would that work if the city changed their mind on it.

Mr. Artusa said he doesn't get paid until bonds are issued. Ms. Follett said the same.

Mr. Lattin questioned the wording in the resolution being in compliance with NRS.

Ms. Follett said she would look at that. If the wording is an issue they can correct it. She thought Mr. Lattin was referring to the form of publication and she can look into that.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve Resolution No. 11-14, a resolution of intent proposing the issuance of and authorizing the publication of notices relating to general obligation (limited tax) public safety bonds (additionally secured by pledged revenues) for the purpose of financing the cost of acquiring, constructing, improving and equipping public safety projects; providing the manner, form and contents of the notices thereof; providing other matters properly related thereto; and providing the effective date hereof.**

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

After the motion and before the vote, Councilwoman Simons said there have been some accusations that maybe they haven't listened. She appreciated bringing forth the Airport proposal and she was excited about it. She thinks she has listened and done her due diligence. She can't see where there is \$2 million of site specific things they would save over there. Some of the suggestions could be applicable to any site and that is something that needs to be looked at. No matter what site we will have to do some financing. One way or another we are going to build a building and she is sick and tired of people talking about the site. They need a building. Let's move forward and give these people a building.

#### **Council voted on the motion.**

- B. Review, consideration, and possible adoption of Resolution No. 14-14, a resolution of the Elko City Council finding that it is in the best interests of the public of the City of Elko to sell a ± 6.91 acres portion of APN 001-770-004 for the purposes of economic development pursuant to NRS 268.063, and matters related thereto. **FOR POSSIBLE ACTION**

On December 10, 2013, Council accepted a Letter of Intent (LOI) from Jon Bailey, on behalf of Northeastern Nevada Regional Properties LLC and Douglas Debenham, subject to acquiring an appraisal for the aforementioned portion of property. The appraisal has been received and is pending Council acceptance under the Public Hearings portion of the meeting.

The adoption of Resolution No. 14-14 is required if the City of Elko wishes to dispose of real property without offering the property to the public and without obtaining fair market value for the property. In this instance, Northeastern Nevada Regional Properties LLC and Douglas Debenham have agreed to purchase the property for fair market value, as described in the December 2, 2013 LOI. RM

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

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

- C. Review, consideration, and possible approval of Resolution No. 15-14, regarding the need to classify fees for infant burials and the need to identify weekend and holiday rates in order to cover associated costs, and matters related thereto. **FOR POSSIBLE ACTION**

During a recent review of adopted cemetery fees Staff discovered that rates specific to weekend, holiday and infant services were not identified within the current fee schedule. At this time staff is recommending these rates be included in Resolution 15-14 for Council approval. JW

James Wiley, Parks and Recreation Director, said there should be a copy of the existing resolution and the proposed resolution. He explained the rates.

Mr. Stanton said the agenda item says “classify” fees and the need to “identify” weekend and holiday rates. Nothing says “change” the rates. He is uncomfortable with changing rates the way this item is agenda’d. If we are identifying rates then we are consistent with the way it is agenda’d. If we are modifying or changing rates that isn’t the same.

Jan Peterson, City Sexton, said they are clarifying and not changing rates.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to adopt Resolution No. 15-14 identifying weekend, holiday and infant rates associated with services provided at the City of Elko Cemetery.**

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

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

- A. Consideration of a request from Ms. Abigail Wheeler, Elko County Transit Coordinator, to submit a Letter of Support from the Elko City Council to the Nevada Department of Transportation (NDOT) for the GET My Ride Program, and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Abigail Wheeler, Elko County Transit Coordinator, is requesting that the City Council submit a Letter of Support to the Nevada Department of Transportation (NDOT), in support of future Elko County grant applications. A sample Letter of Support has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained we received a request from Ms. Wheeler to put this on the agenda.

Abby Wheeler, Transit Coordinator Elko County, explained her request. Her letter will be sent in with grant applications to help them grow their fleet to support the increase in users.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the request to submit a letter of support from the Elko City Council in support of Elko County Grant Application efforts and recommended that staff use the brilliant draft provided by Ms. Wheeler as the letter on city letterhead.**

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

## **II. PERSONNEL**

- A. Review, consideration, and possible approval of reclassification of Technical Assistant (Confidential) to Administrative Assistant, and matters related thereto.  
**FOR POSSIBLE ACTION**

A Classification Study was completed for the position Technical Assistant (Confidential). After studying the roles and responsibilities of the position, it was determined that for internal equity reasons that the position has been incorrectly classified. Reclassifying the position to Administrative Assistant will make the position equitable with the classification and compensation plan for the City of Elko. DG

Doug Gailey, Human Resources Manager, explained what happened was the position of the Technical Assistant (Confidential) before the personnel that is in there now, it was an Administrative Assistant position. It was thought that maybe we didn't need that level so she was hired as a Technical Assistant (Confidential). After studying that it came to our attention that what really what that person is doing is as an Administrative Assistant. We had her go through a position analysis questionnaire and he compared that to the job description of the Administrative Assistant and found out she was in fact doing the job of the Administrative Assistant. He recommended reclassifying her to Administrative Assistant. This will raise the pay level.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the reclassification of the position Technical Assistant (Confidential) to the position of Administrative Assistant effective March 11, 2014.**

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

### III. APPROPRIATIONS

John Carpenter commented on the warrants. He was told that there would be no more monies spent by the city on this lawsuit and there was \$100,000 spent on this in the last budget year. If you settle this thing you would be able to buy the shed for the Police Department.

- B. Review, consideration, and possible approval for the Elko Fire Department to apply for a fiscal year 2015 State of Nevada Emergency Response Commission (SERC) Equipment Grant through the Elko County Local Emergency planning Committee, and matters related thereto. **FOR POSSIBLE ACTION**

SERC Planning, Training, Equipment, and Operations Grants are made available each year to Local Emergency Planning Committees (LEPC) to help equip and train local responders who respond to hazardous materials incidents. The Elko County LEPC would apply for and administer this grant in the amount of \$11,070.00 to purchase two (2) AutoRAE Site Kits. These site kits allow responders to auto-calibrate, charge, test, and document the activities of their gas monitors, therefore reducing cost and time to calibrate as well as confirming function and reliability. One Kit would go to the Nevada Division of Forestry and one kit to the City of Elko Fire Department. MG

Chief Griego explained this is an annual grant through our local Elko County LEPC which we are members of. Monies paid into the State Emergency Response Commission for businesses in Elko that have hazardous materials goes to fund some of this. This makes the equipment that we use when we respond to these hazardous materials incidents in much better condition. We currently have five of these meters valued at about \$1,200 apiece. This site kit allows us to extend the life of those and extend the life of the sensors that we replace.

Councilman Kenner asked if there were matching funds needed for this grant.

Chief Griego answered there are no matching funds. Usually we are given the equipment and we are responsible for maintenance. We currently have to purchase the calibration gas that we use with these meters already. This machine would allow us to better use that calibration gas. This meters it and we don't use as much gas. There will probably be an annual fee to recalibrate this instrument and that can be between \$150 to \$300.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Fire Department to apply for a 2015 State of Nevada Emergency Response Commission Equipment Grant through the Elko County Local Emergency Planning Committee.**

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

- C. Review and possible acceptance of a proposal for operation of the Automated Teller Machine (ATM) Concession area at the new Elko Regional Airport Terminal, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko requested proposals to provide the Automated Teller Machine (ATM) Concession at the Elko Regional Airport. The City received (2) proposals

from World ATM and Welch ATM. The Airport would receive a 25% (\$.75) net surcharge income (\$3.00 national average surcharge) from Welch ATM per transaction and only 10% or \$.40 per surcharge transaction from World ATM. Staff recommends awarding the Automated Teller Machine (ATM) Concession to Welch ATM. Copies of the Proposals are included for your review. MG

Mark Gibbs, Airport Director, explained there would be no upfront costs for the ATM install and we will be making money from this as well as it addresses customer concerns.

Councilman Schmidlein asked who maintains this.

Mr. Gibbs said service will come from Boise, ID.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to award the Automated Teller Machine concession at the Elko Regional Airport to Welch ATM.**

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

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

- A. 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 26, 2014. 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 the vouchers would be good for a couple of weeks.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, 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. (5-0)*

- C. Review, consideration, and possible approval of a request from City Staff to change the traditional parade route through downtown Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Due to the number of parades conducted in the City of Elko, and in an effort to better manage resources for the Police and Street Departments, the new proposed route would reduce officer and traffic control requirements while also lessening the impact to the traveling public when both 3<sup>rd</sup> and 12<sup>th</sup> Streets are closed. DS

Dennis Strickland, Public Works Director, explained this is a kind of matter of fact thing. He met with the new Police Chief and parades came up and the way we help facilitate with the traffic control placement for the parade. Chief Reed pointed out that there are some issues with it. He believed this would be a solution that can work for everyone. These changes make a lot of sense to Public Works and the Police Department.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the request from staff to change the traditional parade route through downtown Elko.**

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

- H. Review, consideration, and possible action to accept the 2014 Planning Commission Work Program, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered a draft 2014 Work Program at their regular meeting of March 4, 2014. They took action to approve the Work Program and forward it to City Council. RM

Rick Magness, City Planner, explained they laid this down in a time certain pattern for easy identification. The Planning Commission wants to handle about six to ten things that they could do. They range from training to code changes and to projects.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to accept the 2014 Planning Commission Work Program.**

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

## **VI. RESOLUTIONS AND ORDINANCES (Cont.)**

- D. First reading of Ordinance No. 780, an ordinance amending Section 3-2-3 of the Elko City Code regarding general provisions applicable to the General Zoning Ordinance and adding a new subsection T prohibiting medical marijuana establishments and providing the effective date hereof, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the proposed ordinance has been included in the agenda packet for review. BR

**NO ACTION**

### III. APPROPRIATIONS (Cont.)

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

Councilwoman Simons asked about where the camera video detection system for \$15,000 is. It was indicated that it was the camera in chambers.

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

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

### IX. REPORTS

- A. Mayor and City Council

*Councilman Keener wanted clarification on the gas tax. It was his recollection that we were under the max and NDOT came to the County Commissioners and kind of threatened them with not fully participating on projects in Elko County unless the tax was maxed out. Curtis Calder said that wasn't completely true and explained. He has been dealing with fuel tax since 2003. That was always implied but he never heard it come out of NDOT's lips officially.*

- B. City Manager

*Curtis Calder gave the update on Sales Tax for Ms. Stout (Exhibit "C").*

- C. Assistant City Manager

- D. Utilities Director

- E. Public Works

- F. Airport Director

- G. City Attorney – Report on Open Meeting Law questions

*Dave Stanton gave a report on the Open Meeting Law changes.*

- H. Fire Chief

- I. Police Chief

*Chief Reed thanked council for voting and moving forward the funding and other issues.*

- J. City Clerk

- K. City Planner

*Rick Magness said council is invited to attend the March 20 RDA meeting.*

- L. Development Manager

- M. Administrative Services Director – Update on Sales Tax

- 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**

Bill Hance said a summary of the Open Meeting Laws should be given to every elected official when they are sworn in.

Mr. Calder said we will have the special meeting next Tuesday at 5pm. Keep your calendars clear.

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

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Mayor Chris Johnson

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Shanell Owen, City Clerk