

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

SS March 14, 2017

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, March 14, 2017.

This meeting was called to order by Mayor Chris Johnson.

## ROLL CALL

**Mayor Present:** Chris J. Johnson

**Council Present:** Councilman John Rice *left at 5:00pm*  
Councilwoman Mandy Simons  
Councilman Robert Schmidlein  
Councilman Reece Keener

**City Staff Present:** Curtis Calder, City Manager  
Scott Wilkinson, Assistant City Manager  
Ryan Limberg, Utilities Director  
Aubree Barnum, Human Resources Manager  
Jonnye Jund, Accounting Manager  
Jeremy Draper, Development Manager  
Cathy Laughlin, City Planner  
James Wiley, Parks and Recreation Director  
Dennis Strickland, Public Works Director  
Dave Stanton, City Attorney  
Matt Griego, Fire Chief  
Ben Reed Jr., Police Chief  
Shelby Womack, Police Records Supervisor  
James Foster, Assistant Airport Director  
Bob Thibault, Civil Engineer  
Ted Schnoor, Building Official  
John Holmes, Fire Marshal  
Diann Byington, Recording Secretary

## PLEDGE OF ALLEGIANCE

## COMMENTS BY THE GENERAL PUBLIC

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

*There were no public comments.*

**I. PRESENTATIONS**

- A. A reading of a proclamation by the Mayor recognizing March 19 thru March 27, 2017 as Professional Land Surveyors Week, and matters related thereto.  
**INFORMATION ONLY-NON ACTION ITEM**

Mayor Johnson read the proclamation. He presented a copy of it to Chris Konakis.

Chris Konakis, President NALS Great Basin Chapter, thanked the Mayor and the City.

**APPROVAL OF MINUTES:** February 28, 2017                      **Regular Session**

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

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

**I. PRESENTATIONS (Cont.)**

- B. Presentation of February 2017 City of Elko Flood Event, as it pertains to weather conditions, Staff deployment, emergency declaration, emergency response, and disaster recovery effort(s), and matters related thereto. **FOR POSSIBLE ACTION**

Curtis Calder, City Manager, introduced the presentation.

Greg Barnhart, Elko National Weather Service, began the presentation (Exhibit "A") explaining the weather event that lead to the flood.

Councilman Keener asked how you acquire the readings from the Ryndon gauge.

Mr. Barnhart answered it is off their website. The gauge is calibrated when there is flow into it.

James Ellison, 7<sup>th</sup> Street, has lived on the Humboldt River his whole life. He talked about past floods. He said the water they had did not come from the river. That water came from the drains.

Mr. Ellison asked if they use the same gauges that the Water Department uses.

Mr. Barnhart answered they use all of the USGS gauges that are out there.

Mr. Calder continued on with the City's portion of the presentation.

Joyce Ellison, 445 S. 7<sup>th</sup> St., said she called Red Cross to get help. She called the 800 number and later met with Darcy in front of her apartment building. According to Darcy no one else had called for help. The FEMA stuff that was referred to mentioned the city and not the private people. She called dispatch and she was referred to a county number but no one answered it. She read a letter (Exhibit "B").

James Ellison, 7<sup>th</sup> Street, apologized for allowing the last meeting turn into an argument. He has been on the phone with the Department of Public Safety that deals with FEMA. Manuel Vega told his cleaning lady to tell the residents on the south side that this was a city mistake. He has been watching the water rise and has dug through the weeds to find the culverts. He has talked to city employees that are retired. They told him the covers were removed from the drains and where they were buried. He has been on the phone with Dean Heller's office. The city and the county need to get on board about it and correct what is wrong. People cannot afford more loans. It is wrong that the people are trying to figure out a way to pay for this damage. The city should get their insurance company down there and try to resolve this without a big fight. The city carries a liability insurance and it should help pay for some of the damages.

Richard Lespade, 120 S. 1<sup>st</sup> Street, said during Saturday night he was looking for sandbags at approximately 5pm. The sandbags ran out and he did not know who to contact or where to go to get more. He thought the information was chaotic. His biggest concern is that this was not the first time that the same house has flooded. What plan are we actually working towards so that this doesn't happen again?

Patty Meyer, S. 6<sup>th</sup> Street, read a letter and displayed some pictures that she sent to some people in Carson City (Exhibit "C").

Van Cornejo, south side, wondered how many people are still displaced. He talked to a couple that had flood insurance but they are not going to be able to fix everything. His house on Wilson had 9 feet of water from the basement and is still not able to occupy it. There are still a lot of people that are homeless. They have been trying to find people to help but they don't know where to go.

Jared Ellison, 459 S. 9<sup>th</sup>, said he walks the river every day. With more flooding coming, the city is putting rubber bladders in. Will those bladders keep the water back? How much will they hold?

Mayor Johnson answered they will hold back 20-30 feet of head. They may not completely seal but they are one of the better seals available.

Jared Ellison said these problems were known before the flooding. Why weren't they fixed? What will the city do now and what are the future steps?

Mayor Johnson answered some of those answers were in the presentation. The city is working on more modeling of the river. We cannot give a definite answer today but that will be provided at a later meeting.

Ms. Ellison talked to Kelly Anderson from Nevada Department of Public Safety. She needed 25 names of people that had been affected by the flooding so FEMA could get started. She also went through on her own time and provided a list of all the homeowners in the area up to Wilson. Ms. Anderson should get back to her when the FEMA assistance is approved.

Mayor Johnson said that Elko did qualify with 21 homes. There are protocols that FEMA has to follow to allocate federal funding in a disaster. One of the things to meet thresholds is dollars

amounts and number of homes damaged. Elko had met that and it was decided to have SBA in the area. From that time until the day the SBA was to be in Elko, Lemon Valley flooded. The SBA funding being available for loans has been on hold right now.

Andre Lespade, 120 S. 1<sup>st</sup> St., commended everyone in the community that helped out. His biggest issue was with delineation of information.

Councilman Keener noted Linkan Engineering did a lot to help residents in the south side.

Mr. Cornejo said Al Park and Atwal were giving out vouchers for fuel to keep generators running.

Mayor Johnson closed public comments for this item. He said we will continue to look into the river and the history of. The City of Elko cannot prevent the flood. There is no way the city can do that. That area is within a flood plain. There are no indicators that there is a “less chance” area because of any flood structure. He doesn’t see that the city could ever commit to that area would not flood. As far as comments about the city managing and dredging the river, he will keep an open mind but he is not sure that the city was ever supposed to do that to the Humboldt River. The city fell under the county’s emergency declaration. It takes a while to get assistance from FEMA. We are in the process and our paperwork is being looked at. Even if FEMA money comes available, it won’t pay for 100% of the damages.

*Councilman Rice left during the discussion above.*

## **NO ACTION**

## **II. APPROPRIATIONS**

- B. Review, consideration, and possible authorization for Staff to solicit bids for the Public Works Department for Plantmix Bituminous Pavement materials to be used for the Year 2017 Construction Season, and matters related thereto. **FOR POSSIBLE ACTION**

This is an annual bid request for Plantmix Bituminous Pavement Materials based upon a unit price per ton amount. The materials are primarily used by the Public Works Department on streets, but the material may also be used by other departments as needed. DS

Dennis Strickland, Public Works Director, explained this is the annual item to go out for bids.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to authorize staff to solicit bids for the Plantmix Bituminous Pavement materials to be used for the 2017 construction season.**

*The motion passed unanimously. (4-0)*

- C. Review, consideration, and possible final acceptance of the Boiler Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project was awarded to KAP Mechanical Services at the September 13, 2016 Council Meeting in the amount of \$179,250. There were two change orders in the amount of \$2,305.57 bringing the total for the contract to \$181,555.57. This additional work included the installation of a chemical feeder and the replacement of three 4 inch butterfly valves on the geothermal return line. The project has been completed and is in conformance with the plans and specifications and is ready for final acceptance. JW

James Wiley, Parks and Recreation Director, explained KAP Mechanical did a great job for us. There were only minor change orders. The total cost for the project was included in the packet.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, for final acceptance of the Boiler Replacement Project in the amount of \$181,555.57.**

*The motion passed unanimously. (4-0)*

- D. Review, consideration, and possible approval to solicit bids for the Sewer Slip Line Project 2017, and matters related thereto. **FOR POSSIBLE ACTION**

This project has been funded in the current fiscal year budget. This work will occur on portions of Weyumb, Toiyabe, ITC, and 6<sup>th</sup> Street. The sewer mains in these locations are showing root intrusion, and poor pipe integrity consisting of pipe cracks and offset joints. RL

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to solicit bids for the Sewer Slip Line Project 2017.**

*The motion passed unanimously. (4-0)*

### **III. SUBDIVISIONS**

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 2-17 for the Great Basin Estates Phase 1B subdivision, filed by Parrado Partners LP, for the proposed division of approximately 15.804 acres, of which 1.897 acres of property will be divided into 12 lots with a remainder of 13.097 acres for residential development within an R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item on March 7, 2017 and took action to forward a recommendation to City Council to conditionally approve the Final Plat 2-17. CL

Cathy Laughlin, City Planner, explained this was approved in May 2016. The final plat was split into two different phases. This is for phase 1B. There are some conditions in the memos included in the packet.

Councilman Keener asked if that encompasses just under 2 acres. (yes)

Jeremy Draper, Development Manager, talked about the flood area and the CLOMR that was just completed for this subdivision.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to conditionally approve Final Plat No. 02-17, for the Great Basin Estates Phase 1B subdivision, subject to the conditions as recommended by the Planning Commission.**

*The motion passed unanimously. (4-0)*

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

- A. Review, consideration, and possible approval of an Agreement between the Elko Park Foundation Inc. and the City of Elko for the purposes of managing private funding sources for the proposed sports complex, and matters related thereto.  
**FOR POSSIBLE ACTION**

*At the February 14, 2017 Council meeting, City Council made a motion to table this item to a future Council meeting.*

The City is in the process of soliciting private funding to match other possible funding sources for the proposed sports complex. The City has requested that the Elko Park Foundation act as a “pass through” entity for the contributions. The purpose of the request is to ensure that potential contributors avoid any conflicts with company or corporate policies that may prohibit contributions to government entities, and to provide potential contributors with clear and concise tax advantage considerations. The agreement stipulates the foundation may withhold its actual administrative costs associated with management of the contributions. The Foundation may retain 2 percent of the contributions until the end of the fiscal year. Supporting documentation is required demonstrating that the costs withheld were actual and necessary administrative costs as defined in the agreement? A reconciliation of the retained funds is required by the end of the first quarter of the fiscal year. The agreement stipulates that the Foundation will donate all contributions, less retained funds, to the City within 30 days after the end of each calendar quarter. JW

James Wiley, Parks and Recreation Director, explained the write up in the agenda is a good summary of what the agreement is. Staff, legal and Park Foundation all believe that this is a good solid agreement. At the last meeting Council had some questions about policies, procedures and how the foundation handles money. Kent Aveson from the Park Foundation is here to answer any questions.

Kent Aveson, 647 Spruce Road, President Park Foundation, said the Park Foundation has been quiet the last few years. He gave a brief overview of what they do and how they manage their money.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the agreement between the Elko Park Foundation, Inc. and the City of**

**Elko for the purposes of managing private funding sources for the proposed Sports Complex.**

*The motion passed unanimously. (4-0)*

**V. NEW BUSINESS**

- A. Review, consideration, and possible approval of Revocable Permit 1-17, filed by McGinley & Associates on behalf of Hardy Enterprises, Inc., to occupy a portion of the Idaho Street Right-of-Way located adjacent to 1790 Idaho Street, to accommodate installation of three new monitoring wells, and matters related thereto. **FOR POSSIBLE ACTION**

As part of an ongoing monitoring process being completed by McGinley and Associates, they would like to install, sample and maintain three new Groundwater Monitoring Wells which are proposed to be located in the City of Elko Right-of-Way. City Code requires they have a Revocable Permit to Occupy the Right-of-Way. CL

Cathy Laughlin, City Planner, explained within the last year we issued a similar permit to the same applicant. They were on the other side of the street. Now they are requesting three (3) additional locations in our right-of-way.

Ryan Limberg, Utilities Director, said the original packet requested six (6) wells. He did not approve three (3) of those locations because they were too close to our Well 14. He can support these three that are requested.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve Revocable Permit 01-17, subject to execution of a standard license agreement between the applicant and the City of Elko.**

*The motion passed unanimously. (4-0)*

**VI. PETITIONS, APPEALS, AND COMMUNICATIONS**

- A. Review, consideration, and possible acceptance of a petition filed by The Pointe at Ruby View, LLC for the waiver of installation of curb, gutter, and sidewalk in the proposed Bizkaia Subdivision and the proposed Bizkaia Boulevard serving the subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 2-13-3-(C), the applicant has filed a petition to have the requirement for curb, gutter, and sidewalk to be waived. The applicant is proposing a subdivision on a parcel of land that has a conditional approval for a zone change to be zoned Residential Suburban (RS). The local rural residential road standards described in Elko City Code 3-3-22 do not waive the requirement for curb and gutter, but allow for sidewalks to be of various materials. JD

**This item was withdrawn.**

## II. APPROPRIATIONS (Cont.)

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

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

*The motion passed unanimously. (4-0)*

## VII. REPORTS

- A. Mayor and City Council

*Councilman Keener said he visited several of the schools. There were squad cars at several of them and he thought that gave the schools a secure feeling.*

*Mayor Johnson reported on the Mayor's Day in Carson City. It was well attended by over ten mayors. Property tax values and the secondary calculation were big topics.*

*Councilwoman Simons will be gone for the next meeting.*

- B. City Manager

*Curtis Calder discussed the property tax abatement problem and the air service development bill. We are still trying to find more information regarding the river and its maintenance. We haven't come across anything that says there is an agreement and if anyone finds it, we would like to have a copy of it.*

- C. Assistant City Manager

- D. Utilities Director

*Ryan Limberg reported on the flows at the WRF.*

- E. Public Works

- F. Airport Director

- G. City Attorney

- H. Fire Chief

*Chief Griego had nothing new to report on the FEMA declarations. He offered to update as he gets more information.*

- I. Police Chief

*Chief Reed reported on an uptick of burglaries that included the Elko Swimming Pool and the Golf Course. One person has been retained at the JDC who appears to be responsible for the Golf Course burglary. His annual report is due to council and he is working on it.*

- J. City Clerk

- K. City Planner

*Cathy Laughlin reported on Redevelopment Association of Nevada paid membership fees this year and it went towards a brochure that will be handed out at Legislature. A bill has been introduced that can help with redevelopment projects and agencies by taking the Prevailing Wage threshold from \$100,000 to \$250,000. After that bill was introduced another bill was introduced that took the Public Works threshold down from \$250,000 to \$100,000. They don't think their bill will go anywhere.*

- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

*James Wiley reported on the 404 permit for the Sports Complex.*

- 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**

Richard Lespade said it is easy to get caught up in the anger over the property damages. People are taking this all so personal. There is a unique opportunity here. He doesn't think the people that were here would ever be satisfied. The flood came and the damages happened. It is easy to cast blame but we can take this information and learn from it.

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