

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

SS March 26, 2019

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, March 26, 2019.

This meeting was called to order by Mayor Reece Keener.

## CALL TO ORDER

## ROLL CALL

**Mayor Present:** Reece Keener

**Council Present:** Councilwoman Mandy Simons  
Councilman Robert Schmidlein  
Councilman Chip Stone  
Councilman Bill Hance

**City Staff Present:** Curtis Calder, City Manager  
Scott Wilkinson, Assistant City Manager  
Ryan Limberg, Utilities Director  
Kelly Wooldridge, City Clerk  
Cathy Laughlin, City Planner  
Candi Quilici, Accounting Manager  
Dennis Strickland, Public Works Director  
Ben Reed Jr., Police Chief  
Ty Trouten, Police Captain  
Jason Pepper, Police Sergeant Supervisory  
James Wiley, Parks and Recreation Director  
Jim Foster, Airport Manager  
Dave Stanton, City Attorney  
Tom Coyle, Deputy City Attorney  
Matt Griego, Fire Chief  
Jack Snyder, Deputy Fire Chief  
Diann Byington, Recording Secretary

## PLEDGE OF ALLEGIANCE

## COMMENTS BY THE GENERAL PUBLIC

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

*There were no public comments.*

**APPROVAL OF MINUTES:**

**March 12, 2019  
February 26, 2019**

**Regular Session  
Regular Session**

*The minutes were approved by general consent.*

#### **IV. NEW BUSINESS**

- C. Review, consideration, and possible action to enter into a Disciplinary Settlement Agreement between the City of Elko and Nualla LLC, dba Cabo Bar, by Acela Ceja and Carlos Nunez, and matters related thereto. **FOR POSSIBLE ACTION** During the first week of November 2018, Elko Police Officers received information which indicated at least one minor (16 years of age) was present at the Cabo Bar, 449 Railroad Street in Elko, and was allowed to remain on the premises consuming alcoholic beverages on or about November 2, 2018. The Police Department then initiated an administrative investigation and developed significant evidence indicating the licensee violated Elko City Code 4-5-26, Knowingly Allowing Minor to Loiter in Bar Area. The licensee was put on notice, in writing, via a letter from the Police Chief on December 19, 2018.

At the request of the Elko Police Chief, the City Attorney prepared formal charges for a disciplinary hearing before the Elko City Council against the Cabo Bar liquor licensee. During this process, an opportunity was presented to the licensee whereby they would admit to the violation and agree to various terms of discipline. The attached agreement is supported by both parties and is presented for the City Council's review in lieu of a formal disciplinary hearing. BR

Ben Reed, Jr., Police Chief, gave an overview of the background related to this licensee and the issues involved. All parties are in favor of this Settlement Agreement and are looking for Council's approval.

Tom Coyle, Deputy City Attorney, explained with the evidence presented to them from the Police Department, they drafted a verified complaint that would ordinarily be filed with the City Council. At the request of the Mayor, that was sent to the licensee and asked if they would like to meet on this come to some stipulated discipline. The licensee was willing to cooperate and admit to the violation. He went over the terms of the agreement.

Mayor Keener said he has been through a couple of these hearings and they are long and painful. He wanted to see something punitive in the agreement that is also proportional to the violation. He felt this agreement addressed that. If this were any more punitive, the business would close.

Councilman Hance felt the closure should cover two weekends, instead of just the one. They also need security at the door checking IDs.

Chief Reed said there is no provision in City Code that mandates security on bars. It is a very good idea and the Police Department would like to see them all do it. They tried to balance the financial loss that business would be facing with the ten-day closure and the 2:00 am Last Call/Closure. They don't want to close the business. This isn't the first issue the Police

Department has had with the licensee. They have done some good things and they have made some mistakes. We are trying to give them an opportunity to correct. Future violations of the Elko Liquor Control Code would result in him coming before Council and requesting revocation of their license.

Councilman Schmidtlein wanted to make sure the licensees understood what they were signing.

Acela Ceja and Carlos Nunez both said they understood and were in agreement.

Councilman Schmidtlein said a liquor license is a privilege license. We can take disciplinary action at any given moment. He hopes they don't come back to Council because if so, they will revoke the license.

Mayor Keener called for public comment without a response.

Carlos Nunez explained they have tallied up all of their costs. They will lose well over \$13,000 for this in fees and other losses over this incident. If they have to close more than one weekend will be a large financial cost to them.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidtlein, to approve the agreement regarding license discipline between the City of Elko and Nualla LLC, dba Cabo Bar, by Acela Ceja and Carlos Nunez, and authorize staff to execute the agreement.**

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

## **II. SUBDIVISIONS**

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 14-18, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Tower Hill Unit 2 involving the proposed division of approximately 17.05 acres of property into 23 lots and 1 remainder parcel for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located southwest of the terminus of Deerfield Way and Chukar Drive (APN 001-929-124). The Planning Commission considered this item on March 5, 2019 and took action to forward a recommendation to City Council to conditionally approve Final Plat 14-18. CL

Cathy Laughlin, City Planner, explained the plat application. There are several conditions listed in the staff report. She recommended conditional approval with stated conditions. She requested language in the motion, for Council to accept any land offered for dedication.

Scott Wilkinson, Assistant City Manager, said there was a specific motion on the agenda action sheet.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to accept on behalf of the public any parcel of land offered for dedication for public use in**

**conformity with the terms of the offer of dedication and conditionally approve Final Plat No. 14-18 for the Tower Hill Phase 2 subdivision subject to the conditions as recommended by the Planning Commission.**

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

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

- A. Review, consideration, and possible approval of an Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Tower Hill Phase 2 subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-44 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-45. The Planning Commission recommended as one of the conditions for approval of the final plat, that the agreement shall be approved by the City Council.

The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the final plat. CL

Ms. Laughlin explained there were two corrections in the background: The sections of code 3-3-44 and 3-3-45 were the old sections of code, and the correct codes are 3-3-21 and 3-3-22. She recommended approval.

Mayor Keener called for public comment without a response.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the Agreement to Install Improvements and Performance Maintenance Guarantee for Subdivision Improvements associated with the Tower Hills Phase 2 subdivision; the subdivider shall enter into the agreement within thirty days.**

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

- B. Review, consideration, and possible acceptance of an easement for access and utility purposes from Trinity Jay Shippy and Kathryn Justine Shippy, along the north property line of APN 039-001-007, and matters related thereto. **FOR POSSIBLE ACTION**

As part of Vacation 2-19 and Resolution No. 06-19 to vacate a portion of an existing utility and roadway easement that was granted to the City of Elko, the owner is relocating the water line along the north property line and therefore the granting of the new easement. CL

Ms. Laughlin explained Planning Commission evaluated this proposal. There is a waterline that goes along the easement but it is being moved to another easement. In this agenda item, we are accepting the new easement.

**\*\* A motion was made by Councilman Stone, seconded by Councilwoman Simons, to accept the easement for access for utility purposes.**

Councilman Hance wondered if the APN needed to be stated in the motion.

Councilman Stone clarified his motion: **Accept the easement for access utility purposes with the APN: 039-001-007.**

Councilwoman Simons seconded the motion.

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

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

- A. Review, consideration, and possible approval of issuing a revised Liquor License to Chef Cheng's Chinese Restaurant, modifying the current Retail Beer and Wine License to a Retail Liquor License, and adding Dapeng Shao to the license. Chef Cheng's is located at 1309 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed explained this restaurant has been in business for a long time. They have had a beer and wine liquor license for some time. It was their idea to update the license to retail liquor and add a family member. The applicant went through the background check. He recommended approval.

**\*\* A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve the issuance of a revised liquor license to Chef Cheng's Chinese Restaurant, modifying the current Retail Beer and Wine License to a Retail Liquor License and adding Dapeng Shao to the license. Chef Cheng's is located at 1309 Idaho Street, Elko, Nevada, 89801.**

Mayor Keener called for public comment.

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

## **I. APPROPRIATIONS**

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

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

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

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

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

*The motion passed. (4-0 Mayor Keener abstained.)*

### **III. UNFINISHED BUSINESS**

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. CL

Councilman Hance stated he wants Mr. Capps to come address Council regarding this item.

Ryan Limberg, Utilities Director, said there was an update from NDEP. We should be hearing back from them next week.

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

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

### **BREAK**

### **VI 5:30 P.M. PUBLIC HEARINGS**

- B. Review, consideration, and possible action to adopt Resolution No. 6-19, a resolution and order vacating a portion of an existing roadway and utility easement along the westerly lot line of parcels referred to as APN 039-001-007,008 & 009, filed and processed as Vacation No. 2-19 filed by Robert Morley of High Desert Engineering on behalf of Trinity Jay Shippy and Kathryn Justine Shippy, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of February 26, 2019, and directed Staff to continue with the vacation process by

referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting March 5, 2019, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 2-19 with findings in support of its recommendation. CL

Cathy Laughlin, City Planner, explained the easement we are vacating is along the west property line of the third parcel. The Planning Commission had conditions listed in the action report. She recommended conditional approval of the vacation.

Mayor Keener called for public comment without a response.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to adopt Resolution No. 6-19, which contains conditions as recommended by the Planning Commission.**

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

- A. Review of bids received and subsequent public auction for the sale of approximately 4,000 square feet of City owned property located generally south of the intersection of Elm Street and 8th Street, referred to as APN 001-066-005, and matters related thereto. **FOR POSSIBLE ACTION**

On February 26, 2019, City Council approved Resolution No. 05-19, which set forth the conditions of the public auction for the sale of City owned land. The minimum sale price must be \$20,000.00 payable in cash or cashier's check at close of sale which shall be within sixty (60) days of acceptance by the City Council of the highest bid. A copy of Resolution No. 05-19 has been enclosed in the agenda packet for review. CL

Mayor Keener said there was one sealed bid.

Dave Stanton, City Attorney, said the first step is to open, examine and declare the sealed bid. Then you call for oral bids. If no oral bids, then you need to decide if the sealed bid is conforming, and if it is, you accept the highest sealed bid.

Mayor Keener asked if there was only one sealed bid, the oral auction was out of play.

Mr. Stanton answered no, unless if there is one sealed bid and there are no oral bidders. If you have one sealed bid you open it, examine it and declare it.

Councilman Schmidlein stated the oral bids would need to be in 5% increments.

Mayor Keener opened the sealed bid. It was from Jon Bailey in the Amount of \$20,500.00. Mr. Bailey has done his due diligence on the property and understands what he is getting.

Mr. Stanton said the next step is to open it up for oral bids.

Mayor Keener asked if anyone else in the audience would like to bid on the property. The next bid would be \$21,500. After no response from the audience, he said he would entertain a motion. He called for public comment without a response.

Mr. Stanton said you have to make a finding that the bid conforms to the terms and conditions specified in the Resolution of Intention to sell, and make a motion to accept based on those findings. He went on to explain where Council could find language for the motion.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Hance, that this bid submittal conforms to all terms and conditions specified in the Resolution of Intention to Sell or Lease, and was made by a responsible bidder, and is the highest bid, and to authorize and direct the Mayor to execute a Deed or Lease and to deliver upon and conformance and compliance by the purchaser, with all of the terms and conditions of the contract, which are to be performed concurrently therewith, and that we are accepting the bid in the amount of \$20,500 by Bailey and Associates, LLC.**

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

## VII. REPORTS

### A. Mayor and City Council

*Mayor Keener will be heading to Carson City for Local Government Day. He met with Senator Rosen last week and she spent time with the Broadband Action Committee.*

*Councilman Stone was at the Broadband Meeting also. He reported ECVA has not had any luck in finding a new Comptroller. They are looking at getting bids to outsource the position. Once they get that piece in place, they will look at outsourcing marketing. The heating/geothermal was turned on today at the conference center.*

### B. City Manager

*Curtis Calder and Jim Foster will be on hand to help support the AB242 effort. He will be in Carson City for Local Government Day. They will coordinate their efforts with the Reno/Tahoe Airport Manager for the presentation (which is supposed to be simulcast at GBC) and he will head back to Elko. Mayor Keener thanked him for all of his work on the budget.*

### C. Assistant City Manager

### D. Utilities Director

*Ryan Limberg reported they received a draft agreement from the VA for the cemetery. He will be meeting with Dave to try to finish that. There was an emergency repair at the WRF. There was a broken reuse line behind the plant. Great Basin Engineering Contractors performed the repairs. It was an after-hours repair. The invoice totaled \$9,338.*

*Councilman Schmidlein asked who is doing the development on Hot Springs Road around the cantina.*

*Mr. Limberg thought Ruby Dome was doing the work.*

*Jeff Ford said Uribe owns that and they have site improvement permits.*

### E. Public Works

*Dennis Strickland said they are paying close attention to the river. He expects it to rise and we may experience some flooding in the nuisance areas.*

F. Airport Manager

*Jim Foster said noon tomorrow is the deadline for letters of support for the Air Service Legislation. The video conferencing for that is taking place at the High Tech Center at Great Basin College. Their tabletop exercise is scheduled for tomorrow.*

G. City Attorney

H. Fire Chief

I. Police Chief

*Chief Reed reported the 911 bids are due next Friday for NextGen 911. They are tracking AB324 concerning the establishment of an E911 State Office Coordinator. He is set to testify for the bill soon. Their academy officer is on track to graduate soon. Lt. Palhegyi is at Quantico for three months. The Police Department is working on a large case and he will give an update at the next meeting.*

J. City Clerk

*Kelly Wooldridge reported AB242 will be heard at 4:00pm. She has received a total of 92 letters. She is monitoring 132 bills. AB282 was heard today at 2:00 pm. It is the bill that would require cities to turn election districts into wards.*

*Mayor Keener asked Ms. Wooldridge if she could blast email everyone that had sent in letters of support for the Air Service Bill, and let them know of the video conference at GBC.*

*Ms. Wooldridge said she would do that for the ones she has emails for. She also stated the business impact proposed rule for the code updates will be out in the mail tomorrow or the next day. The draft ordinances will be available for people to review at the Clerk's Office.*

K. City Planner

*Mayor Keener asked Cathy Laughlin if there were any dates set for her to get with Elko County Association of Realtors (ECAR). Cathy Laughlin answered she was still doing some research on how this is handled nationwide.*

L. Development Manager

M. Administrative Services Director

N. Parks and Recreation Director

*James Wiley reported the preconstruction meeting will be Thursday at 1pm with MGM for the pool project. They have Notice to Proceed for Monday to begin work.*

O. Civil Engineer

P. Building Official

*Mayor Keener asked Jeff Ford what is being built at Walmart. They are building electric car charging stations and they are in the process of building a kiosk for grocery pickup.*

## COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this

item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

There being no further business, Mayor Reece Keener adjourned the meeting.

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Mayor Reece Keener

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Kelly Wooldridge, City Clerk