

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

SS April 12, 2016

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, April 12, 2016.

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.**

## **ROLL CALL**

**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  
Scott Wilkinson, Assistant City Manager  
Ryan Limberg, Utilities Director  
Shanell Owen, City Clerk  
Dawn Stout, Administrative Services Director  
Jonnye Jund, Accounting Manager  
Aubree Anderson, Human Resources Manager  
Ben Reed Jr., Police Chief  
Ben Mangeng, Information Systems Manager  
Mark Gibbs, Airport Director  
Jeremy Draper, Development Manager  
Matt Griego, Fire Chief  
Mike Hess, Landfill Superintendent  
Bob Thibault, Civil Engineer  
James Wiley, Parks and Rec Director  
Joe Carr, Parks Superintendent  
Dennis Strickland, Public Works Director  
Cathy Laughlin, City Planner  
Ted Schnoor, Building Official  
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 22, 2016      Special Session

*The minutes were approved by general consent.*

March 22, 2016      Regular Session

*The minutes were approved by general consent.*

### **I.      PRESENTATIONS**

- A.      A Proclamation by the Mayor in recognition of the “Week of the Young Child,” and matters related thereto. **INFORMATION ITEM ONLY–NON ACTION ITEM**

Mayor Johnson read the proclamation and gave a copy of it to Sarah Carone.

Sarah Carone, Nevada Association for the Education of Young Children, explained there is an event on Saturday at Northside Elementary School from 10:00am to 2:00pm if anyone is interested.

- B.      A Presentation of the Family Resource Center’s Programs and Services by Executive Director Judy Andreson, and matters related thereto. **INFORMATION ITEM ONLY-NON ACTION ITEM**

Judy Andreson, Executive Director Family Resource Center, explained the Family Resource Center has been in existence for 30 years and gave a presentation (Exhibit “A”). She handed out pinwheels and a copy of their annual report for fiscal year 2015 (Exhibit “B”). In closing, she had Jeremy Draper play a “Thank You” video.

### **III.    PERSONNEL**

- A.      Employee Introductions:

- 1) Ms. Rebecca Hansen, Landfill Scale Operator, Public Works Department  
*Not present but introduced by Mike Hess, Landfill Supervisor.*
- 2) Ms. Erika Weber, Full time Records Technician, Police Department  
*Present and introduced.*
- 3) Mr. Trey Ellsworth, Cemetery Lead  
*Present and introduced.*

## I. PRESENTATIONS (Cont.)

- C. Review and possible approval of the Fiscal Year 2016/2017 Tentative Budget, inclusive of all funds, and matters related thereto. **FOR POSSIBLE ACTION**

Dawn Stout, Administrative Services Director, gave a presentation (Included in the packet).

- General Fund Summary
- Property Tax Abatement
- General Fund Additions
- Recreation Fund
- Youth Recreation Fund
- Municipal Court Assessment Fund
- Revenue Stabilization Fund
- Redevelopment Agency
- Capital Construction Fund
- Ad Valorem Capital Projects Fund
- Public Improvement Development Fund
- Capital Equipment Replacement Fund

John Carpenter asked why you would want to demolish the old Police Station when someone could make good use of it.

Mayor Johnson answered that decision hasn't been made yet. Once the building is empty we will work to see if it could be used by another entity.

Ms. Stout continued with her presentation.

- Facility Fund
- Debt Service Fund
- Water Fund

Councilwoman Simons asked Mr. Limberg to explain the Land for Lamoille Tank line item.

Ryan Limberg, Utilities Director, answered it is an on-going capital planning long-term process. We are looking at picking up some 5-10 acres up on the Lamoille Summit area for a future tank site location.

Councilman Rice asked if the anticipated rate increase for connection fees would be brought to council in the next fiscal year.

Mr. Limberg answered that is something they are proposing in this budget. The purpose of that connection fee is to pay for future tanks, transmission mains or wells.

Councilman Rice asked when the last increase was.

Mr. Limberg answered 2007 was the last increase. This will just be for the first-time connection for new homes.

Ms. Stout continued with her presentation.

- Sewer Fund

John Carpenter asked what the Sewer Slip-line Inflow Study was.

Mr. Limberg answered over the years they have done a lot of research on inflow and infiltration to our plant. That consists of, during storm water events or other times where there may be external sources of water that enter our collection system. Ten years ago we had flows to the sewer plant that were close to 4.5 to 5 million gallons a day. With the work we have done we have actually dropped those flows considerably to about half that amount. By reducing those external sources we have moved the capital project needs out much further. That item is to do either slip lining or to do some study to further evaluate places where we may be seeing that inflow or infiltration water coming in.

Mr. Carpenter asked who conducts the study.

Mr. Limberg answered an outside firm will conduct the study. We have done as much as we can in-house.

Ms. Stout continued with her presentation.

- Landfill Fund

Mr. Carpenter asked if you have to hold a public hearing on this rate increase.

Mayor Johnson answered yes.

Mr. Carpenter asked what do you hear from the sanitation outfit regarding what is happening to the recyclables.

Scott Wilkinson, Assistant City Manager, answered that there was an Elko Sanitation representative present. We have not discussed a rate increase on the recyclables.

Jared Martin, Elko Sanitation, explained he is the new site manager. The recycling program is in the negatives. We believe in recycling but unfortunately we are losing money on it. That doesn't mean that we want to discontinue doing it.

Councilman Rice felt it is a terrific program for the community.

Dennis Strickland, Public Works Director, said Elko Sanitation expected to take a hit on this program and it was built into the contract and the rates.

Mr. Carpenter felt it is a good program but they need to do a little bit more PR so people can know what can be recycled.

Mr. Martin said they will be working with the schools and outreach programs in the city. They have found they have more success working with the schools and the school kids.

Ms. Stout continued with her presentation.

- Airport Fund

John Carpenter asked where is that deal at that some of the operators out at the airport did not want to pay property taxes.

Curtis Calder, City Manager, answered the city is waiting for a hearing date on the county's motion to dismiss the case. It will take some time before it is resolved.

Mr. Carpenter wanted to see this thing settled and the city get out of it.

Ms. Stout continued with her presentation.

- Golf Fund
- Health Insurance Fund
- Schedule

Councilwoman Simons disclosed that her husband's departmental budget is affect by this but she didn't feel that her interest is any different than if anyone else were the Justice of the Peace and she will vote.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Tentative Fiscal Year 2016/2017 Budget as submitted.**

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

### **III. PERSONNEL (Cont.)**

- B. Review and possible approval of the Assistant Airport Director position description, including the reclassification and promotion of Mr. James Foster as the Assistant Airport Director, effective April 25, 2016, and matters related thereto. **FOR POSSIBLE ACTION**

The previous Airport Security Manager/Assistant Director has resigned his employment effective January 8, 2016 and the position has not been backfilled. Since then, the current Airport Operations/Maintenance Officer, Mr. James Foster, has assumed the responsibilities of Assistant Airport Director. Staff is proposing Mr. Foster be placed in the Management Wage Scale at Grade 25, Step 3. A position description has been drafted and it is recommended that Mr. James Foster be reclassified and promoted to fill the position of the Assistant Airport Director. AA

Aubree Anderson, Human Resources Manager, explained that the previous position and job title was actually Airport Security Manager/Assistant Director. Mr. Foster has been assuming the responsibilities of the Assistant Airport Director. He has been doing a great job in filling that role. In the last 90 days, Mark Gibbs has evaluated Mr. Foster's performance and he has determined that he meets the performance expectations and standards of that position. Staff's recommendation is to reclassify and promote Mr. Foster to Assistant Airport Director.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve the position description as presented and the reclassification and promotion of James Foster as Assistant Airport Director effective April 25, 2016.**

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

#### **IV. APPROPRIATIONS**

- C. Review, consideration, and possible award of the bid for the Cedar Street Reconstruction Project, and matters related thereto. **FOR POSSIBLE ACTION**

This item has been approved and budgeted for in the 2015/2016/2017 Fiscal Year Budgets, Capital Construction Fund. DS

Councilman Schmidlein disclosed that his partners at Canyon Construction are also part owners of Great Basin Engineering Contractors. He recused himself and left the chambers.

Dennis Strickland, Public Works Director, explained a copy of the bid tabulation was in the packet. We are looking at awarding alternates 1, 4 & 5 for a total project cost of \$1,793,473.84. The Water/Sewer Fund will be contributing to the project.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to award the bid for the Cedar Street Reconstruction Project to Great Basin Engineering Contractors with alternates 1, 4 and 5, in the amount of \$1,793,473.84.**

*The motion passed. (4-0 Councilman Schmidlein abstained.)*

- D. Review, consideration, and possible approval to enter into a Professional Services Agreement with Carter Engineering for the Design and Construction Management, and Quality Assurance of the Cedar Street Reconstruction Project Phase I in the amount of \$166,552.00, and matters related thereto. **FOR POSSIBLE ACTION**

This item is contingent upon Council awarding the bid for the Cedar Street Reconstruction Project Phase I. DS

Mr. Strickland explained the Water Department will share in a small portion of this. Ms. Carter was present in the audience.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the request from staff to enter into a Professional Services Agreement with Carter Engineering for the Design and Construction Management and Quality Assurance of the Cedar Street Reconstruction Project Phase I in the amount of \$166,552.**

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

- E. Review of the bids received and possible award of the Plantmix Bituminous Pavement Materials to be used for the Year 2016 Construction Season, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 3:00 p.m. local time on Thursday, April 7, 2016.

Mr. Strickland pointed out there was a decrease of \$6.34 per ton on both the delivered Type 2 and our delivered Type 3. That will help us get a little more work done this year.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to award the bid for the Plantmix Bituminous Pavement Materials for 2016 to Staker Parson.**

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

- F. Review, consideration, and possible authorization for Staff to solicit bids for the STP Road and Hot Springs Road Public Improvements, and matters related thereto. **FOR POSSIBLE ACTION**

The Project Scope will be to install the required public improvements on STP and Hot Springs Road consisting of Curb, Gutter, Sidewalk, 32' of paving as well as a Sewer Main Extension. This project is budgeted for in the incoming Fiscal Year Budget. RL

Ryan Limberg, Utilities Director, explained this was triggered by the construction of the truck loadout building.

Councilman Schmidlein asked what the thinking behind this was. At this moment nothing is developed in that area. Why are we moving forward with this?

Jeremy Draper, Development Manager, answered it is partly because of City Code. We try to stay consistent whether it is us, the county or a private developer. We have met recently with a property owner out there regarding a possible business going in there.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to authorize staff to solicit bids for the Public Improvements on STP Road and Hot Springs Road.**

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

- G. Review, consideration, and possible authorization for Staff to award the WRF South Reservoir Liner Repair Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved re-soliciting bids for this project on July 14, 2015. Bid Tabulations are enclosed in the Council Packet with Staff recommendations. The Liner Repair Project was approved in the Fiscal Year 2015/2016 Budget. FPS

Ryan Limberg, Utilities Director, said there is a bid tally in the packet. We have High Mark Construction as the low bidder in the amount of \$304,972.50. Staff recommended award to High Mark Construction. There was a minor technicality with their bid and he felt that can be waived.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve awarding the WRF South Reservoir Liner Repair Project to High Mark Construction in the amount of \$304,972.50.**

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

After the motion and before the vote, Councilman Rice asked what the discrepancy was.

Mr. Limberg said that council needs to do a little more action in the motion before it can be awarded. The High Mark Construction bid was the most compliant bid received. The issue is; there is a 5% and 1% form. High Mark Construction completed the 1% form only. They should have done the other form too.

Councilman Rice asked if we need to acknowledge that in the motion.

Lauren Landa, Deputy City Attorney, said you will have to waive the minor technicality prior to awarding the bid.

Mr. Limberg added they need to make a finding that it does not affect the competitiveness of the bids.

Councilman Keener added to his motion, **“and that there was a minor technicality with High Mark’s bid and it does not affect the outcome/competitiveness of the bidding process and that the technicality should be waived.”**

**Council voted on the motion.**

- H. Consideration and possible award of bid for Snow Removal Equipment to Buttars Tractors contingent on funding by the Federal Aviation Administration through Airport Improvement Grant #47, and matters related thereto. **FOR POSSIBLE ACTION**

On February 6, 2016, Council approved that Airport Management bid a new Broom/Blower/Plow Snow Removal Equipment. Bids were opened on March 30, 2016 with only one competitive bid received from Buttars Tractor Tremonton, Inc., of Park Valley, Utah. FAA AIP Grant 3-32-0005-47 will cover 93.75% of the lowest qualified bid purchase price. The airport engineer, Jviation, estimated a maximum possible purchase price of \$458,667. The bid for the SRE equipment came in well below engineer’s estimate at \$267,800 as we tried to find a versatile cost effective solution that would meet long term airport needs. The total local share for this equipment is \$16,737.50. The equipment is manufactured by New Holland America and is American owned and built in the USA. Award of this bid is contingent on FAA funding. MG

Mark Gibbs explained there was a minor technicality in the bid. There was only one bidder and they provided a corporate check instead of what was requested in the bid specifications. They contacted legal counsel and Mr. Stanton's response is in the packet. We did get a surety letter from the Bank of Utah.

Councilman Rice asked if the letter from the bank followed the response from legal counsel.

Mr. Gibbs answered yes.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to award the Airport Snow Removal Equipment to Buttars Tractor Tremonton, Inc., in the amount of \$267,800.00 contingent on FAA AIP funding, acknowledging the technicality that was missing in the response from Buttars in regards to the requirement for a surety letter or a cashier's check, and note the April 5<sup>th</sup> memo from the Bank of Utah guaranteeing the funds for that check in the amount of \$13,390.00 and that it is in compliant with the advice given to us by David Stanton, City Attorney.**

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

## **V. UNFINISHED BUSINESS**

- A. Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 1-16, filed by the Joshua Tree Shelter, which requests the requirement for public improvements to be waived along the 12<sup>th</sup> Street frontage and approximately 2/3 of the westerly frontage of Sharps Access Road abutting APN 001-630-069, and matters related thereto. **FOR POSSIBLE ACTION**

City Code section 2-13-3 requires public improvements at the time a parcel is developed or subdivided. This includes Curb, Gutter, and Sidewalk. The property frontage in question abuts the underside of the 12<sup>th</sup> Street Bridge and the ramp exiting the 12<sup>th</sup> Street Bridge on Sharps Access Road. The applicant is requesting a waiver of ±750 lineal feet of Curb, Gutter, and Sidewalk stating that it is impractical to install since there is no room and no direct access to those portions of frontage. City Code 2-13-3-(C) allows for the improvements to be waived based on evidence that it is impractical to install Curb, Gutter and Sidewalk because of circumstances beyond the reasonable control of the applicant. JD

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to table Item V. A.**

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

## **VI. NEW BUSINESS**

- B. Review, consideration, and possible action to conditionally approve Parcel Map No. 3-16, filed by Chad and Kim Anderson, for the division of approximately 1.411 acres into two parcels, located generally on the south side of Tamarack

Road approximately 320 feet east of Royal Crest Drive, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item at its April 5, 2016 meeting, and took action to forward a recommendation of conditional approval to 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 Council. CL

Cathy Laughlin, City Planner, explained we did an annexation for this parcel not too long ago, as well as a rezone. The parcel map will be dedicating Tamarak Road cul-de-sac to the city. It is in compliance with what the Knutson's did across the road. That will be a dead-end cul-de-sac there. Planning Commission did recommend approval.

Councilman Schmidlein asked they didn't want the road to go through to Sundance.

Jeremy Draper, Development Manager, answered we don't want people using Cattle Drive to cut through the subdivision and bypass the signal that will be there in the future. We felt the best way to do that was to terminate Tamarak Road with a cul-de-sac.

Councilman Schmidlein questioned secondary access. If Cattle Drive doesn't get built there is only one way in.

Mr. Draper answered technically there is still secondary access off Cattle. There has been a lot of construction traffic that has been using it for people that have building their homes up through there. It isn't ideal but it can be developed as a secondary access.

Scott Wilkinson, Assistant City Manager, said there have been complaints about the Royal Crest traffic and the dust created using Tamarak too. There is a commercial property up Mountain City Highway from Cattle Drive. We are already seeing the bottom half of that commercial property develop. If the top half of that develops they will punch Cattle Drive through over to Tamarak Drive and then we would have that connectivity fully developed.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to conditionally approve Parcel Map No. 3-16, subject to the conditions as recommended by the Planning Commission.**

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

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

- E. Review, consideration, and possible acceptance of a petition filed by Chad and Kimberly Anderson for the waiver of installation of sidewalk along Tamarack Road abutting a portion of APN 001-01E-038 pursuant to Elko City Code 2-13-3-(C), and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 2-13-3, public improvements are required upon the merger or division of property, or when vacant lots are developed. The applicants are parceling the existing parcel into two lots and dedicating a portion of

Tamarack Road terminating at the cul-de-sac adjacent to the property. Tamarack Road was developed without public improvements. Staff recommends conditional approval with some of the improvements still being required. JD

Mr. Draper explained we had a similar request from Mr. Knutson last year which was approved for waiver of sidewalk along Tamarack Road. Their findings are based on the development standard that was used for Royal Crest, as well as, Tamarack, where there are no sidewalks in that subdivision. This is consistent with the development of those areas and recommended approval of this waiver for the sidewalk. We are recommending that some curb and gutter is required on the cul-de-sac.

Mayor Johnson asked if the other properties weren't required for curb, gutter and sidewalk because of the zoning. Is this different zoning than those properties?

Mr. Draper answered the RS zoning does not waive curb, gutter and sidewalk improvements. This was something that was missed by staff when those areas were developed. Rural Standard allows for use of some ditches and some larger properties but it does not remove the requirement for the improvements of curb, gutter and sidewalk. We had a similar situation off Sage Crest and Jennings, which is a RS zoned property. At that time when we dug into that zoning we found out that it does not waive those requirements of curb, gutter and sidewalk.

Councilwoman Simons asked if they were able to waive this under these circumstances.

Mr. Draper answered waiving it would be consistent with what we did with Mr. Knutson.

Scott Wilkinson said when we developed Royal Crest there was an assumption that a RS standard roadway could be developed without curb, gutter and sidewalk. That assumption continued with the newer development but we have since looked at that code and we don't believe there is a rural road standard that allows for us to not have curb, gutter and sidewalk. If this waiver doesn't get approved then we would have a piece of sidewalk that would never really connect with any other sidewalk. You could consider that impractical in this case.

Mayor Johnson felt they would be fine not to have it because of the zoning. When that zoning was proposed to the city, he felt it was set up so the city could incorporate county properties. Then this development came about. That was a discussion on City Council level that there was no curb, gutter and sidewalk in a rural standard. The intent was not to have curb, gutter and sidewalk.

Mr. Wilkinson said Dennis Crooks was the City Planner at that time and he had that same opinion. Ferron Konakis was the City Engineer. Staff had that same impression but in the code we don't see that today. He thought that was the intent all along. There seems to be some disconnect between what the intent was and what ended up in the code.

Councilwoman Simons felt that if we were going to do this, it better be in code. We need to clarify that in the code.

Mayor Johnson agreed with Councilwoman Simons. It makes it easier to be consistent. He would rather have the code changed. Waivers are not good.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to table Item VIII. E.**

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

- F. Consideration of a request by Eric Lattin to change the hours of operation for Angel Park, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Lattin resides in the vicinity of Angel Park and has complained of noise, vandalism, etc. occurring after dark. An email from Mr. Lattin has been included in the agenda packet for review. CC

Councilman Schmidlein disclosed that Eric Lattin's parents are his business partners but since Mr. Lattin will not see any financial gain so he will participate and vote on the motion.

Eric Lattin described where he lives. We have had a lot of stereos that shake the windows on his house. The stereos blare and wake everyone up at night. Recently there was a horrible incident in the park. The police were involved and citations were issued. The kids park there, blare their radios and have scanners on so they know when the police are on their way. This is a residential park and there is no good reason for anyone to be there after dark. He asked that the park be closed after dark.

Councilman Rice asked what the hours of the park are.

Curtis Calder, City Manager, answered that the park closes at midnight.

Mr. Lattin said a residential park with residences surrounding it should not be open after dark.

James Wiley, Parks and Recreation Director, said this may be a result of growing pains. Technically all of our parks close at midnight. The typical standard is dawn to dusk. He can support what Mr. Lattin is talking about. It is easy to put up a sign but we will also have to work on closing the parking lot. He is working on updating the rule sign that is up there. If council considers park closure time we would have to bring this back again.

Mr. Calder said as we near summer we get park reservations that have already come in. Those reservations can go as late as 11pm. We will have to figure out how we want to handle the folks that already have park reservations.

Mr. Lattin felt the parking lot closure is the key. We don't have kids sitting in the grass. We have the kids parked in the parking lot. The police have better things to do than respond to these kinds of calls.

Councilman Schmidlein asked with the tennis courts torn down and the lighting removed what kind of lighting is there.

Mr. Wiley answered that since the tennis courts were torn down we have added additional lighting. It makes things more visible. That lighting may be attracting people to the park.

Mayor Johnson wondered if this should be referred to staff.

Mr. Calder said in the past we have set our park rules by resolution. He felt they could specify that this park have a dusk closure. Once that rule is set we can deal with closing the parking lot.

John Carpenter said he probably doesn't hear as well as he used to. We used to have a problem with graffiti out there. There are two lights there by the restrooms and there hasn't been much of a problem with graffiti. What do you call dusk? There are a lot of families that use that park. He sees the kids doing wheelies in the parking lot. If it gets closed off he would need a key to the parking lot so he can take care of his landscaping in the morning.

Mr. Wiley agreed that it can be a bit vague.

Councilman Rice didn't want to have one meeting and decide to shut down Angel Park at a specific time. He felt they are moving quickly. His daughter goes sledding there after dark because it is a fun thing to do. He doesn't want to close the park for sledding after dark. Let's take a look at what we are doing and be aware of all of the uses of this. What is the problem we are trying to solve?

Mr. Lattin said this isn't fast. He has been dealing with it for five years.

Councilman Rice said this is the first time this has come before the board.

Mr. Lattin reiterated that this is a residential park and these activities should not be going on after dark. This summer it will get horrible if the kids continue to meet there. He is asking for some kind of proactive measure.

Councilman Schmidlein pointed out that at the Peace Park most people walk through it because of the trail system and bridge crossing. You haven't heard any residents complain there yet. Mr. Lattin has brought some good points. If we sit here and do nothing we are not doing our job.

Mayor Johnson felt we could have more discussion at the resolution. Maybe between now and then we can come up with another solution.

Mr. Calder said another suggestion could be to remand this to the Parks and Recreation Advisory Board. They are advisory only but they can provide some recommendation with regard to what the resolution should say. We can have this on their April 21<sup>st</sup> meeting, get their recommendations, and then have it back before City Council no later than the first meeting in May.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to remand this issue of the consideration of park hours and other considerations at the Angel Park to the Parks and Recreation Advisory Board for vetting.**

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

**IX. 6:00 P.M. PUBLIC HEARINGS**

- A. Review, consideration, and possible action to adopt Resolution No. 13-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from GI (General Industrial) to R (Single Family and Multiple Family Residential), involving approximately 0.115 acres of property located generally on the southeast corner of the intersection of River Street and 2<sup>nd</sup> Street, filed by Janet (Igoa) Marinelli and processed as Rezone No. 12-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change Request on October 6, 2015, and took action to forward a recommendation to Council to adopt a Resolution which conditionally approves Rezone No. 12-15 subject to the condition that a variance be approved. The variance was approved later in the same meeting. JD

Jeremy Draper, Development Manager, indicated the property on the overhead screen. As we go through the new lending laws we see that residential homes need to be zoned appropriately in order to be financed.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to adopt Resolution No. 13-16.**

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

- B. Review, consideration, and possible action to adopt Resolution No. 11-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from PQP (Public, Quasi-Public), GI (General Industrial), and PUD (Planned Unit Development) to PQP (Public, Quasi-Public) and GI (General Industrial) involving approximately 17.19 acres of property located generally on the southeast corner of Sharps Access Road and S. 12<sup>th</sup> Street, filed by Joshua Tree Shelter and processed as Rezone No. 1-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change Request on March 1, 2016, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Rezone No. 1-16. The recommended condition, agreed to by the petitioner, is included in the resolution. Council considered this item on March 22, 2016, and took action to table the item at the request of the applicant. The applicant wanted this item to run concurrent with their request for Curb, Gutter, and Sidewalk Waiver. CL

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

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

#### **IV. APPROPRIATIONS (Cont.)**

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

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

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

#### **II. CONSENT AGENDA**

- A. Review, consideration, and possible approval of the Elko Police Chief to apply for a grant to purchase safety equipment to be utilized by the Elko Special Response Team (ESRT), and matters related thereto. **FOR POSSIBLE ACTION**

The granting agency is the Nevada Office of Criminal Justice Assistance. The equipment would consist of thirty (30) armored plates and four (4) armored shields for a total of approximately \$35,235.00. There is no required funding match. BR

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

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

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

- A. Review, discussion, and possible adoption of the 2016 Street Inventory List, and the 2016 Street Capital Construction Project Priority List, and matters related thereto. **FOR POSSIBLE ACTION**

Staff conducted a Street Inventory in February. The purpose of this Annual Survey is to evaluate current road conditions, and to recommend a list of maintenance projects for the upcoming construction season. Please find enclosed for your review, in the supplemental agenda information, City Staff’s 2016 Street Inventory, and recommendations for the 2016 Streets Priority List. DS

Dennis Strickland, Public Works Director, gave a presentation (Exhibit “C”).

Mayor Johnson felt the report was the best since he joined council. He spoke favorably about the micro-seal/overlay work.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to accept the Street Inventory for April 2016.**

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

- C. Review, consideration, and possible action to approve a request from the Elko Convention and Visitors Authority (ECVA) for the closure of a Moren Way for a Special Event to be held on June 20, 2016 from 4:00 p.m. to 9:00 p.m., and matters related thereto. **FOR POSSIBLE ACTION**

The ECVA is requesting permission to close Moren Way prior to the event on Monday, June 20, 2016 at noon, and opening it back up at 8:00 a.m. on June 21, 2016, for The Great Race. SO

Shanell Owen, City Clerk, explained this event will be an overnight stop for vintage cars travelling across the country. Cars will park on Moren Way and be on display for the public. Moren Way will be closed and a center lane egress will be maintained for emergency access with cars parked on both sides of the street. Staff recommended approval.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to approve the request from the Elko Convention and Visitors Authority for the closure of Moren Way for a special event on June 20, 2016 from 4:00 pm to 9:00 pm.**

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

- D. Review, consideration, and possible approval to appoint a candidate to the City of Elko Centennial Committee, and matters related thereto. **FOR POSSIBLE ACTION**

There are currently two (2) vacant positions open on the City of Elko Centennial Committee. The City has received a Letter of Interest from Mr. Richard Adkins, who wishes to serve on this committee. JD

Jeremy Draper, Development Manager, recommended appointing Mr. Adkins.

Councilman Rice felt he would be a terrific asset to the committee.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to appoint Mr. Richard Adkins to the Elko Centennial Committee.**

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

- E. Review, consideration, and possible approval of Map of Reversion to Acreage No. 1-16, filed by Janet Igoa Marinelli, for the purpose of reverting to acreage Lot 11 & Lot 12, Block 46, Central Addition to the City of Elko, File No. 3, located generally on the southeast corner of the intersection of River and 2<sup>nd</sup> Street, and matters related thereto. **FOR POSSIBLE ACTION**

The removal of lot lines is required in order to bring the property into conformance in conjunction with a Zone Change for an existing residence built across lot lines. CL

Cathy Laughlin, City Planner, explained the rezone was already approved. This will eliminate the lot line going through the property.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the Map of Reversion to Acreage No. 1-16.**

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

## **VII. RESOLUTIONS**

- A. Review, consideration, and possible adoption of Resolution 14-16, a Resolution and Order of Authority to acquire property owned by the United States of America, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Draper explained where the property is located. This property has been declared surplus. A letter of interest has been sent to the National Park Service for this property. This is finalizing the application that we need to turn in to them. As part of the application we have to have a resolution stating that we are interested and that we will keep it and maintain it as indicated in the application.

Councilman Keener said he read the application for this and he felt more of an emphasis of children safety should be included. On page 22 there was a typo.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to adopt Resolution No. 14-16.**

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

## **VIII. PETITIONS, APPEALS, AND COMMUNICATIONS (Cont.)**

- A. Review, consideration, and possible initiation to amend Title 5, Chapter 3, Section 17 of the Elko City Code entitled "Animals and Fowl", eliminating locations of areas permitted to have domestic animals other than household pets, and matters related thereto. **FOR POSSIBLE ACTION**

City Staff has reviewed the code 5-3-17 and determined that since the last ordinance amendment in 1997 many of the areas in the code shown as permitted areas are now developed with residential subdivisions, apartment complexes, hospital, and commercial developments. Amendment of the code would lead to better enforcement of the code for residents who have animals other than household pets. CL

Cathy Laughlin gave a presentation (included in the packet). This was brought to the Planning Department because it is a land use issue. A complaint was made regarding Metzler Road and non-domestic animals. There was a staff meeting where staff went through this. We are asking

you to consider changing the areas permitted. Area #1 (Elko County Fairgrounds) they would like to keep that in there. Area #2 would be anything that is allowed by zoning. Area #3 would be live stockyards. Area #4 would be veterinarians. Area #5 would be slaughter houses and meat packings. In code, section #5 is now built as our Golden Heights Subdivision. People can have whatever they want in that subdivision. Section #6 is up on Powder House Road. That is currently zoned agricultural. In the code, the parameters are defined in these sections. The City Engineer's Department outlined those areas. Section #8 would be where our new Sports Complex is going to be. Section #9 is complicated. It includes Metzler Road. Metzler Road does have residents there that have non-household pets and domesticated animals. There are a few other areas. Section #10 is the College portion north of Chilton Circle. Section #11 would be passed the river, passed Sharp's Access. It would be Silver State Rock Products and out that direction. We are proposing, if you are interested in amending the code, we would reach out to those property owners situated in these areas and ask them if they are already conforming they can apply for a certificate of non-conforming use.

Councilman Rice said anywhere in the city you are permitted to have two laying hens. This would not affect this?

Ms. Laughlin answered no. If it is permitted by zoning (AG or suburban residential) then it is permitted. In 5-3-17 we have these areas that allow these animals now but we have changed the use. This code was last amended in 1997.

Scott Wilkinson, Assistant City Manager, said we have a land use being regulated under public safety and we need to correct that. We have these legal descriptions of these areas that allow for land use. Other than the fairgrounds, the most concentrated area that we have with non-domestic animals is on the Metzler area. Ms. Laughlin and Ms. Owen would have to work with the Police Department to determine how that use would go away over time.

Councilman Rice thought of Carson City where there is a section where there are horse properties in the center. The property on Metzler may have some value to the owner in terms of resale. Is this proposing that this be permitted for the time they own the property and then it go away?

Mr. Wilkinson answered that will have to be determined. Zoning is the best way to handle this. Nobody was aware of it except for the Police Department. Animal Control had an issue and came to the Planning Department.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to recommend initiation to amend Title 5, Chapter 3, Section 17 of the Elko City Code known as Animals and Fowl, eliminating locations of areas permitted to have domestic animals other than household pets and set the matter for First Reading.**

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

- B. Review, consideration, and possible action to accept a petition requesting the sale of City owned property, APN 001-301-001 which is located generally north of W. Main Street approximately 645 feet east of Hot Springs Road, at public auction,

and authorize Staff to obtain the required appraisal, and matters related thereto.  
**FOR POSSIBLE ACTION**

Rubyview Investments, LLC has petitioned the City of Elko to sell APN 001-301-001, a 0.803 acre parcel of land listed for sale on the City Land Inventory. If Council accepts the petition, an appraisal will be obtained then Council will hold a meeting on the fair market value of the property and adopt a resolution declaring its intention to sell the property at public auction. CL

Ms. Laughlin explained this was on the inventory list to sell. She is asking Council to approve the appraisal on it. There are two interested parties on the property.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to accept the petition to sell APN: 001-301-001 at public auction and authorize staff to obtain the required appraisal.**

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

- C. Review and possible approval of the issuance of a Retail Liquor License and Caterer's Liquor License to Anamarie Lopategui, dba Ogi Deli, located at 282 11<sup>th</sup> Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed explained Anamarie Lopategui is looking to expand her business into those areas. They conducted the necessary background check and she is good to go.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the issuance of a Retail Liquor License and Caterer's Liquor License to Anamarie Lopategui, dba Ogi Deli, located at 282 11<sup>th</sup> Street, Elko, Nevada.**

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

- D. Ratification of the Police Chief issuing a 30-day temporary Caterer's Liquor License and possible issuance of a regular Caterer's Liquor License to Sonya Shipp and Dusty Shipp, dba Sweet Barrel, located at 1500 College Pkwy, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed asked that this one be tabled. We got our wires crossed on the type of licensing. This is the vendor in the cafeteria area at the college.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to table Item VIII. D.**

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

## X. REPORTS

### A. Mayor and City Council

*Councilman Keener was at an event this weekend where there was a resident that noticed a serious water leak. They called the city and the crews came out. The resident was impressed with the professionalism of city staff.*

*Councilman Rice was at the ribbon cutting of NV Energy. It is a terrific new facility. They were very happy and pleased with working with the city staff. Aubree Anderson and Mike Marshowski were at the college for the career fair today.*

*Mayor Johnson returned a phone call from an individual that would like to make panhandling illegal in the city. On Saturday he stopped by Clair Morris' retirement. There was also an event at the museum. We should look into getting Levi tuxedos for the Centennial. This Saturday will be Susan Martsolf's retirement from FISH.*

### B. City Manager

*Curtis Calder talked about E911. He wasn't able to attend the County Commissioner meeting where they voted E911 forward. There had been a comment made by a commissioner to work with some of the other entities and up-front some of the costs to try to get this deployed quicker. Central Dispatch does have some seed money to begin deploying this. From the city's perspective, there is no need to put any money in to get this going.*

### C. Assistant City Manager

### D. Utilities Director

*Ryan Limberg reported he had been in the City of Cheyenne, Wyoming last week. Our streets are in better condition than Cheyenne's and recognized the Street Department for doing such good work.*

### E. Public Works

*Dennis Strickland acknowledged his Landfill Superintendent. They attended Manager of Landfill Operations training in Winnemucca where Mr. Hess was recognized for over 21 years as an accredited member of Solid Waste Association of North America (SWANA).*

### F. Airport Director

### G. City Attorney

### H. Fire Chief

### I. Police Chief

*Chief Reed felt prohibiting panhandling can be difficult but aggressive panhandling can be restricted. Last year we looked at the ordinance of blocking the sidewalk. Reno and Winnemucca have a well worded blocking a sidewalk ordinance. He handed out a map that was in the newspaper (Exhibit "D") showing all the counties in the United States and the status of each county with E911. The County Commissioners voted unanimously to move the ordinance forward.*

### J. City Clerk

### K. City Planner

*Cathy Laughlin reported on the Storefront Program. There was a conference call with Peter Wallish and the outcome wasn't what they wanted. She will be reaching out to the applicants to see if they would be willing to change their*

*application to \$50,000 and it would have to be historical restoration in the storefront. If we do not have the participation then we will be coming back and de-obligating the money.*

L. Development Manager

*Jeremy Draper reported on the construction status of the Police Station. They are looking at April 27 as the punch list walk-thru. We need to address all the punch list items before we occupy the building.*

M. Administrative Services Director

N. Parks and Recreation Director

*James Wiley reported on some events that took place last week. The Golf Course Preconstruction Meeting with our contractor went very well. After that we had a public meeting with golfers and those that lived around the course and the contractor handled that meeting very well. Friday and Saturday, the International Mountain Bike Association (IMBA) made a quick stop here in Elko. They did a workshop on trail building and sustainability. Then they went up to Snobowl and cut in 300 ft. of trail.*

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**

Mitch Knight, Elko Men's Basketball League, said the players and the sponsors have asked where their money is going. He did some calculations and he comes up with about \$13,000. He partner looked up the sponsors and the rosters and came up with almost \$26,000 that was paid to the league. The players and sponsors want to know where the extra \$12,000 went to. We have asked if we can have a tournament and were told no. He has asked around to find out what the expenses would be but there seems to be a difference in costs and what they pay. He has talked to Dawn Leyva and she said the players and sponsor fees go to cover Mandy who keeps the score, Jerod's wages, gym rental, referees, prizes and supplies. She has offered to give a financial statement at the end of the season. We just want to have an end of season tournament. He requested to be on the next agenda.

Mayor Johnson said he will be out of town for the next council meeting.

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

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Mayor Chris Johnson

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Shanell Owen, City Clerk