

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

SS April 28, 2015

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, April 28, 2015.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

Council Present: 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  
Dawn Stout, Administrative Services Director  
Dennis Strickland, Public Works Director  
James Wiley, Parks and Recreation Director  
Doug Gailey, Human Resources Manager  
Jonnye Jund, Accounting Manager  
Mark Gibbs, Airport Director  
Jeremy Draper, Development Manager  
Matt Griego, Fire Chief  
Ben Reed Jr., Police Chief  
Mike Hess, Landfill Superintendent  
Bob Thibault, Civil Engineer  
Rick Magness, City Planner  
Ted Schnoor, Building Official  
Dave Stanton, City Attorney  
Diann Byington, Recording Secretary

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **COMMENTS BY THE GENERAL PUBLIC**

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

Matt McCarty, Manager Towne Place Suites by Marriott, ECVA, cannot stay for the meeting but wanted to comment regarding the room tax increase. Some time ago members of council and staff met with the Lodging Committee to discuss the increase where the general consensus was in favor of the increase to build the sports complex but not the Golf Course. He clarified that most properties in Elko treat the room tax as a pass-through tax. Some of the smaller businesses do it differently.

**APPROVAL OF MINUTES:** April 14, 2015      **Regular Session**

*The minutes were approved by general consent.*

**I. PRESENTATIONS**

- A. A Reading of a Proclamation by the Mayor in recognizing April 28, 2015 as National Service Recognition Day. **INFORMATION ITEM ONLY-NO ACTION WILL BE TAKEN**

Mayor Johnson read the proclamation and, at the end of the meeting, he gave a copy of it to some representatives in the audience.

- B. Presentation of Certificates and Plaques by Mayor Chris Johnson to the Winners of the Knights of Columbus Free Throw Competition. **INFORMATION ITEM ONLY-NO ACTION WILL BE TAKEN**

Michael Stern, Grand Knight with Knights of Columbus Council, explained the competition.

Mayor Johnson, with the help of Michael Stern, presented the winners with a plaque and a certificate.

**II. PERSONNEL**

- A. Employee Introductions:

- 1.) Adeline Thibault, Environmental Coordinator

*Present and introduced.*

**I. PRESENTATIONS (Cont.)**

- C. Presentation of the 2014 Public Works Year-in-Review. **INFORMATION ITEM ONLY-NO ACTION WILL BE TAKEN**

Dennis Strickland, Public Works Director, gave a presentation. (Exhibit "A")

### III. APPROPRIATIONS

- D. Review of the bids received and possible award of the Plantmix Bituminous Pavement materials to be used for the Year 2015 Construction Season, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 3:00 p.m. local time on Friday, April 17, 2015

Dennis Strickland explained we received two bids. He recommended awarding the bid to Staker Parsons.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to award the bid for the Plantmix Bituminous Pavement Materials for 2015 to Staker Parson Company.**

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

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

Council authorized bidding this project during the March 10, 2015 meeting. Staff will open bids on April 24, 2015. Bid results will be presented to Council on April 28, 2015 with Staff recommendations. FPS

Ryan Limberg, Utilities Director, explained we had a mandatory pre-bid meeting for this project. We had three contractors show up. We received two bids from Gerber Construction (in the amount of \$187,100.00) and RSCI (in the amount of \$237,500). The engineer's estimate for the project was \$250,000. He recommended awarding the bid to Gerber Construction in the amount listed.

Councilman Rice asked if we looked the bid over.

Mr. Limberg said they went over the particulars in the pre-bid meeting so things don't come up later. They have done this work before.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to award the WRF West Secondary Clarifier Mechanism Replacement Project to the lowest responsive bidder, Gerber Construction Inc. in the amount of \$187,100.**

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

### IV. UNFINISHED BUSINESS

- A. Review, consideration, and possible direction to Staff with regard to a proposed Development Agreement with Artisan East, LLC, including possible action to

terminate further efforts to establish a Development Agreement with Artisan East, LLC, and matters related thereto. **FOR POSSIBLE ACTION**

Council took action at its meeting on April 8, 2014 directing Staff the follow the procedures outlined in Section 3-2-26 of City code pending Council action addressing possible third party funding for the Cattle Drive Phase 1 infrastructure. The Council also took action on April 8, 2014 authorizing a letter signed by the Mayor to Newmont and Barrick to request an economic development grant in the amount of \$400,000 for distribution by NNRDA covering a portion of the cost for the proposed project. Third party funding commitments were received on or about December 2014. Subsequent to the funding commitment by Newmont and Barrick, City Staff continued to act in good faith and outside of the City's obligations contained in the proposed agreement, acquiring required easements to facilitate construction of the water main serving the Exit 298 area. On April 8, 2015 Staff informed Artisan that the easements would be considered by the Council on the April 14, 2015 and requested that the Cattle Drive right-of-way be recorded by April 20, 2015. Staff informed Artisan that failure to record the Cattle Drive right-of-way by April 20, 2015 would result in an item being placed on the April 28, 2015 City Council meeting. SAW

Mayor Johnson said he has been in contact with Artisan and they could not attend tonight's meeting. They can attend the first meeting in May and would like this discussed then.

Scott Wilkinson, Assistant City Manager, explained the background information covered where we are today with Artisan.

Councilman Rice commented favorably on the work done by City Staff to make this project move forward. This council has been eager to make this project move forward and he appreciated all the commitment staff has shown to the project.

Mayor Johnson wanted this moved to the first May meeting.

## **NO ACTION**

## **V. NEW BUSINESS**

- A. Review, consideration, and possible approval for the Arts and Culture Advisory board to implement the Mayor's Arts Awards and advertise for an artist to create the awards, and matters related thereto. **FOR POSSIBLE ACTION**

At the April 1, 2015 Arts and Culture Advisory Board meeting the board took action to forward a recommendation to Council for the creation of a Mayor's Arts Awards to recognize contributions to the Arts by citizens of Elko County. JD

Catherine Wines, Arts & Culture Advisory Board, explained the award program.

Councilwoman Simons thought it was a great idea. Will this be open to just residents of the city?

Ms. Wines thought we may want to include the county. There are a lot of artistic ventures throughout the county and surrounding areas that contribute to the arts community in Elko.

Mayor Johnson thought the bigger the area the better.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to direct the Arts & Culture Advisory Board to create the First Annual Mayor's Arts Award and advertise for the selection of an artist to create the awards using all of the criteria presented today.**

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

- B. Discussion and decision concerning selection of the hearing date and time for the liquor license disciplinary hearing concerning Hadlor, Inc. d/b/a the Horseshoe Club and/or other named licensees in matter 2015-001 on file with the City, and other matters appropriately related thereto. **FOR POSSIBLE ACTION**

Curtis Calder, City Manager, explained the Deputy City Attorney requested this item be placed on the agenda for City Council to take action to formalize the hearing date.

Mayor Johnson noted the hearing is scheduled for May 19.

Mr. Calder said on May 19 we will already have a special meeting regarding the final budget hearing at 2:00 pm. This disciplinary hearing would be at 3:00 pm.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to select May 19, 2015 at 3:00 pm as the hearing date and time for the liquor license disciplinary hearing concerning Hadlor, Inc. doing business as the Horseshoe Club and/or other named licensees in the matter 2015-001 on file with the city.**

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

## **VI. RESOLUTIONS AND ORDINANCES**

- A. Review, consideration, and possible action to adopt Resolution No. 08-15, a resolution of the Elko City Council adopting a change in zoning district boundaries from PC (Planned Commercial) and PQP (Public, Quasi-Public) to PC (Planned Commercial), involving approximately 12.21 acres of property located generally southwest of the intersection of I-80 and Mountain City Highway, filed by the City of Elko and processed as Rezone No. 2-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change request on April 7, 2015, and took action to forward a recommendation to Council to adopt a resolution, which approves Rezone No. 2-15. RM

Rick Magness, City Planner, explained this parcel being considered has two zoning classifications on one parcel. This would clean up the parcel and make it marketable. Planning Commission has forwarded their recommendation for approval.

Mr. Calder said the same item is on the agenda under Public Hearings. There is no action needed at this time.

## **NO ACTION**

- B. Review and possible approval of Resolution No. 09-15, a resolution approving the opening of a new account at Nevada State Bank to facilitate credit cards for various City departments, and matters related thereto. **FOR POSSIBLE ACTION**

Council recently approved the Credit Card Policy and Procedures Manual for City personnel requiring a credit card for City business purchases. The City will need to have an active account with Nevada State Bank for the rebates from the purchases to credit. DS

Dawn Stout, Administrative Services Director, explained council does have to approve the opening of any account.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve Resolution No. 09-15, a resolution approving the opening of a new account at Nevada State Bank.**

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

- C. First Reading of Ordinance No. 794, an ordinance amending Title 4, Chapter 6, Sections 2, 6, and 10 of the Elko City Code entitled "Room Tax" by increasing the tax on transient lodging from twelve percent (12%) to fourteen percent (14%) and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Stout explained council gave staff direction at the last meeting to move forward with this. This is the item Mr. McCarty spoke on during public comments.

Don Newman, ECVA, noted we are talking about a 2% increase in the room tax. We haven't talked about how that money is going to be spent. He appreciated council and staff coming to the Lodging Committee Meeting. At that meeting the Lodging Group saw what the plans were for the use of this additional 2 percent and to support the payment of the bond. The Lodging Group would like to see if this is being done in the name of tourism and they would like to see the money go towards funding the Sports Complex and find another way to fund the Golf Course.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to conduct the First Reading of Ordinance No. 794 and direct staff to set the matter for Public Hearing, Second Reading and Possible Adoption.**

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

After the motion and before the vote, Councilman Schmidlein asked if in the near future, will council be discussing where the money will go and bonding for the projects.

Mayor Johnson noted it is an increase in taxes. He sees the numbers are coming together. Once we know more of what the other entities will provide we can move forward. We do need to update the irrigation system at the golf course. It is appropriate to know where the money will go.

Councilwoman Simons thought this was a great way to fund recreation projects. When it comes to how much and what portions will go to each project she may have different views than other people.

Councilman Rice felt we have flexibility to maximize things. He is grateful for the support of the Lodging Committee.

Joleene Stone, Dillion Management, said she agreed with Don Newman that the “heads and beds” with the Sports Complex is a given. Tournaments at the Sports Complex bring in visitors. They don’t see the visitors for Golf Tournaments in the same way.

Don Newman asked if this bond that we are anticipating will be structured with other bonds or will it be a standalone bond.

Ms. Stout answered the California Trails bonds are up for refunding at this time. Council showed some interest in refunding them. We would like to couple that bond with a new bond that we would do for the facilities we are talking about. We may be looking at an \$8 million bond in total.

Mayor Johnson asked if the payment will go down for the California Trails bond.

Ms. Stout answered the payments would go down with a better interest rate.

**Council voted on the motion.**

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

- A. Ratification of the Police Chief issuing a 30-day Temporary Retail Liquor and Catering Liquor License and issue a Regular Retail Liquor and Catering Liquor License, to Brianne Clark DBA Cedar & Sage Events Co., located at 548 Commercial St, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Ben Reed Jr., Police Chief, recommended ratification and approval since there were no problems with her background investigation.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, for ratification of the Police Chief’s issuance of a 30-day temporary retail liquor and catering**

license and issue a regular **Liquor and Catering Liquor License** to **Brianne Clark dba Cedar & Sage Events Co.**, located at **548 Commercial Street**.

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

- B. Ratification of the Police Chief issuing a 30-day Temporary Retail Beer/Wine License and issue a Regular Retail Beer/Wine License, to Angela and Duncan Miller DBA Divine Expressions, modifying the current Package Beer/Wine License, and updating the location address to 1041 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed recommended ratification and approval.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, for ratification of the Police Chief's issuance of a 30-day temporary retail beer/wine license and issue a regular Retail Beer/Wine License to Angela and Duncan Miller dba Divine Expressions, modifying the current Package Beer/Wine License and updating the location address to 1041 Idaho Street, Elko.**

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

### **III. APPROPRIATIONS (Cont.)**

- B. Review and possible approval of Print 'N Copy Warrants. **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.)*

- C. Review and possible approval of Chester Plumbing and Heating Warrants. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve the Chester Plumbing and Heating warrants.**

*The motion passed. (Mayor Johnson abstained.)*

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

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

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

### **IX. REPORTS**

- A. Mayor and City Council
- B. City Manager

- Curtis Calder reported on the status of SB125. It is still alive and well.*
- C. Assistant City Manager  
*Scott Wilkinson reported on the Homeless Camp progress.*
- D. Utilities Director  
*Ryan Limberg reported on some water pressure complaints in the vicinity of Double Dice RV Park and Hilton Garden Inn. The problem has been difficult to track but they have identified a faulty pressure reducing valve.*
- E. Public Works  
*Dennis Strickland reported on the Take Pride Event held last weekend. They have been looking at some lighting in the Downtown area. He discussed his assessment and left it to council if they want to entertain making any changes. The Pedestrian Bridge Rehab is scheduled to start on Monday. The Silver Street CDBG project is underway.*
- F. Airport Director
- G. City Attorney
- H. Fire Chief  
*Matt Griego handed out a copy of his latest newsletter. (Exhibit "B") He also reported on the negotiations of the agreement with the County. Governor Sandoval appointed Chief Griego to the State Emergency Response Commission. He will be meeting with BLM representatives on another agreement. We will be covered under the County's wing on the Fire Protection Program initiated with the State of Nevada.*
- I. Police Chief  
*Chief Reed reported that there will be a concert on June 4<sup>th</sup> and the Police Department has been asked to provide police security. They are close to having a graffiti cleanup program for the community.*
- J. City Clerk
- K. City Planner  
*Rick Magness reported Planning Commission on May 5<sup>th</sup> has one item on the agenda for a bar Conditional Use Permit. The Deputy District Attorney for Elko County will be conducting an Open Meeting Law class on Thursday May 14 at 1:00 – 3:00 pm, at GBC in the Gallagher Building room 108.*
- L. Development Manager  
*Jeremy Draper passed out the pins they ordered for the Centennial Celebration. He also discussed the progress for the Police Station Project and the relocation of the power lines. He has reached out to the contractor for the Main City Park Tennis Courts without a response. They are hopeful the project will be completed on time.*
- M. Administrative Services Director
- N. Parks and Recreation Director  
*James Wiley reported on the Parks Department's efforts in taking care of the planter beds and alleyways in the downtown area.*
- O. Civil Engineer
- P. Building Official

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

- A. Review, consideration, and possible action to conditionally approve Preliminary Plat No. 3-15, filed by The Capps Group, Inc. on behalf of Parrado Partners LP et al., for the development of a subdivision entitled Great Basin Estates involving the proposed division of approximately 19.64 acres of property into 81 lots for residential development within an R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto, located generally north of Clarkson Drive approximately 725 feet east of 12<sup>th</sup> Street (APNs 001-630-062, 001-630-064, & 001-630-067), and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this preliminary plat on April 7, 2015 and took action to forward a recommendation to Council to conditionally approve Preliminary Plat No. 3-15. RM

Jeremy Draper, Development Manager, explained the project. Ms. Lana Carter was present in the audience representing The Capps Group. The Planning Commission has reviewed this and their recommendation is that council accepts this.

Councilman Keener asked when this was first presented there was some concerns about cars backing out onto Opal and Clarkson. Has anything been done to mitigate that at all?

Mr. Draper answered they have had some discussion regarding this. Based on the traffic numbers proposed and in the traffic study, they were not concerned with this. They are pleased with the proposed map.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to conditionally approve Preliminary Plat No. 3-15, the Great Basin Estates Subdivision subject to the conditions as recommended by the Planning Commission.**

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

- B. Review, consideration, and possible action to adopt Resolution No. 08-15, a resolution of the Elko City Council adopting a change in zoning district boundaries from PC (Planned Commercial) and PQP (Public, Quasi-Public) to PC (Planned Commercial), involving approximately 12.21 acres of property located generally southwest of the intersection of I-80 and Mountain City Highway, filed by the City of Elko and processed as Rezone No. 2-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change request on April 7, 2015, and took action to forward a recommendation to Council to adopt a resolution, which approves Rezone No. 2-15. RM

Rick Magness, City Planner, explained this item was before council earlier. They are looking at cleaning up the parcel.

Mayor Johnson liked the multicolored map. He called for public comment without a response.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 08-15.**

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

#### **COMMENTS BY THE GENERAL PUBLIC**

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

*There were no public comments.*

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

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Mayor Chris Johnson

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Shanell Owen, City Clerk