

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

SS May 9, 2017

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, May 9, 2017.

This meeting was called to order by Mayor Chris Johnson.

ROLL CALL

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
Councilwoman Mandy Simons *arrived at 4:10pm*
Councilman Robert Schmidlein

Council Present: Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
Jonnye Jund, Administrative Services Director
Aubree Barnum, Human Resources Manager
Jeremy Draper, Development Manager
Cathy Laughlin, City Planner
James Wiley, Parks and Recreation Director
Mike Haddenham, WRF Superintendent
Ben Reed Jr., Police Chief
Dennis Strickland, Public Works Director
James Foster, Airport Manager
Bob Thibault, Civil Engineer
Ted Schnoor, Building Official
Matt Griego, Fire Chief
John Holmes, Fire Marshal
Jack Snyder III, Deputy Fire Chief
Mike Hess, Landfill Superintendent
Robert Spencer, Facilities Superintendent
Dave Stanton, City Attorney
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: April 25, 2017 **Regular Session**
 May 1, 2017 **Special Session**

The minutes were approved by general consent.

I. PRESENTATIONS

- A. A Proclamation by the Mayor recognizing May 20, 2017 as Kids to Parks Day, and matters related thereto. **INFORMATION ITEM ONLY- NON ACTION ITEM**

Mayor Johnson read the proclamation.

- B. Special Recognition of the contributions by NYTC Staff and Crews for their participation in the recent “Take Pride in Your Community Event,” and matters related thereto. **INFORMATION ITEM ONLY-NO ACTION WILL BE TAKEN**

Mayor Johnson and Dennis Strickland, Public Works Director, gave out certificates to the youth and staff from NYTC that participated in the “Take Pride in Your Community Event.”

II. APPROPRIATIONS

- D. Review, consideration, and possible award of a bid for the Effluent Reuse and Sanitary Sewer to the Elko Sports Complex Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved soliciting bids at the April 11, 2017 City Council meeting. Bids were opened on May 8, 2017. A Bid Tally Sheet will be provided. RL

Ryan Limberg, Utilities Director, explained we opened bids yesterday. We received two bids. Ruby Dome Inc. in the amount of \$984,765 and Great Basin Engineering Contractors in the amount of \$1,765,473.85 (Exhibit “D”). We still have not received the Army Corps of Engineer’s 404 Permit and he is working through a subcontractor’s substitution with legal counsel. It is his request that they table this item at this time.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to table this item.**

The motion passed unanimously. (3-0)

- F. Review, consideration, and possible approval for the Elko Police Department to enter into a contractual agreement with Washoe County Sheriff’s Office for the

annual Forensic Support Services Agreement, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department contracts annually with the Washoe County Sheriff's Office to provide forensic support facilities and services. The attached agreement, if approved by Council, would be effective July 1, 2017 through June 30, 2018.
BR

Chief Reed explained this is routine business. This year's amount is \$78,368 and we have \$82,000 budgeted. It goes up every year but they are the only game in the north and they do provide very good service for us.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the contractual agreement with Washoe County Sheriff's Office for the annual Forensic Support Services.**

The motion passed unanimously. (3-0)

Councilwoman Simons arrived at 4:10pm.

- E. Review, consideration, and possible final acceptance of the Flagview Sidewalk Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project was awarded to Great Basin Engineering Contractors in the amount of \$687,706.76 on August 9, 2016. On October 25, 2016, the City Council approved Change Order #1, which resulted in a deduction of \$213,193.15 from the contract amount. There were four other change orders throughout the project which totaled to an addition of \$1,864.38 to the contract. The resulting final contract amount is \$467,377.99. Great Basin Engineering has satisfactorily completed the project in conformance with the plans and specifications. BT

Councilman Schmidlein disclosed his partners in Canyon Construction are owners of Great Basin Engineering Contractors and recused himself.

Bob Thibault explained this project had some issues getting out of the gate but it went smoothly.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the final acceptance of the Flagview Sidewalk Project in the amount of \$467,377.99.**

The motion passed. (3-0 Councilman Schmidlein abstained.)

After some discussion about the order of the agenda, Mayor Johnson chose to move on to the demolition of the old Police Station.

V. NEW BUSINESS

- G. Review, consideration and possible re-affirmation for the demolition of the former Police Department structure located at 1401 College Avenue disposal of

the property as provided for under the Nevada Revised Statutes, and matters related thereto. **FOR POSSIBLE ACTION**

The City Council has taken several actions with regard to the demolition of the structure located at 1401 College Avenue. The ultimate use of the property has not been determined at this time. Due to the recent inquiries by the private sector and Council concerns, Staff has presented the Council with a memo outlining the goals and objectives of the master plan and other considerations. CL

Two proposals had been placed on the dais for City Council to review (Exhibits “A” and “B”).

Curtis Calder, City Manager, explained this Police Department construction has been ongoing for a number of years. The planning for the new Police Station began back in 2006. The LCA assessment was done with the use of the old building as a Police Station. We have had a chronic case of mold in the building that required two extensive cleanups in the last 14 years. There were concerns over the years with asbestos and other aging building issues. We budgeted for the demolition of the old facility as we budgeted for the new facility. One of the risks of not moving forward with the original plan is that we don't know what subsequent year's budget is going to look like.

Cathy Laughlin, City Planner, said her memo discusses the land uses and zoning. The Master Plan calls it out as residential medium density but only because the Master Plan at that time was following what existing zoning was. Objective #3 of the Master Plan is to preserve and promote the area surrounding City Hall and Main City Park as civic in nature. The nearest commercial zoning would be on Idaho Street. If we were to change the zoning today, we would change it to civic. The existing zoning is residential. If it were to remain residential there are some uses that would be allowed to go in there today. She went over those uses.

Councilwoman Simons noted that one proposal wants this to remain residential and the other wants civic. You want it to be civic?

Ms. Laughlin answered the Master Plan calls for all areas around the park to be civic in nature.

Councilman Schmidlein said it is a tough decision to make tonight. Do we want to tear the building down? He toured the building last week. His conclusion is that the exterior is sound. There may be some foundation issues. He wondered if he would, personally, make an investment on this building, and he questions how much it would take to get other occupants in there. He thought it could cost up to ½ million to get the building habitable. Where do we go from here?

Councilman Rice had hoped to get some meaningful business plan from someone but he did not. We have been down the road of alternate uses of this in the past with other non-profits who didn't think this was feasible. He doesn't want this property to become private especially after looking at the master plan. He believes the highest and best use of the property is as a civic opportunity. As we move forward and we work to replace our swimming pool, he would like to see that footprint as part of that. The city is not in a position to hang onto this building. We can't afford to do anything but demolish it.

Mayor Johnson called for public comments.

Catherine Wines, 421 Railroad Street, said she had an email from the Director of Facilities for the Nevada Health Center she was asked to read (Exhibit "C").

Councilman Rice stated that the city has never suggested that we would tear down that building. We had talked about that area, wondering what the use of it would be.

Ms. Wines said it was suggested to her when she went on the tour last week. She had heard it from City Staff.

**** A motion was made by Councilman Rice, seconded by Mayor Johnson, to reaffirm the demolition the demolition of the former Police Department structure located at 1401 College Avenue.**

The motion passed unanimously. (4-0)

After the motion and before the vote, Mayor Johnson said he would seconded the motion for discussion purposes.

Councilman Schmidlein said it is a shame. We need to make sure we are making the right decision. The building is sound on the exterior. There is no way it will go into private hands. He agrees with Councilman Rice; no one has come forward stating that they have a plan.

Scott Wilkinson said staff already has council's approval to solicit bids for demolition. As soon as we can address the communication line with Frontier, we would intend to go ahead and advertise and act on that approval unless directed otherwise.

Councilwoman Simons said we don't want this to continue to be residential zoning. Can you make a stipulation that it must be sold to a non-profit or it would revert back to us?

Councilman Schmidlein said we could lease it to him.

Mr. Calder said regarding the proposals that have been submitted, there are strict regulations when we sell a piece of property. It must be sold at fair market appraisal. Then the city must put the property up for sale in an auction. If we lease it we must lease it at fair market value. He talked about the old senior center that used to be the old golf club house. When the senior center moved into their new building the city didn't have the money to demolish the old building. Family Resource Center occupied the building and it became a liability to the city trying to maintain the building. If the city were to maintain ownership of the building the city would need to refurbish the building itself.

Dave Stanton, City Attorney, said we already discussed this previously when we talked about conveying it to the VFW. There is a process for conveying property that is no longer needed to another non-profit. The VFW took a look at this property and decided it wasn't feasible to do. There are some other ways of disposing of city property if we decide it is in the best interest of the city to do so. There is a mechanism for conveying it to a non-profit for affordable housing. There is also process for economic redevelopment. You still have to do get an appraisal and

some of the other processes. There are some disposal options rather than keeping the land in city inventory.

Mayor Johnson reminded council we have a motion on the floor and called for further discussion.

Council voted on the motion.

II. APPROPRIATIONS

- G. Review, consideration, and possible sale of a 69' Communication Tower located at the old Police Station, and matters related thereto. **FOR POSSIBLE ACTION**

City Staff advertised the sale of the 69' communication tower through a proposal process. Proposals were due no later than 3:00 p.m., May 1, 2017. The City received two proposals. SO

Shanell Owen, City Clerk, explained a bid tabulation was included in the agenda packet.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to award the tower to Fernando Mendive in the amount of \$232.78, due to the fact that he was the higher bidder.**

The motion passed unanimously. (4-0)

III. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 3-17 for the Golden Hills Estates, Unit 2 Phase 3 subdivision, filed by Sierra Blue Development & Holdings, LLC, for the proposed division of approximately 2.2 acres of property into 9 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item on May 2, 2017, and took action to forward a recommendation to City Council to conditionally approve the Final Plat 3-17. CL

Cathy Laughlin, City Planner, explained this is the final plat for the final phase of this subdivision. It would create nine lots. Planning Commission did recommend conditional approval. There are quite a few conditions included in the packet.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to conditionally approve Final Plat No. 3-17 for the Golden Hills Estates, Unit 2 Phase 3 subdivision, subject to the conditions.**

Motion passed unanimously. (4-0)

IV. UNFINISHED BUSINESS

- A. Review, consideration, and possible award of the Former Police Station Asbestos Abatement Project, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were opened on April 14, 2017 for the Asbestos Abatement Project, with only one (1) bid received from Advance Installations, Inc. This item was tabled at the April 25, 2017 meeting. JD

Jeremy Draper, Development Manager, explained we have one bid from Advanced Installations. They did not submit a state business license but we found that they do have an active state license.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to award the Asbestos Abatement Project to Advanced Installations, in the amount of \$53,440.**

The motion passed unanimously. (4-0)

V. NEW BUSINESS (Cont.)

- A. Review, consideration, and possible action to approve Termination and Release of Water and Sewer Extension Refunding and Line Oversize Agreements with The Pointe at Ruby View, LLC, and matters related thereto. **FOR POSSIBLE ACTION**

In 2007, the City and The Pointe at Ruby View, LLC signed both Water and Sewer Extension Refunding and Oversize Agreements. The agreements stipulated a 7 year duration commencing at the time of execution. As these agreements are now expired The Pointe at Ruby View, LLC would like a termination agreement to record at the County. The fees for recording will be paid for by The Pointe at Ruby View, LLC.

City Legal Counsel has reviewed the termination agreements and does not object to this action. RL

Ryan Limberg, Utilities Director, explained in 2007 the City and The Pointe entered into a Water Extension Refund and Waterline Oversize Agreement, as well as, a Sewer Extension Refund and Sewer Line Oversize Agreement. The oversize portions of those agreements were paid back rather quickly. The remainder of the agreement related to the water/sewer extension connection fees which had a seven year timeframe. Seven years expired a couple of years ago. He recommended approval of the termination agreements.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to approve the Termination and Release of Water and Sewer Extension Refunding and Line Oversize Agreements with The Pointe at Ruby View, LLC.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible approval of the Centennial Park Improvement Project Plan, and matters related thereto. **FOR POSSIBLE ACTION**

After careful planning of the upcoming improvements at the Centennial Park, City Staff seeks Council approval to separate the three main components of the Park improvements into three separate contracts, each of which will require different construction expertise, and are being funded by different sources.

The first contract would include moving the overhead lines underground and provide electrical service to the future stage area, to the tower, and to corridor lighting that was fed from the overhead lines. This will be funded by the \$200,000 in available RDA funds, and is roughly estimated to cost \$140,000.

The second contract would include construction the Chilton Centennial Tower and associated foundation and lights. This would be funded by the City, the RDA, and various, much appreciated, donors throughout our community, and is roughly estimated to cost \$180,000.

The third contract would include construction of the general site improvements including sidewalks, curb and gutter, pavement patching, grading of the turf area, and possibly irrigation and sod if the budget allows. This contract would be funded by any remaining RDA Funds from the \$200,000 already allocated to the project. The scope of this third contract would be based on the funds available after the first two contracts are awarded and their actual bid amounts are known.
BT

Bob Thibault, Civil Engineer, explained these three different phases each have a different expertise. We may be able to get better bids from specialty contractors.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the proposed Centennial Park Improvement Plan.**

The motion passed unanimously. (4-0)

- C. Review, consideration, and possible approval of a request from the Elko Downtown Business Association (DBA) for the closure of a portion of the parking corridor between 4th Street and 5th Street for the Art Walk and Artsy Wine Walk event to be held on May 13, 2017 from 1:00 p.m. to 7:00 p.m., and matters related thereto. **FOR POSSIBLE ACTION**

The DBA is requesting to use a portion of the corridor for their Art Walk event with the closure beginning May 12, 2017 at 7 p.m. and reopening on May 13, 2017 at 9 p.m. They have completed the application, included a map of the closure and submitted the appropriate insurance. SO

Shanell Owen, City Clerk, explained everything was included in the packet. She introduced Ruchelle from the DBA. As far as the application, everything is complete.

Ruchelle Melton, DBA, said they are concerned about the 1-4 pm timeframe being approved. It is a family-friendly art walk event.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to allow the Art Walk for the closure between 4th and 5th on May 13, 2017, from 1:00pm to 7:00pm. The closure will begin May 12, 2017 at 7:00pm and opening on May 13, 2017 at 9:00pm.**

The motion passed unanimously. (4-0)

- D. Review, consideration, and approval of the 2017 City of Elko Land Inventory update, and matters related thereto. **FOR POSSIBLE ACTION**

City of Elko Land Inventory spreadsheet is to be updated when necessary. Planning Commission reviewed the modifications at their May 2, 2017 meeting, and recommended to City Council to approve the updated land inventory. CL

Cathy Laughlin, City Planner, explained there is a three page spreadsheet in the agenda packet. It has been a few years since this has been updated. Yellow highlighted areas on the spreadsheet are areas that have been updated. She went over the proposed changes to the spreadsheet (highlighted in brown).

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the 2017 City of Elko Land Inventory update.**

The motion passed unanimously. (4-0)

- E. Review, consideration, discussion, and possible authorization for Staff to advertise for one vacant position on the Parks and Recreation Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

The Parks and Recreation Advisory Board currently has a vacancy due to the recent resignation of Board Member Melis White. The term is set to expire on June 30, 2019. By-Laws state, vacancies occurring other than through the expiration of the term shall be filled for the remaining duration of the term. Staff would like to advertise for the vacant position. JW

James Wiley, Parks and Recreation Director, said he received a resignation letter from Melis White. There is a little more than 2 years left on her term.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to authorize staff to advertise and recruit for one vacant position on the Parks and Recreation Advisory Board. The vacancy is due to resignation by Ms. White that will expire on June 30, 2019.**

The motion passed unanimously. (4-0)

- F. Review, consideration, and possible action to approve a recommendation from the Parks and Recreation Advisory Board to amend Article VI, Section I of the By-Laws, and matters related thereto. **FOR POSSIBLE ACTION**

On April 20, 2017, during a regular scheduled meeting, the Parks and Recreation Advisory Board voted unanimously to recommend an amendment to the By-Laws to create a more efficient means of conducting business. The proposed amendment changes the frequency of meetings from monthly to quarterly and requires approval from the City Council for final adoption. JW

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to approve a recommendation from the Park and Recreation Advisory Board to amend Article VI, Section I of the By-Laws.**

The motion passed unanimously. (4-0)

- H. Review, consideration and possible direction to Staff to begin the property disposal process of municipal property located at 1401 College Avenue in accordance with the Nevada Revised Statutes 268, and matters related thereto. **FOR POSSIBLE ACTION**

The following items should be considered in a possible motion to dispose of the property:

- Determine what type of, if any, Deed Restrictions are appropriate and determine the legality of the proposed deed restrictions.
- Determine if a different zone may be appropriate prior to disposition of the property and direct staff to begin the amendment process. Compatible zones are Residential Office (RO) and Public/Quasi Public (PQP). Other zones would be expected to maximize the appraised value of the property. Other types of zoning could be considered “spot zoning” and may not withstand a legal challenge.
- Determine if the City wishes to obtain professional services for disposal of the property. CL

Curtis Calder, City Manager, explained with Council’s action on the previous item to reaffirm demolition of the former Police Station, we don’t need any direction on this at this time.

NO ACTION

II. APPROPRIATIONS (Cont.)

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

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

The motion passed unanimously. (4-0)

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

There were no Print ‘N Copy warrants.

- C. Review and possible approval of Great Basin Engineering, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve the Great Basin Engineering warrants.**

The motion passed. (3-0 Councilman Schmidlein abstained.)

VI. REPORTS

- A. Mayor and City Council

Councilwoman Simons reported she attended Local Government Day in Carson City along with Shanell Owen. The Nevada League of Cities had their meeting and they gave a presentation on the marijuana bills.

- B. City Manager-**Legislative Update**

Curtis Calder reported no hearing has been scheduled for our Senate Bill 363. It is sitting in limbo at the Senate Finance Committee. While Councilwoman Simons and Shanell Owen were at Local Government Day, Jonnye and he were at the Insurance Pool meeting. Premiums will be down around 2%.

- C. Assistant City Manager

Scott Wilkinson apologized to council regarding any confusion Ms. Wines may have had with a remark he made in passing on some long range land uses that may materialize over time. When they had their walkthrough/tour of the old Police Station, they were talking about the need for a Recreation Center. He commented, “Who knows. This whole half block may become available for a Recreation Center.” In no way did he indicate that the city would go and demolish other people’s buildings. His remark was taken out of context.

- D. Utilities Director

- E. Public Works

- F. Airport Director

- G. City Attorney

- H. Fire Chief

- I. Police Chief

Chief Reed reported the parade (using the new parade route) last weekend went smoothly, no issues.

- J. City Clerk

- K. City Planner

- L. Development Manager

Jeremy Draper thanked everyone that came out to the Centennial Celebration last week. He got the final design from NV Energy today on the

power lines. He hopes to get the first project out to bid soon. He said they still have 100 year hats available and they can be purchased for \$20 each.

M. Administrative Services Director-**Sales Tax Update**

Aubree Barnum reminded council that the Appointed Official performance evaluation reviews are due July 1.

Jonnye Jund reported on February Sales Tax. We are still above budget but we are down from last year.

N. Parks and Recreation Director

James Wiley reported he does not have a 404 permit as of today. Scott

Wilkinson is making contact with the Army Corps frequently.

O. Civil Engineer

Bob Thibault spoke about the possible shortfall on the Centennial Project.

P. Building Official

Mayor Johnson said during the Centennial Ceremony, he read a recognition from the Governor, but the city received a congressional recognition from Congressman Amodei, in honor of the City's Centennial Celebration.

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.

Mayor Chris Johnson

Shanell Owen, City Clerk