

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

SS May 13, 2014

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, May 13, 2014.

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  
Delmo Andreozi, Assistant City Manager  
Dawn Stout, Administrative Services Director  
Shanell Owen, City Clerk  
Ryan Limberg, Utilities Director  
Dennis Strickland, Public Works Director  
Mike Hess, Landfill Superintendent  
Scott Wilkinson, Development Manager  
Mark Gibbs, Airport Director  
Matt Griego, Fire Chief  
James Wiley, Parks and Recreation Director  
Doug Gailey, Human Resources Manager  
Ben Mangeng, Information Systems Manager  
Ted Schnoor, Building Official  
Ben Reed Jr., Police Chief  
Karen Walther, Animal Shelter Manager  
Jeremy Draper, Civil Engineer  
Debbie Henseler, Business License Technician

## **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**

*There were no public comments.*

**APPROVAL OF MINUTES:** April 22, 2014      **Regular Session**

*The minutes were approved by general consent.*

**I.      PRESENTATIONS**

- A.      A Proclamation recognizing Saturday, May 17, 2014 as National Armed Forces Day.

Mayor Johnson read the proclamation and presented it to Les Brown, POW/MIA.

Les Brown, POW/MIA, spoke about the parade that is scheduled to start on Saturday at 11:00 am.

- B.      Special recognition of the contributions by NYTC Staff and Crews for their participation in the recent “Take Pride in Your Community Event.”

Mayor Johnson spoke about the crews from NYTC that assisted in the event.

Jesus Albarran, NYTC, handed out certificates to the volunteers.

**II.     PERSONNEL**

- A.      Employee Introductions:

- 1.)      Raymond Garcia, Landfill Equipment Operator, Public Works  
*Present and introduced.*
- 2.)      Tammy Ralph, Administrative Assistant, Police Department  
*Present and introduced.*

- B.      Review, consideration, and possible approval of the revised position description for Animal Control Officer, and matters related thereto. **FOR POSSIBLE ACTION**

The position description for Animal Control Officer has been updated and reformatted as recommended by POOL/PACT. DG

Doug Gailey, Human Resources Manager, explained we looked at this position as a result of having to advertise due to a retirement coming up. We noticed the requirements on it were such that the only person in the county that qualified for it was the current Animal Control officer. We took out some of the requirements and ran it by the union. The union was good with the changes and now they need council to approve the changes.

Councilwoman Simons asked about certifications that were taken out. Would they be required to obtain them later on or no longer necessary?

Mr. Gailey answered that previously they needed to be certified by the State of Nevada in order to apply for the job. Our plan will be to get the person certified but it is not required as a condition of employment.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the position description as presented effective May 13, 2014.**

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

### **III. APPROPRIATIONS**

- B. Review, consideration, and possible authorization for the Arts and Culture Advisory Board to utilize the remaining Fiscal Year 2013/2014 budgeted funds to enter into a Professional Services Agreement for the design of the Sacred Sagebrush Sculpture and Time Capsule, and matters related thereto. **FOR POSSIBLE ACTION**

The Arts and Culture Advisory Board had \$7,500.00 budgeted in the 2013/2014 Fiscal Budget. At the April 23, 2014 special meeting of the Arts and Culture Advisory Board, action was taken requesting authorization to utilize the unencumbered line item to enter into a Professional Services Agreement with a local architect for the Sacred Sagebrush Sculpture, and Time Capsule to commemorate the Sesquicentennial of the State of Nevada. JD

**NO ACTION – This item will be on a future agenda.**

- C. Review, consideration, and possible approval of a Three Year Air Service Development Contract with Jviation, Inc., who currently has the Elko Regional Airport Professional Services Agreement through 2018, and matters related thereto. **FOR POSSIBLE ACTION**

Air Service Development for the residents of Elko has been identified as the top priority of the Airport Director. The airport has entered into a Partnership Cost Sharing Agreement with the City of West Wendover to cooperatively share air service development costs. The City of West Wendover is paying for a joint Small Air Service Development Grant Proposal for both of our Nevada communities. The City of West Wendover is also sharing the Air Leakage Study “Exhibit B” on a 50/50 Cost Sharing Basis with the airport. Elko Regional Airport will be working on behalf of West Wendover to provide Nevada Legislative support of a new Nevada Air Travel Enhancement Fund for all state airports. This joint legislative effort is shared between Reno/Tahoe International Airport, McCarran International Airport and ourselves. The Three Year Air Service Development Contract before the Council is negotiated on a lump sum basis every fiscal year. Before each Fiscal Year a new Scope of Work and Fee Schedule will be developed for Council to review/approve. The first Fiscal Year Scope of Services

can be found in both Exhibit A and Exhibit B. Exhibit B of the contract will be effective under this Fiscal Year's Budget with a total cost to the airport of \$10,500 while Exhibit A of the contract will become effective in next year's budget with a budgeted amount at \$40,000. MG

Mark Gibbs, Airport Director, explained he made comparisons with our airfare vs. other airports of similar size and found that our airfare is not overpriced as previously thought. The contract will focus on linking Elko to Reno, as well as Oakland. They are looking at bringing back Casino Express. The Red Lion Hotel wants to drive up their casino revenues and hotel stays. He is working with them to possibly bring back casino charters again. They are looking at an air service grant with the Federal Aviation Administration to link Wendover and Elko to Reno. We are not looking at jet service at the airport because of the fuel consumption. We are at a high altitude and we need aircraft that can perform at the runway length that we currently have. Expanding or lengthening the runways is extremely expensive and it would impact a lot of business here. We will be looking at partnering with the Peppermill and the Red Lion to drive in a secondary type of air service. Our overall strategy is looking at maximizing cooperation and trying to get as many partners involved in our air service efforts.

Councilman Reece asked if Aviation have relationships with various different carriers. (yes)

John Carpenter asked if Wendover will pay half of this contract that is on the agenda.

Mr. Gibbs answered yes. We will be keeping track of where people are flying to even if they don't fly out of our airport in order to better understand what the travelers want. West Wendover will be sharing resources for other grant applications too.

Mr. Carpenter asked is Wendover paying same amount as Elko.

Mr. Gibbs answered they are looking for different services than what we are doing. They have different goals for services than we do. We are sharing on goals mutually shared.

Mr. Carpenter noted on the agenda it said the City of West Wendover is paying for a joint small air service development grant proposal for both of our Nevada communities. Are they paying for half or what is happening?

Mr. Gibbs said they are paying entire costs for that grant proposal and Elko benefits as a co-sponsor.

Mr. Carpenter said he doesn't understand and asked how much is Elko going to be paying.

Mr. Gibbs explained we are signing up for a three year contract. For the first year we are going to put \$40,000 for legislative efforts. This is our big push because we really want to try to garner support in the Nevada State Legislature to pay for a \$5 million Air Travel Enhancement Fund that is also in cooperation with airports in Las Vegas and Reno/Tahoe.

Mr. Carpenter repeated that he wanted to know how much Elko will be paying in the next fiscal year.

Mr. Gibbs answered in the next fiscal year Elko will be paying \$55,000 as stated in the agenda.

Councilman Schmidtlein noted in the agenda it stated \$40,000 and then \$10,500.

Mr. Gibbs corrected his statement and said it is actually \$50,500.

Councilwoman Simons noted the correct amount requested is then \$50,500. (yes)

Mr. Carpenter asked if \$40,000 was just for the legislative efforts. You are signing a contract with them and they are helping you with the legislature and other things while trying to get an airline in here.

Mr. Gibbs answered that was correct.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve a three-year Air Service Development Contract with Jviation Inc. with the total cost appropriation being \$50,500.**

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

After the motion and before vote, Councilman Schmidtlein asked if he would be coming back every year.

Mr. Gibbs said in the contract we will have a monthly report and an annual report. Every year we are hoping that number gets smaller and smaller as we achieve our goals.

**Council voted on the motion.**

- D. Review of the bids received and possible award of the Plantmix Bituminous Pavement materials to be used for the Year 2014 construction season, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 3:00 p.m. local time on Friday, May 2, 2014

Dennis Strickland, Public Works Director, explained they had two bidders this year. Road and Highway was the low bidder on one commodity but if you calculate in the time we would put in to drive to pick up the material it would cost more. Keeping in mind that it would not be in the best interests of the City of Elko to go with their bid, we recommend awarding to Staker Parsons again this year.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilman Rice, to award the bid for the Plantmix Bituminous Pavement materials for 2014 to Staker Parson Company.**

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

Mr. Strickland noted that they did see a slight reduction in asphalt this year.

- E. Review, consideration, and possible approval of the City's cost allocation plan for Fiscal Year 2014/2015 pursuant to NRS 354.613, and matters related thereto.  
**FOR POSSIBLE ACTION**

The City cost allocates services and expenses provided by general fund personnel to the various enterprise funds. Pursuant to NRS 354.613, the City may under a non-consent item that is listed separately on the agenda for a regular meeting of the governing body; approve transfers to pay the expenses related to the purpose for which the enterprise fund was created. As recommended by the City's independent auditor, this item fulfills the requirement of the referenced NRS. DS

Dawn Stout, Administrative Services Director, explained this is similar to the item we had right after we had our audit. The City Auditor recommended that we do this. Our cost allocation for liability insurance is based on the asset value of the various enterprise funds in comparison to the general fund. We did find out that our liability insurance would not see an increase this year. The airport was broken out this year as requested.

Councilman Schmidlein asked regarding the salaries and benefits, what number of employees is that based on.

Ms. Stout answered it is based on people that provide services to those funds. Everyone this building except the Business Licensing Clerk and Planning and Zoning. Everyone else is cost allocated to those funds. Our IT Department and the Administrative Assistant in Engineering are cost allocated too.

Mike Lattin, 3250 W. Idaho Street, said he saw in the paper where the Water Department and the Sewer Department accounts payable are being sent to Los Angeles. He wasn't aware a change occurred in that and is there an impact on this cost allocation down the road?

Ms. Stout answered it has no impact. It is not an accounts payable function. Our utility billing is a service provided to our bank. It takes less time for payments to be processed.

Councilwoman Simons asked if people could still bring in the payments personally.

Ms. Stout answered all the payment options are still available. They can still come into the office or use the drop box. This was a business decision. Our staff is becoming busier and they feel they are never caught up.

Mike Lattin asked what is the cost.

Ms. Stout answered it is about \$1,600 a month.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to recommend approval of the Cost Allocation Plan as presented for the various expenses provided by personnel from the General Fund to the various enterprise funds for fiscal year 2014/2015.**

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

- F. Review and possible award for the custodial services at the airport terminal, and matters related thereto. **FOR POSSIBLE ACTION**

Bids for the Terminal Custodial services were opened on Friday, May 9, 2014. Staff will review the bids and provide a summary and recommendation prior to the City Council meeting. Any additional services will be negotiated into the contract and lump sum prices determined before a final contract is signed. A final negotiated contract will be brought before City Council for adoption with the successful awardee. MG

Mark Gibbs, Airport Director, explained they only had one bidder. (Exhibit "B")

Councilwoman Simons asked if this is who we have used in the past.

Mr. Gibbs answered that is correct. Their quoted price is the same price that they quoted in 2011 even though we have seen inflation.

Councilman Reece asked if they have been satisfied with their performance.

Mr. Gibbs answered that she has done a fantastic job. She has been the best custodian they have had at the airport after learning more about the previous custodians.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to award the Three-Year Custodial Services at the Airport Terminal to Royal Pane Janitorial Services at a monthly cost of \$1,590.**

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

- G. Review, consideration, and possible approval of a proposal for professional services from Lombard-Conrad Architects-Nevada, Ltd. for the Police Department Facility Project, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the Lombard-Conrad Architects-Nevada, Ltd. proposal has been included in the agenda packet for review. Phase I of the proposal was approved by the City Council on February 25, 2014. Staff recommends approval of Phase II at this time, not to exceed \$100,000. CC

Curtis Calder, City Manager, explained they held off on Phase II of the proposal due to the issue of Construction Management Services. Now we are at a point in the process where staff is recommending that Phase II be awarded. The additional services No. 1 and No. 2 we are not recommending awarding at this time. The award would be just Phase Two only, not to exceed \$100,000 for bidding and negotiation services and construction phase services. Mr. Byron Smith with Lombard-Conrad Architects is present if anyone had any questions.

Councilman Schmidlein asked about AE Reimbursables for the \$50,000 and the Survey and Geotechnical Report for the \$8,000, that was the \$58,000 for Phase I. Then on the AE Fees for \$150,000, that is the \$100,000 you are requesting tonight?

Mr. Calder answered the \$58,000 was Phase I.

Byron Smith said he was not sure he was following the question.

Councilman Schmidlein showed Mr. Smith where he was getting the numbers from.

Mr. Smith explained the AE Fees for \$150,000 was Phase I. That was to update plans, minor modifications, new site design plus Phase II services (bidding and negotiating and construction administration services). The \$50,000 for reimbursable expenses is separate from that.

Councilman Schmidlein didn't understand. What we are approving tonight, the \$100,000 is above and beyond what we have here then.

Mr. Smith said the \$150,000 line item for AE Fees does include Phase I and Phase II scopes of work. Beyond that there is an allowance of \$50,000 for reimbursable expenses which we bill those as they come up.

John Carpenter noted that reimbursable expenses include meals while they are in town.

Mr. Smith said no but there is a team of consultants coming from outside of Elko. They travel and they get paid per diem costs to cover mileage, hotel costs and those sorts of things.

Mr. Carpenter asked how many people was he talking about.

Mr. Smith answered this would include the electrical engineer, mechanical engineer and structural engineer.

Mr. Carpenter said the contract included mileage of \$.75 per mile. He thought the state rate was around \$.56. How can you pay more than the state rate?

Mr. Calder said the City's reimbursable rate is much less than the state rate or the Federal Rate. That is for our own employees on travel. The reimbursable rate we are bound to would be outlined in the contract.

Mr. Carpenter said he only got \$.50 to go to the Ethics Commission. He didn't see how you could pay someone else more than the state rate.

Councilwoman Simons said the state rate doesn't apply to a private corporation. They can charge whatever they want.

Mr. Carpenter wanted legal counsel to look at that because he felt it was not right.

Mr. Smith said all of their consultants are working for them under a contract. All of their invoices and billings all go through LCA. Then we submit our invoice to the city as one invoice. We may be paying our consultants \$.56 a mile there is a cost for us to process all of that paperwork and payments. The difference between what we are asking for to be covered by the city and what we pay the consultant will cover that overhead cost.

Councilman Rice felt we can have legal counsel look at it but can move forward with this action.

Mr. Carpenter didn't agree.

Kimberly Owen, NAI Alliance, said she doesn't do reimbursable expenses as a consultant to non-profits or municipalities. She asked Mr. Smith about Phase Two. There was an item Construction Phase Services and Bidding and Negotiation. This is vague and asked for more detail.

Mr. Smith explained Construction Bidding and Negotiating Services will include, among other things, administration of the pre-bid conference, review substitution requests, answer bidder questions, issue addenda, review bids and assist the owner in review of bids in determining the low responsible bidder. Under Construction Administration they will be reviewing submittals, shop drawings, contractors schedule and will monitor that as they go through the construction process. They will work with the contractor to make any necessary adjustments if they need to make up time on the schedule. They will review pay requests, issue change orders, review RFI's, issue ASI's, issue proposal requests, do field observations, facilitate progress meetings, write field reports, take construction photos, perform a punch-list inspection, issue a substantial completion certificate and a final completion certificate.

Ms. Owen said some of those would fall under construction management services. We previously talked about that at another meeting. We are not hiring a separate construction manager because it was her understanding that city staff would be handling those items. Will staff be handling those items or are those delegated to LCA?

Mr. Smith answered the city can't review the submittals and shop drawings but they can give us input on it. We are the design professional in charge so it is their responsibility. City staff can review and monitor the schedule along with us. We will review and issue a certified pay request that the city cannot do. He listed many other tasks that are the responsibility of LCA.

Ms. Owen disagreed and would like council to consider outsourcing some of the items discussed. She will review the items he discussed and give her recommendation of what council should outsource at the next meeting. She asked Mr. Smith to explain the methodology he used to arrive at the numbers on the unit costs spreadsheet.

Mr. Smith went over the costs. Some line items are being updated since the designs were updated.

Ms. Owen thought they were estimates based on 2009 numbers and wanted more details.

Pedro Ormaza, 225 Silver Street, was curious about the Silver Street development half. That was for the city to pay for curb, gutter and sidewalk and half of the paving on the north side of the street? What is the \$250,000?

Mr. Smith answered that was the other half of Silver Street. That was what Mr. Capps had presented in a council meeting.

Mr. Ormaza asked if any engineers looked at it. (yes)

Mr. Calder said High Desert Engineering did provide Mr. Capps with an estimate. We had our engineer look at it as well.

Mike Lattin, 3250 Idaho Street, asked about the property owner paying for the curb, gutter and sidewalk. Why is the city paying for this instead of the property owner?

Mr. Calder answered the property owner is Union Pacific Railroad. Council asked that those costs be reflected in the estimate. It is not a city requirement that the north side of the street be paved at this time. It is not the developer's responsibility. We will see if Al Park and Union Pacific Railroad would be willing to participate in those improvements.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve Phase II of the Lombard-Conrad Architect's Proposal not to exceed \$100,000.**

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

After the motion, before the second and the vote, Councilman Keener asked Councilman Rice if he would consider a change to the motion. That would be to approve it with the exception of the mileage being set at \$.60 a mile for reimbursement. He seconded the motion.

Councilman Rice agreed to that change.

Mayor Johnson noted the motion was made and seconded with a change to the mileage.

Councilman Rice said he understood they were budgeting lump sum for those expenses and they will just have to live within that budget.

Mr. Calder said the way this was agenda'd was just to approve Phase II and not to exceed \$100,000. The remaining portions of the proposal can be brought back to council.

Councilman Keener seconded the original motion.

**Council voted on the original motion.**

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

- A. Review, and possible award of the Airport Food & Beverage Concessionaire to Frank and Arlene Raia at the Elko Regional Airport, and matters related thereto.  
**FOR POSSIBLE ACTION**

At the March 25, 2014 City Council meeting, the Elko City Council authorized Staff to solicit proposals to provide a Food/Beverage Concession at the Elko Regional Airport Terminal. The City received one (1) completed proposal from Frank and Arlene Raia. Staff has reviewed the proposal with Mr. & Mrs. Raia and it appears to meet all of the requirements requested in the Request for Proposals. Therefore, Staff recommends negotiating a Food/Beverage Concession

Agreement with Frank and Arlene Raia. The negotiated final Agreement will be brought back to the City Council for possible approval. MG

Mark Gibbs, Airport Director, explained the airport is excited to have Frank and Arlene Raia start their business.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to direct staff to negotiate a Food and Beverage Concession Agreement with Arlene and Frank Raia.**

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

B. Review, discussion, and possible approval of the Revised Animal Shelter Policies and Procedures Manual, and matters related thereto. **FOR POSSIBLE ACTION**

This item was tabled during the April 22, 2014 City Council meeting in order to receive additional public comment, if any. As of this date, no additional public comments have been received. However, Staff has included two substantive revisions: 1) page 17 regarding verification of microchip scanning prior to euthanasia; and 2) page 32 regarding animal trap training.

The current Animal Shelter Policies and Procedures have been in place for many years. Based upon numerous changes, due in part to the acquisition of the Dumke-Weeks Spay Neuter Clinic, Staff is recommending approval of the revised Animal Shelter Policies and Procedures Manual. CC

Mayor Johnson noted that even though staff at City Hall didn't receive public comment there was an email sent to all elected officials. (Exhibit "A")

Councilman Keener said he received another letter. He wasn't able to open the letter.

Councilwoman Simons said she received a few others. They may not have been sent to staff.

Mr. Calder noted Karen Walther, Animal Shelter Manager, was present in the audience. The comments that had been received were copied for council. One comment was that they would like the deceased animals to be scanned for microchips.

Karen Walther, Animal Shelter Manager, said when a deceased animal arrives at the shelter they try to scan but sometimes they can't because of the condition the of animal. There is a very low percentage of animals in the area that are micro chipped. The chip is part of the adoption.

Mr. Calder said they can add the practice as a provision in the policy format.

Councilman Schmidlein said Ursula Burger has a point with item #3. It has to do with the rescue group policy. "To initiate a rescue group hold place the name of the rescue group on the top of the kennel card. If there is more than one interested rescue group or an interested public adopter they are numbered in the order received." She wrote that this is unacceptable. The old policy states the rescue shall go at the bottom of the card and a local adopter will be put in the number one position. This policy should not change to suit a rescue. Locals should come first

under any circumstances as long as they qualify under the shelter guidelines. Is that written in the old policy?

Ms. Walther thought there was a misunderstanding. There was no old policy. This is the first rescue group policy in existence. The practice is to let staff know someone is interested in the animal. There was no formal policy; there was an informal way the staff did this previously.

Councilman Schmidlein hoped that local preference came first.

Councilwoman Simons asked who is local.

Councilman Schmidlein answered Elko County residents. Basically the animal shelter belongs to the city but there is a handshake agreement that they take care of the dogs in the county and then we subsidize the jail in some exchange. Maybe he misunderstands this but we accept county animals in our city shelter. That is why he is bringing the county into the equation.

Councilman Rice thought the prize to keep the eye on is to lower the number of animals that have to be euthanized. He reads every week about the number of animals available for adoption at the animal shelter. There is no shortage of animals for adoption to anyone at any time. He became aware of a nasty campaign on social media that is clouding the issue. We have been presented twice with a thoughtful and comprehensive policy to consider. We gave an opportunity to those that were in the chamber at the last meeting to enter into discussions with staff. They did not. He didn't know what else to do. We have done our due diligence on this matter.

Mayor Johnson said the locals need to submit to the shelter a wish list. That list is there for public record. The wish list puts locals in a good position to get an animal they are looking for.

Mr. Calder said that they have tried to take some of the practices they have used over the last couple of years and incorporate them into the new revised policies. When the policy is approved everyone should be doing it the same way. The policy will now say that all of the names are on the list in the order they are received so we know who put in first for an animal. Owner surrender animals will not be eligible for rescue groups until after 48 hours. If animals are being transported, we don't hold those animals for a rescue group until within 7 days of the actual transport date. That leaves three weeks a month that anyone can come in and place a hold on an animal. In the 2013 calendar we had 258 animals that went to rescue groups and 773 that were adopted locally. When we put animals on Petfinder they can be seen as quickly in New York as they can be seen here. The rescue adoption policy may not be perfect just yet but we may have ironed out a lot of the kinks.

Ruben Banuelos, 1749 Weyumb St., felt that Elko is being left with the more vicious type of dogs; pit bulls, Dobermans and others. The dogs that you would want in your homes are being sent to shelters in other states through pet rescues.

Mayor Johnson said you if want to have a Labrador or a similar type, you can put your name in on the wish list and when one becomes available you will be notified.

Mr. Banuelos said your name gets put at the bottom of the list. It has been attempted several times and the animals are always on a hold because those pets are being sent to a pet rescue.

Mayor Johnson asked if there was a specific instance that would say that is what happened.

Mr. Banuelos said when you go into the animal shelter to try to get a dog it's actually on hold because it is going to a pet rescue. If there is a dog there and you don't get there within three days you won't be able to get it because the animal is going to be shipped out to a pet rescue. The pit bulls and other dogs are the only ones left.

Ms. Walther said everyone has the same opportunity to look at the website. We try to get them on Petfinder and the city website as soon as possible. If you are on wish list and an application in, you will have an opportunity. Everyone has the same opportunity to see the pets at the same time. We are a very small shelter. It can be hard to find a local adopter for all of the pets.

Mr. Banuelos said that Ursula Burger wanted to have a meeting with council so things could be further discussed. Ms. Burger couldn't attend so she asked him to be there. All of the things she wanted presented were in the letter she sent. He wasn't aware that there would be more opportunity to talk and voice opinions. There must have been a misunderstanding. Ms. Burger was hoping that this could be put off further for a more broad scope of public comment.

Mayor Johnson said this document can be reviewed and analyzed throughout the time. The animal shelter is a complex place and misunderstandings can happen. Perhaps a flow chart can be made to show the different steps that have to happen to adopt. To be able to get first in line for adoption is to submit a wish list and have that in front of the staff.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the revised Animal Shelter Policy and Procedures Manual.**

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

After the motion and before the second and the vote, Councilman Rice invited Ursula Burger to continue with the conversation regarding her concerns.

Mr. Calder asked that the motion be amended **to add a provision with regard to the micro chipping for deceased animal.**

Councilman Rice revised his motion to reflect the change Mr. Calder mentioned.

Councilman Keener said he reached out when he was doing his research on this item and wondered why he had not heard from the individuals that were pushing to be heard on this. Staff did reach out to them and did not hear anything back from them.

Councilman Rice said he also made a response to some inquiries and invited people to contact him with any further questions and didn't receive a response either.

**Council voted on the motion.**

## V. NEW BUSINESS

- A. Review, consideration, and possible authorization for the Arts and Culture Board to place a Sacred Sagebrush Sculpture and Time Capsule, in the Main City Park, and matters related thereto. **FOR POSSIBLE ACTION**

The Arts and Culture Board is commissioning a piece of art named the Sacred Sagebrush to celebrate the State of Nevada's Sesquicentennial and would like to place the piece in the Main City Park. The piece will include a Time Capsule to be opened in 50 years for the State of Nevada's Bicentennial. The location will be near the tennis courts on the corner of Chris Sherrin Way and College Avenue. JD

**NO ACTION – This item will be on a future agenda.**

- B. Review, consideration, and possible authorization for the Arts and Culture Advisory Board to request \$10,000 from Elko County for the completion of the Sacred Sagebrush Sculpture and Time Capsule, and matters related thereto. **FOR POSSIBLE ACTION**

At the April 23, 2014 special meeting of the Arts and Culture Advisory Board, action was taken to seek authorization from Council requesting funds from Elko County for the completion of the Sacred Sagebrush Sculpture and Time Capsule, a project commemorating the Sesquicentennial of the State of Nevada. JD

**NO ACTION – This item will be on a future agenda.**

- C. Review, consideration, and possible action to direct Staff on how to proceed with two conflicting land sale requests: one for APN 001-770-004 containing approximately 60.75 acres of City-owned property located generally south of Errecart Boulevard across from the city hospital, and the other for an approximately 6.91 acres portion of the same parcel located in the northeasterly corner of said parcel, and matters related thereto. **FOR POSSIBLE ACTION**

The parcel in question is listed in the City of Elko Land Inventory as available for sale, and is zoned PC (Planned Commercial). RM

Curtis Calder, City Manager, explained the item. We have a parcel of land that is 61 acres. A portion of that parcel was previously requested to be purchased and council had authorized that to occur some time ago. An appraisal was done on just the 6.91 acre portion. That land sale fell through and that is not moving forward. When that process fell through we had another request for that same 6.91 acres which is part of the 60.75 acres which we also had a request for. We have two requests; one request for the entire parcel and a request for a portion of the parcel. Because on our land inventory we have it listed as 60.75 acres that is what we have available unless council designates otherwise.

Councilwoman Simons asked which request came in first. Mr. Calder was not sure.

Councilman Schmidlein said there is a lot of interest in the 6.91 acres. On top of that the appraisal is complete. He felt if we go out to public bid for the 6.91 acres you will receive more money than if we sell the 60.75 acres. If someone buys the 60.75 acres they probably won't develop it for several years. They may take the most desirable portion of the property and leave the rest idle.

Councilman Rice noted we have two requests.

Kevin Doerr, 2370 Khoury Lane, said the city was ready to make a deal a few weeks ago to another party. The developer was able to make a deal with the hospital. At that time he and his partners were interested in doing the same scenario. They feel it would be the best thing to do for the public. They aren't trying to tie any special economic condition to it; they just feel it is a piece of property they are interested in. They have a development out there already. The current appraisal is still valid and the city can move forward with a public bid.

Jon Bailey, Bailey & Associates, said they are interested in doing a master plan project for the whole site. They have a partner that is interested in the entire site. When we had a cancer clinic on board to carve off a piece the staff had some reservations. We would ask that we have an opportunity to go after the entire piece. The city would benefit by having the entire piece go into the property tax. Why would you take a portion of the property and devalue the entire parcel when you can sell the entire parcel?

Pedro Ormaza, 225 Silver Street, said they were the first ones to make a purchase request. He felt there is a higher value if the property went out to bid. The appraisal is already paid for and ready to go. These funds could be used to pay for the police station.

Mayor Johnson asked council what they wanted to do; if they were ready to make a motion. Councilman Keener said he wanted more discussion on the subject.

Mr. Bailey said his group paid for the initial appraisal and will pay for a new appraisal. If you carve out one piece you will leave 50 acres that will remain on the city land inventory and not be in property taxes.

Scott Wilkinson, Development Manager, said the bulk of the parcel doesn't have water service to it. If you carve off the piece that has water service to it, Mr. Bailey is correct, you may see the remainder of it sit on the city's inventory for quite some time. We would have to get water service to it. If you sell the whole thing and it becomes private you would have more property owners that may be able to work with the city in addressing those infrastructure needs. If you get the whole acreage into private hands then that whole Errecart frontage is along private property. If the water issue is addressed you will see Errecart develop over time. There are pros and cons to either choice.

Kimberley Owen, NAI Alliance, said she has been working with private developer across the street from that on a 95 acre parcel for the last three years. Even if that was sold to a private development, bringing water and infrastructure out there takes a significant amount of capital. The other developer has a lot of resources at his disposal and it still hasn't moved forward. It would take years for that land to develop.

Councilman Keener asked Mr. Calder would any proceeds be available for the General Fund.

Mr. Calder answered that all land sale proceeds to go the capital construction fund. Then the city council can decide where they would like to put those funds. In this case, any of those initial property sales at the hospital we are going to reimburse Province Health Care \$75,000 for the traffic signal that was installed back in 2002.

Councilman Keener asked if all of the land was sold, would we still have to pay \$75,000 or more than that.

Mr. Calder answered it will still be \$75,000 because that is fixed in the contract. Anything else would go into the Capital Construction Fund.

Councilman Rice asked if we would have the option of auctioning the entire 60.75 acres. We would have to have an appraisal. He understood that Mr. Bailey has some plans in place. He asked Mr. Doerr if he had some plans in place too. (yes)

Mr. Bailey felt the best option here would be to auction the entire 60.75 acres.

Mr. Ormaza said four months ago council agreed with this developer to carve off the 7 acres, do an appraisal and sell it. Now they decide they don't want it and someone else wants it. It was a great idea to sell the seven acres then but not now?

Kevin Doerr noted that the 7 acres are more desirable and will be developed at a higher tax rate than the rest. The rest will be open property with a lower tax structure.

Councilman Rice said it was his opinion that any time the city has an opportunity to dispose of a large piece of property and put it on the tax roll that is something we should consider. Then let the market dictate the value of the seven acres and the remainder, as well. He was more inclined to dispose of the entire piece of property than the seven acres.

Councilwoman Simons felt once someone buys the property they can parcel the property up.

Mr. Wilkinson mentioned that if someone were trying to divide this property we would look at egress, ingress and utility services to the area. A lot of this doesn't have water service to it so staff would not approve a parcel map. Until this is developed your decision should not be based on people saying they are going to develop property.

Audrey White said in 1977 two businesses wanted the same piece of ground. The property was advertised and appraised and went to public auction. Every time a bidder opened their mouth the price went up ten percent from the last bid. That property became Dale White Motors. The city needs to think about maximizing what they get for this property. There was a large chunk of land sold that was behind IFA and Gallagher Ford. It was then divided without streets or easements. It became a disaster. Has the 60 acres been before the Planning Commission? Have they reviewed this specific request?

Mayor Johnson answered that they have not reviewed this specific request.

Ms. White said she was asking because you can have problems with large pieces of land. Usually the Planning Commission will look at this and review what may be necessary. She felt public auction is the best route to take.

Councilman Schmidlein still felt that selling the smaller piece of property is going to give the city the best value. The city will get more for that one piece of land per acre than they will get if they sell the entire property.

Councilwoman Simons felt the city would not be able to sell the remainder of the parcel of the 6.91 acres were sold first. She is worried that selling the entire parcel may be the best way to go.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to set for public auction the property known as APN: 001-770-004 containing approximately 60.75 acres of city owned property located generally south of Errecart Boulevard, across from the Hospital; first for appraisal and then for public auction.**

*The motion passed. (3-2 Mayor Johnson and Councilman Schmidlein voted no.)*

## **VII. 6:00 P.M. PUBLIC HEARINGS**

- A. Public Hearing on the intent of the City Council of the City of Elko, Nevada, to issue General Obligation (Limited Tax) Public Safety Bonds (Additionally Secured by Pledged Revenues) in the maximum amount of \$3,000,000, and matters related thereto. **FOR POSSIBLE ACTION**

This time is set specifically for the public to comment on the City's intent to issue General Obligation (Limited Tax) Public Safety Bonds (Additionally Secured by Pledged Revenues). No Action is required by the City Council. DS

Mayor Johnson opened the floor for public comment pertaining to this item.

Pedro Romero read a letter written by Kimberly Owen. (Exhibit "C")

Fred Bogdon said he felt the project has been rushed and pushed and why not consider the downtown parking lot corridor for the Police Station. The far end of the downtown corridor doesn't even get used. It is vacant land.

Councilman Rice reminded Mr. Bogdon that this agenda item wasn't about the location of the station.

Mr. Bogdon said he would like to see it go up for a vote.

Mike Lattin, 3250 West Idaho Street, commented that the public should be aware of what the city is doing to finance this 30-year bond or even the intermediate bond. They are using the gas tax option to pay for the Police Station in a round-about way. He didn't think anybody could deny that. This money wasn't intended for that purpose. It is being taken away from our streets that desperately need attention.

Marv Churchfield said he was concerned that the gas tax was sold to everyone to be only used for streets. This bond issue should go to the people. If you are scared to go to the people there will be some fear the next time you come up for election. You have to take it to the people every chance you can. If the folks vote for it you have to do it then. Using the gas tax for the bond is wrong because it was sold to the people as a gas tax for the roads.

Pedro Ormaza said he agrees with Kimberly Owen. We still don't know what it is going to cost to build that Police Station.

Mayor Johnson noted this item was just for public comment and asked if there was any more public comment regarding long-term financing. There was no response and Mayor Johnson closed the public comment.

- B. Public Hearing on intention to authorize Medium-Term Obligations by the City of Elko, Nevada in the maximum amount of \$3,000,000, and matters related thereto.  
**FOR POSSIBLE ACTION**

This time is set specifically for the public to comment on the City's intent to issue Medium-Term Obligations. No Action is required by the City Council. DS

Mayor Chris Johnson opened the public comment pertaining to this item.

John Carpenter submitted and read the attached statement for the record. (Exhibit "D")

John Carpenter added that the City must state the revenue sources and exactly what the anticipated dollar amounts are and the City has not done that.

There has been another location for the police station mentioned this evening.

The project could be accomplished at either the airport or Kittridge in a timely fashion and you wouldn't have to modify the plans, the plans were drawn for the police station to be at Kittridge. The people now see what's happening here. You are taking that 2 ½ cents from the gas tax monies and putting it into the police station. There is no way that you can get away from that. That is not what it was intended for. The Mayor testified, Delmo Andreozzi testified, and the person that was most adamant that there needed to be more money for the City streets was Dennis Strickland. Dennis even wanted to go so far as to have a ¼ cent sales tax.

There is no question that the long term bond issue is going to go to the vote of the people. We practically have the signatures and we are going to get them and as someone said, you are going against the will of the people with the medium term financing. I don't know whether you can finance it because \$3 million, you are going to have to come up with \$340,000 a year. We have other needs and you do not need to borrow this kind of money. You can get this thing done with the figures I've saw by borrowing \$1 million. I don't think you can pay off \$3 million unless you go to the 20 years and the 20 years is going to go to the vote of the people. I think you should really think about what you are doing and why you are you so in love with the Silver Street property? I'd like to see it developed too but the taxpayers shouldn't be paying for it. The Redevelopment Agency has money that they could put into the infrastructure if they feel it is so important. It is not the taxpayers' responsibility. I love downtown, I go downtown every day, got to go to Roy's Market and buy things. We have put a lot of money downtown and I'm not against that but I am against putting a million dollars into a piece of property that you do not need.

Mayor Chris Johnson said it could come up with the actual resolution discussion but, Bond Counsel, are there any concerns of the claims made with the testimony?

Jennifer Follett with Sherman and Howard commented that she does not have public comment under this particular item. Ms. Follett indicated she can respond under the Resolution agenda item C.

Mayor Chris Johnson closed the public comment.

## **NO ACTION**

- C. Review, consideration, and possible approval of Resolution No. 20-14, a resolution authorizing Medium-Term Obligations in an amount up to \$3,000,000 to finance building projects for public safety facilities of the City of Elko, Nevada; providing the effective date hereof, and matters related thereto. **FOR POSSIBLE ACTION**

At the April 22, 2014 Council meeting, Council directed Staff to run con-current processes for financing of the new Police Station Project. This resolution authorizes the Medium-Term Obligation option for that financing. DS

Mayor Johnson reminded Ms. Follett that Mr. Carpenter stated the resolution is not in proper format and doesn't identify the items needed. Is the resolution in a manner that is within the NRS?

Kendra Follett, Sherman & Howard, said in her opinion the resolution is in a proper form and taxation has approved similar resolutions for many entities throughout the state.

Councilwoman Simons noted that we have stated we want to borrow up to \$3 million. We are finding ways to fund pieces of the Police Station and we may not need the entire \$3 million. Are we required to borrow the \$3 million or can we borrow maybe \$2.5 million?

Ms. Follett answered that was correct. This is a parameters resolution so you can't go any more than \$3 million. You can go less or even not issue at all.

Mayor Johnson asked if there was any more public comment regarding the Resolution. There was no response and he closed the public comment.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve Resolution No. 20-14.**

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

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

- D. Review, discussion, and possible approval of a first amendment to the contract of purchase and sale between the City of Elko and Parrado Partners, L.P. & Gloria E. Capps, as Trustee of the Gloria E. Capps Revocable Trust of 1989, as Amended

January 25, 2011, for the purpose of reimbursing the Seller for the relocation of power lines on the property commonly known as a portion of Elko Assessor's Parcel Number 001-630-060, further described as Parcel 1 of a conditionally approved Parcel Map for Parrado Partners, LP & Gloria E. Capps, as Trustee of the Gloria E. Capps Revocable Trust of 1989, as Amended January 25, 2011, and matters related thereto. **FOR POSSIBLE ACTION**

NV Energy and Parrado Partners, L.P. & Gloria E. Capps, as Trustee of the Gloria E. Capps Revocable Trust of 1989, as Amended January 25, 2011 intend to enter into a contract to relocate power lines on the above referenced parcel.

As of this date, the NV Energy contract has not been executed (although it is expected to be executed the week of May 5, 2014). In the event the NV Energy contract is executed prior to the May 13, 2014 City Council meeting, the enclosed first amendment (draft) will be completed and distributed for review. In the event the NV Energy contract is not executed prior to the May 13, 2014 City Council meeting, the enclosed first amendment (draft) can be tabled and brought back during the May 27, 2014 City Council meeting. CC

Mr. Calder explained that the NV Energy contract was delivered to Parrado Partners today and they have not had time to review it nor execute it. Staff asked that this item be tabled and brought back at the next meeting.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to table the item.**

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

## **VI. RESOLUTIONS AND ORDINANCES**

- A. Review and possible approval of Resolution No. 19-14, a Resolution amending fees collected by the Elko Police Department, and matters related thereto. **FOR POSSIBLE ACTION**

The State of Nevada is increasing the fingerprint fees charged for background checks. City Staff would like to pass this fee to the user. The new fees will go into effect July 1, 2014. BR

Ben Reed Jr., Police Chief, explained we collect various fees at the front business office of the Police Department for services provided. That is done by an established resolution. We received a letter from the Nevada Department of Public Safety increasing their finger print fee. Their fee went up by \$2.50. We reflected that increase on our fees. There are no other changes on the fee schedule.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve Resolution No. 19-14; a resolution amending fees collected by the Police Department.**

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

- B. First reading of Ordinance No. 781, an ordinance amending Title 3, Chapter 2, Section 3 of the Elko City Code entitled "General Provisions" hereby adding camping and campgrounds to the list of temporary uses permitted in LI (Light Industrial) and GI (General Industrial) Zoning Districts subject to public hearing notice, filed and processed as Zoning Ordinance Amendment No. 1-14, and to direct staff to set the matter for public hearing, second reading and possible adoption. **FOR POSSIBLE ACTION**

City Council recently identified and designated a City-owned parcel for the purposes of allowing overnight camping, to include use by homeless individuals and families, and directed staff to propose code amendments that would enable such use. Staff feels the appropriate methodology to allow camping is via the temporary use permit process within the Industrial Zoning Districts subject to public hearing notice. This gives the City the most flexibility in addressing the needs of the community, and is in keeping with the current action that the Council took in establishing a methodology for enabling Temporary Emergency Shelter provisions. The temporary use permit process allows the City to impose conditions such as time frame, location, nature and character of the use and extent of on site improvements.

City Council took action to initiate a zoning ordinance amendment at its April 8, 2014 meeting. The Planning Commission reviewed the proposed amendment on May 6, 2014 and took action to forward a recommendation to City Council to adopt an ordinance which approves the zoning ordinance amendment with some very specific recommendations. The Planning Commission's recommendations are listed in the Planning Commission Action Report. RM

Delmo Andreozzi, Assistant City Manager, recapped this item. This is the regulatory framework that would allow an applicant to submit for a temporary use permit in these particular zones to establish temporary overnight camping. There are some recommendations that the Planning Commission made and they are in the packet.

Sharon Hughes, 287 Oak, asked what exactly did the Planning Commission say.

Mr. Andreozzi answered item 1 was add language to the end of Section 3.2.3.C.5.B.3 so that it reads "Cooking outdoors or making a fire for the purpose of cooking food outdoors." This is the part they added as approved by the city in the temporary use permit. Item 2 is adding language to the end of Section 3.2.3.C.5.B.4 so that it reads, "Camping does not include using a motor vehicle, recreational vehicle or trailer as long-term shelter for living accommodation purposes." This is the piece they are adding for the purposes of storage of belongings.

Ms. Hughes asked does this mean that people have to apply to camp there.

Mr. Andreozzi answered no. This means that whoever the provider is would apply for a temporary use. The individual campers would not be applying for a temporary use permit. Whoever runs the facility would apply for it.

Ms. Hughes asked who will run the facility.

Mr. Andreozzi answered they would like to find a service provider that does that. In the last meeting FISH mentioned that they would like to do that. The ground rules for the facility have not been set yet but the intent would be to have an area where people can legally camp.

Councilman Keener asked if the recommended language from the Planning Commission will be included on the Ordinance.

Mr. Andreozzi answered yes.

Councilman Keener asked if the Ordinance would have to come back as another first reading because of the change.

Mr. Andreozzi said he would have to defer that question because he wasn't sure if that was a substantial deviation. If council makes some substantial changes then we may have to start over with a first reading.

Councilman Rice didn't feel these were substantial changes.

Mayor Johnson asked if this would go across the board to any and all parcels within the City of Elko.

Mr. Andreozzi answered yes. The way it is being proposed right now, you can have any applicant apply but it has to be approved.

Mayor Johnson asked if the PQP allowed camping, if the city remained on track with this 10 acre parcel, with the change in zoning would there be an argument of spot zoning. Is there an instance where public properties are within industrial?

Mr. Andreozzi answered where FISH is now, it is actually zoned General Industrial. It may not be an appropriate zoning. It is more of a PQP type property. This type of use in PQP can be used but generally those are our city parks, the airport, landfill etc.

Scott Wilkinson, Development Manager, said if you wanted to consider this use in a PQP zone we would have to amend that code also. Any development in a PQP zone requires a conditional use permit.

Councilman Rice said this could be applicable in any land that is zoned this way. To clarify, this is for a temporary use. It wouldn't be long-term.

Mr. Andreozzi answered that was correct. This temporary use would apply only to the LI and GI zone as it is currently written.

Mike Lattin, 3250 West Idaho Street, said under Temporary Uses, Section 5 it also says General Commercial zone is included in there. Then the part that doesn't make sense to him is Item C below that which states that temporary campground means a designated area where people may, with permission from the owner or occupier of the land, can engage in camping for a limited

period of time. It may or may not have showers and other amenities for campers' use. You are going to allow this type of use without toilets and showers being there?

Mr. Andreozzi answered regarding the General Commercial Zone, he felt Mr. Lattin was referring to the temporary shelter provision that was added for extreme cold weather emergency conditions. That is where it talks about emergency shelters being permitted but only within the General Commercial, Light Industrial and General Industrial zoning. What is being added in this proposal is specific to the LI and GI zones. If you look at Item D, you see that temporary camping and temporary campgrounds may be permitted as temporary uses but only within the Light Industrial and General Industrial zoning districts. Regarding the amenities, basically most of these parcels are vacant parcels. This will be a temporary use. We were trying to identify the use of minimal public infrastructure such as a port-a-john, maybe a spigot but not full blown bathrooms or water service. That enables us to identify parcels that we can use other types of things. They also wanted to provide some type of sanitation needs as far as solid waste since that is part of the problem we are facing with the dispersed camping.

Mr. Lattin felt it was confusing the way it was worded. Under Item B he can't find where it says Light Industrial or General Industrial.

Mr. Andreozzi pointed out that can be found in Item D.

Mr. Lattin said on page 8, minimum distance from residential, will that 1,320 feet remain in there.

Mr. Andreozzi said that is not being proposed to be changed. The only changes are bolded and underlined. That is current code and will not be changed.

Mayor Johnson asked if we could complete a change in zoning with the conditional use permit in one meeting.

Mr. Andreozzi answered it is two meetings.

Councilman Schmidlein asked regarding Item 5C, will this give the Police Chief tools for indecent exposure or are we just going to move it to the ten acres. The way he read that they have an option and they can chose to comply.

Mr. Andreozzi said when you are talking about some of these criminal activities, indecent exposure is a criminal activity. When there is something that is a life sustaining function (use the bathroom, etc.) that may not be a criminal act if there is no other choice because that person is homeless. The distinction is that you cannot criminalize behavior because someone is homeless. To have a campground you have to apply for a temporary use permit. Then we will change the vagrancy codes. Once the new vagrancy codes are in place then we can tell people that they cannot camp on other public properties; that we have an area designated to do that.

Mr. Wilkinson added that you cannot write code to envision every circumstance. Going through a temporary use permit, it will be incumbent on the Planning Commission and staff to apply appropriate conditions and making the applicant responsible for things like sanitation and

managing the facility. Under the public hearing process a person would have the right to appeal that approval to the City Council if they weren't in agreement with those conditions.

Ms. Hughes said if you have several people out there, one port-a-potty isn't enough and they need a dumpster also. Everybody has been complaining about the river. People have said they would clean up the area after the homeless move out but where will you put the garbage? If you don't have a toilet, where do you go to the bathroom?

John Carpenter said this is all about temporary. These people have been camping down there for years. How are you going to make it temporary? What happens to them? Will you put them on a railroad and ship them out of town? He didn't understand this at all.

Mr. Andreozzi said the goal to this after significant community conversation, there are groups that at some point in time would like to have some type of full-blown shelter. Until that infrastructure is in place we've talked about these other interim measures. This way we can manage this issue in our community until that other infrastructure is built.

John Carpenter said to get the other facilities in place will take years. This is all temporary. What will it mean? If we move them where will they go?

Sara Sweetwater, 1375 Oak, commended City Council for doing this the steps they have taken. These temporary steps are what we need to take. It is hard to listen to nay-sayers that shoot everything down.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to conduct First Reading of Ordinance No. 781 with points No. 1 and 2 from the Planning Commission action report from their regular meeting, May 6, 2014 and direct staff to set the matter for Public Hearing, Second Reading and Possible Adoption.**

*The motion passed. (4-1 Mayor Johnson voted no.)*

Mayor Johnson said he asked about PQP because he didn't think there would be a temporary camping need on any other property other than city owned property. Maybe some county owned property. He has concerns in taking a Light Industrial and General Industrial zoning and then putting this in it. You don't know what that will bring on the other side. A better course would be to have a change in zoning to go to a public type zoning and then have an allowable use in there.

Councilwoman Simons questioned Mayor Johnson what he wanted to do. Did he want to go back and change some of these things and look at something different?

Mayor Johnson answered that he did want to look at something different. Looking at it as a Planning Commissioner, what would this allowed camping bring in a Light Industrial zone.

Councilman Keener thought they already vet that under several zoning scenarios.

Mr. Andreozzi explained that if you look at the zones and what the permitted uses are, even in the PQP, it doesn't have a campground provision in it.

Mayor Johnson thought it should be considered in PQP.

Councilman Rice thought if that is something we could examine then he would be happy to do that. We need to put this in place right now. We have a crisis in the middle of town that we are unable to manage. We can pass this now to go to second reading and have staff research the PQP option. If the PQP option is viable then we can make changes later. The Police Chief doesn't have the tools now to do what the community wants to be done. Assemblyman Ellison and lots of other people all said that something needs to be done. He recommended that we move forward with this Ordinance and set it for second reading, have staff do some research on the PQP and we can look at that later on. Perhaps that will solve the issues.

Mayor Johnson said if this passes tonight then the clock starts ticking to get the second reading in "X" amount of time. If it doesn't pass does it limit the council to bring it back up again?

Shanell Owen explained the options. It all depends on when we notice the next notice in the paper. You have 30 days from the day that it is published to act on the second reading. You could ask staff to table this item.

Mayor Johnson asked if this was voted down today were there any limitations that council could consider this again as a first reading.

Ms. Owen said she would rather see it tabled.

Councilman Keener asked Mr. Andreozzi his thoughts about the PQP zoning. Is that something that is realistic?

Mr. Andreozzi said that is an area he was thinking about originally. When we were talking about that based on some of the limitations that issue came up that you will create a spot zoning issue. It is very difficult to make a finding because the intent of council is to someday sell property to be used as an industrial purpose. It will be difficult for us to go through the process and make a finding that it can be appropriately zoned as a PQP unless we decide that the city wanted to retain that piece of property for public use and public purposes. Maybe council will want to add PQP to this as well. He would defer to legal counsel on that.

Councilman Keener said he is satisfied that staff has done their due diligence on this matter.

**Council voted on the motion.**

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

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)*

## VIII. REPORTS

- A. Mayor and City Council  
*Councilman Rice thanked Public Works for identifying bike lanes across the community. He commended the Police Department, the Sheriff Department, the Nevada State Highway Patrol and the Shoshone Nation Law Enforcement People for their response to the bomb scare at the courthouse yesterday. This was a situation where Enhanced 911 would have been very helpful to law enforcement and it would be a good thing for us to implement.*
- B. City Manager – Update on Exit 298 funding requests  
*Curtis Calder reminded council that they will have a special meeting next week, May 20, 2014 at 4:00 pm for the final budget. Barrick Goldstrike did respond to the letter that council had authorized regarding Exit 298 funding and they did indicate that they would cooperate and participate in that process to a limit of \$200,000. We haven't heard back from Newmont yet. He and Mr. Andreozzi met with a gentleman named Vic Crumley from the PUC Rail Safety Department regarding Hot Springs Road and the concerns they have.*
- C. Assistant City Manager  
*Delmo Andreozzi reported on the Take Pride In Your Community Event that was being handed out. (Exhibit "E") This was the 13<sup>th</sup> Annual event and the largest event yet.*
- D. Utilities Director  
*Ryan Limberg reported on the water quality that is coming out of the WRF.*
- E. Public Works
- F. Airport Director – Airport construction project update-AIP 42-Commercial Ramp Concrete Replacement Project.  
*Mark Gibbs reported on AIP FAA funded project number 42 for the Commercial Ramp Concrete Replacement Project. Most of the concrete that was removed from the de-ice pad and Taxiway Alpha had failed and was unable to be removed using traditional methods. He showed a video of the concrete being removed using a bucket excavator.*
- G. City Attorney
- H. Fire Chief
- I. Police Chief  
*Chief Reed reported on the bomb threat issue from yesterday. He gave kudos to PACE and Cathy McAdoo for the prescription drop off box that is now at the Police Department. The parade for Cinco de Mayo went smooth with the new route that council approved. We are working on a Mass Safety Notification System for the public called Nixle. He invited council and the general public to attend an event tomorrow night at 6:30 at the Elko Junction Shopping Center in conjunction with National Police Week to honor fallen police officers.*
- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director  
*Dawn Stout reported on the most recent sales tax. (Exhibit "F")*

N. Parks and Recreation Director

*James Wiley reported on the sports programs that are currently going on. The VFW will be putting on a memorial service at the park on Memorial Day. They just came out with the summer program guide.*

O. Civil Engineer

*Jeremy Draper reported the back-up generator for City Hall is on-line. Last week representatives for the VA Cemetery were out looking for a possible VA cemetery in our area. He went to Carson City with Dennis Strickland and presented for our TAP grants for the HARP trail and should hear back from NDOT in the next month or so to see if we were successful in getting that project.*

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**

*There were no public comments.*

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

---

Mayor Chris Johnson

---

Shanell Owen, City Clerk