

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

SS June 10, 2014

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, June 10, 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  
Mike Hess, Landfill Superintendent  
Ryan Limberg, Utilities Director  
Dennis Strickland, Public Works Director  
Rick Magness, City Planner  
Scott Wilkinson, Development Manager  
Matt Griego, Fire Chief  
James Wiley, Parks and Recreation Director  
Doug Gailey, Human Resources Manager  
Ted Schnoor, Building Official  
Ben Reed Jr., Police Chief  
Jeremy Draper, Civil Engineer  
David Stanton, City Attorney  
Diann Byington, Recording Secretary

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **COMMENTS BY THE GENERAL PUBLIC**

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

Tony Still, 2265 Industrial, said after the Vegas deal and the Bundy deal and talking to friends in the area, Elko can be ground zero for the lion in the sand. For our children, we can leave this place better than when we were here. We have a program to send food home with kids for the

weekend in their backpacks, but why should we have to do that in America? With regulations and taxes, the taxes are money you are taking from somebody that has worked hard to create it. We have people in this town getting loans to make payroll. People are using credit cards to pay their taxes. What they see is the money we are spending for the Police Department and the Jail. We are trying to make budget but how about if we cut 10 or 15% out of what is allotted. We are going to have to start fighting back to get America back the way we want it. We want the best for our country. He felt there is too much regulation with all the different law enforcement agencies. If the good people don't do something things will escalate and get worse.

## I. PRESENTATIONS

- A. Presentation by Mayor Chris Johnson and Police Chief Ben Reed in recognition of the Police Department's Canine *Django's* eight (8) years of service to the City of Elko and its Citizens, and matters related thereto. **ACTION WILL NOT BE TAKEN**

Mayor Johnson presented a plaque to Mike Marshowsky.

Mike Marshowsky, Police Detective, thanked everyone for allowing him to be a canine handler.

Ben Reed, Jr., Police Chief, said a few words about the canine teams and their dedication to the job.

<b>APPROVAL OF MINUTES:</b>	<b>May 13, 2014</b>	<b>Regular Session</b>
	<b>May 20, 2014</b>	<b>Special Budget Session</b>
	<b>May 27, 2014</b>	<b>Regular Session</b>

*The minutes were approved by general consent.*

## I. PRESENTATIONS (Cont.)

- B. Brief presentation and possible acceptance of a renewal proposal from Nevada Public Agency Insurance Pool (POOL), and approval of invoice for payment from FY 2014/2015 funds, and matters related thereto. **FOR POSSIBLE ACTION**

As a member of the Insurance Pool, the City of Elko owns a share of the equity that forms the basis for its financial strength.

Your agenda packet includes an overview of coverage offered for the following fiscal year. The City of Elko's total program costs for FY 2014/2015 are \$410,513.85, representing an approximate 15.4% decrease when compared to the current fiscal year. CC

Curtis Calder, City Manager, introduced the insurance pool representatives, Doug Smith and John Smales.

Doug Smith, POOL, passed out a printout. (Exhibit "A") This handout has some information about the offerings of the programs. This is a program that the city is a member/owner of. It has

been very successful and does good things for the members. It's nice to have a reduction in costs and an increase in coverage.

Councilman Keener noted that in 2008 there was a catastrophic loss. What was it?

John Smales, POOL, answered there were two things. That was when the Fernley dike had issues and when Wells had the earthquake.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the renewal proposal from Nevada Public Agency Insurance Pool and approve the invoice for payment from fiscal year 2014/2015 funds.**

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

## **II. PERSONNEL**

### **A. Employee Introductions:**

#### **1.) Troy Sill, Equipment Operator, Landfill**

*Present and introduced.*

## **III. APPROPRIATIONS**

### **C. Review and possible approval for the Food & Beverage Concession Services Contract at the airport to Mrs. Arlene Raia, and matters related thereto. **FOR POSSIBLE ACTION****

At the March 25, 2014 Council meeting, 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 Arlene Raia. On May 13, Council approved the award of the Food & Beverage Concession to Mrs. Arlene Raia. The Airport and Mrs. Raia have successfully reached a concession agreement that is ready for Council's possible acceptance. The new concessionaire will be called Mom & Pop's Food Stop. MG

Mark Gibbs, Airport Director, explained part of their negotiation with the concessionaire is that they will be focusing their energy on the community with delivery service and take out.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to accept the new Airport Food and Beverage Concession Agreement as presented in the packet and thank the proprietors for taking this on.**

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

### **D. Review, consideration, and possible approval to enter into a Professional Services Agreement with BJG Engineering for the design and construction management of the 9<sup>th</sup> Street Pedestrian Bridge Walkway Rehabilitation Project, in the amount of \$25,650.00 with the possibility of additional site visits in the amount of \$2,200.00 per occurrence, and matters related thereto. **FOR POSSIBLE ACTION****

This item has been approved and budgeted for in the 2014/15 Fiscal Year Budget, Capital Construction Fund. DS

Dennis Strickland, Public Works Director, explained this is a straight forward contract.

Councilman Keener asked if they had already been out here and looked at the project and understood what the scope of work is. (Yes) Will they need to make summary visits?

Mr. Strickland answered hopefully not.

Tony Still, 2265 Industrial, said it will cost almost \$200,000 to rehab that cross bridge. Will this be on top of that?

Mr. Strickland answered hopefully we won't see any cost over-runs. This will come out of the \$200,000 budget.

Mr. Still said he would be surprised if 15 people use that bridge each day. He questioned spending money on this.

Councilman Schmidlein said if you are going to build a new one you will spend over \$2 million. We are trying to take care of our existing infrastructure.

Councilman Rice said a majority of the traffic on that is children from the south side and it is an important facility.

Mr. Strickland said a lot of people use that bridge. The bridge was put in over 20 years ago and has not been maintained properly.

Councilman Schmidlein added we are keeping all of the children off the 12<sup>th</sup> and 5<sup>th</sup> Street crossings.

Mr. Strickland said the HARP trail ties into that bridge. We are funneling a large demographic of people that use that bridge.

Councilman Keener said he was on the bridge for the first time and saw the decay on the facility.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the request from staff to enter into a Professional Services Agreement with BJB Engineering in the amount of \$25,650 with the possibility of additional optional site visits in the amount of \$2,200 each for the design and construction management of the 9<sup>th</sup> Street Pedestrian Bridge Walkway Rehabilitation Project.**

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

- E. Review, consideration, and possible decision to reject all bids previously submitted for the Sewer Containment/Drying Bed Project (vacuum truck dump station), to include the bid awarded to Mach 4 Construction, and to direct Staff to

solicit new bids for the project, and matters related thereto. **FOR POSSIBLE ACTION**

Bids for the Sewer Containment/Drying Bed Project FY 2014 were received on Friday, May 23, 2014. However, Council voted to award the contract to Mach 4 Construction. Upon further review by Staff, the two lowest bids, to include the Mach 4 Construction bid, were both determined to be non-responsive for different procedural reasons. Staff recommends that, in light of the non-responsiveness of the two lowest bids, it would be in the best interest of the City to reject all bids and solicit new bids for this project. This Capital Project is needed for the City Sewer Department Employees to have a location to dump the City vacuum truck, and not damage the internal working components of the Water Reclamation Facility. RL

Ryan Limberg, Utilities Director, explained at the last council meeting, City Council threw out the ACHA bid and awarded the project to Mach 4 Construction. He had not thoroughly reviewed the Mach 4 Construction bid prior to that award. Before sending out the contracts he went through their bid and found two discrepancies. They didn't acknowledge Addendum #1 and they didn't self-list on the subcontractors form. These two mistakes constitute a non-responsive bid. He discussed this with Mach 4 and city legal counsel. He recommended rejecting all bids and revoking the award to Mach 4 Construction and rebidding the project.

Mayor Johnson asked if the city had a contract with Mach 4.

Dave Stanton, City Attorney, answered there was no signed contract.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to reject all bids and instruct staff to go out to rebid on the project.**

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

- F. Review, consideration, and possible authorization for the Arts and Culture Advisory Board to utilize budgeted funds for the creation of a Sesquicentennial Sagebrush Sculpture and Time Capsule, and matters related thereto. **FOR POSSIBLE ACTION**

Council has approved a budget of \$25,000 for Fiscal Year 2014/2015 for the creation of a Sesquicentennial Sagebrush and Time Capsule. The Arts and Culture Advisory Board is seeking authorization to utilize those funds to complete this project during the first quarter of FY 2014/2015 in order for the project to be unveiled prior to October 31, 2014. JD

Jeremy Draper, Civil Engineer, explained at the last meeting they asked for the \$7,500 but they are not going to worry about that at this time. They are looking to use the \$25,000 that is in next year's budget. The purpose of this is to identify what our budget is going to be for the project. From there we can finalize design for the project and then go out and solicit for bids. The project will come back to council for authorization.

Catherine Wines, Chair Arts and Culture Advisory Board, gave a presentation (Exhibit “B”).

Cindy Neisess, Elko, said she was interested to hear the presentation. She thinks this issue has already been decided. She may be more interested in placating minorities at the expense of the majority. We have listened to the argument about whether or not the arts and culture project has chosen a good project. We may have gotten sidetracked. We may be rehashing the role of culture and art in our society and community. It seems that expenditures on art are always a topic of deliberation and compete with other critical issues. We are in disagreement about specific projects. The controversy over this art may be an attempt to delay or chose a different project. She went to the meeting on June 4 and made her comments then. We all have hardships to endure to eke out our livelihood in this desert. She thought the city council should deliberate not on the details but on the project expenditures and how/where we put that piece of art.

Heather Robertson, Arts and Culture Advisory Board, said this was her idea and explained it further. She also went over what they would like to include in the time capsule.

Councilman Rice said arts and culture is important to the operations of the community and a part of the fabric of the community. We have a long history of arts and culture. This project is a celebration of our state’s heritage. The private sector has been very generous to the arts community. One thing that helps private donors step up to the plate is when they see a community step up to the plate as well.

Mayor Johnson said when he thinks about that sculpture he thinks about all the beauty he has seen in the desert. As a kid he thought the statue in the park was a neat thing and he has always liked the quality of the statue. To have this solely funded with public funds is not an easy decision. There are a lot of other needs in the community. He appreciated the presentation and all the hard work staff has done on this project to get this to this point. Art makes you stop and reflect in the good things that we have and the things we forget about.

Councilwoman Simons said she has no problem with this. She thinks this is perfect. This should be a project for the whole county. Nobody else has a lasting project planned. This could be in the main city park in the county seat. The county could pony up a large chunk of this and we can decide what that will be. Maybe the county will see what a great opportunity this can be for them.

Councilman Keener thanked Ms. Wines and the Advisory board for all the work they have done on this. At first he was concerned with the location of the sculpture but he decided the selected site is the correct site for it. He is in support of this.

Councilman Schmidlein added he is married to an artist. He doesn’t care about the dollar figure at the present moment. He has a problem with the infrastructure and everything around the sculpture. If we are going to do a sculpture then do just that. A huge chunk of this money is going to the landscaping and infrastructure. Sidewalk and landscaping is not art.

Councilman Rice said regarding the infrastructure, a great deal of the Vietnam Memorial is sidewalk. It would not be what it is if you weren’t able to access it. It is the whole creation. The project will get piggybacked with the tennis court project so there are savings there.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to allocate an amount not to exceed \$25,000; to authorize the Arts and Culture Advisory Board to utilize those budgeted funds for the creation of a Sesquicentennial Sagebrush Sculpture and Time Capsule; that we also work with the advisory committee to investigate other sources of funding for any balances that might occur and we keep ourselves involved in this project in that way.**

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

After the motion and before the second, Councilwoman Simons said she would second this if it was more like \$15,000. That insures that we will have the art and the time capsule and maybe a little more. Hopefully the county and/or other sources will see values in this.

Councilman Schmidlein said he would like to see \$7,500. He asked about the costs needed to do those two items.

Mr. Draper explained the bare minimum would be \$11,000.

Councilman Rice revised his motion, **not to exceed \$15,000.**

Councilwoman Simons seconded the motion.

**Council voted on the motion.**

## **V. UNFINISHED BUSINESS**

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

The Arts and Culture Advisory Board at their April 23, 2014 special meeting took action to request funds from Elko County for the completion of the Sesquicentennial Sagebrush Sculpture and Time Capsule, a project commemorating the Sesquicentennial of the State of Nevada. JD

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to authorize the Arts and Culture Advisory Board to request \$10,000 from Elko County for the completion of the Sesquicentennial Sagebrush Sculpture and Time Capsule.**

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

## **III. APPROPRIATIONS**

- G. Review and possible acceptance of the Airport Custodial Concession contract 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. Royal Pane Janitorial was the only successful applicant. A lump sum contract of \$19,080 per annum has been successfully negotiated and agreed upon by all parties. This contract amount is no change to the contracted price for services in the previous contract with Royal Pane Janitorial that ended in December 2013. MG

Mark Gibbs, Airport Director, explained this is straight forward with no additional costs for this contract for the next three years.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to award the Three Year Custodial Services Contract at the Airport Terminal to Royal Pane Janitorial at an annual cost of \$19,080 per year.**

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

- H. Review, consideration, and possible approval for the Elko Fire Department to apply for a “United We Stand Grant” through the local Emergency Planning Committee, and matters related thereto. **FOR POSSIBLE ACTION**

The United We Stand Grant is an annual grant that provides funding to assist local governments with preparedness in response to Hazardous Material Incidents as participants in the Local Emergency Planning Committee.

The City is requesting \$17,210. This money will be used to replace personal protective clothing and equipment that has surpassed its service life. This equipment was originally purchased through this same grant 12 years ago.

There are no matching funds required for this grant. MG

Milton Burgess, Deputy Fire Chief, explained this money is needed to protect the responders from hazardous materials. They need to replace the aged equipment.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to recommend approval for the Fire Department to apply for the United We Stand Grant through the Local Emergency Planning Committee.**

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

- I. Review, consideration, and possible approval for the Elko Fire Department to apply for an Emergency Management Program Grant application through the Nevada Department of Emergency Management for the possible funding of an upgrade to the NIXLE community notification program, and matters related thereto. **FOR POSSIBLE ACTION**

The Emergency Management Program Grant is an annual grant that provides funding to assist local governments in planning and preparing for all hazard

responses as authorized by the Stafford Disaster Relief and Emergency Assistance Act.

The City is requesting \$24,972.00. This money will be used to upgrade the NIXLE community notification program, recently implemented by the Police Department, as well as purchasing resource accountability and credentialing system to track all resources during response and recovery operations. Both programs are consistent with the Department of Homeland Security National Response Plan.

Matching funds are in the form of the Deputy Chief's wages as well as equipment already on hand. No additional funding is required. MG

Deputy Fire Chief Burgess explained this is part of the state's Emergency Management Program. This is offered to local agencies to plan and prepare for disasters.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to approve for the Fire Department to apply for Emergency Management Program Grant through the Nevada Department of Emergency Management.**

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

#### **IV. SUBDIVISIONS**

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 4-14 for the Cedar Estates Unit 2 subdivision, filed by Bailey & Associates LLC, for the proposed division of approximately 14.51 acres into 35 lots and a remainder parcel for residential development within an RMH-3 (Manufactured Home Subdivision) Zoning District, located generally north of Pinion Road approximately 85 feet east of Primrose Lane (APN 001-926-063), and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item on June 3, 2014 and took action to forward a recommendation to Council to conditionally approve the Final Plat. SW

Scott Wilkinson, Development Manager, explained the final plat is for Cedar Estates Unit 2. This divides the property into 35 lots and then one large remainder. The Planning Commission is recommending conditional approval of the final plat. Mr. Bailey was present to answer questions.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to conditionally approve Final Plat No. 04-14 for the Cedar Estates Unit 2 subdivision subject to the conditions as recommended by the Planning Commission and/or updated by staff.**

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

## VI. NEW BUSINESS

- A. Review, consideration, and possible authorization for the Elko Centennial Committee to create a website and social media pages for purposes of advertising the Centennial Celebration, and matters related thereto. **FOR POSSIBLE ACTION**

At the May 20, 2014 meeting of the Elko Centennial Committee action was taken to forward a recommendation to the Council for the creation of a website and social media pages for the purposes of advertising the activities and gaining interest in the Centennial Celebration. JD

Jeremy Draper, Civil Engineer, explained they want to get some advertising out for what they are doing with the Centennial Committee. He felt this was the best way to do it.

Councilwoman Simons asked who would administer this page.

Mr. Draper answered it would probably be him and other members of the committee will have input and assist.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to authorize the Elko Centennial Committee to create a website and social media pages for the Centennial Celebration.**

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

## VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for annexation of property to the City, filed and processed as Annexation No. 1-14 by the Emma Joyce Payne Revocable Trust, consisting of ± 39 acres of property to include portions of the I-80 right-of-way and the NYTC Road right-of-way located approximately 360 feet west of the intersection of E. Idaho Street and NYTC Road, and matters related thereto. **FOR POSSIBLE ACTION**

Scott Wilkinson, Development Manager, explained Bob Morley from High Desert was present in the audience representing the applicant as a surveyor and Sherry Brown was representing the applicant as a realtor. He put together a memo that gives you background information. We do envision Ruby Vista being extended all the way out to Youth Center Road and connecting to that frontage road. The Master Plan gives it a designation of industrial business park in this area. We have two private pieces of property with annexation potential. There is a water main that runs down that I80 alignment and power lines in the vicinity. It appears to be a logical and orderly annexation. He has a recommended motion in the packet.

Mayor Johnson asked who owns the parcel next to it and can it come in as well.

Mr. Wilkinson answered it has been identified as a piece of ground with annexation potential.

Sherry Eklund-Brown said she is marketing the parcels together because one parcel is landlocked. She could possibly contact the owners of the adjacent property and see if they are interested in annexing too. If the property goes to the city there is a lot of potential for industrial development.

Mayor Johnson asked if it would be better to bring them in together at the same time.

Mr. Wilkinson said there are different owners and that would mean different applications.

Bob Morley, High Desert Engineering, said it seems to him with utilities already there it would make sense that the parcel develops within the city limits rather than the county.

Kimberly Owen, NAI Alliance, asked why annex this in when we have other parcels that are in need of infrastructure. We are diverting funds to annex parcels like this when our resources are already strained. We have a development on the south side of town that is within the utility envelop that cannot be served. It doesn't seem to make sense to annex this unless they are going to develop it immediately because it is taking resources away from other parcels that need to be served.

Mr. Wilkinson answered the water infrastructure already exists on this property so that is not an issue. If this property were to develop the developer would be responsible to address the sewer. He doesn't see the sewer as being an issue either. The city doesn't need to make any commitments regarding water infrastructure in this area.

Ms. Owen still wasn't clear why we were annexing. What are the plans for this?

Mr. Wilkinson answered developers put in the infrastructure, not the city. That is less of a concern. The Master Plan shows this as an industrial business park land use.

Sherry Eklund Brown added more comments about water service. She felt this area would be industrial and this will open up more opportunities.

Ms. Owen asked about Exit 298 and other areas with industrial development going in. Are we diverting money? Where are we going with our industrial development?

Mr. Wilkinson answered we aren't going anywhere with our money. Exit 298 progress has been very slow. It makes good sense to have industrial potential on this side of town.

Mr. Morley noted there would be no cost to the city to extend infrastructure to the property.

Mayor Johnson said you have to be careful with annexations. The Planning Commission will have a chance to look at this.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to accept the Petition for Annexation No. 01-14 to include that portion of assessor's parcel no. 006-10C-001 shown as annexed under Ordinance No. 4-26 and refer the matter to Planning Commission for further consideration and recommendation to the City Council.**

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

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

- A. Second reading, public hearing, and possible adoption of Ordinance No. 782, an ordinance amending Title 5, Chapter 2 of the Elko City Code by therein consolidating offenses relating to public peace with provisions contained in existing Title 5, Chapter 9 entitled "Vagrancy," by renaming the chapter "Offenses Against Public Peace," and matters related thereto. **FOR POSSIBLE ACTION**

The City has been studying possible measures to improve public health, safety and welfare by amending Code Sections contained in Title 5 relative to conduct on and use of public and private property within the City, to include overnight camping without permission and various types of conduct that constitute offenses against the public peace. On November 13, 2012, Council received an overview of the relevant Code sections, together with recommended amendments, in an effort to further explore the effectiveness of the Code as it is presently written.

Subsequent to that initial presentation, Staff coordinated three public meetings in an effort to cooperate with various stakeholders and advocates in the development of proposed amendments. The feedback from those meetings was used to further refine the proposed amendments.

The Council may adopt or provide additional guidance based upon the Council's desire together with any public testimony, in order to more effectively refine the code. DA

Dave Stanton, City Attorney, explained this has been discussed extensively.

Mayor Johnson asked for public comment without a response.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to adopt Ordinance No. 782.**

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

- B. Second reading, public hearing, and possible adoption of Ordinance No. 783, an Ordinance amending Title 5, Chapter 12 of the Elko City Code entitled "Restrictions for Business Use of Public and Private Places or Lands" by renaming the chapter "Restrictions on Use of Public Property," adding provisions relating to camping on public property, and matters related thereto. **FOR POSSIBLE ACTION**

The City has been studying possible measures to improve public health, safety and welfare by amending Code Sections contained in Title 5 relative to conduct on and use of public and private property within the City, to include overnight camping without permission and various types of conduct that constitute offenses against the public peace. On November 13, 2012, Council received an overview of the relevant Code sections, together with recommended amendments, in an effort to further explore the effectiveness of the Code as it is presently written.

Subsequent to that initial presentation, Staff coordinated three public meetings in an effort to cooperate with various stakeholders and advocates in the development of proposed amendments. The feedback from those meetings was used to further refine the proposed amendments.

The Council may adopt or provide additional guidance based upon the Council's desire together with any public testimony, in order to more effectively refine the code. DA

Mayor Johnson asked for public comment without a response.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt Ordinance No. 783.**

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

- C. Second reading, public hearing, and possible adoption of Ordinance No. 784, an ordinance amending Title 5, Chapter 9 of the Elko City Code entitled, "Vagrancy" by renaming the chapter "Miscellaneous Offenses," removing provisions relating to vagrancy, and matters related thereto. **FOR POSSIBLE ACTION**

The City has been studying possible measures to improve public health, safety and welfare by amending Code Sections contained in Title 5 relative to conduct on and use of public and private property within the City, to include overnight camping without permission and various types of conduct that constitute offenses against the public peace. On November 13, 2012, Council received an overview of the relevant Code sections, together with recommended amendments, in an effort to further explore the effectiveness of the Code as it is presently written.

Subsequent to that initial presentation, Staff coordinated three public meetings in an effort to cooperate with various stakeholders and advocates in the development of proposed amendments. The feedback from those meetings was used to further refine the proposed amendments.

The Council may adopt or provide additional guidance based upon the Council's desire together with any public testimony, in order to more effectively refine the code. DA

Mayor Johnson asked for public comment without a response.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to adopt Ordinance No. 784.**

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

### **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)*

B. Review and possible approval of Print 'N Copy Warrants. **FOR POSSIBLE ACTION**

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

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

### **IX. REPORTS**

A. Mayor and City Council

*Councilman Rice acknowledged the service of the Police Officers that lost their lives in Las Vegas this week. It is a sad day for the nation.*

B. City Manager

C. Assistant City Manager

D. Utilities Director

E. Public Works

*Ryan Limberg said the reuse quality continues to improve.*

F. Airport Director-AIP 42 Apron Replacement Project Update

*Mark Gibbs said someone made some accusations regarding the AIP 42 Apron Replacement Project. He discussed the project and the concrete replacement. (Exhibit "C") Curtis Calder added that June 16<sup>th</sup> is our Airport Appreciation Day.*

G. City Attorney

H. Fire Chief

I. Police Chief

*Chief Reed thanked council members for attending the memorial ceremony last week at the mining expo. They are moving ahead in the department to transition to dark blue uniform shirts.*

J. City Clerk

K. City Planner

L. Development Manager

*Scott Wilkinson reported that Barrick will contribute \$250,000 to Artisan East but nothing from Newmont yet. There will still be a \$70,000 delta to deal with. Ryan Limberg said he met with a private land owner that was working*

*on an easement with Artisan and they reported they haven't worked out all the details just yet.*

- M. Administrative Services Director  
*Doug Gailey said he put evaluations forms in the council boxes for their input.*
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

Mayor Johnson asked for any public comments.

**Mayor Johnson recessed the meeting.**

## **X. LABOR NEGOTIATIONS**

- A. Closed session to discuss ongoing labor negotiations with the Elko Fire Fighters Association, Local 2423, Elko Police Officers Protective Association, IUPA – AFL/CIO Local 233, and Operating Engineers, Local 3, and matters related thereto. **INFORMATION ONLY – NO ACTION REQUIRED**

**Note: This portion of the meeting may be closed pursuant to NRS 288; therefore the Council may move to adjourn the meeting prior to consideration of this item.**

**Following the closed session, Mayor Johnson re-opened the public meeting.**

## **COMMENTS BY THE GENERAL PUBLIC**

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

*There were no public comments.*

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

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Mayor Chris Johnson

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Shanell Owen, City Clerk