

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

SS June 13, 2017

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, June 13, 2017.

This meeting was called to order by Mayor Chris Johnson.

## ROLL CALL

**Mayor Present:** Chris J. Johnson

**Council Present:** Councilman John Rice  
Councilman Reece Keener

**Council Absent:** Councilwoman Mandy Simons  
Councilman Robert Schmidlein

**City Staff Present:** Curtis Calder, City Manager  
Scott Wilkinson, Assistant City Manager  
Ryan Limberg, Utilities Director  
Shanell Owen, City Clerk  
Jonnye Jund, Administrative Services Director  
Aubree Barnum, Human Resources Manager  
Jeremy Draper, Development Manager  
Cathy Laughlin, City Planner  
James Wiley, Parks and Recreation Director  
Karen Walther, Animal Shelter Manager  
Ben Reed Jr., Police Chief  
Dennis Strickland, Public Works Director  
Bob Thibault, Civil Engineer  
Ted Schnoor, Building Official  
Matt Griego, Fire Chief  
Jack Snyder, Deputy Fire Chief  
John Holmes, Fire Marshal  
James Foster, Airport Manager  
Dave Stanton, City Attorney  
Diann Byington, Recording Secretary

## PLEDGE OF ALLEGIANCE

## COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item

on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

**APPROVAL OF MINUTES: May 23, 2017 Regular Session**

*The minutes were approved by general consent.*

## **I. PRESENTATIONS**

- A. Brief presentation and possible acceptance of a renewal proposal from Nevada Public Agency Insurance Pool (POOL), and approval of invoice for payment from FY 2017/2018 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 2017/2018 are \$426,762.74, which now includes environmental liability coverage and represents a 5.4% increase over the current year. CC

Curtis Calder, City Manager, turned the time over to our POOL representatives and our local broker.

John Smales, 2096 Sawyer Way, introduced Wayne Carlson from POOL.

Wayne Carlson, Executive Director Nevada Public Agency Insurance Pool, gave an overview of the POOL program.

Marshall Smith, POOL, talked about the risk management programs that come with POOL membership.

Mayor Johnson asked how long has the POOL been in place.

Mr. Carlson answered he started the legislation in 1983 but it launched in 1987. It took some time to get the membership to what it is today. They have done comparisons and found that private carriers cannot match their services.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the renewal proposal from Nevada Public Insurance Agency Pool and approve the invoice payment from FY2017-2018 funds.**

*The motion passed unanimously. (3-0)*

- B. Presentation and Appreciation for Generous Donations made to the Snobowl, and matters related thereto. **INFORMATION ITEM ONLY – NON ACTION**

Dawn Leyva, Recreation Services Manager, read a Certificate of Appreciation from the City of Elko Parks and Recreation, and gave Mayor Johnson a plaque in the name of Charlie Chester for his donations. She also presented a plaque to Western Nevada Supply for their donations.

Mayor Johnson said a few words about his appreciation for the recognition.

- C. Presentation of a Ten Year Arbor Day Award from Tree City USA, and matters related thereto. **INFORMATION ITEM ONLY – NON ACTION**

Joe Carr, Parks Superintendent, presented Mayor Johnson with a ten year plaque from Arbor Day Foundation for being designated as Tree City USA.

Mayor Johnson spoke about Arbor Day and being a Tree USA town. When you live in the desert it is a real effort to get trees growing. This type of award for Elko to be designated as a Tree City is really neat.

### **III. PERSONNEL**

- A. Employee Introductions:

- 1.) Jeffrey Winrod, Airport Facilities Maintenance Technician, Airport  
*Present and introduced.*
- 2.) Leonard Swenarski, Lead Cemetery Maintenance Technician, Cemetery  
*Present and introduced.*

- B. Review, consideration, and possible approval of the Evidence Technician position within the Police Department, including the recruiting and hiring of this position, and matters related thereto. **FOR POSSIBLE ACTION**

The Evidence Technician is a newly proposed position within the Police Department which will help meet the needs and demands of managing the increasing volume of property/evidence being received by the Police Department. This is not an additional position; it will replace a current Patrol Officer position vacancy. Staff is proposing this position to be placed at a Grade 7 in the Blue Collar Clerical Wage Scale. AB

Aubree Barnum, Human Resources Manager, explained the new proposed position. The description was included in the packet for review.

Councilman Keener asked if the Chief was concerned with taking an officer off the street.

Chief Reed answered they have such a hard time keeping the patrol positions filled. They always have several positions unfilled. This will give us time through this budget before the next budget to see where they stand and if they want to add another officer position. There is a need for this position.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the position for Evidence Technician as presented.**

*The motion passed unanimously. (3-0)*

**V. NEW BUSINESS**

- A. Review, consideration, and possible authorization to pursue further action against the Ormaza Family Trust for failure to adhere to the conditions found in the Curb, Gutter and Sidewalk Waiver #3-02 between the City of Elko and Ormaza Family Trust dated October 30, 2002, and matters related thereto. **FOR POSSIBLE ACTION**

In October 2002, the City of Elko entered into an agreement with the Ormaza Family Trust. Which allowed for the temporary waiver of Curb, Gutter and Sidewalk improvements, until such time as the City of Elko completes the design for the improvements. In accordance with the agreement the City of Elko has provided the required 90 days written notification to the Ormaza Family Trust on several occasions since 2012 when construction plans for Manzanita Lane were completed.

The City of Elko Development Department has attempted to work with the Ormaza Family Trust since 2012 in an effort to call the referenced deferral. Each notice to the Ormaza Family Trust has gone unanswered, with no formal response provided by the Ormaza Family Trust. JD

Jeremy Draper, Development Manager, said Mr. Ormaza was in the audience today. We do have the deferral agreement that allowed for the Ormaza family to construct on the properties without installing the required public improvements at that time. Since that time we fulfilled our obligations as a city. We have the design work done for Manzanita Lane. Mr. Ormaza is aware that has been completed. Starting in 2012, Mr. Wilkinson has attempted to notify Mr. Ormaza regarding these improvements and has not received a formal response from Mr. Ormaza. We are looking at 441 lineal feet of improvements of curb, gutter and sidewalk as outlined in the deferral.

Pedro Ormaza, 225 Silver Street, said it was bonded at some point and the bond was sent back to them. He has not made a formal answer. He wasn't sure how many letters were sent to him from the City. This was the first he received certified. They are going to his mother's address. We have had several conversations over the years regarding this. It is a matter of getting money and time to do it. He is willing to give the bond back to do the improvements. This is not a money maker. Since then he has done the engineering for the building next to him, which is Rema Tip Top. He has talked to a dirt guy but nothing has been started. His mother noted that the rest of it isn't paved or curb, gutter and sidewalk.

Councilman Rice asked if he is getting ready to do the work at Tip Top anyway.

Mr. Ormaza answered he would like to do the whole thing at the same time but he hasn't submitted the plans yet.

Councilman Rice asked if he has a timeline for Tip Top.

Mr. Ormaza answered no and he hasn't submitted the designs to the city yet.

Scott Wilkinson, Assistant City Manager, said these deferrals are contractual obligations to complete the work. We made an attempt to have the Ormaza Family Trust fulfill their obligations to the City of Elko. The City of Elko agreed to parcel the properties so the Ormaza Family Trust could sell off parcels or develop parcels. In exchange to that they committed to contractual obligation to complete the sidewalk when the City requested that. We have completed the design on Manzanita. Mr. Ormaza has completed Rema Tip Top. The bond issue was related to something else on Union Pacific Way. He doesn't believe the deferral was bonded. These are some of the issues we have had with deferrals over the years. Many times the parties in the agreements go away and we can't have them fulfill their obligations. Mr. Draper is looking for direction from council to engage an attorney to see what type of remedy or action we can take to force the Family Trust to comply with its contractual obligation.

Councilman Rice said we are not in the habit of granting deferrals anymore. We are in the habit of enforcing those deferral agreements to be fulfilled. In his opinion we need to treat everyone the same way. He wants to make it so that if you are getting ready to do one or the other, it is more economical to do it all at once.

Mr. Wilkinson said we don't have a separate deferral for Rema Tip Top.

Councilman Rice wondered if Mr. Ormaza made the money during the sale of the properties to put in the curb, gutter and sidewalk.

Mr. Ormaza said he doesn't know all the details because it was his mother's property.

Councilman Keener said we are looking for a commitment for a timeline for when this can be completed.

Mr. Ormaza asked if he doesn't give City Council a timeline, what happens next.

Councilman Rice said the Family Trust made an agreement. We upheld our end of the agreement. We don't enter into these agreements anymore to avoid these situations. In the past we have come to an agreement with the property owners to get the work done. He wants to solve this in the most amicable way without involving a lot of lawyers.

Mr. Ormaza asked if he can't give a date, what is the next step.

Councilman Rice said he doesn't expect a date at this meeting, we want one at the next meeting.

Mr. Ormaza asked if he can't give a date then, what is the next step.

Mayor Johnson wants a full council for this.

Councilman Rice doesn't want to postpone this. He wants to give Mr. Ormaza an opportunity to fulfill the obligations of the Ormaza Family Trust. We did what we were asked to do. Some correspondence has been lost in the mail over the last five or six years. He felt, in the next couple

of weeks, Mr. Ormaza's organization should be able to let us know when they will fulfil their obligations.

Mr. Ormaza said 100% but he is asking what happens if he can't give council an August 15<sup>th</sup> deadline, and you guys say you want it done in the middle of September... He can come up with a date but he is wondering what is the next step if he can't.

Councilman Keener said obviously it would be legal counsel and then it gets more and more expensive.

Mr. Wilkinson said our regular legal counsel would be conflicted. Our backup counsel is conflicted. We would ask council for authorization to identify another legal counsel who can advise City Council actions it may consider moving forward to enforce the contractual obligations of the Ormaza Family Trust.

Mr. Ormaza asked if he is being asked to come back in two weeks with a date.

Mayor Johnson said he is willing to listen to what Mr. Ormaza suggests but he doesn't want to spend taxpayer money to get this done. These improvements are a requirement for all property owners and was triggered by the parceling. If there are some issues that make it so it can't happen, or even if he says it will be done by next year, the city may say that is great. But he doesn't know if it has to be done in two weeks or one month.

Mr. Wilkinson spoke about the staff putting together a cost estimate that the city taxpayers would be on the hook for if the Ormaza Family Trust doesn't move forward with its obligations. We have property owners on Manzanita that have completed work recently. Even the city did some improvements.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to table the Ormaza Family Trust curb, gutter and sidewalk waiver No. 3-02 to the second June 2017 meeting.**

*The motion passed unanimously. (3-0)*

## **VI. RESOLUTIONS AND ORDINANCES**

- A. Review, consideration, and possible approval of Resolution No. 15-17, a Resolution amending Animal Shelter Fees, pursuant to Elko City Code Title 5, Chapter 3, Sections 9(A) and 19 and Title 5 Chapter 3, Section 21, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the proposed resolution has been included in the agenda packet for review. Animal Shelter Fees have not been amended by the City Council since June, 2012. CC

Curtis Calder, City Manager, explained Karen Walther, Animal Shelter Manager, was in the audience. During the budget process we wanted to take a hard look at the Animal Shelter fees. We came up with the attached redlined resolution that was included in the packet. He recommended approval.

Mayor Johnson asked if Ms. Walther liked the fees.

Ms. Walther answered we could ask for higher fees but she felt the fees are reasonable. We are within the average of the shelters they surveyed. We offer more services than other shelters do.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve Resolution No. 15-17, a resolution amending Animal Shelter fees.**

*The motion passed unanimously. (3-0)*

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

- A. Ratification of the Police Chief issuing a 30-day Temporary Retail Liquor License and issuing a regular Retail Liquor License to Jonathan Karr, dba Dreez, LLC, located at 405 Silver Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed explained Mr. Karr has passed the background check.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to ratify a 30-day temporary retail liquor license and issue a regular Retail Liquor License to Jonathan Karr, dba Dreez, LLC, located at 405 Silver Street, Elko, Nevada 89801.**

*The motion passed unanimously. (3-0)*

- B. Ratification of the Police Chief issuing a 30-day temporary Retail Liquor License and issuing a regular Retail Liquor License to Miguel Castro, dba The Moon Bar, located at 460 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed explained this is a new business and a new bar at an older location. We have been down there to inspect and give guidance. They did their grand opening last Friday. The applicant has completed the necessary checks and he is good to go.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to ratify a 30-day temporary retail liquor license and issue a regular Retail Liquor License to Miguel Castro, dba The Moon Bar, located at 460 Idaho Street.**

*The motion passed unanimously. (3-0)*

- C. Ratification of the Police Chief issuing a 60-day temporary Wholesale Liquor License and issuing a regular Wholesale Liquor License to Cristianna Coleman, dba Barone Imports & Wholesale, LLC, located at 2225 E. Greg Street, Suite 105, Sparks, NV 89431, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed explained this is an out-of-the-area wholesaler. They do business in Elko but headquartered elsewhere.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to ratify a 60-day temporary wholesale liquor license and issue a regular Wholesale Liquor License to Christianna Coleman, dba Barone Imports & Wholesale, LLC, located at 2225 E. Greg Street, Suite 105, in Sparks, Nevada.**

*The motion passed unanimously. (3-0)*

#### **IV. APPROPRIATIONS**

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

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

*The motion passed unanimously. (3-0)*

B. Review and possible approval of Great Basin Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

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

*The motion passed unanimously. (3-0)*

C. Review, consideration, and possible approval to solicit bids for the Water Reclamation Facility Anaerobic Digester #2 repairs, and matters related thereto. **FOR POSSIBLE ACTION**

This Anaerobic Digester is constructed with an Internal PVC Liner to protect the concrete from corrosive internal gases such as Methane, Hydrogen Sulfide, and Carbon Dioxide. These gases are allowed to get behind the PVC Liner and cause damage to the concrete structure. The repairs would consist of removing the PVC Liner and replacing with a spray on epoxy type coating. This project is budgeted for in the FY 2016/2017 Budget. RL

Ryan Limberg, Utilities Director explained we inspect these digesters every other year. We are seeing some damage to the concrete. We think the epoxy coating will have a longer life than the liner and keep the gases from damaging the concrete better. He recommended approval.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the solicitation of bids for the WRF Anaerobic Digester repairs.**

*The motion passed unanimously. (3-0)*

D. Review, consideration, and possible approval of a Professional Services Agreement with Aqua Engineering for design of Secondary Clarifier #3, and matters related thereto. **FOR POSSIBLE ACTION**



A Third Secondary Clarifier is required at the Water Reclamation Facility to provide settling and allow adequate removal of solids from the water. This project was approved in the FY 2017/18 Budget. RL

Mr. Limberg explained the project and recommended approval.

Councilman Keener asked if the third unit is added then all three of them will continue to be utilized.

Mr. Limberg answered correct. They would use all three but it will also make it simpler for the times when we have to take one down for repairs. It gives them excess capacity for growth as well. This is for the engineering portion of the project.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Professional Services Agreement with Aqua Engineering with respect to the third secondary clarifier.**

*The motion passed unanimously. (3-0)*

- E. Review, consideration, and possible award of the Public Works Department Preventive Maintenance Project 2017, to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

At their April 25, 2017 meeting, Council authorized Staff to solicit bids for the Preventive Maintenance Project 2017. Bids were received until 3:00 p.m. on June 6, 2017. DS

Dennis Strickland, Public Works Director, explained we have enough funding to award the base project and the additive alternate, which was the removal of some existing thermal plastic traffic markings on the project. There was a breakdown on the action sheet that explained what work will be completed. We got some competitive bids this year. If we weren't awarding the additive alternate, the low bidder would have been Valley Slurry Seal, but with the additive alternate being awarded the low bidder was Sierra Nevada by a slim margin.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to award the bid to Sierra Nevada Construction for the Public Works Department Maintenance Project 2017, including alternate additive No. 1, in the amount of \$492,007.**

*The motion passed unanimously. (3-0)*

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

- B. Review, consideration, and possible approval of Staff's response to noted violations of statute and/or regulations in relation to the Fiscal Year 2016 Annual Audit, and other matters related thereto. **FOR POSSIBLE ACTION**

The City violations are noted in the Fiscal Year 2016 letter from the Department of Taxation. Staff is required to respond to these violations with corrective actions, which must be approved by Council. Included in the agenda packet is the letter from the Nevada Department of Taxation. JJ

Jonnye Jund, Administrative Services Director, explained this is a letter that we responded to. It needs to be ratified and signed. It states that we had a \$600 negative fund balance in our Narcotics Task Force Grant due to late invoices being submitted and therefore the grant reimbursement wasn't received within the 60 day timeline to be recognized in FY2016. Our corrective action is to either pay that through the General Fund if it occurs again, or to re-appropriate funds into the Narcotics Task Force to cover the shortage. We do not foresee it being an issue in the future. She read her letter to the Department of Taxation into the record (Exhibit "A").

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve staff's response to noted violations of statute and/or regulations in relation to the FY 2016 Annual Audit as presented in a letter dated June 13, 2017, and read into the record in our meeting today.**

*The motion passed unanimously. (3-0)*

- C. Review, consideration, and possible approval of a list of appraisers recommended by the City Manager for purposes of conducting appraisals during the 2017 calendar year, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code Section 8-1-1 requires the City Manager or designee to compile and to submit a list of appraisers qualified to conduct business in the City of Elko to the City Council on or about January 1<sup>st</sup> of each year. The Planning Department has developed a list of qualified appraisers interested in conducting business with the City of Elko and the City Manager has approved the list. CL

Cathy Laughlin, City Planner, explained with our recent approval of land sales, we reach out to the State of Nevada for a list of general appraisers that are within Northern Nevada. With that we send out a letter and ask them if they want to continue to remain on the list of appraisers or to be removed from our list. This year we have added three additional appraisers and removed two.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Appraiser List as recommended by the Planning Department to the City Manager.**

*The motion passed unanimously. (3-0)*

## **II. CONSENT AGENDA**

- A. Review, consideration, and possible action to reappoint Planning Commission member David Freistroffer to an additional Four-Year Term to expire July 2021, and matters related thereto. **FOR POSSIBLE ACTION**

David Freistroffer's term expires July 2017. Pursuant to City Code Section 3-4-1, Planning Commission members shall be eligible for reappointment, and the terms shall be four years or until his/her successor takes office. Mr. Freistroffer has indicated an interest to continue serving on the Planning Commission. CL

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

*The motion passed unanimously. (3-0)*

## VIII. REPORTS

A. Mayor and City Council

B. City Manager

*Curtis Calder wanted to make a legislative report but he hasn't had a chance to get with our lobbyist to get all the details. He will have a full report at the next meeting. Councilman Keener asked if Mr. Calder has heard back from Frontier yet. Mr. Calder answered he had not heard back from them. The franchise agreement is complete but we are waiting on a presentation for council.*

C. Assistant City Manager

*Scott Wilkinson said despite NDOT's position that we weren't eligible for federal fund reimbursement on the Flagview Project, he sent them a letter requesting that they reimburse the City of Elko for the cost of the Flagview Project. Councilman Keener asked how many more curb, gutter and sidewalk deferrals are out there. Mr. Wilkinson answered he thought there were about two dozen out there and the Development Manager will be working through those.*

D. Utilities Director

*Ryan Limberg reported they completed the Sewer Slipline Project on the Lower Indian Colony last week. He will be bringing that back for Final Acceptance at the next council meeting.*

E. Public Works

*Dennis Strickland reported the NDEP was at the Landfill for their annual inspection. They are happy with our operation. This was our second clean inspection at the landfill. The hot plant is trying to put in some new silos for storage of materials. The plant will hopefully be up and running for us tomorrow so we can work on patching the roads.*

F. Airport Manager

G. City Attorney

H. Fire Chief

I. Police Chief

*Chief Reed reported on the Enhanced 911 progress.*

J. City Clerk

K. City Planner

L. Development Manager

M. Administrative Services Director

N. Parks and Recreation Director

*James Wiley said the mosquito spray has been postponed till next Monday due to the freezing temperatures. Regarding the Sports Complex, we have some correspondence. Mr. Wilkinson said the documents are signed by Nevada SHPO. We might have the permit within the week. Councilman Keener asked about the landscaping at the condo development on 12<sup>th</sup> Street. Mr. Wiley answered they are typically late with turning on their sprinklers and maintaining the landscaping. Mr. Wilkinson said Cathy Laughlin will be writing a letter to them regarding the landscaping obligations in their Conditional Use Permit.*

- O. Civil Engineer
- P. Building Official

**COMMENTS BY THE GENERAL PUBLIC**

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

*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