

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

SS June 14, 2016

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, June 14, 2016.

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.

ROLL CALL

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
Councilwoman Mandy Simons
Councilman Robert Schmidlein
Councilman Reece Keener *left at 6:22pm*

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Ben Reed Jr., Police Chief
Jonnye Jund, Accounting Manager
Mark Gibbs, Airport Director
Matt Griego, Fire Chief
Bob Thibault, Civil Engineer
James Wiley, Parks and Rec Director
Cathy Laughlin, City Planner
Dave Stanton, City Attorney
Dennis Strickland, Public Works Director
Ted Schnoor, Building Official
Kara Vera, Minutes Clerk

PLEDGE OF ALLEGIANCE

Mayor Johnson asked for a moment of silence for the victims of the Orlando shooting.

COMMENTS BY THE GENERAL PUBLIC

Tahra Rugh, 667 Pleasant Valley, said she called the City Business License Department. She is a musician and a licensed street performer in Salt Lake City, UT. They charge \$35 for a year to perform on any public land. The Elko Business License Department told her they do not issue street performers licenses and Shanell Owen said her guitar was considered a prop. Therefore she was considered a traveling show, similar to a circus. She was also told there are no free speech areas in the City of Elko. She was concerned the Elko City Codes are in violation of her

Constitutional rights. The codes are not inclusive enough of artists being able to express themselves in public places.

Dave Stanton, City Attorney, clarified there are free speech areas throughout the City. Street performers that charge money for performances are subject to City licensing requirements. There is case law regarding this issue. Cities around the country are allowed to have various licensing schemes even if the activity is protected by the first amendment, they are still subject to the licensing requirements. He was going to look into it further.

Councilman Keener wanted to remind everyone it was primary day and the polls were open until 7:00 p.m.

**APPROVAL OF MINUTES: May 24, 2016 Regular Session
FOR POSSIBLE ACTION**

The minutes were approved by general consent.

II. PERSONNEL

A. Employee Introductions:

- 1.) Shelby Knopp, Planning Technician, Planning Department
Present and introduced.
- 2.) Brandin Smith, Part Time Records Technician, Police Department
Present and introduced.

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 2016/2017 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 2016/2017 are \$404,868.47, which now includes environmental liability coverage and represents a 6% savings over the current year. CC

Curtis Calder, City Manager, said representatives from McMullen's insurance were present if the Council had any questions. The major change was the environmental liability coverage is now part of the main policy.

John Smales, 429 Court Street, said you are part of an insurance pool with most of the entities of Northern Nevada, which is why the premiums have been declining. It's been a good deal for all the public entities in that they provide a lot of loss control services. He felt it was to their advantage to stay involved.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to accept the renewal proposal from Nevada Public Agency Insurance Pool and approve the invoice for payment from fiscal year 2016-2017 funds.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval of Airport Liability Insurance for FY 2016/2017, and matters related thereto. **FOR POSSIBLE ACTION**

McMullen Insurance has competitively sought airport liability insurance for this coming fiscal year. Based on the bids received, the lowest bid was AIG Aerospace, who is also our current provider, with a premium of \$7,305.00/year for the same coverage we currently receive. Last year AIG Aerospace provided the same coverage amount for \$6,932.00/ year. This amounts to a 5% increase in insurance costs. The Council could also increase the coverage amount to a \$25 million limit for a premium of \$9,193.00/year or could also add a Terrorism Risk Insurance Act rider for an additional premium of \$2,192.00/year. MG

Mark Gibbs, Airport Director, recommended adding the terrorism and security insurance, in the event we had a terrorism issue at the airport. He felt the current, \$20 million liability coverage, was sufficient.

Councilwoman Simons asked if a terrorism act happened somewhere else but somehow impacted our flights, would that coverage come into play.

Mr. Smales answered no, only if there was a direct attack here.

Councilman Keener questioned if POOL/PACT provided that type of insurance product.

Mr. Smales answered no.

Councilman Keener clarified POOL/PACT would have no liability whatsoever, if we had a claim that exceeded the amount we are insured for at the airport. We would be on our own, correct?

Mr. Smales explained the answer to that wasn't direct. There is coverage under the pool for premises type liability for the common areas, but not for the airport runways, the airport itself or the airplanes. Those are separate and not included under the pool.

Councilman Rice asked if the \$20 million coverage was just for general liability.

Mr. Smales explained not general liability, airport liability.

Mr. Calder said after 9/11 the insurance carrier started offering this terrorism coverage. We may have purchased it the first year or two, but at some point a decision was made and we didn't feel we needed it. When you look at the likelihood of something like that occurring in Elko, NV versus a larger airport or city, it's less likely. We can certainly afford it, which is why we quote it. If there was a catastrophic event the FAA would support us enough to get us back into

operation because all of the capital projects were paid for with federal funding. He agreed with Mr. Gibbs; \$20 million was more than enough coverage for the air side and it's just a matter of choice on the additional terrorism.

Councilwoman Simons asked if it gets renewed every year.

Mr. Calder answered yes.

Councilman Rice said terrorist acts are fresh in their minds and didn't feel the extra cost was unreasonable, giving the changing world. He felt that was the purpose of insurance.

**** A motion was made by Councilman Rice to include the terrorism and security insurance as recommended by Mark Gibbs, Airport Director.**

The motion died for lack of second.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to appropriate the AIG Aerospace insurance for the airport with general liability of \$20 million in the amount of annual premium of \$7,305.**

The motion passed unanimously. (5-0)

After the motion and before the vote Councilman Rice reminded the Council that the Airport Director recommended the additional insurance.

Councilwoman Simons said she likes that they get quotes for it every year and in the future she may feel stronger about it.

Council voted on the motion.

II. PERSONNEL

- B. Review, consideration, and possible approval of the Airport Administrative Assistant/Security Coordinator position description, including the reclassification of Ms. Carol Genseal as the Airport Administrative Assistant/Security Coordinator, effective June 20, 2016, and matters related thereto. **FOR POSSIBLE ACTION**

Since the resignation of the previous Airport Security Manager, Ms. Carol Genseal, the current Airport Technical Assistant, has assumed the responsibilities of the Airport Security Coordinator function, in addition to her current technical and administrative duties. Staff is proposing Ms. Genseal be reclassified and placed at a Grade 10, Step 3 in the Blue Collar Clerical Wage Scale. A position description has been drafted and it is recommended that Ms. Carol Genseal be reclassified to assume the position of Airport Administrative Assistant/Security Coordinator. AA

Mr. Calder explained about a month ago the City Council approved a reclassification for Jim Foster. We had union negotiations before we could bring this forward to Council. The previous position of Assistant Airport Director also included the security function. When Mr. Foster was reclassified the security function was pulled out of that job description and reassigned to the Administrative Assistant as a Security Coordinator, which is required by the FAA. The new job description would be titled the Airport Administrative Assistant/Security Coordinator. She will receive an increase in pay for the increased responsibilities, but there is still significant savings to the City over our prior organization.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the position description as presented and the reclassification of Carol Genseal as Airport Administrative Assistant/Security Coordinator, effective June 20, 2016.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of the position description for Airport Maintenance Worker, and matters related thereto. **FOR POSSIBLE ACTION**

The Airport Maintenance Worker is a newly proposed, entry level position within the Airport which will meet the current needs of the Airport Department and will also allow the opportunity for further advancement within the Airport career field. This is not an additional position; it will serve as a backfill replacement for the previous Airport Officer/Maintenance Technician, as this position has not been filled. Staff is proposing this entry level position to be placed at a Grade 4 in the Blue Collar Clerical Wage Scale. AA

Mr. Calder explained this was related to the previous two actions with regard to the organizational chart. Prior to being reclassified to the Assistant Airport Director, Mr. Foster occupied the Airport Officer Maintenance Technician Position. It's considered a journey level position within the airport at a much higher paygrade. We chose not to fill the journeyman position, we had it temporarily filled through a temp service. We would like to approve a new position description called an Airport Maintenance Worker, which is an entry level position at a lower paygrade. If approved, we will start recruiting for the position in approximately a week.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve the position description for Airport Maintenance Worker.**

The motion passed unanimously. (5-0)

VI. NEW BUSINESS

- A. Review, consideration, and possible acceptance of a Deed of Dedication for a portion of Tamarack Road, and matters related thereto. **FOR POSSIBLE ACTION**

The owners of APN 001-01E-026 are requested to deed a portion of their property currently encumbered by a 30' roadway easement for Tamarack Road and have

this property converted to Right-of-Way. Acceptance of this Right-of-Way will convert the final section of Tamarack Road to Right-of-Way and provide a connection from Royal Crest Drive to the end of the cul-de-sac on Tamarack Road. JD

Cathy Laughlin, City Planner, said the 30 ft. wide area would give us a 60 ft. right-of-way for Tamarack Road. The applicant was present and gave them the deed for dedication.

Tina Romero, 2030 Royal Crest Drive, said they signed over that side of the road. She asked if they would try to put something to prevent flooding in the cul-de-sac. She spoke to Jeremy Draper about it and wanted to make sure it was included in the document.

Scott Wilkinson, Assistant City Manager, explained their plan was to eventually pave that road and if there was a drainage issue at that point, they will address it with the Street Department.

Mayor Johnson questioned if they owned the property.

Mr. Wilkinson answered yes, it's encumbered with an easement. When they did Royal Crest and parceled it, they preserved easements for Tamarack Road.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to accept the deed of dedication for Tamarack Road along the north portion of APN 001-01E-026.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS

- C. Review, consideration, and possible approval of the Cooperative Agreement with the State of Nevada for the HARP Trail Extension, and matters related thereto.
FOR POSSIBLE ACTION

This easterly extension of the HARP Trail is proposed to pass under the 12th Street Bridge and connect to existing sidewalk on the easterly side of the bridge. The project has been approved for federal funding under the Transportation Alternatives Program. There is a 5% match requirement of City funds in the amount of \$12,560.00, and a total project budget of \$251,192.00. Approval of this agreement will allow Staff to begin the design phase of the project. BT

Bob Thibault, Civil Engineer, explained this is an extension of the Harp Trail. The intent was to extend the path to the other side of the bridge and connect to the concrete sidewalk.

Dave Stanton, City Attorney, added there wasn't a downside to this agreement. Sometimes the state and federal agencies use preformatted contracts and sometimes there could be problems with the contracts. He felt there were still some corrections that could be helpful but aren't deal killers. He got the impression the state was unwilling to make changes to the document.

Councilman Rice asked if they could make a motion to approve the contract with instruction to Mr. Stanton to ask the state one more time if they could change it.

Mr. Stanton explained they have already gone full circle with the state and he got the impression they didn't want to make any other adjustments.

Mr. Thibault agreed with Mr. Stanton but also offered to go back to the state if council requested them to do so.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the Cooperative Agreement with the State of Nevada for the Harp Trail Extension.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible approval to solicit bids for the Flagview Sidewalk Project, and matters related thereto. **FOR POSSIBLE ACTION**

On April 22, 2014, the City entered into an Agreement with the State for the Flagview Sidewalk Project which includes Federal funding up to \$567,500, and a match of City Funds in the amount of \$29,868. The project includes the construction of sidewalks along the north side of Ruby Vista Drive, the north side of Flagview Drive, and the easterly side of Golf Course Road. This project has already been bid once. Only one bid came in within our budget, but had errors in it. All bids were rejected, and Staff would now like to re-bid the project. BT

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to authorize staff to solicit bids for the Flagview Sidewalk Project.**

The motion passed unanimously (5-0)

- E. Review, consideration, and possible award of the Public Works Department Preventive Maintenance Project 2016, to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

At their May 10, 2016 meeting, Council authorized Staff to solicit bids for the Preventive Maintenance Project 2016. Bids were received until 3:00 p.m. on June 7, 2016. DS

Dennis Strickland, Public Works Director, said they got a good bid from Sierra Nevada Construction. They have been doing work for many years. He felt they may be able to do additional work this year since the bids were so good.

Councilwoman Simons asked if they would have enough money for the downtown corridor.

Mr. Strickland answered yes, it would complete everything we wanted to do this year. He left it at the pleasure of the Council whether they wanted to consider the two blocks in the downtown corridor. For another \$10,200 we can do 4th to 5th Street and 5th to 6th Street. We did get the full 5 years out of the previous application. The amount of distress we are going to have to deal with now versus the first time we did them is much less.

Councilwoman Simons asked if they were going to micro surface it and do something with the downtown corridor design and negate everything we have done.

Mr. Strickland answered over time we will start to rehab the corridor but he didn't feel it would be within the next 5 years.

Mr. Wilkinson added they envisioned doing the micro slurry on the blocks that they intend to reconstruct as a measure to get us through time until we can reconstruct those block areas.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to award the bid to Sierra Nevada Construction for the Public Works Department Street Maintenance Project 2016 in the bid amount of \$303,807 with an add alternate for the downtown corridor micro surface for an additional \$10,200.**

The motion passed unanimously. (5-0)

IV. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 5-16 for the Great Basin Estates Phase 1A subdivision, filed by Parrado Partners LP, for the proposed division of approximately 3.848 acres into 12 lots with a remainder of 15.218 acres for residential development within an R (Single Family and Multiple Family Residential) Zoning District located generally on the north side of Clarkson Drive approximately 725 feet east of 12th Street, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item on June 7, 2016 and took action to forward a recommendation to City Council to conditionally approve the Final Plat 5-16. CL

Cathy Laughlin, City Planner, explained the preliminary plat had a condition from FEMA regarding the LOMR. They went ahead and resubmitted a new Phase 1A. All of these parcels are out of the flood zone. The Planning Commission conditionally approved it with the nine conditions listed in the staff report. She recommended conditional approval.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to conditionally approve Final Plat 5-16 for the Great Basin Estates Phase 1A subdivision, subject to the nine conditions recommended by staff.**

The motion passed unanimously. (5-0)

V. UNFINISHED BUSINESS

- A. Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 1-16, filed by the Joshua Tree Shelter, which requests the requirement for public improvements to be waived along the 12th Street frontage and approximately 2/3 of the westerly frontage of Sharps Access Road abutting APN 001-630-069, and matters related thereto. **FOR POSSIBLE ACTION**

City Code section 2-13-3 requires public improvements at the time a parcel is developed or subdivided. This includes curb, gutter, and sidewalk. The property frontage in question abuts the underside of the 12th Street Bridge and the ramp exiting the 12th Street Bridge on Sharps Access Road. The applicant is requesting a waiver of ±750 lineal feet of curb, gutter, and sidewalk stating that it is impractical to install since there is no room and no direct access to those portions of frontage. JD

Ms. Laughlin said the application has not changed. The staff recommendation is still listed as in Mr. Draper's memo. The applicant was present to answer any questions or make statements.

Jennifer Kidwell, PO Box 1353, said in option 2, in previous discussion, she felt she was clear about how the railroad felt about an at-grade crossings. She read an email from Terrell Anderson who was the manager of industry and public projects for the railroad:

Jennifer,

Union Pacific will not support the opening of a new at-grade crossing. All Class-1 railroads are under a federal mandate to close at-grade crossing due to safety.

In order to open a new at-grade crossing, Union Pacific's policy requires three existing crossings to be closed in exchange for a new crossing to be opened.

When she spoke to Mr. Anderson on the phone he said any further discussions would not involve Joshua Tree, they would involve the City and the Railroad. The City is very concerned about pedestrians. There is a road under the 12th Street Bridge that people have used to gain access to the property. The road is not ADA compliant but the shelter would have a transportation vehicle and Elko Get My Ride is available.

Mr. Wilkinson felt it was important to consider pedestrian access regardless of the use. No one was opposed to Joshua Tree looking for additional routes into the areas, as long as they are willing to develop it. Option 2 is out and that will make Council's decision a little easier. He felt it was important to consider the merits of any waiver and the impact it has on developing in an area and the precedent it might set. The only new information we have heard tonight was we don't have an option of an at-grade crossing. If we choose to have sidewalk on Sharps Access, the City will play a role because that's our frontage. The Development Manager, in consultation with other staff, was recommending that we would grant a waiver on the 12th Street Frontage going towards the river.

Councilman Rice asked for clarification.

Mr. Wilkinson explained there was only 1 recommendation which was for a waiver for installation of 125 linear feet of curb, gutter and sidewalk on the 12th Street right-of-way. The Development Manager was recommending that to the Council. Option 2 would be for the applicant to establish in that at-grade crossing, which isn't likely. Option 3 would be to not grant the waiver, require the improvements of Sharps Access and have a push-button pedestrian crossing across 12th and over to the sidewalk. It has been suggested to come under the bridge to the other side of the bridge but we don't believe an ADA ramp could be established up that grade to get up to the sidewalk.

Councilman Rice asked if they should wait to see if Joshua Tree's engineer could come up with a different option.

Mr. Stanton noted the way the item was put on the agenda, the applicant was requesting a waiver not, the development department. The Council was fairly limited in terms of what could be done at this meeting. If the development department were to request the waiver there would be a lot more flexibility. With the applicant requesting the waiver the code states it has to be based on evidence that it is impractical to install curb, gutter and sidewalk because of circumstances beyond a reasonable control of the applicant. The Council would have to make findings based on evidence presented to them in order to support the waiver.

Councilman Rice said he received an email from Terry Lockie simply asking us to support the construction of the shelter. He responded to her telling her that wasn't the question. He asked her what recommendation she preferred and her response was "recommendation one."

Mr. Wilkinson said that would be from the intersection of Sharps Access, along the frontage and back towards the river.

Councilman Schmidlein asked if they were recommending to provide some sort of pedestrian access.

Mr. Wilkinson answered correct.

Councilman Schmidlein said for option 3, it's basically a push-button to cross 12th Street and cut out the existing barrier rail to grant access across. He questioned if option 1 would allow them to come up with some type of ADA access.

Mr. Wilkinson answered they could take a look at it. The only item on the agenda was to consider a waiver on Sharps Access.

Councilman Rice questioned if they should give Joshua Tree an opportunity to speak with an engineer to see if what you described could be done.

Mike Shanks, Shanks Engineering, 982 Wolfcreek Drive, said they would prefer a waiver for everything on the ramp. They were proposing to put curb, gutter and sidewalk along their Sharp's Access frontage. There was more than one road there, Sharps Access and another small dirt road. He felt there was sufficient proof to grant the access. In order for the project to support putting a sidewalk all the way up to 12th Street, they could do it, but it would have to be phased. We need to have this project move forward.

Mr. Wilkinson reminded the Council the phasing option wouldn't be possible because they don't do deferments. His recommendation was to install sidewalk up Sharps Access if they couldn't agree on an option. There was City frontage there that the City will have to deal with.

Tony Still, PO Box 2014, said the truck traffic in that area was an issue. He questioned sewer and gutter options. He felt it was a money pit and if Council waived it for this instance they should waive it for tax payers further up the road to be fair.

Scott Reutner, adjacent property owner, said he wasn't opposed to the access issue because he knew an access would never really work there. The truck traffic is very high. He was opposed to the shelter because of what it does to land values and what the homeless does to buildings and fences. He felt it would downgrade or devalue the area.

Mr. Shanks felt they were spending a comparable amount per acre that any other developer was spending. Fifteen of the seventeen acres are in the floodway and can't be developed. He was the main neighbor around them but he felt the homeless problem was worse before. The homeless problem was a community problem because regardless of where you put the shelter its going to be an issue. Having a shelter gives the homeless somewhere to go rather than camping on private property.

Holly Duvel, Modern Concrete, agreed there is no good situation when it comes to the homeless people. She questioned who would keep them safe while coming and going to work. She wasn't comfortable with the loiterers it will bring to the area around her work.

Councilman Rice said he has been committed to putting sidewalks where people walk. He felt people would be walking up and down Sharps Access to access the shelter. The criteria for the waiver doesn't include money in terms of feasibility, correct?

Mr. Stanton answered the criteria only states "impractical to install, because of reasons beyond the reasonable control of the applicant." It is up to the Council to determine what that means.

Councilman Rice said he wasn't willing to waive a pedestrian walkway and put that group of people at risk. He fully supported the City doing its part on the parcel they own. This is being developed for a good purpose and people will be walking there. We need to install the sidewalk.

Councilwoman Simons asked what the code was that was applied to the homeless camp.

Mr. Stanton explained when the homeless camp was licensed to F.I.S.H., it did not trigger this.

Mayor Johnson said the parcel map was driving this. He questioned if they were pulling a building permit, would it still trigger it.

Ms. Laughlin answered yes.

Mayor Johnson asked if the process would be the same regardless of if it were zoned industrial or PQP.

Mr. Stanton answered correct.

Councilman Schmidlein questioned on recommendation one, the crossing of 12th Street, whether it is a push button or whatever is required, if we went with recommendation one, is it just a waiver of the 125 feet of sidewalk on the east side of 12th Street.

Mr. Wilkinson answered correct.

Councilman Rice asked who would pay for that.

Mr. Wilkinson explained with their development it would be an off-site improvement that they would need to address. It's not a need that the City would have to address.

Councilman Rice questioned what something like that would cost.

Mr. Strickland answered approximately \$12,000-18,000. He agreed with Councilman Rice; they needed pedestrian access to these areas. He felt going under the bridge was the most viable option.

Councilman Rice said he wanted people to be safe. From all the letters of support he got, none of them actually supported what was on the agenda.

Mr. Strickland said as a City we would have a big liability if we start advocating for this type of use in an area where pedestrians can't safely cross.

Ms. Kidwell said the letters of support that Councilman Rice received were because supporters can't always make it to the City Council meetings and sometimes the issues change. While those who wrote letters of support didn't exactly outline the agenda item, the greater purpose of the letters were to let you know there are those in the community that do support this project.

Ms. Laughlin said the application was for the waiver of curb, gutter, and sidewalk. It has not been approved for the homeless shelter there, they would still have to go through a Conditional Use Permit Application for that property.

Mayor Johnson said for precedence he wouldn't grant a waiver. The requirement would be the same regardless of the use. It has come up several times and the City has always voted to keep that requirement in place. It would be difficult to waive any curb, gutter and sidewalk on any project.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to accept Recommendation 1, a waiver for the installation of approximately 125 linear feet of curb, gutter and sidewalk improvements for the 12th Street right-of-way. The Council finds it is impractical for a curb, gutter and sidewalk to be installed along that 125 linear feet of 12th Street. There are unique aspects of this property that do not apply to other properties.**

The motion passed. (4-1 Councilwoman Simons voted no.)

After the motion before the vote Mayor Johnson asked if there was a tradeoff for the 125 feet.

Mr. Wilkinson explained they recommend not putting sidewalk on that side of 12th Street. They felt if there was any connectivity going back towards River Street, it would be on the other side of Sharps Access. They are not purposing a tradeoff that they put a crossing in lieu of that. We believe that segment should be waived.

Mayor Johnson asked if they could consider the crossing on 12th as a tradeoff for option 3.

Mr. Wilkinson explained he didn't think the pedestrian crossing had anything to do with curb, gutter and sidewalk.

Councilman Rice asked if recommendation 1 was simply waiving a sidewalk heading south from that intersection on the east side of the road and continues to require curb, gutter and sidewalk on Sharps Access.

Mr. Wilkinson answered correct. When they get to the point of development, they will be faced with that crosswalk.

Mr. Stanton said if the Council was inclined to grant a partial waiver, he would ask that there be some finding in the motion in terms of the impracticability of installing it.

Councilman Rice added to his motion *"The Council finds it is impractical for a curb, gutter and sidewalk to be installed along that 125 linear feet of 12th Street."*

Councilman Keener said his second still stands. He wanted to add, *"There are unique aspects of this property that do not apply to other properties."*

Councilman Rice amended his motion to add Councilman Keener's comment.

Mayor Johnson asked if the pedestrian crossing be part of the project.

Councilman Rice explained that comes further down the line. It will have to be considered later on.

Mr. Wilkinson said we aren't selecting that option, we are just granting the waiver.

There was discussion regarding waivers previously granted in the city.

Mr. Wilkinson said staff felt it was impractical to install the sidewalk on the 125 ft. We don't think it is impractical to install it anywhere else. That is our recommendation. If council chooses not to accept staff's recommendation that is the council's prerogative.

Council voted on the motion.

ALSO SEE ADDITIONAL DISCUSSION ON THIS ITEM ON PAGES 20-21.

VI. NEW BUSINESS

- B. Review, consideration, and possible approval of agreement to complete public improvements resulting from a land sale from the City of Elko to Gary and Lenora DiGrazia, and matters related thereto. **FOR POSSIBLE ACTION**

At the May 24, 2016 meeting, Council approved Resolution 08-16, the sale of 2,048 SF of a 41.93 acre parcel of land owned by the City of Elko to Gary and Lenora DiGrazia. The agreement for completion of the public improvements for the 27.59' of frontage on Barrington Avenue states that improvements will be

completed when Barrington Avenue is extended with future development. This agreement will be recorded prior to the deed and boundary line adjustment recorded. CL

Cathy Laughlin, City Planner, explained, in the packet we have a copy of the agreement that was drafted up. It states that when Barrington Ave is extended the DiGrazias agree to pay the cost of the curb, gutter and sidewalk for the 27.59 ft. as required by the City Code. We have the boundary line adjustment ready. This will be recorded prior to the boundary line adjustment.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the agreement between the DiGrazias and the City of Elko.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of a request from the National Historic California Trail Interpretive Center Advisory Board for a parade to be held on Thursday, August 4, 2016 from 6:00 p.m. to 7:00 p.m. and matters related thereto. **FOR POSSIBLE ACTION**

This is a first time parade and as discussed at the May 24, 2016 Council meeting, the insurance for this parade will be covered by the City of Elko's existing liability coverage. The standard parade route will be used. SO

Curtis Calder, City Manager, explained this item was discussed at the previous meeting in regards to the sponsorship of the parade. Council did authorize the Advisory Board to be the sponsor of the parade. We did not ask for the parade approval at that meeting. Because this is a new parade, the City Council needs to approve it. Jan Peterson with the Western Heritage Festival was present to answer any questions.

Mayor Johnson asked what the cost for insurance coverage for a parade is.

Mr. Calder answered because this is being sponsored by the Advisory Board there is no cost because the Advisory Board is covered under the insurance POOL's liability carrier.

Mayor Johnson said whatever the City does for one, will offer for all. It will be tough on all the other parades why the City of Elko is not paying the insurance if they approve this one.

Mr. Calder said the City Council, by having the Advisory Board sponsor the insurance, because they are not a corporate entity they cannot get an insurance policy. The Heritage Festival asked that the Advisory Board be the sponsor of just the parade. The parade itself has to be approved because all new parades have to be approved by the Council. They will still pay the parade permit fee.

Jan Peterson, Western Heritage Festival, said the festival is a combination of the Cities of Carlin, Wells and Elko to form this project together. The parade itself is being sponsored by the California Trail Advisory Board committee. That's why we are asking to sponsor this one event from 6:00pm to 7:00pm on August 4, 2016. They don't expect any impact and she already got the approval sign-offs. They will be paying the fee for the parade itself and are in the process of

organizing and recruiting entries. They are in the process of recruiting entries for the parade. They do have one confirmed (the Wells Fargo Stage Coach).

Mr. Calder said the only other parade sponsored by a public entity is the VFW parade and they had to show the same letter as well. That parade is sponsored by the County.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the National Historic California Trail Interpretive Center's Advisory Board's request for a parade to be held on Thursday, August 4, 2016 from 6:00pm to 7:00pm through downtown Elko. The insurance will be covered by the City of Elko for this event. This in ratification of the previous Council Meeting where Council approved this Advisory Committee's request to use the City's insurance for this parade event.**

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

VIII. 6:00 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution No. 11-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from PQP (Public, Quasi-Public), GI (General Industrial), and PUD (Planned Unit Development) to PQP (Public, Quasi-Public) and GI (General Industrial) involving approximately 17.19 acres of property located generally on the southeast corner of Sharps Access Road and S. 12th Street, filed by Joshua Tree Shelter and processed as Rezone No. 1-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on March 1, 2016, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Rezone No. 1-16. The recommended condition, agreed to by the petitioner, is included in the resolution. CL

Cathy Laughlin, City Planner, explained we are back to this parcel on Sharp's Access. The existing zoning of the 17.19 acres is currently PQP, GI and PUD. The parcel map that has been submitted for this has been conditionally approved, subdividing this parcel into four parcels. Parcel A, .874 acres, the current zone is PQP and is would be proposed to remain PQP. Parcel B, 1.80 acres, the current zone is also PQP and the proposed zone on that would be GI. Parcel C, 9.217 acres, the current zone is PUD, GI and PQP and we would propose the zone change to be GI. Parcel D, the 5.302 acres, the current zone is PQP and the proposed zone is GI. We are proposing everything but Parcel A be rezoned to GI. This is in the flood zone. There is not much that they can do with quite a bit of this property no matter the zoning. Our Master Plan shows this area as GI.

Mayor Johnson said he just realized, looking at this, we have an island of PQP surrounded by GI. Typically it would be reversed.

Dave Stanton, City Attorney, said spot zoning typically arises when you rezone a parcel to a use that is not compatible. For example, you will see a commercial inside of a residential just for a specific property. The idea of spot zoning is that it is considered discriminatory because it

allows individual property owners zones surrounded by incompatible uses. Land use planning is designed to make sure all of the uses are compatible with one another and consistent with the Master Plan. That doesn't prevent having a small parcel surrounded by other parcels of a different zone but it does require them to all be consistent and compatible with one another.

Mayor Johnson said it is important, that when the property is zoned, what the allowed use is.

Mr. Stanton said it does create an island of PQP. But the PQP was there already. He didn't see spot zoning.

Councilman Keener asked how it affects the property on the other side of 12th Street.

Ms. Laughlin answered that is all GI as well. It would be consistent with the GI through that area.

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 11-16.**

The motion passed unanimously. (5-0)

TWO SUBSEQUENT MOTIONS WERE MADE PERTAINING TO THIS ITEM ON PAGE 20 AS FOLLOWS, SEE PAGES 20 AND 21 FOR DISCUSSION:

**** A motion was made by Mayor Johnson, seconded by Councilwoman Simons, to reconsider the zoning change.**

The motion passed unanimously. (4-0)

**** A motion was made by Mayor Johnson, seconded by Councilwoman Simons, to table the zone change.**

The motion passed unanimously. (4-0)

- B. Review of bids received and subsequent public auction for the sale of approximately .80 acres of City owned property located generally north of West Main Street approximately 645 feet east of Hot Springs Road, and matters related thereto. **FOR POSSIBLE ACTION**

On May 24, 2016 Council approved Resolution No. 17-16, which set forth the conditions of the public auction for the sale of City owned land. The minimum sale price must be \$60,000.00 payable in cash or cashier's check at close of sale which shall be within sixty (60) days of acceptance by the Council of the highest bid. A copy of Resolution No. 17-16 has been enclosed in the agenda packet for review. CL

Mayor Johnson opened the bids and said the first bid is from Richard Milroy, Jr., with a purchase price sum of \$62,500.00 for property advertised (Exhibit "A"). A second bid received from Shawnessy Odell, with a purchase price of \$60,000.00 for property advertised (Exhibit "B"). We

will use the base of the higher of the two, \$62,500. Any and all can bid as far as an oral bid. The first oral bid has to be 5% higher than \$62,500.

Councilwoman Simons noted that would be \$65,625.

Mayor Johnson asked if there was a bid for \$65,625. Mr. Odell bid \$65,625. Mayor Johnson continued with the bidding as follows:

Mr. Milroy bid \$67,500.

Mr. Odell bid \$68,500.

Mr. Milroy bid \$69,500.

Mr. Odell bid \$70,500.

Mr. Milroy bid \$72,500.

Mr. Odell bid \$74,000.

Mr. Milroy bid \$75,500.

Mr. Odell bid \$77,000.

Mr. Milroy bid \$80,000.

Mr. Odell bid \$82,000.

Mr. Milroy bid \$85,000.

Mr. Odell bid \$86,000.

Mr. Milroy bid \$90,000.

Mr. Odell bid \$92,000.

Mr. Milroy bid \$95,000.

Mr. Odell bid \$97,000.

Mr. Milroy bid \$99,000.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to accept the bid of \$99,000 from Richard Milroy, Jr. for approximately .80 acres of City owned property located generally north of W. Main Street, approximately 645 ft. east of Hot Springs Road.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible initiation of changes to the Bylaws of the City of Elko Centennial Committee, and matters related thereto. **FOR POSSIBLE ACTION**

Staff working with the City of Elko Centennial Committee is requesting that the Bylaws for the committee be modified to allow for more productive meetings in order to meet deadlines set forth with the purpose of this committee. JD

Scott Wilkinson, Assistant City Manager, explained they want to amend the bylaws so they can reduce the quorum and allow them to conduct business.

Dave Stanton, City Attorney, said in Article 5, Section 2, we just reduce the number of members needed to constitute a quorum from 6 to 4. As he understands, it was difficult to have that many people show up to have a quorum. Once you get a quorum, allow it to be a vote based on the members present at the meeting. Also add a provision to allow them to participate by means of electronic communication.

Councilman Keener said two of the last three meetings they have not had a quorum. He was very much in favor of changing the bylaws

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the proposed amendments to the City of Elko Centennial Committee bylaws.**

The motion passed unanimously. (5-0)

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

At the June 1, 2016 Arts and Culture Advisory Board meeting the board took action to forward a recommendation to Council for the creation of a Mayor's Arts Awards to recognize contributions to the Arts by Citizens of Elko County. JD

Catherine Wines, Arts and Culture Advisory Board, explained they would like to do the Mayor's Arts Awards Annually. They are asking for \$1000 to put out a call to artists and for the awards to be made.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to authorize the Arts and Culture Advisory Board to move forward with the Annual Mayor's Arts Award and authorize \$1,000 budget for the creation of this year's awards.**

The motion passed unanimously. (5-0)

Councilwoman Simons asked Ms. Wines how the boots were coming.

Ms. Wines answered they have ten sponsors.

Mr. Wilkinson said they are getting the commitments in writing to come back to the Council to approve it.

Ms. Wines said the Mayor's Arts Awards were done in chambers last year and they are suggesting a different place this year. They will bring to the Council at a future meeting.

VII. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 21-16, a resolution authorizing augmentation of the 2015/2016 Fiscal Year Budget of the Health Insurance Fund, increasing appropriations to \$2,140,100 to account for \$208,000 in unanticipated revenues, pursuant to NRS 354.598005, and matters related thereto. **FOR POSSIBLE ACTION**

The Health Insurance Fund received \$208,000 in additional revenues from provider reimbursements (Stop-Loss Reimbursements) and retiree contributions. This revenue was not budgeted and was unanticipated during the budgeting

process. In order to pay for the expenses associated with this revenue it is necessary to augment the budget. DS

Curtis Calder, City Manager, said they realized the resolution wasn't included in the packet so they will bring it back at a later time.

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

The motion passed unanimously. (5-0)

Councilman Keener asked how much in corresponding expenses is there going to be to that \$208,000 augmentation.

Mr. Calder said although it sounds good we are receiving \$208,000 revenue back to the City, which is only because the City had claims that hit the stop loss. We have spent above and beyond the stop loss.

III. APPROPRIATIONS (Cont.)

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

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

The motion passed unanimously. (5-0)

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

**** A motion was made by Councilwoman Simons, 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

Councilwoman Simons was impressed with the contractors working at the Golf Course and the Cedar Street Project.

Councilman Rice said he lives near the Cedar Street Project and things are moving along there nicely. He thanked the Mayor for including a moment of silence at the start of the meeting for the 49 victims of the Orlando shooting.

Councilman Keener left the meeting at 6:22

B. City Manager

Curtis Calder said our HR Manager, Aubree Anderson, is out so he or Dawn Stout will be available if something comes up.

Councilman Schmidlein asked if we have had any luck on the recruitment of the new Waste Water Treatment Plant Superintendent. Mr. Calder answered they did hold

interviews and said they have not made a selection at this time. Mr. Limberg said Mike Haddenham, Assistant Superintendent, has stepped into an Acting Superintendent roll for up to 90 days at which time staff will make the decision of whether or not he is a good fit.

- C. Assistant City Manager
- D. Utilities Director
- E. Public Works

Dennis Strickland said they are building 14th Street to the future profile as Bob Thibault has designed. They are trying to be efficient with the budget as much as they can.

- F. Airport Director
- G. City Attorney
- H. Fire Chief
- I. Police Chief

Ben Reed, Jr. reported on the progress of moving into the new facility. Graduation weekend went very smooth despite the fact that there was a lot going on in the City. They sentenced the person who burglarized the School Resource Office and various businesses and homes throughout the community, which was a win for them. They are making progress with hiring and they have three police officers scheduled for the academy in July.

- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

James Wiley reported the City partnered with Spring Creek and hosted a youth baseball tournament that was held June 3-5. The golf course is taking the main line and connecting it into the pump station. They should be starting on the back 9 soon.

- O. Civil Engineer
- P. Building Official

Bob Thibault reported they are accepting applications for a Sr. Engineering Technician. He hoped it would be filled by July.

Ryan Limberg reported Exit 298 Waterline Project is nearly complete. We expect that wrapped up in the next few weeks or so.

Mayor Johnson stated he didn't think he made the right decision on a vote. He wanted Council to reconsider because he wasn't satisfied with the vote on the zoning change. (VIII. Public Hearings, Item A.)

Dave Stanton, City Attorney, said before the meeting is adjourned, any matter that the Council has taken action on can be reconsidered. If the Council wants him to do some legal research and provide a legal opinion on the zone change, specific to whether that constitutes spot zoning, he could do that. Sometimes an off-the-cuff legal opinion could change after some research.

**** A motion was made by Mayor Johnson, seconded by Councilwoman Simons, to reconsider the zoning change.**

The motion passed unanimously. (4-0)

After the motion and before the vote, Mayor Johnson said he wanted this reconsidered and keep the options of the Council.

Council voted on the motion.

**** A motion was made by Mayor Johnson, seconded by Councilwoman Simons, to table the zone change.**

The motion passed unanimously. (4-0)

After the motion and before the vote, there was discussion about the agenda item requiring notification again because it will remain a Public Hearing item. There may be an issue getting this on the next agenda.

Council voted on the motion.

Councilman Rice said regarding the sidewalk waiver, the finding was that it was not feasible on that 125 ft. frontage on 12th Street. In his opinion, that is due to the slope and the grade.

Mr. Stanton thought that had been addressed in the discussion and it was part of the motion that it was impracticable.

Councilman Rice thought he did not make it clear in the motion what was impracticable.

Mr. Stanton felt there was some discussion about the impracticability of constructing the sidewalk at that location along 12th Street.

Bob Thibault, Civil Engineer, said if you just look at the grade, you could make the same argument on Sharp's Access. The real dilemma on 12th Street is that you would have to widen that bridge in order to put a sidewalk in.

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