

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

SS June 28, 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 28, 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 *left at 5:20pm*
Councilwoman Mandy Simons
Councilman Robert Schmidlein
Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
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
Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: June 14, 2016 **Regular Session**

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Presentation by Congressman Mark Amodei, and matters related thereto.
INFORMATION ONLY - NON ACTION ITEM

Congressman Mark Amodei spoke to City Council regarding the recent activities at the U.S. House of Representatives that may affect the City of Elko and the surrounding areas. He offered to help the city further by meeting with Union Pacific Railroad and discussing the city acquiring railroad property that is located in the Redevelopment District. He would need Council to advise him what action they want him to take.

Councilman Rice thought we might be able to talk about the acquisition in phases. Maybe acquire what has been cleaned and when the next cleanup is done we can acquire that. Quarterly talks would be good so that the issue doesn't go away. Something needs to be done regarding the gun bills.

Congressman Amodei agreed something has to be done.

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.

II. APPROPRIATIONS

- C. Review, consideration, and possible approval of an Agreement between 702 Arts Digital Media and the Airport for website support and design services, and matters related thereto. **FOR POSSIBLE ACTION**

702 Arts Digital Arts Media has been helping the airport on an hourly basis for airport website maintenance, software updates, and employee training. The contract before you is to provide 1 year airport website services in FY 2016-2017 not to exceed \$7,455.00. The contract becomes effective July 1, 2016 and is a component of the tentative 2016-2017 City of Elko budget. 702 Art Digital Media will provide 109 hours of website support time, airport employee training and design services. As you know, websites need constant updates and maintenance to remain effective. MG

Mark Gibbs, Airport Director, explained part of this contract allows training of our airport employees.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the agreement with 702 Arts Digital Media for Fiscal Year 2016/2017 for the Airport website support.**

The motion passed unanimously. (5-0)

III. NEW BUSINESS

- A. Review, consideration, and possible acceptance of an amendment to the Memorandum of Agreement (MOA) to reflect the changes of Supplemental Lease Agreement (SLA) #001 and List of Facilities (LOF), and matters related thereto. **FOR POSSIBLE ACTION**

This item is an update to the records maintained by The Elko Regional Airport and the FAA. Included is a list of updated facilities on the Elko Regional Airport owned and operated by FAA Tech Ops. MG

Mr. Gibbs explained we replaced some navigational aids at the airport. This document reflects the current NAV aids that the FAA maintains on our property. There is no cost associated with it and it is a housekeeping item.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to accept the amendment to the MOA to reflect the changes of Supplemental Lease Agreement #001 and List of Facilities.**

Motion passed unanimously. (5-0)

- B. Review, consideration, and possible amendment of the Airport Advisory Bylaws to clarify the length of Board Member's term, and matters related thereto. **FOR POSSIBLE ACTION**

The June 17, 2016 Airport Advisory Board meeting, the Board directed the Airport Director to remove reference in the Airport Advisory Board Bylaws to a two year term. Included in your agenda packet is the revised Airport Advisory Board Bylaws. MG

Mr. Gibbs explained the term will now be four years as the Airport Advisory Board wishes.

Councilwoman Simons explained there was some confusion over the term of the members and this makes it clear.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the Airport Advisory Board Bylaws as amended.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible appointment term for the Airport Advisory Board for members Mr. JJ Jarvis, Mr. Andrew Boyd and Mr. David Gillette, and matters related thereto. **FOR POSSIBLE ACTION**

There was confusion in the interpretation of the length of terms of an Airport Advisory Board appointment made by the current Airport Director. In 2014, Council appointed Mr. JJ Jarvis, Mr. Andrew Boyd and Mr. David Gillette to a two year term ending June 30, 2016. At the June 17, 2016 Airport Advisory Board meeting, the Board clarified the term as a period of four years. The Airport

Advisory Board directed the Airport Director to correct the error made in 2014.
MG

Mr. Gibbs pointed out this will create staggered terms for the members.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to change the appointment of Mr. JJ Jarvis, Mr. Andrew Boyd and Mr. David Gillette to a four year term ending on June 30, 2018. The four year term is in compliance with AAB Bylaws as approved by Elko City Council on May 28, 2002.**

The notion passed unanimously. (5-0)

- D. Review, consideration, and possible acceptance 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. The City Council took action on June 14, 2016 to initiate the proposed changes to the Centennial Committee Bylaws. JD

Scott Wilkinson, Assistant City Manager, explained there was a recommendation for approval from the Centennial Committee. He also recommended approval.

**** 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 of Map of Reversion to Acreage No. 2-16, filed by Patrick Bottari, for the purpose of reverting to acreage Lot 9, Elko Heights Subdivision, City of Elko, File No.119681 with two deeded lots off Dotta Drive, located generally between Sewell Drive and Dotta Drive approximately 120 feet north of Ash Street, and matters related thereto. **FOR POSSIBLE ACTION**

The removal of lot lines is required in order for applicant to build an accessory building on one of the parcels. CL

Cathy Laughlin, City Planner, explained Mr. Bottari owns all three of these parcels. The reason we went with a Reversion to Acreage on this was the upper parcel off Sewell was part of a subdivision map. The two other parcels off Dotta were not mapped. They were sold as deeds. If there is any part thereof a subdivision map, there needs to be a Reversion to Acreage. She recommended approval.

Councilman Rice asked if neighbors were notified.

Ms. Laughlin answered not with a Reversion to Acreage. The review is done in the departments. If you had to do some sort of variance then that would be a public notice.

Councilman Rice felt that changed the nature of the lot significantly.

Mayor Johnson didn't agree and thought it would be fine. There is a retaining wall.

Ms. Laughlin said there is very limited access to the lot. The elevation difference is 8-10 feet.

Scott Wilkinson, Assistant City Manager, added we have zoning that really controls development of property.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve a Map of Reversion to Acreage No. 2-16.**

The motion passed. (4-0 Councilman Rice voted "present.")

Councilman Rice said his vote was not a "no" vote. He didn't like it on the surface and he didn't want approve it but he also didn't want to vote against it.

- F. Review, consideration and possible approval of a request from the California Trail Center Foundation for the closure of a portion of the downtown corridor for an Elko County Western Heritage Festival event scheduled on August 6, 2016 from noon to 10:00 p.m., and matters related thereto. **FOR POSSIBLE ACTION**

The location of the closure is the westerly half of the downtown corridor between 5th and 6th Streets. For set-up and tear-down purposes, the closure will begin at 12:00 a.m. (midnight) and end at 11:59 p.m. on August 6, 2016. SO

Shanell Owen, City Clerk, explained the application was included in the packet. City staff has reviewed the application and recommended approval.

Bailey Billington, Elko Downtown Business Association, said this is the secondary part to our county wide four-day event. This will take place on Saturday and it will be about the heritage of the makeup of Elko. There will be a live band and performances. It will be a family event to celebrate our heritage.

Mayor Johnson thought it sounded like a great event. How is the insurance being handled?

Ms. Owen said they are still working on the required insurance documents. The DBA will provide the insurance.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the closure of a portion of the Downtown Corridor between 5th and 6th Streets for set-up and tear-down beginning at 12:00am and ending at 11:59pm on August 6, 2016 contingent upon the completion of the insurance documents.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible action to accept a letter of resignation from Mr. Joseph Becker from the Planning Commission, and to further authorize Staff to commence with the standard recruitment process to fill the vacancy on the Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

Cathy Laughlin, City Planner, explained Mr. Becker has served on the Planning Commission since 2013. He has been an asset to the Planning Commission but he is being transferred to Colorado.

**** A motion was made by Mayor Johnson, seconded by Councilwoman Simons, to accept the resignation letter from Mr. Joe Becker and direct staff to begin the recruitment process.**

The motion passed unanimously. (5-0)

IV. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 20-16, a resolution authorizing budget transfers for Fiscal Year 2015/2016 for various funds of the City pursuant to NRS 354.598005, and matters related thereto. **FOR POSSIBLE ACTION**

This is the annual year-end housekeeping item to transfer funds between functions, and funds as required to fund all budgetary changes that occurred during the fiscal year. DS

Curtis Calder, City Manager, explained in the backup there is a spreadsheet that details the funds that are impacted. This is a housekeeping item.

Councilman Keener said public safety jumped out to him. He asked for an overview on that section.

Mr. Calder said things that will happen throughout the year regarding staffing levels will affect the salary line items. It will also affect the PERS and other benefits that go along with the salaries.

Jonnye Jund, Accounting Manager, added there was a significant change in the overtime for the Fire Department as well.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve Resolution No. 20-16, authorizing budget transfers for Fiscal Year 2015/2016 for all listed funds pursuant to NRS 354.598005.**

The motion passed unanimously. (5-0)

- B. 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

Mr. Calder explained this was on the last agenda but we didn't have the resolution in the packet. Typically it is a good thing when we augment our budget for revenue increases. This is the insurance fund and this means there were some large insurance claims that hit the stop-loss and triggered those reimbursements. This is an accounting issue and we have to account for the revenue.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve Resolution No. 21-16, augmenting the Health Insurance Fund in the amount of \$208,000, pursuant to NRS 354.598005.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of Resolution No. 22-16, a resolution amending a fee charged for parade permits, effective July 1, 2016, and matters related thereto. **FOR POSSIBLE ACTION**

Council gave Staff direction on February 9, 2016 to increase the parade fees for the next three years. Through the budget process, Council approved increasing the parade fees from \$150.00 to \$500.00. SO

Shanell Owen, City Clerk, explained this is the final step to increase the parade fees to \$500. It would be effective July 1, 2016. She has been telling everyone with parades coming up that if they pay after July 1st it will be \$500.

Councilman Schmidlein asked if the first year increase will be \$500. (Yes) A year from now you will come back with \$750 and \$1000 the next year. (Yes)

Mayor Johnson felt the number of parades that Elko has is excessive. It is a shame that there isn't more public present to discuss this further. He and the Police Chief have discussed this at length and the parades are costing the city more money than what is covered with the fees. He would be in favor of looking at this issue further and raising the fees so that there aren't so many parades in our community.

Councilman Rice agreed. By raising the fees over the next couple of years, that will weed some of these things out.

Councilwoman Simons hoped we can look back in a few years and see a change.

Councilman Keener thought this was a good starting point. If needed it can be addressed later on.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve Resolution No. 22-16, a resolution amending the fee charged for parade permits effective July 1, 2016.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible approval of Resolution No. 23-16, a resolution amending the compensation rate for City Attorney services, and other matters related thereto. **FOR POSSIBLE ACTION**

A copy of Resolution No. 23-16 and letter from Goicochea, Di Grazia, Coyle & Stanton LTD has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained this request was received last year after the budget was set. We have worked it into this year's budget and adjusted the rates accordingly. The current fee structure had a fee for municipal court prosecution and a different fee for civil work. Those fees are well below the current market rates. This will be a significant increase but that is why we adjusted that in the budget process.

Councilwoman Simons said we have amazing service from Mr. Stanton but would it make sense to have in-house legal counsel.

Mr. Calder said they have looked at this in the past and the numbers didn't seem to work out. You would be looking at a couple of attorneys and their staff. We have limited office space available. If we get larger that could be something we look at.

Councilman Keener asked if you look at what the city has spent on attorney fees and the fee increases, how much of an increase are we looking at.

Mr. Calder answered it was estimated in the budget and based on historical use. We are looking at an average of about \$15,000 per month. It is a very good value for the taxpayer.

Mayor Johnson thought the rates are in-line.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve Resolution No. 23-16, a resolution amending the compensation rate for city attorney services.**

The motion passed unanimously. (5-0)

Councilman Rice announced that he needs to leave for another meeting. He asked that we take an item out of order.

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- B. Consideration of a request from Ms. Tahra Rugh to create a separate licensing process for Street Entertainers and Artists by initiating an amendment to the Elko City Code, and matters related thereto. **FOR POSSIBLE ACTION**

On June 14, 2016, Ms. Rugh spoke during the public comment portion of the City Council meeting. Per Council direction, Ms. Rugh submitted a letter and supporting materials for City Council consideration. CC

Curtis Calder, City Manager, explained that we asked that Ms. Rugh to provide us with a letter to start a code amendment.

Councilman Rice said his recommendation, after speaking to Catherine Wines, would be to have the Arts and Culture Advisory Board hear this and let them make a recommendation. Activities such as this can become a business like activity.

Ms. Rugh said she included the Salt Lake City street entertainer and artist licensing packet. She also tried to put in the ordinances. The urbanologist and author William Hollingsworth-White said, and buskers is another term for street entertainers, *“buskers are a means of triangulation. People who have the power to change the way people react to and perceive space. Street entertainers and artists transform a commuting experience into a recreational experience and a person space into a place with creative identity. Performance brings people together and allows them to interact with each other.”* The licensing that she included was for the city to see how this is addressed. As an alternative, it might be more financially feasible for the city to amend the existing code. Spokane City council added a paragraph to their code regarding street performers, *“By receiving donations, a street performer does not become an active solicitor. A person who engages in constitutionally protected expressive activities in public right-of-way shall not be required to obtain a license unless the person engages in business activities.”* She would define business activities as the exchange or commission of services leading to the exchange of a tangible product. There are some grey areas and this would be a different licensing process. You can’t control all of it but it is disturbing to her, as an artist that she was told she needed to have her guitar licensed.

Councilman Rice left at 5:20pm.

Councilwoman Simons and Councilman Schmidlein liked Councilman Rice’s recommendation.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to refer this item to Arts and Culture Advisory Board and bring back recommendations to City Council.**

The motion passed unanimously. (4-0)

- C. Consideration of a request from Mr. G. Robert Denham, Trustee Elko Lodge #15 A & AM, to transfer the ownership of the jointly owned Masons & Oddfellows Cemetery to the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from Mr. Denham outlining the conditions of the proposed transfer has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained this letter is similar to a proposal in front of council some years ago. At the time the deal did not happen and the Mason’s and Oddfellows decided to pay for their own water and maintenance. We didn’t request this to be brought back. He wanted to

see if the Council was interested in considering this. The letter includes conditions that the current property owner has. If council decides to move forward with this we would need to get the Engineering Department involved with some surveying to get a better idea of what the existing space is.

Bob Denham, Trustee Elko Masonic Lodge, said that survey has already been done. He provided a map layout of the facility. If you look on the west side of the facility, there is probably an excess of 800 usable plots to the city. Those plots have been surveyed and turned to the city in the 1940's.

Mr. Calder said if we did accept ownership of the cemetery we would like to integrate that cemetery into our database. There would be some cost in doing that. It would be beneficial to people looking to purchase lots.

Councilwoman Simons noted our cemetery is running out of space. How long would this possibly extend our cemetery?

Mr. Calder said lot sales have slowed in the last 10 years.

James Wiley, Parks and Recreation Director, doesn't have the exact number of lots sold. We do average about 4 burial services each month. This would give us some years. He has spoken briefly with Jan Peterson. She assists in selling these lots too. She is all for this.

Councilman Schmidlein said overall this would be a great benefit for the city to acquire. It will extend our cemetery for a number of years. It will help us.

Mr. Calder said when we went through the Master Plan process we identified future cemetery sites. We came back with an amendment to that maybe two years ago and identified some property below the Indian View tanks and above the 8 mile drainage. The Veteran Administration also looked at working with us. These are plans that will take time. He thought we had 8-10 years left in our cemetery and this acquisition would give us more time to plan and budget.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the request to transfer the ownership and direct staff to work with the City Attorney's office and the Masons and Odd Fellows to come up with the necessary document to begin the process.**

The motion passed unanimously. (4-0)

- A. Ratification of the Police Chief issuing a 60-day temporary Retail Liquor License and possible issuance of a regular Retail Liquor License to Florentino Ayala and Acela Ceja, dba Cabo, located at 449 Railroad Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Ben Reed, Jr., Police Chief, explained the bar there was previously the Cantina. It sold a couple of months ago. He did meet with the two applicants because this is a bar. They were provided copies of the Elko Liquor Code. There have been no problems since they have been operating on

a temporary license. They passed the background check successfully. He recommended ratification and issue a regular license.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to ratify a 60-day temporary retail liquor license and approve the issuance of a regular retail liquor license to Florentino Ayala and Acela Ceja, dba Cabo, located at 449 Railroad Street, Elko.**

The motion passed unanimously. (4-0)

II. APPROPRIATIONS (Cont.)

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

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

The motion passed unanimously. (4-0)

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

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the Print ‘N Copy warrants.**

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

VII. REPORTS

A. Mayor and City Council

Councilman Keener asked if the new janitorial service started. Chief Reed said they have not started working. The service has stated that they cannot find anyone to do the work. Today he discussed with Shanell and Curtis what they would have to do. They are considering hiring in-house staff for this. Curtis added that if we do create an emergency position it would be a temporary part-time position for a maximum of 20 hours per week. That would be the extent of what we could provide with the allotted budget.

B. City Manager – Report on Meridian Pacific Airport Property Lease

Curtis Calder reported on the Meridian Pacific Airport Property Lease. They had until the end of June. They have decided to move forward and the City Attorney is drafting a Memorandum of Lease. Councilman Schmidlein asked Mr. Calder about the decision for the tax exempt issue on airport property. Mr. Calder answered that hearing was scheduled for July 12, 1:30 to 5:00pm.

C. Assistant City Manager

Scott Wilkinson reported the Cedar Street Project is proceeding well.

D. Utilities Director

Ryan Limberg confirmed the Cedar Street project is going along well. Exit 298 should be done by the end of next week.

E. Public Works

- F. Airport Director
Mark Gibbs reported on commercial drones coming to the airport and the new regulations.
- G. City Attorney
- H. Fire Chief
Chief Griego handed out a copy of the most recent newsletter (Exhibit "A").
- I. Police Chief
Chief Reed reported the Elko Motorcycle Jamboree went fairly smooth this year. Attendance was down from the previous year and arrests were up. The case regarding the hit-n-run fatality crash, the Police Department worked well on that. They are working to strengthen the case.
- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director
James Wiley reported on the Golf Course project.
- O. Civil Engineer
- P. Building Official

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Review, consideration and possible action to conditionally approve Preliminary Plat No. 4-16, filed by Scott Reutner Properties, for the development of a subdivision entitled Aspen Heights Estates involving the proposed division of approximately 2.5 acres of property into 9 lots for residential development within an R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the preliminary plat on June 7, 2016, and took action to forward a recommendation to City Council to conditionally approve Preliminary Plat No. 4-16. CL

Cathy Laughlin, City Planner, explained this proposed subdivision consists of 9 lots that range in size for a density of 3.54 units per acre. The property is bound to the south, east and west by developed city properties. Part of the subdivision will be a cul-de-sac roadway to be dedicated to the City. The property is not located in the redevelopment plan but parts are located in the five year capture zone. It is consistent with the Master Plan. The applicant is present along with his engineer. There are some conditions listed in the memo from the Development Manager. This is off Celtic Way. The school district owns the property across the street.

Councilman Schmidlein asked in reviewing the requirements, it states about fire hydrants shall comply with the 2012 International Fire Code. Have we adopted the 2012 fire codes?

Chief Griego answered because of the size of our population, we are under an agreement with the State Fire Marshal's Office to provide our own codes but under certain circumstances like this we have to go with the more stringent codes. The state has adopted the 2012 codes.

Mayor Johnson called for public comment.

Todd Compston, 2761 Shadow Ridge Dr., asked will there be a retaining wall and how high will it be.

Scott Wilkinson, Assistant City Manager, answered there will be drainage there along the property line so he didn't think there was going to be a retaining wall there at all. There will be some type of storm water drainage.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to conditionally approve Preliminary Plat No. 4-16 for the Aspen Heights Estates Subdivision subject to the conditions as recommended by the Planning Commission.**

**See amendment to motion below.*

The motion passed unanimously. (4-0)

After the motion but before the vote, Tom Ballew, 640 Idaho Street, High Desert Engineering, said he has one item in the conditions that he wanted to discuss. The rest are fine and some were met in the original submittal. The condition he wanted to talk about is item #11. This kind of problem we run into every time we build a cul-de-sac (Exhibit "B"). In lot 5, it says 96.58 feet. The Planning Commission wanted that to be 100 ft. because of a code item that talks about lot depth. Lot 5 is larger than the minimum lot size requirement. We can add that 3.5 feet and push the cul-de-sac up but that will crowd the frontage on the other four lots. We are not trying to make minimum size lots. Our minimum lot is almost 9,000 ft. Looking at Exhibit 2 (Exhibit "C") there are other lots in the area that are not even close to the minimum depth the Planning Commission is asking for. He asked that City Council consider allowing the lot depth of 96.58 ft. on lot 5.

Mr. Wilkinson said staff recommended a modification of standards, which is allowed under the subdivision code, to allow for the proposed layout. Planning Commission debated that for some time but felt they could just shorten the street and make it work. Staff felt the proposed layout was appropriate. Staff had a recommendation for a modification of standards for lot 5 to be granted by the Planning Department, finding that while the lot does not meet the required depth, the lot does exceed the minimum lot area and has a buildable area for a house consistent with the proposed subdivision. It would be consistent with the neighborhood.

Councilman Schmidlein amended his motion to add: ***"and proposed layout modifications for lot 5 as submitted with the original application."*** Councilwoman Simons seconded the motion.

Council voted on the motion.

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