

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

SS July 23, 2013

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 23, 2013.

This meeting was called to order by Mayor Chris Johnson.

NOTE: The order of the Agenda has been changed to reflect the order business was conducted.

Mayor Present: Chris J. Johnson

Council Present: Councilman Rich Perry
Councilwoman Mandy Simons
Councilman Robert Schmidlein

Council Absent: Councilman John Rice

City Staff Present: Delmo Andreozzi, Assistant City Manager
Ryan Limberg, Utilities Director
Dawn Stout, Administrative Services Director
Ben Mangeng, Information Systems Manager
Shanell Owen, City Clerk
Matt Griego, Fire Chief
Mike Hecht, Deputy Fire Chief/Fire Marshal
Dennis Strickland, Public Works Director
Scott Wilkinson, Development Manager
Doug Gailey, Human Resources Manager
James Wiley, Parks and Recreation Director
Mike Hess, Landfill Superintendent
Rick Magness, City Planner
Lorraine Martinez, Accounting Supervisor
Ted Schnoor, Building Official
Don Zumwalt, Police Chief
Mark Gibbs, Airport Director
Tom Coyle, Assistant City Attorney
Diann Byington, Recording Secretary

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

APPROVAL OF MINUTES July 9, 2013
FOR POSSIBLE ACTION

*The minutes were approved with the insertion/replacement of
Section IV. New Business, Item B.*

Mayor Johnson said that Scott Wilkinson asked that we take out Section IV. New Business, Item B and insert minutes that are more verbatim.

Councilman Perry asked Mr. Wilkinson why he wanted this changed to the verbatim rather than the minimum.

Scott Wilkinson, Development Manager, answered the minutes didn't include a statement from NDOT.

I. PRESENTATIONS

- A. Reading of a Proclamation by the Mayor recognizing July 28, 2013 as "Parents Day" in the State of Nevada.

Mayor Johnson read the proclamation. (Exhibit "A")

- B. Reading of a Proclamation by the Mayor recognizing August 6, 2013 as "National Night Out"

Mayor Johnson read the proclamation. He presented Chief Zumwalt with a copy of the proclamation. (Exhibit "B")

Chief Zumwalt explained National Night Out will be held August 6th at Johnnie Appleseed Park.

- C. Presentation of service plaques to former Planning Commissioners Mr. Vaughn Frei, Mr. Nick Tompkins, and Mr. Doug Owen

Mayor Johnson presented a plaque to former Planning Commission member, Doug Owen.

Doug Owen said he had enjoyed his time on the commission.

Mayor Johnson read the plaques for Vaughn Frei and Nick Tompkins who were not in attendance.

- E. Presentation by Gilmore Graves Industrial, LLC, introducing a concept for a Public-Private Partnership that includes the land area between Elko Regional Airport and Interstate 80 – **NON-ACTION ITEM – INFORMATION ONLY**

Jack Gilmore explained he and Ross Graves have been working with Elko County on the Railport Industrial road. In doing the research to do that master plan they learned a lot about the industrial market in Elko County, the City of Elko and the trade area. That research leaves them to believe there is a demand for industrial growth in this market. The airport area is set very well for development consideration. He would like a nod from council that they would like to pursue a private/public partnership to develop the airport area and create a tax base. (Exhibit “C”)

- D. Presentation by the Nevada Division of Forestry on the “Wildland Fire Protection Program”- **NON-ACTION ITEM – INFORMATION ONLY**

Pete Anderson, Division of Forestry, gave a brief overview of the Wildland Fire Protection Program using a presentation. (Exhibit “D”)

Councilman Perry asked about the risk assessment that has been done. When you look at the amount of federal land in a county, you are assuming it is the BLM or the federal agency that is fighting that on federal land. NDF’s component of that is on private land?

Mr. Anderson answered that by statute NDF’s responsibility is state and private lands. Any fire in the state is a multi-jurisdictional fire and you typically end up in a unified command.

Councilman Perry said there is a big change in the county and we are trying to figure out the impact it will have on the city Fire Department. This is a county program with an insurance policy that the county does not want to buy?

Mr. Anderson answered that the program is voluntary. It is an insurance policy. Each city and each county needs to be looked at individually.

II. PERSONNEL

- B. Review, consideration, and discussion of a policy that would require certain City employees to maintain residency inside the city limits, or within a reasonable response time, and matters related thereto. **FOR POSSIBLE ACTION**

In recent years, there have been discussions about whether or not to require certain City employees to maintain residency within the City of Elko. The recruitment for the position of Police Chief will be coming before the Council soon, and Staff is requesting direction on whether or not residency will be required of that position before a decision must be made. It would also be a good time to discuss residency requirements for other Appointed Officials and Department Heads that are required to respond during an emergency situation.
DG

Doug Gailey, Human Resources Manager, explained he has prepared a PowerPoint to make it a little easier. (Exhibit "E") He went over each position and if they would have to respond to an emergency with a reasonable response time.

Mayor Johnson asked what would be a reasonable response time.

Mr. Gailey thought a reasonable response time would be within 10 minutes. He continued with his presentation. If we do decide to do this we need to grandfather the existing ones that live in Spring Creek.

Chief Zumwalt said he doesn't have a stake in this because he is leaving. He thinks council needs to separate philosophy vs. practicality. If the police chief needs to live in the city, philosophically you want that chief to take ownership of the community. Practically, if a police chief comes in and they want horses with 10 acres and room it may limit the recruiting and promotional opportunities. When the chief retires and it is time for a possible promotion, the candidate would have to move. If there is a police emergency the lieutenants probably would get the call first and then the captain. If it hasn't been resolved by the duty people and a couple of administrators the chief might get called. Typically he is not a first responder. A police chief may be the last responder if he has to respond at all.

Chief Griego agreed the on-call personnel respond and then the call goes out if they need help.

Alan Kightlinger (former Fire Chief) thanked council for hearing this issue. When he retired he searched for a policy like this and found that there wasn't one. He took it upon himself to have a public discussion about it. He believes that it goes a little bit beyond the emergency responses. He felt Mr. Gailey was right when he said "something needs to be in writing." He felt there should be three stages to this: Required; Recommended; and, Preferred. That way when entry level employees get hired they are aware that a policy exists as they promote through. He included in his resolution that this would be grandfathered in for all current positions. It was a condition of his employment back in 1997 because the administration believed there was a hard and firm policy. He sold his house in Spring Creek and moved to town.

Councilman Schmidlein felt this was a difficult item to address. As city council we are required to live within the city limits. With a lot of people working for the City of Elko he looks at it differently and taking pride in their own community that they live in. It's a catch 22. We all rely on tax base to pay all the wages. The more support we get of people intending to live in the city limits would be beneficial. As far as response time goes, that can be difficult.

Councilwoman Simons said she doesn't think it's their business to tell people where they should live. People have a stake in the city because their job depends on it. If Elko doesn't succeed then they might not have a job.

Councilman Perry believed that there is a reasonable expectation for city residents that certain people live within the city. This isn't driven by the emergencies as the need for people that represent the city; those being the appointed and elected officials.

Mayor Johnson felt they were where they were last time. It was a split vote before. We are lacking one councilman. The argument could go either way. He is concerned that we are in the midst of police recruitment. He wasn't sure how a requirement like that would change the recruitment. He wanted to wait and vote on this item when Councilman Rice could participate.

Councilman Perry proposed that we draft this accordingly. Would we do an ordinance or a policy?

Shanell Owen, City Clerk, said an ordinance makes it stronger than policy.

**** A motion was made by Councilman Perry, seconded by Councilman Schmidlein, to direct staff to draft an ordinance requiring appointed officials that are employees of the City of Elko to be required to live within the city limits not retroactively to existing incumbents.**

The motion passed. (3-1 Councilwoman Simons voted no.)

V. UNFINISHED BUSINESS

- C. Review, discussion, and possible action to approve or modify the terms of a proposed negotiated resolution of the Verified Complaint, file no. 2013-002, for liquor licensee disciplinary action filed against LAURIE SUE GARDNER and RONALD ALLEN GOLDIE, dba GOLDIE'S, or to direct the matter be brought to a hearing before the City Council as expeditiously as practicable, and addressing other matters appropriately related thereto. **FOR POSSIBLE ACTION**

On June 25, 2013, the City Council approved a similar agreement with Hadlor, Inc. dba Horshoe Club. Since that meeting, the ownership of Goldie's has agreed to the terms outlined in the enclosed agreement. CC

Mayor Johnson asked Mr. Goldie if they were in agreement with the terms as presented to the City Council. (yes)

Tom Coyle, Assistant City Attorney, said this is an agreement that is substantially the same as the Horseshoe agreement. There were some slight modifications. He asked council to approve the agreement.

**** A motion was made by Councilman Perry, seconded by Councilwoman Simons, to approve the terms of the proposed negotiated resolution with Laurie Sue Gardner and Ronald Allen Goldie, dba Goldies.**

The motion passed unanimously. (4-0)

III. APPROPRIATIONS

- E. Review, discussion, and possible approval to authorize the Golf Course to purchase mowing equipment from a shared governmental contract, (NIPA)

National Intergovernmental Purchasing Agency, in accordance with NRS 332.195, Joinder or Mutual use of contracts, and matters related thereto. **FOR POSSIBLE ACTION**

The Golf Course was approved to purchase a new mower for the current fiscal year with a budget of \$35,000. NRS 332.195 authorizes the use of joinder contracts within or outside the State of Nevada for the acquisition of equipment with the authorization of the contracting vendor. Turf Equipment and Irrigation has provided authorization for the use of the National IPA contract to the City of Elko for the purchase of this equipment. A copy of the purchase amount has been included in the packet. JW

James Wiley, Parks and Recreation Director, explained there was a similar item on the last agenda. The golf course had been approved to purchase a piece of equipment. The budget is \$35,000. The bid is \$32,000 and change. We are under budget.

Councilman Perry said we are buying a new mower. Are you getting rid of the old mower?

Brian Mickels answered the equipment that we are replacing is DOA. It will be put in the upcoming auction and sold.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to authorize staff to purchase mowing equipment through the governmental co-op contract NIPA.**

The motion passed unanimously. (4-0)

- C. Review, consideration, and possible approval to authorize Staff to solicit bids for the West Idaho Street Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project was approved by the Council in the Fiscal Year 2013/2014 Budget and Street Inventory. The project will consist of the installation of approximately 3,000 lineal feet of curb, gutter, and sidewalk and street lighting. DS

Dennis Strickland, Public Works Director, explained this became an issue with NDOT's plan for 2014. It used to be an old state highway. It is now city infrastructure with no storm water management. The estimate may be around \$400,000.00. We have about \$700,000 that we were looking at spending. This will provide us with curb and gutter, some pedestrian access, street lighting and storm drain upgrades.

John Carpenter wanted a further explanation of what is really going to happen out there. Will the city do hot springs road or will Gateway have to do that?

Mr. Strickland answered we have some improvements that would be potentially their responsibility but that hasn't been fully vetted out yet. We have design up to the railroad tracks.

John Carpenter asked who will pay for this.

Mr. Strickland answered that hasn't been totally vetted out at this time.

John Carpenter doesn't think that sidewalk is needed at all out there. Some of these people out there won't be paying anything other than Gateway. He said he was confused because he was told this was not going to be on the agenda and it is on the agenda.

Mr. Strickland stated that the Gateway deferral is not on the agenda and that is not what they were there to discuss. This is the authorization to go to bid. The sidewalk component is about \$81,000.00 of the total bid price.

Mayor Johnson asked if the city decided to pay for it all is that something the budget could handle. (yes)

Susan Thornburg, Gateway RV, said she was told there will be a two inch lip and it is all going to be all parking except 50 feet from the corner. People are still going to be pulling in and pulling out because there is not enough room to pull through. The Gateway RV building sits below the roadway. Putting a lip there will not detour much of the water.

Councilman Schmidlein asked what is the city saving by the state picking up the tab for paving that roadway.

Mr. Strickland answered maybe close to \$400,000.

Councilman Perry asked do you have designs for this. (yes) When will NDOT do this?

Mr. Strickland answered we need to be done with our part by May or June next year.

Councilman Perry believed strongly we need to do this.

**** A motion was made by Councilwoman Simons, seconded by Councilman Perry, to authorize staff to solicit bids for the West Idaho Street Project.**

The motion passed unanimously. (4-0)

- D. Review, consideration, and possible award of the bid for a new wheel loader for the Solid Waste Department, and matters related thereto. **FOR POSSIBLE ACTION**

The deadline for submitting bids was 3:00 p.m. local time on July 11, 2013, and four (4) bids were received. DS

Mr. Strickland explained when we budgeted for this we didn't know what our trade-in would bring. We budgeted the entire retail price. Cashman came in below everyone else that bid this.

We recommend award to Cashman Equipment with the extended warranty for a total of \$253,525.00. (Exhibit “F”)

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to award the bid for the new wheel loader for the Solid Waste Department to Cashman Equipment Company for \$253,525.00 which includes the extended three year warranty for \$5,142.00.**

The motion passed unanimously. (4-0)

IV. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 8-13 for The Pointe at Ruby View Phase 2B subdivision, filed by The Pointe II LLC., for the proposed division of approximately 13.01 acres of property into 26 lots for residential development within an R1 (Single Family Residential) Zoning District, and matters related thereto, located generally northwest of Khoury Lane and E. Jennings Way (APNs 001-566-036, 001-567-001 thru 001-567-010, and 001-567-017), and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this Final Plat on July 10, 2013 and took action to forward a recommendation to City Council to conditionally approve the Final Plat. SW

Scott Wilkinson, Development Manager, explained he had to revise his memo dated July 16, 2013. He recommended approval subject to the conditions as recommended by the Planning Commission and updated by staff.

Bob Thibault, Summit Engineering, made some comments and offered to answer questions.

Ryan Limberg, Utilities Director, said NAC445A requires the city to issue will-serve letters. We need to do water modeling before we issue those will-serve letters for subdivisions at the final map stage. We are currently updating our water model and expect to have that complete by August 6. He won't be able to issue will-serve letters until we have the updated model back.

**** A motion was made by Councilman Perry, seconded by Councilman Schmidlein, to conditionally approve Final Plat No. 8-13 for the Pointe at Ruby View Phase 2B subdivision subject to the conditions as recommended by the Planning Commission and updated by staff.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible action to conditionally approve Final Plat No. 7-13 for the Autumn Colors Estates Phase 2 subdivision, filed by Autumn Colors LLC., for the proposed division of approximately 6.89 acres of property into 60 lots for residential development within R (Single Family and Multiple Family Residential) and CT (Commercial Transitional) Zoning Districts, and matters related thereto, located generally north of Mountain City Highway approximately

140 feet west of Snowy River (APN 001-01F-084), and matters related thereto.
FOR POSSIBLE ACTION

The Planning Commission considered this Final Plat on July 10, 2013, and took action to forward a recommendation to City Council to conditionally approve the Final Plat. SW

Mr. Wilkinson explained of the 60 lots, 24 of the lots would be townhome lots. That would be within the commercial transitional district which is along the Mountain City Highway frontage. Then we have 36 single family lots transitioning from Autumn Colors further up to the north. He recommended conditional approval as recommended by Planning Commission and updated by staff.

John Bailey, Bailey Homes, phase 1 is going great. They are sold out. They are well into construction. He thought they were fine with staff's conditions.

**** A motion was made by Councilman Perry, seconded by Councilwoman Simons, to conditionally approve Final Plat No. 7-13 to the Autumn Color Estates Phase 2 subdivision subject to the conditions as recommended by the Planning Commission and updated by staff.**

The motion passed unanimously. (4-0)

VI. NEW BUSINESS

- C. Review, consideration, and possible action to fill three vacancies on the Elko City Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

On June 25, 2013, City Council accepted letters of resignation from Nick Tompkins and Vaughn Frei effective immediately, and one from Doug Owen effective July 17, 2013. Staff conducted the standard recruitment process, and has received five letters of interest to serve on the Planning Commission, copies of which are included in the Council packet. One appointment will fill the remaining term of Vaughn Frei expiring in July 2015, a second appointment will fill the remaining term of Nick Tompkins expiring in July 2016, and the third appointment will be for four years expiring in July 2017. RM

Rick Magness, City Planner, explained all applicants seem qualified and they all reside within the City of Elko.

Mayor Johnson said all applicants are here tonight. He asked that each one addresses the council.

David Freistroffer, Court Street, said he is an employee of Great Basin College and has lived in Elko for six years. Recently he was the Faculty Senate Chair. He has always been involved in government at some level wherever he has lived. It is important to be involved to understand the decision process that goes on in a community.

Todd Valline works for the Governor's Office of Economic Development. He has lived here for about ten years. He has had the opportunity to work on the Chamber of Commerce Board of Directors, and other organizations. He has adopted this as his home after living all over the country. He is very interested in how Elko proceeds with its growth.

Joe Becker, Sewell Drive, said he has been in Elko for eight years. He is originally from the San Francisco Bay area. He has enjoyed watching Elko grow and flourish. He wants to be more involved in the economic development of Elko.

Aaron Martinez moved here from Wyoming when he was 5 years old. He had been in Reno for about 12 years before moving back here and opening up his own engineering business. He cares about what happens to this community and how it is planned out. He wants to be involved in those decisions to better support the community and his family. He felt this community made him what he is today.

Chris Birdzell, Willow Street, said he has lived in the neighborhood for the last seven years. He went to school here and high school in Wells. His family has been here for maybe four generations. He has a stake in the county and Nevada. He cares about what happens in Elko and wants to get involved in the planning.

Mayor Johnson said today we are a 4 member board. If there had only been three applicants then any three of you would have been great. If not chosen tonight you can participate in the process in other boards.

**** A motion was made by Mayor Johnson, seconded by Councilman Perry, to recommend Joe Becker will be the first term, Aaron Martinez will be the second term and David Freistroffer will be the third term.**

The motion passed unanimously. (4-0)

Mr. Magness said we will proceed with the training for those that were selected. They will have to be active the first Tuesday of next month. He thanked everyone that participated. Everyone had great qualifications. There are plenty of boards where they can volunteer.

III. APPROPRIATIONS (Cont.)

- B. Review, consideration, and possible issuance of final acceptance for the Cemetery Fence Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

The Cemetery Fence Replacement Project was awarded to Glacier Construction on April 23, 2013. Glacier has since completed the project with one (1) change order in the amount of \$1,760.00. Staff recommends final acceptance of the project. JD

James Wiley, Parks and Recreation Director, explained the work made a dramatic change. The contractor was great to work with. There was one change order. That change order is related to the amount of concrete that we encountered attached to the old fence. There were some additional costs in terms of disposal.

Councilwoman Simons said at one time we talked about having some sort of entrance marker. This doesn't include that, right?

Mr. Wiley answered when we got into the project, we budgeted \$55,000.00 for the project. We were a little naïve thinking that the fence would be more economical. We had \$10,000.00 set aside for some entryway signage. We found out that entryway signage was a lot more than we had planned for so we just went ahead with the primary objective and got the fence done.

**** A motion was made by Councilman Perry, seconded by Councilman Schmidlein, to approve the final acceptance for the Cemetery Fence Replacement Project.**

The motion passed unanimously. (4-0)

II. PERSONNEL (Cont.)

- A. Review, consideration, and possible approval of the revised Elko City Policy for Appointed Officials, and matters related thereto. **POSSIBLE ACTION ITEM**

The current Appointed Official policy requires performance appraisals to be completed on Appointed Officials in January. Since the election date has changed, this does not give new councilpersons sufficient time to properly evaluate appointed officials. The recommended policy proposes a July performance evaluation, which would coincide with reappointment considerations. DG

Doug Gailey, Human Resources Manager, explained he included a red-lined version of the policy showing his recommended the changes to the policy.

**** A motion was made by Councilman Perry, seconded by Councilwoman Simons, to approve the amended policy as written effective July 23, 2013 and to direct council to do annual performance evaluations immediately with annual increases retroactive according to what was in the budget.**

The motion passed unanimously. (4-0)

III. APPROPRIATIONS (Cont.)

- F. Review, discussion, and possible approval of a Memorandum of Agreement between the City of Elko and The Furman Group, Inc., for professional federal government relations and other consulting services, and matters related thereto. **FOR POSSIBLE ACTION**

During the FY 2013/2014 Budget process, funds were budgeted for federal lobbying services. The lobbyist will provide assistance to the City for the development of water and wastewater infrastructure and federal property acquisition. A copy of the Memorandum of Agreement has been included in the agenda packet for review. CC

Scott Wilkinson, Development Manager, explained at one point we were looking at RDA funds contributing \$42,000.00 if we were going to pursue that rail property. We are not sure if that is going to be included. If not we have enough in our budget to pick up the full amount. Then we would be looking at grant money for utility infrastructure for areas of the community that are not served. We would also be utilizing the Furman Group property acquisitions. They are asking for a retainer fee of \$10,000.00.

Councilman Perry said the two items we are desirous of are 1) to acquire some federal land around the city including the UP corridor and 2) the other is a 595 Federal Government grant to build water and sewer infrastructure.

Mr. Wilkinson explained there is an extensive list for that 595 money. To get bumped to the front of the list you need to engage a lobbyist and have connections to be able to get your project focused on and move to the front of the list.

Councilman Perry thought this is a tough one. He doesn't think this is the time for this. He doesn't feel anything will move forward. He felt this needed a scope and strategy attached to it. He proposed tabling this for the time being.

Mr. Wilkinson asked if there were any timing issues if we table this.

Mayor Johnson said we missed it. They are in between sessions right now.

**** A motion was made by Councilman Perry, seconded by Councilman Schmidlein, to table item F which is the agreement with Furman Group until we have better scope of work and definition from City Staff.**

The motion passed unanimously. (4-0)

After the motion and before the vote, John Carpenter said he doesn't know what kind of a tract record these people have but that is a lot of money and not much happens within a year.

V. UNFINISHED BUSINESS

- A. Review and consideration of submitted data and/or arguments as to whether the proposed Fire Department Fee Schedule will impose a direct and significant burden upon a business or directly restrict the formation, operation, or expansion of a business, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 237.080, the City of Elko notified trade associations or owners and officers of businesses, which may be affected by the amended fee schedule.

Responses were due to the City by 5:00 pm on Friday, July 12th. No responses were received. After making a determination regarding the proposed rule, Staff will prepare a business impact statement to be considered during a subsequent public hearing. SO

Shanell Owen, City Clerk, explained the action is to decide whether the fee schedule will impose a direct and significant burden upon a business or directly restrict the formation, operation, or expansion of a business. As noted we did not receive any responses. If you decide the proposed rule does not impose a direct and significant burden at that point we will write the business impact statement, a notice will be published and then the meeting on August 13, 2013 is when the resolution will be adopted.

Chief Griego did receive phone calls from existing businesses asking how the new fees would affect them. For those that called him there would be no change.

John Carpenter said he went to the Fire Department and had a discussion. Most people would be concerned about raising the ambulance fees. He didn't see anything wrong with the fee increases.

**** A motion was made by Councilman Perry, Seconded by Councilman Schmidlein, to declare no direct or significant burden on the Fire Department fee schedule proposal and to direct staff to bring back a business impact statement and resolution at the August 13th meeting.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible approval to make an offer to purchase a portion of State Land located near the intersection of Statice Street and Ruby Vista Drive, and matters related thereto. **FOR POSSIBLE ACTION**

The Council took action to initiate the possible acquisition of the area at its meeting on August 28, 2012. The delineated area encompasses approximately 110 acres. The Council took additional action to have staff develop a tentative schedule to address the various aspects for acquiring the property and consideration to dispose of the property in compliance with Nevada Revised Statutes (NRS) 268.063.

This action was based on a letter of interest dated September 9, 2012 that was submitted by a local company exploring the potential to develop a partnership for the construction of an industrial park/regional facility. At this time, it does not appear the Council should base its decision on the letter of interest. The State has obtained two appraisals. The appraisals range from a 1.7 Million to 2.8 Million. Because of the disparity between the appraisals, the City obtained an independent appraisal. That appraisal valued the property at 1.2 Million.

This particular area is shown as having annexation potential for industrial land use in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary

Scott Wilkinson, Development Manager, explained he provided the background information from the previous meetings. He and Curtis Calder have talked to the State. They need the city to respond in some manner because the appraisals are about ready to expire. Curtis and he talked to Jim Lawrence and Dave Marlow and we let them know this will be going to City Council for consideration. One of the things talked about is if the city would make an offer of \$1.2 million what would the response be. It wasn't viewed favorably. He indicated they would recommend they don't accept the offer. One strategy would be to make an offer to state lands and then if it is refused or turned down then go to the Economic Office of the Governor. Boart Longyear expressed an interest verbally but not in writing. Boart has indicated that they may only be interested in 40-60 acres and are not interested in developing the whole 100 acres.

Councilwoman Simons said according to Pam Borda, NNRDA, we shouldn't have a problem filling that area.

Councilman Perry thought we would.

Mr. Wilkinson said he asked Pam if she had any leads. Her first response was that she had lots of leads. He felt he didn't get anything concrete from her. The problem is with development. Lots of times it will occur if the opportunity is there.

Councilman Perry thought this is DOA right now unless someone steps up and shows interest. He felt it looked like a good place to put NDOT.

John Carpenter said he felt this would be a good place for NDOT.

**** A motion was made by Councilman Perry, seconded by Councilwoman Simons, to not make an offer to purchase a portion of state lands located near the intersection of Statice Street and Ruby Vista Drive.**

The motion passed unanimously. (4-0)

VI. NEW BUSINESS (Cont.)

- A. Review, consideration, and possible approval to terminate agreement PR451-12-063 and enter into a new Local Public Agency (LPA) Agreement, R226-13-010, between NDOT and the City of Elko for the Mountain City Highway and Idaho Street Enhancement Project, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko entered into an LPA agreement on September 25, 2012, as stated in the original agreement the City of Elko was to hire a professional engineer and manage the project. Since that time NDOT has incorporated the project into their main roadway project and the terms of the original agreement needed to be modified to identify NDOT as the party responsible for design and construction

management. The City of Elko has been providing feedback in regards to the design elements and recommends incorporating the enhancement project into NDOT's road project in an attempt to minimize any disruptions to local businesses. The revised LPA Agreement has been provided in the Council packet for review. JD

Delmo Andreozzi, Assistant City Manager, said this is a stroke of good fortune for us. The only thing we are doing is terminating the agreement where we would have been the administer of that grant and let them do it. They get to manage the whole thing and we don't have to worry about any conflicts.

Councilman Perry asked we have a letter from NDOT saying they have terminated this agreement. Do we need to take action on this?

Mr. Andreozzi answered it wouldn't hurt to take action on that and formalize it.

Councilman Perry asked second part is to adopt the cooperative agreement.

Mr. Andreozzi answered yes and he reminded that on this agreement we have \$1.145 million worth of landscaping and infrastructure beautification that is going to be added. Our match on this is \$75,000.00. Some of the landscaping we will be required to maintain. There is a section of sidewalk that will be our part over near the airport that we will be responsible to maintain. Everything else will be maintained by the State.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to terminate the previous agreement and approve the revised LPA agreement between NDOT and the City of Elko for the proposed Mountain City Highway and Idaho Street Enhancement Project.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible approval of the City of Elko Fiscal Year 2012/2013 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as required by NRS 350.013, and matters related thereto.
FOR POSSIBLE ACTION

Pursuant to NRS 350.013, all entities must file the Indebtedness Report, an updated Debt Management Policy, and the Five-Year Capital Improvement Plan. The updated reports are included in the agenda packet for your review. DS

Dawn Stout, Administrative Services Director, explained- we only have a few bonds out there. We are only indebted \$14 million as of the end of June 30th. We are good on the first year of the five-year capital improvement plan. We are usually pretty good on the water and sewer plan because we pay engineers to do those for us. We are re-doing our models right now. Our indebtedness payment for all three bonds per year is about \$1.25 million.

John Carpenter said he is wondering about the five year capital improvement plan in the airport enterprise fund. There is an item in there to rehabilitate the apron panels due to failure. This year there is money from the settlement plus what the FAA will give you. Then there is \$2 million for each of the next 4 years. The FAA has committed to spending that money.

Ms. Stout said with these five year capital improvement plans, it was originally estimated that the complete replacement of that apron would be about \$10 million. We don't know at what intervals those will need to be replaced. The federal government has not committed to anything. If we get the funding it will probably get put into the capital improvement programs.

John Carpenter thought that was a bad message to send to the public. He is upset about what is happening at the airport and doesn't see any need for this in a public record document.

Ms. Stout said this is our best plan at this time. No one is committed to anything. It is just a plan.

**** A motion was made by Councilman Perry, seconded by Councilman Schmidlein, to approve the City of Elko Fiscal Year 2012/2013 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as submitted.**

The motion passed unanimously. (4-0)

VII. RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance No. 775, an ordinance amending Title 2, Chapter 13, Section 3 of the Elko City Code entitled "SIDEWALK, CURB AND GUTTER CONSTRUCTION", hereby permitting authorized tenant or lessee application for a sidewalk, curb and gutter waiver; requiring determination of a waiver by the City Council; requiring the waiver application to be based on evidence showing that it is impractical to install curb, gutter and sidewalk; deleting provision for appeal of the decision by the planning commission; deleting the temporary waiver provision, and matters related thereto, and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto.
- FOR POSSIBLE ACTION**

The code amendment is proposed to eliminate the conflict with regard to Planning Commission decisions prohibiting the Planning Commission from incurring a financial liability in the name of the City not provided for under Title 3 Chapter 4 of City code. The proposed amendment to the code also eliminates temporary deferrals. Staff recommends eliminating the temporary deferrals for the following reasons:

- The City is experiencing difficulties with the responsible party fulfilling its contractual obligations.
- The deferral agreements are not secured.
- The deferral agreements do not run with the land and the City has no viable recourse if the property changes ownership for any reason.

- The program does not appear to be manageable based on the above concerns. SAW

Scott Wilkinson, Development Manager, explained in the packet is the Ordinance with the changes identified. The way the code was originally written, waiver application was made to the Planning Commission. The Planning Commission really didn't have the authority to grant a waiver for curb, gutter and sidewalk if the City of Elko would incur that financial obligation going forward. We needed to have any waiver request come directly to the council. In addition to that we would like the applicants to demonstrate why it is impractical to install the curb, gutter and sidewalk rather than just submit a waiver application and have a passionate plea before the City Council. The deferral issues that we have that council has been dealing with for several months, we have anywhere from the high 30's to the low 40's of curb, gutter and deferrals out there. We will have to work through all of those issues. He felt it was best that we don't defer curb, gutter and sidewalk going forward. If there is a reason for a waiver that needs to come to City Council for consideration.

John Carpenter said he was wondering does this have any bearing on what is happening behind the Newmont building. Where they would like to park? There needs to be something done. This is a ground that you can get a little funding. Will this help that situation there?

Mr. Wilkinson answered it could. Newmont could present a case for a waiver to the city council. The city council could consider that small area and the adjacent land uses.

Mr. Andreozzi said this would be specific to just curb, gutter and sidewalk.

Mr. Wilkinson noted they would still have to do the other improvements for a parking area.

Councilman Perry said what this really does is change an existing ordinance that deals with curb, gutter and sidewalk waivers.

Councilman Schmidlein said this is eliminating deferrals and it becomes a permanent waiver.

Mr. Andreozzi said it isn't the waivers that get us into trouble. The deferrals are very challenging.

**** A motion was made by Councilman Perry, seconded by Councilman Schmidlein, to conduct the first reading of Ordinance No. 775 and direct staff to set the matter for Public Hearing, Second Reading and Possible Adoption.**

The motion passed unanimously. (4-0)

VIII. PETITIONS, APPEALS, AND COMMUNICATION

- A. Review, consideration, and possible ratification of the Chief of Police issuing a temporary retail liquor license and issue a regular retail liquor license to Gary K.

Moore, Costa Vida #93, located at 1664 Thomas Gallagher Way, Suite 100, Elko NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Zumwalt explained this was typed wrong at the last meeting. He recommended approval.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Perry, to ratify the 30-day temporary retail liquor license and issue a regular retail liquor license to Gary K. Moore dba Costa Vida #95 located at 1664 Thomas Gallagher Way, Ste. 100, Elko, NV 89801.**

The motion passed unanimously. (4-0)

III. APPROPRIATIONS (Cont.)

A. Review and possible approval of Warrants. FOR POSSIBLE ACTION

Mayor Johnson asked about a payment to the Elko County School District “Annual Maintenance.”

Ms. Stout answered it is the geo thermal line that we have to maintain. That is our annual payment to them.

Councilwoman Simons asked if there had been a wrecked police car.

Ms. Stout answered that is an old bill. It came from March or April and fell through the cracks and never got paid. We did receive the insurance payment and then we needed to pay the vendor that fixed the car.

Councilwoman Simons asked about \$58.00 for jalapeno cheese.

Ms. Stout answered that was for the Parks and Recreation program. They have the concession stand up at the softball complex.

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

The motion passed unanimously. (4-0)

IX. REPORTS

- A. Mayor and City Council
Councilman Perry shared an article with everyone called the Curious Case of the Fall in Crime. (Exhibit "G")
- B. City Manager – Special Council Meeting for the Tiki Hut Liquor License Hearing scheduled for Wednesday, August 7, 2013 4:00 P.M. in Council Chambers.
- C. Assistant City Manager
Delmo Andreozzi reminded that there is a Special Council Meeting for the Tiki Hut Liquor License Hearing scheduled for Wednesday, August 7, 2013 4:00 P.M. in Council Chambers.
- D. Utilities Director
Ryan Limberg will be bringing back an update on the WRF Biological Upgrade Project.
- E. Public Works
Dennis Strickland reported a consultant did some re-timing work on the traffic signals around town that seems to have helped. He said next year when they microsurface Silver Street he will be asking for council to approve some turning lanes near vogue laundry.
- F. Airport Director
- G. City Attorney
- H. Fire Chief
Chief Griego reported on the recent fires.
- I. Police Chief
- J. City Clerk
Shanell Owen reported the liquor proposed rules are out. Responses are due back August 2nd. Also September 10 is the Nevada League of Cities conference in South Lake Tahoe.
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
Doug Gailey reported on the Police Chief recruitment. He has the Appointed Officials evaluations ready to hand out.
- N. Parks and Recreation Director
James Wiley reported on the emergency purchases at the golf course. For both the PLC replacement and the VFD replacement up at the golf course the total amount was \$23,348.00. The vendor was I&E Electric.
- O. Civil Engineer

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