

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

SS July 28, 2015

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 28, 2015.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
Councilwoman Mandy Simons
Councilman Robert Schmidlein
Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
Dawn Stout, Administrative Services Director
Dennis Strickland, Public Works Director
Aubree Anderson, Human Resources Manager
Mark Gibbs, Airport Director
Ben Reed, Police Chief
Jeremy Draper, Development Manager
Matt Griego, Fire Chief
Rick Magness, City Planner
Ted Schnoor, Building Official
James Wiley, Parks and Rec Director
Dawn Leyva, Recreation Services Manager
Rebecca Hansen, Planning Technician

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 14, 2015 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. A Reading of a Proclamation by the Mayor in Recognition of National Night Out.

Mayor Johnson read the proclamation.

Police Chief Reed explained it is an opportunity to get out and connect with the community and will be held next Tuesday, August 4, 2015 at 6:00 p.m.

II. PERSONNEL

- A. Employee Introductions:

- 1.) Tim Young, Patrol Officer, Police Department

Present and introduced.

III. APPROPRIATIONS

- C. Review, consideration, and possible approval to award a bid for the Sewer Slip Line Project 2015, and matters related thereto. **FOR POSSIBLE ACTION**

This project was approved in the FY 2015/2016 Budget. Bids were opened on July 24, 2015. A Bid Tally Sheet and Staff recommendation will be provided at the meeting. RL

Ryan Limberg, Utilities Director, explained there were multiple bidders at the pre-bid meeting, but many had conflicting schedules and didn't submit a bid. They received one bid which had mistakes. He spoke with the City Attorney about it and we need to consider the bid non-responsive. He requested Council reject the bid as non-responsive and approve staff re-bidding the project in the early spring or late winter.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to reject the bid for the Sewer Slip Line Project 2015.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible authorization for Staff to amend the Sports Complex Scope of Work with MGB+A to include the completion of an

application to FEMA for a Conditional Letter of Map Revision (CLOMR) in the amount of \$11,550.00, and matters related thereto. **FOR POSSIBLE ACTION**

A portion of the grading work required for the Sports Complex is located in the floodway for the Humboldt River. Elko City Code 3-8-7 requires that any work taking place in the floodway is required to submit a CLOMR to FEMA prior to work beginning. A hydraulic study has been completed based on the proposed grading and the net result will be no increase in the base flood elevation along the Humboldt River as a result of the proposed work. JD

Jeremy Draper, Development Manager, explained the original scope of work with MGB+A was to do the hydraulic study. The consultant did that and they found that we would be in compliance with the new FEMA requirements for this.

Councilman Schmidtlein wondered what they approved last time.

Mr. Draper answered it was for the Army Corp of Engineers and the historic site study.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Rice, to authorize staff to amend the Sports Complex scope of work with MGB+A to include the completion of an application to FEMA for a CLOMR in the amount of \$11,550.**

The motion passed unanimously. (5-0)

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

In 2013, the City of Elko applied for and was successful in receiving a Transportation Alternatives Grant administered by NDOT. The project design has been completed and is in the final stages of acceptance by NDOT and authorized for construction. Staff is requesting authorization to bid upon acceptance of the plans by NDOT and a notice to proceed has been issued by NDOT. JD

Mr. Draper explained he received an email from NDOT that said the Environmental Division had an issue with the plans and they are working through that. They will not receive the Notice to Proceed until November and we will miss the deadlines. They would still like to seek authorization from Council to put this out to bid once we receive the notice from NDOT. We cannot bid it until we have notice from NDOT. We are looking at a January bid time right now.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to authorize staff to bid the Flagview Drive sidewalk project with a project estimate of \$615,000.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible authorization to solicit bids for the Jennings Way Sidewalk Project, and matters related thereto. **FOR POSSIBLE ACTION**

In 2013, the City of Elko applied for and was successful in receiving a Transportation Alternatives Grant as administered by NDOT. The project design has been completed and is in the final stages of being accepted by NDOT and authorized for construction. Staff is requesting authorization to bid upon acceptance of the plans by NDOT, and a notice to proceed has been given by NDOT for the project. JD

Mr. Draper explained this is Jennings Way from Bluffs to Mountain City Highway. This will be for curb, gutter and sidewalk on both sides of the road. We do have plans approved by NDOT and should have the Notice to Proceed within the next week.

Mayor Johnson noted that there was still some missing infrastructure further up and wondered if that was being considered.

Mr. Draper answered it would be continuous on the west side of Jennings.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to authorize staff to bid the Jennings Way Sidewalk Project upon a Notice to Proceed being issued by NDOT.**

The motion passed unanimously. (5-0)

IV. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 6-15 for the Autumn Colors Estates Phase 4 subdivision, filed by Autumn Colors LLC, for the proposed division of approximately 7.25 acres into 25 lots and three remainder parcels for residential development within an R (Single Family and Multiple Family Residential) Zoning District located generally in the northeast corner of the Snowy River Drive extension (APN 001-01F-317), and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item on July 7, 2015 and took action to forward a recommendation to Council to conditionally approve the Final Plat. RM

Mr. Draper explained Phase 3 was just completed. They had some comments regarding the map and they were addressed. He recommended approval with conditions as outlined.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to conditionally approve Final Plat No. 6-15 for the Autumn Colors Estates Phase 4 subdivision subject to the conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

V. UNFINISHED BUSINESS

- A. Review, consideration, and possible authorization of a request from Lamar Advertising for Council to recognize that they will not be collecting terminal advertising fees for the period of August 19-September 27, 2015 due to the temporary suspension of commercial airline operations in the terminal building, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Regional Airport will be closing the primary commercial service runway from August 17-September 28, 2015 for major reconstruction. This construction will preclude commercial air to the Elko market during the closure period. Lamar's contract with the City states, "any interruption of service caused by the Airport shall not constitute a breach of Contract, but the parties may mutually agree on the option of giving Advertiser an extension term of service or pro-rata credit equal to the period of interruption." Elko Regional Airport is in a revenue sharing agreement with Lamar Transit and Lamar will not be collecting revenues during the service interruption. There will be an estimated revenue sharing financial impact of \$3,000 during the entire 6 week suspension of airline service. The airport receives 30% commission on advertising sales inside the terminal building. MG

Mark Gibbs, Airport Director, explained this is a clarification of a previous agenda item. We won't be sharing in the revenue collected by Lamar Transit.

Mayor Johnson interpreted it was to extend the agreement. They will still have to pay but they won't have to pay until further down the road.

Mr. Gibbs said you will be irritating customers because the advertisers don't feel they should be paying for services when they don't have any customers in the terminal building.

Councilman Rice wondered if this was different from the decision made for SkyWest.

Mr. Gibbs thought it was different because the contract allows for either an extension of their contract or another agreement where they credit or waive collecting fees in advertising revenues. Your local advertisers won't be too happy when they have to pay for advertising.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to grant Lamar Transit a pro-rata credit equal to the period of interruption for the period of August 17 through September 28, 2015 in accordance with our contract.**

The motion passed unanimously. (5-0)

After the vote, Councilman Rice, said he assumed the pro-rata credit is \$3,000.

Mr. Gibbs answered that is the estimation Lamar gave him for that period of time.

VI. NEW BUSINESS

- A. Review, consideration, and possible approval of the City of Elko Fiscal Year 2014/2015 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 per NRS we have to do this every year. This is updated to reflect all the actions Council has taken to date on the new bonding. You have to include all proposed items in there including the five-year Capital Improvement Plan.

John Carpenter thought NRS stated you have to have an estimate of the maintenance of the facilities. Since the ball players think they are paying too much he thinks they should know where the maintenance is coming from before making a commitment to use all these monies for these projects. The 2 cent room tax is not going to pay for a \$6.5 million bond. We need the recreation facilities and he questioned where we are going to get the money to build them. There needs to be an estimate showing where the money will come from to pay for the maintenance of these new facilities.

Ms. Stout said the revenues generated by the 2% tax are listed in the Debt Management Policy under Sufficiency of Revenues on page 8. The 2% will generate about \$1.6 million per year. That is what we had to provide to the Debt Management Commission when they approved our financing. The new sports complex will replace the existing complex. The operating and maintenance will be handled the same as the maintenance on the current system, which is paid for out of the general fund.

Mr. Carpenter noted there was a 2% increase a few years back that was to go to pay back the debt at the Terminal Building. The portion of that money that is not used for that debt has to go back to the Convention Center. That 2 cents is not going to pay for the \$6 million bond issue. Here it states it will be paid in 20 years but the notice said 30 years

Ms. Stout explained the public notices that we have to publish for our bonding always go with the maximum amount but that doesn't mean that's what we are going to do.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the City of Elko Fiscal Year 2014-2015 Indebtedness Report, Debt Management Policy and Five-Year Capital Improvement Plan.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to reappoint Planning Commission member Joe Becker to an additional four-year term to expire July 2019, and matters related thereto. **FOR POSSIBLE ACTION**

Joe Becker's term expires July 2015. Pursuant to City Code Section 3-4-1, Planning Commission members shall be eligible for reappointment, and the terms shall be four years or until his/her successor takes office. Mr. Becker has indicated an interest to continue serving on the Planning Commission. RM

**** A motion was made by Mayor Johnson, seconded by Councilman Keener, to reappoint Joe Becker to the Planning Commission.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible granting of a utility easement to NV Energy across property owned by the City of Elko along Silver Street, and matters related thereto. **FOR POSSIBLE ACTION**

NV Energy is requesting the City grant an easement facilitating the relocation of power lines near the Silver Street Industrial Park. The power lines currently run through the site for the new Police Station. Granting of this easement is required for the relocation of the power lines. JD

Jeremy Draper, Development Manager, explained this would be ratification of staff's decision to grant this easement.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to ratify staff's decision to grant an easement to NV Energy across a parcel of land owned by the City as shown in the Exhibit.**

The motion passed unanimously. (5-0)

VII. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 25-15, donating a 1994 Street Patch Machine to the City of Carlin, and matters related thereto. **FOR POSSIBLE ACTION**

On July 14, 2015, the Council reviewed and considered this request. Per NRS 268.028, the Council must approve the donation by Resolution after the review and consideration. SO

Dennis Strickland, Public Works Director, said this finalizes the last step in the process to donate this unit to the City of Carlin.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve Resolution No. 25-15 donating the 1994 Street Patch machine to the City of Carlin.**

The motion passed unanimously. (5-0)

VIII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, discussion, and possible approval to direct Staff to revise the City of Elko Verification of Non Occupancy Form, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. William Weiner owns a rental property at 441½ Fir Street in Elko, Nevada and is charged a monthly water/sewer fee. Mr. Weiner is requesting Staff revise the Elko Municipal Water Department's Verification of Non Occupancy Form from a monthly form to a "one time only signature form." Mr. Weiner has provided Council with a letter dated October 13, 2014 from Ms. Cari Carpenter of the City Finance Department, and a copy of the Verification of Non Occupancy Form. DS

Dawn Stout, Administrative Services Director, explained this form is a courtesy to owners who have more than one service on a property. If you have that service you have to pay a monthly water bill for it. For those people who don't rent out their space we provide a Verification of Non-Occupancy for those months they don't rent those properties and they get credit. If they don't get that form each month staff doesn't know if it will be shut off or back on. The only way we can track these is through the Verification of Non-Occupancy. She suggested they don't allow a one-time signatory verification.

William Weiner, 441 Fir Street, explained he bought the property in 1999. This was set up so water service goes through his house to another residence behind his house. You can't shut the water off to the back house without shutting his water off too. In the past he has turned these forms in when he was between tenants. The form works fine for intermittent use. He has to pay a second bill if he doesn't turn in the form each month. He doesn't want to rent the place out anymore. He was told to tear out the plumbing but doesn't want to do that since it will affect his property value. Isn't this form a legal bond so the city can go back and bill them? What happens if he ends up in the hospital or something and can't submit the form? They can check just as easily as he can submit the form. Can't there be two forms? Right now the gas and electric are shut off to the house. He wants to see something a little less onerous for people like him.

Councilman Schmidlein wondered if he can do this online.

Ms. Stout answered staff has told him they will fill out the forms and all he has to do is send them back. He can remove the plumbing or put a new meter in.

Mr. Weiner said the options she is talking about will all cost him money out of his pocket. The meter will cost him \$2,000 and then \$40 per month. Tearing the fixtures out will also cost him money.

Councilman Rice wondered if the fixture could be terminated.

Mr. Weiner explained the valve is in his house and one is under his house. Both of those valves are currently turned off. Someone who is dishonest could turn them back on. He felt the form was a legally binding form.

Mayor Johnson noted the code would have to be changed to allow the changed form.

Councilman Rice's concern was someone who isn't so honest will fill out the same form. You want to keep the fixtures in there because it is an asset. However onerous you think it is it should be your responsibility.

Mr. Weiner said if he forgets to turn in the form then he gets a bill that isn't refundable or able to be credited to a future bill.

Ms. Stout explained if you stick them in the file for a one year check it's something that can get dropped through the cracks. We have a grant program that can assist with a meter installation and the meter fee is \$12/month.

Mayor Johnson felt bad about the inconvenience but the mass volume of requests is difficult to deal with. When we look at it from an invoicing and logistics side this makes sense. It would be difficult to make a change that may result in a big adjustment for the system.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to deny the request for staff to revise the Elko Municipal Water Department's Verification of Non-Occupancy form.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible acceptance of a petition requesting the City Council review the Herrera Complex Player Fees, and matters related thereto.
FOR POSSIBLE ACTION

The Elko Adult Players Association is requesting the City Council review player fees associated with the Herrera Complex. They are requesting an adjustment to the fees before the coed softball season begins. Council voted at its meeting on January 27, 2015 approving resolution 3-15, increasing a variety of recreational fees based on based on the cost of services provided. JW

James Wiley, Parks and Recreation Director, turned the microphone over to the Elko Adult Players Association.

Travis Gerber, Gerber Law Office, represented the Adult Softball League, which is a private league. The issue arose eight to ten years ago when the Herrera maintenance fund was created. It was supposed to be a way to improve the field maintenance. The players wanted a higher level of service so they implemented a \$15 fee to cover everything from lining the field to prepping

the fields for games. The money was also used to laser level the fields. In January the costs were going to increase from \$15 to \$20 per player. Now that the leagues have been changed from public to private leagues the level of services is decreasing. If you are going to charge a higher fee for the same level of service you should at least provide the same level of services that was being provided at the \$15 rate.

Mayor Johnson wanted to know what services should be provided

Mr. Gerber said field prep was being provided which included moistening the fields. The fields were being lined to the bases and the bases themselves were provided.

Mayor Johnson wondered how often the laser leveling happens.

Mr. Gerber thought it only needed to be done one time. A lot of this is regular maintenance that should be provided by the city for the general public. The player fee was to improve the field for the players. The City is arguing the league should pay for the maintenance.

Danny Story explained there is a bit that is done by the Recreation Department. He felt this service is no longer being provided and that was the sales pitch back in January. We can go back in the minutes where Mr. Wiley said there are rising costs for operations within the Recreation Department. The Recreation Department receives a subsidy to stay afloat. A lot of the sales pitch for the fee increase was the level of service that the Recreation Department provides. As far as the grooming of the field, the mowing, the striping and the outfield, they provide those services to the little league for only \$10 per player. They're not asking for anything above and beyond. They only want to be treated fairly.

Mayor Johnson wanted a clear understanding of the services being provided by the City.

Councilman Schmidlein wondered if the league was scheduling their own games, etc.

Mr. Story said yes they schedule their umpires, lining the fields, bases, etc.

Councilman Schmidlein wondered if the umpires are paid per game. (yes) Who pays for the concession stands?

Mr. Story wanted to do that in conjunction where the City runs that but the City retains those funds.

Councilwoman Simons noted they compare themselves to the youth leagues. Do the other private adult leagues pay for lights?

Mr. Wiley felt there was a misunderstanding in what the player's fee goes towards. Some things have some truth to them.

Mayor Johnson wondered if there was a written policy that the City will provide certain services for these fees.

Mr. Wiley explained that is a resolution which predates him where the player's fee was \$5. That \$5 was always set aside to go back into the facility. It is vague as to where the fees go. Once upon a time the Parks and Recreation Department had full management and oversight of the league. All of those costs were captured under one fee. We provided the full service. Little League is non-profit organization. They do most of the management of the league. The City provides mowing and grooming. We don't provide chalk or bases. There is general maintenance. The intent of the player's fees is they go back into the facility. Mr. Gerber mentioned laser leveling which cost \$9,000. They've done deep-tine aeration which cost \$2,500. There is some misunderstanding of what is provided when the City was fully managing the league. Some of the items mentioned were mowing, grooming, etc. which are daily basic needs. The spreadsheet shows the fees and income which is in the red. There are other services provided when they're not playing.

Mr. Gerber noted prior to the increase the lines were being provided as well as bases. In the past some of the funds were used for improvements so maybe there should be some accounting of the expenses. At the \$15 fee these services were still being provided.

Mayor Johnson asked if the City of Elko should provide general maintenance.

Mr. Gerber answered yes. He would like it back to paying \$15 per player and providing the same level of service that was provided before which also included services such as laser leveling. Now the bases are not being provided.

Mayor Johnson asked if the fees stay at \$25 per player then the league wants to see chalking and bases.

Mr. Story felt the parks and fields are going to get mowed anyway. That is general maintenance from the City. He thought the main reason for the increase was what the Recreation Department provided. They did provide a great service. The Recreation Department no longer provides service to us.

Councilwoman Simons wondered if the reason they saw "for just upgrades" was because it was written in the ordinance.

Mr. Story said that was how it was discussed eight to ten years ago when they went to the Recreation Department wanting the fields improved. We were told that if we wanted the fields improved then we needed to pay more money. We agreed to the \$15 dollars back then.

Mayor Johnson asked if they wanted the City to charge the \$15 and only use that for Capital Improvements.

Mr. Story explained they wanted the fee reduced to \$15 and City still do what they did before. We were only using one field this last season. The City had their own field. The City was doing the maintenance on both fields.

Councilman Rice said if we go back to \$15 then the expenses increase to \$9,200.

Mr. Gerber noted the City was providing general maintenance before the Herrera Fund. This fund was intended for improvements and upgrades rather than general maintenance. The City now wants to include that under general maintenance because the fees are being collected.

Councilman Rice said there wouldn't be that maintenance if there weren't players.

Councilman Schmidlein said Parks and Recreation has to maintain those fields anyway. They do it to all the fields. They want the same level of service that the other players are getting.

Mr. Wiley felt this was getting convoluted and the conversation was getting off tract. He wanted a few more minutes to explain how this all actually works.

Curtis Calder, City Manager, said when the fee increase went into effect in January all of the adult leagues were treated the same way. There was a definite difference in how the adult leagues and the youth leagues were treated. If you want to treat everybody the same, adults and youth, we will have to review and adjust all the fees based on cost.

There was more discussion about player fees and if the fees go towards field maintenance or improvements.

Mayor Johnson reiterated this was a request to City Council to reduce the player fees.

Further discussion and motion pertaining to this item was held following PUBLIC HEARINGS.

BREAK

The meeting was called back to order at 6:00 p.m. for Public Hearings.

IX. 6:00 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 795, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located approximately 1,650 feet southwest of Idaho Street and Youth Center Road in Section 36, T. 35 N., R. 55 E., M.D.B. & M., Elko County, Nevada, consisting of 41.40 acres, more or less, filed by Surebrec Holdings LLC and processed as Annexation No. 1-15, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition for the subject annexation on May 12, 2015, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation

on June 2, 2015, and took action to forward a recommendation of conditional approval with findings back to Council. City Council conducted First Reading of this Ordinance on July 14, 2015, and directed Staff to set the matter for Second Reading, public hearing, and possible adoption. RM

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to conduct the second reading and adopt Ordinance No. 795.**

The motion passed unanimously. (5-0)

- B. Second reading, public hearing, and possible adoption of Ordinance No. 796, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located generally on the west side of Sagecrest Drive approximately 665 feet north of Mountain City Highway in Section 8, T. 34 N., R. 55 E., M.D.B. & M., Elko County, Nevada, consisting of 3.00 acres, more or less, filed by Bailey & Associates LLC and processed as Annexation No. 2-15, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition for the subject annexation on May 12, 2015, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission tabled the request during its June 2, 2015 meeting since the applicant was unable to attend the meeting. It then considered the annexation on July 7, 2015, and took action to forward a recommendation of approval with findings back to the Council. RM

Mayor Johnson called for public comments without a response.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to conduct the second reading and adopt Ordinance No. 796.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible action to adopt Resolution No. 20-15, a resolution of the City Council adopting a change in zoning district boundaries from AG (General Agricultural) and R (Single Family and Multiple Family Residential) to C (General Commercial), involving approximately 4.099 acres of property located generally southwest of the intersection of Ruby Vista Drive and College Parkway, filed by BPL Partnership and processed as Rezone No. 8-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on July 7, 2015, and took action to forward a recommendation to Council to adopt a

resolution which conditionally approves Rezone No. 8-15. The conditions are being complied with. RM

Rick Magness, City Planner, explained the applicant is looking to join the parcels and the second parcel is going to be developed into a parking lot. Staff felt this was a good land use.

Mayor Johnson called for public comment without a response.

Councilman Keener wondered if the landlord will discourage parking along Ruby Vista once the parking lot is completed.

Mr. Magness thought you may still see some. This is for the employee parking to park farther out.

Councilman Rice asked why weren't the proper number of parking spaces put in the original development.

Scott Wilkinson, Assistant City Manager, thought that was part of the CUP for the State offices. It was a concern back then but the discussion centered on the development of this parcel if the problem continued.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to adopt Resolution No. 20-15.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible action to adopt Resolution No. 21-15, a resolution and order vacating the pedestrian easement located on the northwesterly side of APNs 001-630-077 and 001-630-078 consisting of an area approximately 1,400 feet in width by 15 feet in depth, which is located within the City of Elko, Nevada, to the abutting property owners, Riverside Villas Nevada LLC and Riverside Villas II LLC, filed and processed as Vacation No. 3-15, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of May 26, 2015, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of July 7, 2015, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 3-15 with findings in support of its recommendation. RM

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 21-15 which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible action to adopt Resolution No. 22-15, a resolution and order vacating a portion of the Village Parkway and Clarkson Drive rights-of-way approximately 103 feet in width by 5 feet in depth abutting APN 001-630-062, which is located within the City of Elko, Nevada, to the abutting property owner, Parrado Partners LP, filed and processed as Vacation No. 4-15 by The Capps Group Inc., and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of June 9, 2015, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of July 7, 2015, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 4-15 with findings in support of its recommendation. RM

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to adopt Resolution No. 22-15 which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible action to adopt Resolution No. 23-15, a resolution and order vacating the public access, utility, and drainage easement located generally on the northwesterly side of APN 001-660-0AD consisting of an area approximately 20 feet in width by 106 feet in depth, which is located within the City of Elko, Nevada, to the abutting property owner, MP Elko LLC, filed and processed as Vacation No. 5-15, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of June 9, 2015, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of July 7, 2015, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 5-15 with findings in support of its recommendation. RM

Mr. Draper explained we have a request from the property owner to table this. (Exhibit "A")

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to table this item.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible action to adopt Resolution No. 24-15, a resolution of the Elko City Council adopting a change in zoning district

boundaries from County General Agriculture to IC (Industrial Commercial) upon annexation of property to the City, involving approximately 41.40 acres of property located approximately 1,650 feet southwest of the intersection of Idaho Street and Youth Center Road, filed by Surebrec Holdings, LLC and processed as Rezone No. 4-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on June 2, 2015, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Rezone No. 4-15 upon annexation. RM

Rick Magness, City Planner, explained you just considered the annexation. This is a companion rezone.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to adopt Resolution No. 24-15 upon annexation of the property to the City.**

The motion passed unanimously. (5-0)

Mayor Johnson directed City Council to continue with the discussion regarding player fees.

VIII. PETITIONS, APPEALS, AND COMMUNICATIONS (Cont.)

B.

Dawn Leyva, Recreation Services Manager, explained in June 2005, a resolution was created to implement a \$15 player fee because the adult leagues came to us and asked if they could pay a \$15 player fee where \$5 of it went to the improvement of the fields and \$10 went to a player or a person to drag their fields. They had their own equipment to drag the fields and chalk. In 2007 the softball board asked if they could pay \$25 player fees if the City would drag and water their fields every day for them. They would still be responsible to pay electricity, chalk, etc. When we took over the league we kept the whole \$50 but put \$15 into the improvement fund. We didn't raise their fees when we took them over. From that time on the league paid \$25 player fees.

Danny Story said he held the position that Jerod Linder now occupies when Eric Howes was the Director. This is not about us trying to make anybody look bad. This is about equality across the board. The numbers don't reflect the number of players. The minutes say the softball is a self-sustaining entity. They pay for themselves. Mr. Wiley talks about hiring staff to administer the league. Parks and Rec mows all the parks. Even with them paying \$15 they are still paying more for the same level of service.

Mr. Calder explained we are expending \$15,560 and taking in \$10,575. At this point he would recommend increasing the fees to break even. He doesn't recommend reducing the fees.

Mr. Gerber said the spreadsheet is only the fees collected from the private league this year. It does not include the fees that the city collected from the city leagues. If those were included the

numbers would come out better. The fee was increased but no level of service was increased. We have to define what the fund pays for.

Councilman Schmidlein felt \$25 was pretty cheap. You're playing softball for \$2 a game. Expenses increase. This only shows 400 players when there are 600 players. We are getting ready to spend \$12 million to build a sports complex. In the end you will have a state of the art facility. At the end of the day you will be rewarded.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to deny the petition requesting the City Council to review the Herrera Complex player fees.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS (Cont.)

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

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

The motion passed unanimously. (5-0)

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

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

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

X. REPORTS

A. Mayor and City Council

Councilman Schmidlein wondered if the exterior fence at the Tennis Courts was built to the original bid scope of work. He thought it was supposed to be a 12 ft. fence and it appears to be a 10 ft. fence. Mr. Draper thought they did build to the specification. Mr. Calder noted the fence is lower than the one that was there before and they have received those comments.

B. City Manager

Curtis Calder heard from Glen Guttry they are looking at establishing a maintenance fund for roads based on populations. He wasn't sure how far along with that they are. This is in connection to the proposed sales tax increase.

C. Assistant City Manager

D. Utilities Director

- E. Public Works – Landfill Inspection Results
Dennis Strickland reported on the Annual Inspection at the Landfill. For the first time he received a letter stating that during the inspection there were no significant compliance issues observed. He thanked his staff for all of their hard work. Mr. Hess was told our facility is right at the top within the state.
- F. Airport Director
- G. City Attorney
- H. Fire Chief
Chief Griego handed out his monthly newsletter (Exhibit “B”). Gary Zunino left his position with Elko County Fire Protection so Linda Bingaman has taken over. They will back-fill her position.
- I. Police Chief
- J. City Clerk
- K. City Planner
- L. Development Manager
Jeremy Draper gave an update on the Police Station. There has been some cracking in the concrete at the control joints. Regarding the tennis courts, they are working with the contractor to complete the project. We want to make sure everything is address and completed before we open them up for players. Mr. Calder explained they have proceeded again with the performance bond. We had put that on hold because the contractor had come back but they have disappeared again and won’t communicate with us.
- M. Administrative Services Director
Councilman Keener would like to see how the downturn in 1999 impacted the occupancy levels in the hotels and sales tax revenue. Ms. Stout explained she can give them the numbers but to quantify that will be difficult. What would happen to the room tax if Elko has a decline? Typically they don’t go down more than 5%.
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

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

Mayor Chris Johnson

Shanell Owen, City Clerk