

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

SS August 9, 2016

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 9, 2016.

This meeting was called to order by Mayor Chris Johnson.

## ROLL CALL

**Mayor Present:** Chris J. Johnson

**Council Present:** Councilwoman Mandy Simons  
Councilman Robert Schmidlein  
Councilman Reece Keener

**Council Absent:** Councilman John Rice

**City Staff Present:** Curtis Calder, City Manager  
Scott Wilkinson, Assistant City Manager  
Ryan Limberg, Utilities Director  
Shanell Owen, City Clerk  
Aubree Barnum, Human Resources Manager  
Dawn Stout, Administrative Services Director  
Jonnye Jund, Accounting Manager  
Jeremy Draper, Development Manager  
Mark Gibbs, Airport Director  
Ted Schnoor, Building Official  
Bob Thibault, Civil Engineer  
James Wiley, Parks and Rec Director  
Mike Hess, Landfill Supervisor  
Cathy Laughlin, City Planner  
Dave Stanton, City Attorney  
Dennis Strickland, Public Works Director  
Matt Griego, Fire Chief  
Ben Reed Jr., Police Chief  
Rich Genseal, Police Lieutenant  
Ty Trouten, Police Lieutenant  
Diann Byington, Recording Secretary

## PLEDGE OF ALLEGIANCE

## COMMENTS BY THE GENERAL PUBLIC

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

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

Mike Lattin, Canyon Construction, said it was nice to be back tonight. He didn't know if anybody misses him but here he was. He came to see if we might be able to settle this Airport lawsuit. This Council and Canyon Construction owe the public for their patience and perseverance enduring this fiasco for the past nine years, including over \$4 million spent by the City in fees and Attorney costs in pursuit of Canyon. Sadly the taxpayer is the big loser. As usual the attorneys are the only winners and they won bigtime. As he told Curtis early on, often times you end up losing a lawsuit even if you win. Other than, I guess, the personal satisfaction that someone like Curtis might gain from this type of experience. He has been approached to sell Canyon Construction. The buyers don't want the outstanding liability associated with this lawsuit. He has been authorized to make a Offer of Judgment to settle this matter of attorney fees and costs in the amount of a half million dollars. That Offer of Judgment is effective tonight by deliverance of that (Exhibit "A"). Understanding this will be total and unconditional settlement of all outstanding claims and terminate all pending litigation. Basically the Airport fiasco would be behind us. The Council and Canyon recognize that whatever happens from this point on, the last nine years has been an unnecessary waste of time and money and should never have occurred. Sadly, the actions of this and prior Councils have cost the taxpayers around \$4 million dollars, as he mentioned earlier. This is more than the total project cost that was being litigated (\$3.3 million) and substantially more than the cost of the concrete apron that was in question that was \$1,650,000. This is money we all agree could have been better spent. You need to realize \$4 million would have paid a good portion of your new Police Station; would have paid part of the Rec Facility; could have been used for street improvements, but instead it went to a bunch of high priced attorneys and so-called experts. This matter should have been settled without ever getting to hiring an attorney but the lack of competence and experience on the part of the City Manager, Curtis Calder, prevented this from happening. Unfortunately, that is water under the bridge and it is beyond time for this Council to begin doing what is in the public's and taxpayers' best interest, getting this matter settled and behind us. So, this is before you for consideration within the next ten days.

**APPROVAL OF MINUTES:** July 26, 2016                      **Regular Session**

*The minutes were approved by general consent.*

## **I. PRESENTATIONS**

- A. A presentation of a Retirement Plaque to Corporal Joel Fairfield of the Police Department, for his ten (10) years of service, and matters related thereto.  
**INFORMATION ITEM ONLY-NO ACTION WILL BE TAKEN**

Mayor Johnson read and presented a plaque to Joel Fairfield.

Police Chief Reed spoke favorably about the service Mr. Fairfield has brought to the Police Department and wished him the best.

Joel Fairfield, Police Corporal Advanced, expressed his appreciation serving and working for the City of Elko.

- B. A presentation of a plaque to Fire Marshal Joshua Carson, for his seven (7) years of service, and matters related thereto. **INFORMATION ITEM ONLY - NO ACTION WILL BE TAKEN**

Mayor Johnson read and presented a plaque to Josh Carson.

Fire Chief Griego expressed his gratitude to Josh Carson for his service in the Fire Department and for everything he has done for the community.

Josh Carson, Fire Marshal, thanked the City Council for the pleasure of working with the Fire Department the last seven years.

- C. Presentation of a Certificate of Completion for the “Managing Officers Program” to Captain James Johnston II, and matters related thereto. **INFORMATION ITEM ONLY- NO ACTION WILL BE TAKEN**

Chief Griego explained that James Johnston II recently attended the National Fire Academy and has been doing that for several years. He went into the very first Managing Fire Officer’s program. He presented Mr. Johnston with a Certificate of Completion from the National Fire Academy.

James Johnston II, Fire Captain, said was a 2-year commitment. He went back to Emmitsburg, Maryland twice and had projects he had to complete. He had to take courses throughout the state and eight online courses, as well. The best thing that happened was that he met people with the same interests and has created friendships that may last the rest of his career. He thanked the Chief and City Council for allowing him to go to this class.

- D. Airport Master Plan Informational Session 1. Historical Analysis of Commercial Air Service at Elko Regional Airport, and matters related thereto. **INFORMATION ITEM ONLY-NO ACTION WILL BE TAKEN**

Mark Gibbs, Airport Director, explained they are putting together an Airport Master Plan. This will be one of several presentations he will be giving. The public was invited to attend all the meetings and give input. He gave a presentation (included in packet).

### **III. SUBDIVISIONS**

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 6-16 for the Copper Trails Phase 1 Unit 2 subdivision, filed by Copper Trails, LLC., for the proposed division of approximately 2.05 acres into 21 lots for residential development within an R (Single Family and Multiple Family Residential) Zoning District located generally on the north of Copper Street approximately 850 feet east of North 5<sup>th</sup> Street, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item on August 2, 2016 and took action to forward a recommendation to Council to conditionally approve the Final Plat 6-16. CL

Jeremy Draper, Development Manager, explained this is an extension of the Copper Trails Subdivision. Planning Commission has recommended conditional approval.

Luke Fitzgerald, 207 Brookwood Drive, Copper Trails LLC, said he had no comments.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to conditionally approve Final Plat No. 6-16 for the Copper Trails Phase 2 Subdivision, subject to the conditions as recommended by the Planning Commission.**

*The motion passed unanimously. (4-0)*

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

- A. Consideration of a request from VFW Post 2350 to acquire, under acceptable terms and conditions, Assessor Parcel Number 001-200-002, formerly known as the Elko City Police Department building, located at 1401 College Avenue, and the street segment located between parcels numbers 1 and 2, known as VFW drive, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the formal request letter from VFW Post 2350 has been included in the agenda packet for review. CC

Gil Hernandez, VFW, 1316 7<sup>th</sup> Street, explained he couldn't attend the last meeting where the VFW voted to move forward with acquiring the old Elko Police Station. He passed out a handout (Exhibit "B"). They have done two different walk-throughs with staff. Things were explained that needed to be addressed. The VFW still wanted to acquire the building. There is a younger population of veterans coming into the VFW. He hopes they will want to make this a great facility. They are thinking it could be a museum. If they get this facility they are willing to do what is needed to make this work but there are some issues they need to work through first.

Mayor Johnson asked if there are some things you want to bottom line before you take possession.

Mr. Hernandez answered they are not sure where they stand right now. The national people need to give them the okay to move forward. He wasn't at the meeting that this was brought up. He is hoping the city will hold the facility until they get word.

Mayor Johnson thought if the facility makes sense for their organization, he would like to see an estimate to make the necessary repairs. He felt those would be so high that a new building would make more sense. The location is good but what are the hard costs involved? He thought the building is sound but there are issues with the heating, plumbing, electrical and the new ADA code.

Mr. Hernandez agreed with the Mayor. They want to make this something that the city will be proud of. They want to be aware of all of the issues involved and consider the feasibility of the project.

Curtis Calder, City Manager, said we are in the beginning of the current budget year. The demolition is included in the current budget. He doesn't want to lose the possibility in the current fiscal year to be able to demo the building if the conveyance doesn't go through. There are some legal issues that need to be resolved. This would be considered a conveyance much like what we did with the Girl Scout House. After talking to Legal Counsel it appears the best way to accomplish that would be to do a conveyance to the National VFW Foundation and then that organization would have to work out a transaction with the local post to occupy. We need to know if the VFW would be able to execute but we won't know that until they do all of their research. He doesn't want to see the VFW take possession of the building and then the City have to take possession back for whatever reason and not have the money in the budget for demolition. If the VFW is looking for time then there is time available. Councilman Rice wasn't present and asked that his thought on the subject be conveyed on the matter. He feels that the property would be more valuable to the City as an expansion to the Park facility.

Mr. Hernandez thanked the council for the time to look further into this. He will take it back to the members.

Larry Hire, 245 Ash Street, was concerned about the 90 day limit. He didn't think 90 days would give them enough time to be able to apply for grants, donations and such that they would need. He wasn't sure if they could get grants if they didn't own the property.

Mayor Johnson didn't think the 90 days was a firm number. He thought maybe the VFW could reach out to the LDS church regarding renovation costs and plans. If they got that information and it still makes sense to them, then the City could extend that timeframe.

## **NO ACTION**

## **II. APPROPRIATIONS**

- D. Review, consideration, and possible approval of Change Order #2 and issuance of final acceptance for the Exit 298 Waterline Project, and matters related thereto.  
**FOR POSSIBLE ACTION**

Change Order #2 primarily consists of additional excavation/cut, which the amount could not be accurately projected until the work was completed and final quantities were determined from actual survey information. This approach was agreed upon in our mandatory prebid meeting. Additionally, there was some additional rip rap. Seeding was removed from the cost. Reseeding has been deducted from the cost as now is not the optimum time to reseed. Reseeding will occur in September/October of 2016 and will be completed by the City of Elko, not the contractor.

There were two change orders for the project with a net increase of \$53,756.06 or 3.6% of the total project cost. Staff recommends approval of change order #2 and issuance of final acceptance. RL

Ryan Limberg, Utilities Director, said staff was very pleased with the performance of High Mark Construction.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve Change Order #2 and issue final acceptance for the Exit 298 Waterline Project.**

*The motion passed unanimously. (4-0)*

- E. Review, consideration, and possible approval of Contract Change Order #6 for the Cedar Street Reconstruction Project Phase I, and matters related thereto. **FOR POSSIBLE ACTION**

Due to unforeseen circumstances, modifications to the storm drain system need to be made. Please see attached proposal from Great Basin Engineering Contractors. DS

Councilman Schmidlein disclosed that his partners in Canyon Construction are also partners in Great Basin Engineering Contractors. He recused himself from the discussion on this item, as well as the next agenda item.

Dennis Strickland, Public Works Director, explained they found they had to abandon all of the old existing infrastructure. It undersized on the upper side of the road. The new proposal shows everything shifting over, moving to the lower side of the road and then on to the main trunk line. That is what is on the change order. He wanted to let council know that when they were digging the bio swell they thought the trunk line was in a different location. As they were digging they dug up an old piece of pipe and just happened to catch the trunk line. When they did that they encountered a big chunk of concrete in there. They weren't sure what that was so they started doing a little digging and started to uncover a concrete structure that was caved in. That was the main storm drain. They had to expose all of that, remove all of the dirt from the main trunk line, put in a new manhole and tie everything together. It was just under \$7,000 to do that work.

Councilman Keener asked if that was a reason there were so many drainage problems in that area.

Mr. Strickland answered it was a big part of the problem. When they were trying to camera the line they wondered why there were bricks in the drain. They thought some kids were throwing bricks in there but they discovered the collapse. There are some project increases but he felt we have discovered all of the flooding issues and they will alleviate the problem.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve Contract Change Order #6 for the Cedar Street Reconstruction Project Phase 1 to Great Basin Engineering Contractors in the amount of \$63,587.84.**

*The motion passed. (3-0 Councilman Schmidlein abstained.)*

- F. Review, consideration, and possible award of the Contract for the Flagview Sidewalk Project, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were opened on July 21<sup>st</sup> for the second bidding of the Flagview Sidewalk Project. Great Basin Engineering Contractors was the low bidder with a base bid amount of \$678,706.76. The base bid includes sidewalk, lighting, curb and gutter along the north side of Ruby Vista Drive and the north side of Flagview Drive.  
TB

\*\* See Councilman Schmidlein's disclosure statement for this item under Item E.

Bob Thibault, Civil Engineer, explained there were two other bidders. The next highest was about \$60,000 higher. Staff recommended award to Great Basin Engineering Contractors. This was over the budgeted \$650,000 but there is money available in the Ad Valorem Capital Projects account.

\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to award the base bid for the Flagview Sidewalk Project to Great Basin Engineering Contractors in the amount of \$678,706.76

*The motion passed. (3-0 Councilman Schmidlein abstained.)*

Councilwoman Simons asked when they can start.

Mr. Thibault answered we can begin construction in about a month.

- G. Review, consideration, and possible approval for the Elko Police Department to enter into a Contractual Agreement with Washoe County Sheriff's Office for the annual Forensic Support Services Agreement, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department contracts annually with the Washoe County Sheriff's Office to provide forensic support facilities and services. The current agreement effective dates are July 1, 2016 through June 30, 2017. BR

Police Chief explained this is routine business. They do this annually. In the past it has been below \$50,000 but the price has increased over the last two years. It is still under the anticipated budgeted amount.

\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the Elko Police Department to enter into a contractual agreement with Washoe County Sheriff's Office for the Annual Forensic Support Services Agreement.

*The motion passed unanimously. (4-0)*

- H. Review, consideration, and possible approval for the Elko Police Department to accept an Office of Criminal Justice Assistance (OCJA) grant in the amount of

twenty thousand dollars (\$20,000.00), and matters related thereto. **FOR POSSIBLE ACTION**

In April 2016, the Elko Police Department applied for an OCJA Grant, for assistance with costs associated with armor plates and shields for Elko Special Response Team. These items are necessary officer safety equipment for team members. On July 12, 2016, the OCJA notified the Elko Police Department of their intent to award a grant in the amount of twenty thousand dollars (\$20,000). BR

Chief Reed explained we apply each year for something from the OCJA. You have seen this before. This year we applied for equipment for the Tactical Team and we were awarded \$20,000. These are not matching grants.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to recommend approval for the Elko Police Department to accept an Office of Criminal Justice Assistance Grant in the amount of \$20,000 for costs associated with armor plates and shields for the Elko Special Response Team.**

*The motion passed unanimously. (4-0)*

- I. Review, consideration, and possible approval for the Elko Police Department to accept an Office of Criminal Justice Assistance (OCJA) grant in the amount of thirty-four thousand dollars (\$34,000.00), and matters related thereto. **FOR POSSIBLE ACTION**

In April 2016, the Elko Police Department applied for an OCJA Grant, for assistance with costs associated with the operations of the Elko Combined Narcotics Unit. On July 12, 2016, the OCJA notified the Elko Police Department of their intent to award a grant in the amount of thirty-four thousand dollars (\$34,000). BR

Chief Reed explained this one goes towards the Narcotics Unit. We ask for more every year but they let us know how much we will be getting.

Councilwoman Simons asked if there was more information other than it is going to the Narcotics Unit.

Chief Reed answered it is multiple things. This is small potatoes compared to their full budget.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the Elko Police Department to accept an Office of Criminal Justice Assistance Grant in the amount of \$34,000 for costs associated with the operations of the Elko Combined Narcotics Unit.**

*The motion passed unanimously. (4-0)*

- J. Review, consideration, and possible approval for the Elko Police Department to purchase three (3) fully equipped police vehicles, one (1) Chevrolet Tahoe SUV

and two (2) unmarked police sedans, through the Nevada State Purchasing Program, and matters related thereto. **FOR POSSIBLE ACTION**

As a political subdivision of the State of Nevada, the City of Elko is able to utilize the State of Nevada Purchasing Division for fleet acquisition and related equipment. The estimated purchase costs include the related equipment. The SUV is estimated to cost sixty thousand dollars (\$60,000.00) and will be deployed as a Canine Unit. The two unmarked police sedans will replace older vehicles used by Police Detectives and Administration. This acquisition was included in the Fiscal Year 2016/17 Budget. BR

Councilwoman Simons asked how many unmarked cars they have.

Chief Reed answered about eight or ten. He concentrated on getting the patrol fleet up to where it should be and now he is working on the rest of it. The old vehicles will be pulled out of the fleet. Three in and three out.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to authorize the Elko Police Department to purchase three fully equipped Police Vehicles (one Chevrolet Tahoe SUV and two unmarked Police Sedans) through the Nevada State Purchasing Program, for an estimated total cost of \$130,000.**

*The motion passed unanimously. (4-0)*

K. Review, consideration, and possible ratification for the Elko Police Department to purchase and install a new radio repeater antenna system from Motorola Solutions, Inc., and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department is in the process of upgrading the radio system. The upgrade was scheduled in two-phases to occur over two budget cycles beginning fiscal year 2015/16. Completion is scheduled for Fiscal Year 2016/17. BR

Chief Reed said this item and the next item are related. This is the second part of the radio upgrade project that we started on last year. This item came to \$57,988.11. We budgeted \$180,000 for this. Both of these items are for ratification because he did not get them before Council according to the purchasing policy. If you look over at the Ruby View area, the water tanks next to I80, right next to them is the new tower that is part of this project. That gives us a new and second repeater. The other repeater at the south water tanks was replaced too. Previously, we only had one repeater that was out of date and barely working. We are trying to upgrade to digital and encryption and make sure it will stand the test of time.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to ratify the Elko Police Department's purchase and installation of a new radio repeater antenna system and various components from Motorola Solutions Inc.**

*The motion passed unanimously. (4-0)*

- L. Review, consideration, and possible ratification for the Elko Police Department to purchase and install a new radio repeater antenna system from Sierra Electronics, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department is in the process of upgrading the radio system. The upgrade was scheduled in two-phases to occur over two budget cycles beginning fiscal year 2015/16. Completion is scheduled for Fiscal Year 2016/17. BR

Chief Reed explained this is the same thing with a different vendor with a different amount. This one is Sierra Electronics for \$104,496.42. This will give us better coverage and better signal.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, ratify the Elko Police Department's purchase and installation of a new radio repeater and antenna system and various components from Sierra Electronics.**

*The motion passed unanimously. (4-0)*

#### **IV. UNFINISHED BUSINESS**

- A. Review, consideration, and possible acceptance of .9 acres of surplus Federal property located at 1701 North 5<sup>th</sup> Street, Elko Nevada 89801, for conveyance to the City of Elko from the National Park Service, and matters related thereto. **FOR POSSIBLE ACTION**

The National Park Service, acting by delegation of authority from the Secretary of the Interior, has approved the application from the City of Elko to acquire .9 acres of surplus Federal property known as the Elko "H" Facility in Elko, Nevada. The property is located adjacent to 5<sup>th</sup> Street Park and is slated for the development of a parking lot to accommodate park users. Staff is seeking acceptance of the property conveyance from the City Council. JW

James Wiley, Parks and Recreation Director, explained we are nearing the final steps in acquiring this property. The deed and title are in process and will arrive in our possession shortly. It is a formality that this Board accept the conveyance for our ownership.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the acceptance from the City of Elko to take possession of .9 acres of Federal Surplus Property located at 1701 N. 5<sup>th</sup> Street by means of a property conveyance for Public Park and Recreational use effective August 10, 2016.**

*The motion passed unanimously. (4-0)*

#### **V. NEW BUSINESS**

- A. Petition to allow Elko Regional Airport to apply for three "Explore Elko" marketing grant opportunities in FY 2016-2017. These are as follows: Nevada Commission on Tourism Rural Marketing Grant, Elko Recreation Board Grant

and an Elko Convention and Visitors Authority Marketing Grant, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Regional Airport has been granted permission and have been awarded these grants in previous years by Elko City Council action. All of these grants will be coordinated with the Elko Visitors and Convention Authority using the “Explore Elko” marketing brand to advertise Elko and Delta Air Lines jet service. The grants applications are for the following amounts. Elko Recreation Board \$20,000.00; Elko Visitors & Convention Authority \$5,000.00; Nevada Commission on Tourism \$15,000.00. Total matching funds approved under the FY 2016-2017 Airport Enterprise Budget for these grant matches is \$13,000. Grants are targeting large out of state markets with an estimated target audience of over 250,000 people. MG

Mark Gibbs, Airport Director, explained the Elko Recreation Board Grant for \$20,000 is looking to do a very large billboard display in Terminal 2 in the Baggage Claim. That is a Delta Terminal in Salt Lake City International Airport. There are more than 250,000 people that go through that baggage claim each monthly. Maybe we can get some of those folks in Utah to come and visit us in Elko.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the application for three “Explore Elko” and Delta Airlines Elko Jet Service Marketing Grants with the Elko Recreation Board, Elko Visitors & Convention Authority, and Nevada Commission on Tourism.**

*The motion passed unanimously. (4-0)*

- B. Review, consideration, and possible approval of a request from the Downtown Business Association (DBA) for the closure of the downtown corridor between 6<sup>th</sup> and 7<sup>th</sup> Street for a Family Country Night Event to be held on August 27, 2016 from 2:00 p.m. to 9:00 p.m., and matters related thereto. **FOR POSSIBLE ACTION**

This is a new event that will include vendors, dancing, and games. The closure will take place from 8:00 a.m. to midnight on August 27, 2016. SO

Shanell Owen, City Clerk, explained the application form is included in the agenda packet. The applicant is the DBA. This is a new event to be held on August 27. The application has been reviewed by staff and approval was recommended. We don’t have the \$1 million liability insurance yet.

Bailey Billington, DBA, explained in our effort to continue to bring more people downtown, we have created this new event. We are theming it after a vintage country fair. We would love to continue this yearly. This is family friendly and non-alcoholic. There is already interest in the event and the local businesses are on board with this event.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the request from the Downtown Business Association for the closure of the**

**downtown corridor between 6<sup>th</sup> and 7<sup>th</sup> Street for Family Country Night on August 27<sup>th</sup> from 2:00pm to 9:00pm.**

*The motion passed unanimously. (4-0)*

- C. Review, consideration, and possible approval of a Concessionaire Agreement filed by James Arnold, dba Any Time Ice Cream, to operate a mobile ice cream truck in the Main City Park, Area 1, and matters related thereto. **FOR POSSIBLE ACTION**

James Arnold applied for a Concessionaire Agreement to occupy concessionaire space in the Main City Park. The requested hours and days of operation are June thru September, seven days a week, from 11:00 a.m. to 8:00 p.m. He currently holds an Elko City Business License. SO

Ms. Owen explained Council may have seen this truck around town already. They would like to go into one of the concession spaces in the Main City Park. There are no concerns and they are asking for space #1. We have had several businesses apply for this but they have backed out after the approval. The only other vendor/concessionaire in the park is the Sno Cones.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve a Concessionaire Agreement filed by James Arnold, dba Any Time Ice Cream, to operate a mobile ice cream truck in the Main City Park, Area 1.**

*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 general 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 Councilwoman Simons, seconded by Councilman Schmidlein, to approve the Print 'N Copy warrants.**

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

- C. Review and possible approval of Great Basin Engineering Warrants, specific to the Cedar Street Reconstruction Project Phase I, and matters related thereto. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the Great Basin Engineering Warrants.**

*The motion passed. (3-0 Councilman Schmidlein abstained.)*

## **VIII. REPORTS**

### **A. Mayor and City Council**

*Councilman Keener attended National Night Out and felt that was a great event. He thanked Chief Reed for his ongoing bar reports. There will be a blood drive at the convention center next week, Tuesday, August 16 and 17, 2016. PACE Coalition is sponsoring some wall art that is being done right now on the south Fairgrounds wall on Cedar Street. Anyone interested in volunteering can contact Tammy Keener at 775-777-5708.*

*Mayor Johnson read a letter that was sent to the City of Elko from Thelma Homer at 104 W. Oak Street. This letter was addressed to Scott Wilkinson (Exhibit "C").*

*I wish to have the following read into public record regarding the development of a permanent humanitarian campground for the homeless population which is to come out of the Ad Valorem Capital Fund. I assume this fund is derived from the peoples' taxes, and if so, I object to those who, under the guise of benevolent social justice, justify the confiscation and redistribution of earnings to provide for those that have become parasitic through a waste of their lives &/or youth on an addiction to alcohol, drugs, or by simply preferring an existence of welfare dependency. I do not object to assisting the poor, but I do believe as the Founding Fathers did, that assisting should be through means called "calculated" compassion:*

- 1. Do not let "emergency" help become habitual.*
- 2. Strictly enforce the scale and level of responsibility; first, to himself, 2<sup>nd</sup> to family, 3<sup>rd</sup> is to Church and 4<sup>th</sup> is to the community, then the County and then the State.*

*Under no circumstances is the Federal Government to become involved. No constitutional authority exists for the government to participate in welfare or charity.*

*It is fine for those who wish to "aid and assist" those in need and to raise funds for whatever entitlement they feel is needed. I may even wish to voluntarily contribute...but I cannot condone the confiscation via taxation of what I earn to provide assistance to those who do not earn. By creating a welfare dependency more and more will come for "free housing," "free food," free healthcare, etc. Of course, success is usually based (falsely) on the "more and more." This will not be the last we hear of a permanent campground...it will accelerate from tents to apartments and so forth. Benjamin Franklin said it best: "Compassion that blunts the desire or necessity to work for a*

*living is counter-productive.” Many of these folk enjoyed the “good times” and did not save for the misfortunes which seem to come to everyone someday. In America everyone has the opportunity to make choices: individual effort for education, frugality, thrift, to prosper or to help the unfortunate. I do not like having these choices made for me. It is my responsibility to take care of MY family, to work for those things I desire and it is my responsibility to help minimize poverty, not through government gratuities, which are corrupting and debilitating, but through charities of my choice.*

B. City Manager

C. Assistant City Manager

D. Utilities Director

*Ryan Limberg reported on the progress of the Truck Load-Out building at the WRF. The Hot Springs Road will begin in two weeks. DRI did a study that was forwarded on the council members. He is also a member of Humboldt River Working Group that has roughly 15 participants. They will meeting September 1<sup>st</sup> in Winnemucca with the State Engineer to discuss water rights in NE Nevada. The DRI study looked at the long-term effects of drought in this area and effects on the aquifer if we pump more water.*

E. Public Works – Cedar Street

*Dennis Strickland reported the Micro has wrapped up. It was a successful project and should be at the next meeting for final acceptance. He discussed Cedar Street issues that they have come across. The alternative daily cover for the Landfill has been approved by the State and that should be a huge benefit for the City and the Landfill going forward.*

F. Airport Director

*Mark Gibbs reported in AIP 45 and the contractor’s progress working on the punch list.*

G. City Attorney

H. Fire Chief

I. Police Chief

*Ben Reed, Jr. reported on Question 2 on the ballot in November. He recommended council look at that measure fully. There is no provision in there to give locals the ability to opt out like you saw for medicinal marijuana. The only control Council will have will be to zoning and where these facilities might be put. National Night Out was August 2<sup>nd</sup>. He thanked Council for helping out.*

J. City Clerk

K. City Planner – 2 Rezone Reports

*Cathy Laughlin reported on two rezone applications that Planning Commission recommended conditionally approving. Both will be forwarded to City Council for approval. Both applications were requests from staff to the property owners to rezone their properties. Planning Commission conditionally approved the Conditional Use Permit for Joshua Tree.*

L. Development Manager

M. Administrative Services Director

- N. Parks and Recreation Director – Golf Course  
*James Wiley reported on the Golf Course project.*
- O. Civil Engineer
- P. Building Official

**VII. 6:00 P.M. PUBLIC HEARINGS**

- A. Review and consideration of submitted data and/or arguments and determination as to whether the proposed increases in landfill fees will impose a direct and significant burden upon a business or directly restrict the formation, operation, or expansion of a business and possible action to continue with the proposed fee increases or modify the proposed fee increases, 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 increased landfill fees. Responses were due to the City by 5:00 pm on August 2<sup>nd</sup> and will be provided to the City Council prior to the City Council meeting. 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 Clerk’s office sent out approximately 2,600 notices and we did not receive any responses. Tonight’s action is to: 1) declare if this increase in Landfill fees will impose a significant burden upon a business or directly restrict the formation, operation or expansion of a business; and, 2) give staff direction to continue with the proposed fee increase or modify the proposed fee increase. Included in the agenda packet is the Proposed Rule notification that was sent out. She also included a Notice of Public Hearing that was advertised in the newspaper outline the various public hearing meetings that will come before council regarding this item and the next item.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to determine that the proposed increased landfill fees will not impose a direct and significant burden upon a business or directly restrict the formation, operation or expansion of a business and move to continue with the proposed fee increase.**

*The motion passed unanimously. (4-0)*

After the motion but before the vote, Councilman Schmidlein wanted to make sure that the increases is enough to carry us through the next five or eight years.

Dawn Stout, Administrative Services Director, answered we don’t know what inflation will do. Mike Hess said the price of removing used tires doubled without notice. Our vendors don’t have to give notice like we do so they can impose increases whenever they want to. The landfill expenses are large. We went eight years at the landfill without a fee increase.

Scott Wilkinson, Assistant City Manager, said Elko Sanitation will bring a request to increase their costs to their customers to offset this fee increase. Elko Sanitation is in the process of reviewing cost increases over time so they can request a fee increase.

**Council voted on the motion.**

- B. Review and consideration of submitted data and/or arguments and determination as to whether the proposed increases in water connection fees will impose a direct and significant burden upon a business or directly restrict the formation, operation, or expansion of a business and possible action to continue with the proposed fee increases or modify the proposed fee increases, 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 increased water connection fees. Responses were due to the City by 5:00 pm on August 2<sup>nd</sup> and will be provided to the City Council prior to the City Council meeting. After making a determination regarding the proposed rule, Staff will prepare a business impact statement to be considered during a subsequent public hearing. SO

Ms. Owen explained the City Clerk's office sent out 720 notices on this item. We have not received any comments back on this fee increase. The action on this item would be the same as the previous item.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to determination as to whether the proposed increase in water connection fees will impose a direct or significant burden upon a business, or directly restrict the formation, along with that being said we can go ahead and get a business impact statement started.**

*The motion passed unanimously. (4-0)*

Councilman Keener asked if Councilman Schmidlein meant to say the determination is *there's no significant business impact from this proposed increase.*

Councilman Schmidlein confirmed that was his intent.

**COMMENTS BY THE GENERAL PUBLIC**

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

*There were no public comments.*

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

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Mayor Chris Johnson

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Shanell Owen, City Clerk