

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

SS August 23, 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 23, 2016.

This meeting was called to order by Mayor Chris Johnson.

## ROLL CALL

**Mayor Present:** Chris J. Johnson

**Council Present:** Councilman John Rice  
Councilwoman Mandy Simons *Arrived at 4:04 p.m.*  
Councilman Robert Schmidlein  
Councilman Reece Keener

**City Staff Present:** Curtis Calder, 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  
Bob Thibault, Civil Engineer  
James Wiley, Parks and Rec Director  
Joe Carr, Parks Superintendent  
Mike Hess, Landfill Supervisor  
Cathy Laughlin, City Planner  
Dave Stanton, City Attorney  
Rich Barrows, Special Counsel  
Dennis Strickland, Public Works Director  
Matt Griego, Fire Chief  
Ben Reed Jr., Police Chief  
Kara Vera, Minutes Clerk

## 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.*

*The minutes were approved by general consent.*

**II. PERSONNEL**

A. Employee Introductions:

- 1.) Bronson Dooley, Airport Maintenance Worker, Airport  
*Present and introduced.*
- 2.) Brandin Smith, Records Technician I, Police Department  
*Present and introduced.*
- 3.) Melody Musick, Laborer, Parks Department  
*Present and introduced.*
- 4.) Dennis Price III, Equipment Operator, Landfill Department  
*Present and introduced.*

**Councilwoman Simons arrived at 4:04pm.**

**IV. UNFINISHED BUSINESS**

- A. Review, consideration, and possible acceptance, rejection or counter-offer to a \$500,000 offer of judgment made by Canyon Construction Company to the City of Elko to allow a judgment to be taken by the City of Elko against Canyon Construction Company in “City of Elko v. Canyon Construction Company” in the amount of \$500,000, and matters related thereto. **FOR POSSIBLE ACTION**

On July 26, 2016, the City Council rejected a \$250,000 offer of judgment made by Canyon Construction Company. As you may recall, the case is still pending in District Court for the determination of attorney fees in favor of the City. CC

Councilman Schmidlein disclosed he is one of the principals in Canyon Construction and recused himself from the discussion.

Curtis Calder, City Manager, explained the backup material included the Offer of Judgment.

Councilman Rice said this issue has been ongoing for 10 years. It precedes his tenure on the council. This is a matter that has been considered by six City Councils, and collectively twenty-nine council members have determined that this lawsuit should be pursued and hold Canyon Construction accountable for their actions; for their refusal to pay what was owed to the City written in the contract. Three years ago we tried to close the case and accept a check for \$351,000, however, Mike Lattin was going to appeal that decision and the city was forced to deny the offer. Canyon Construction, represented by Mike Lattin, has shown no sign of dignity or respect for anyone or any organization. Every offer from them has been offensive to the city and citizens of Elko. They have taken advantage of every man, woman and child within the city. It needed to be made clear the City Council on behalf of the citizens of Elko have been fulfilling the mandate we have received by those who elected us.

Councilwoman Simons said this lawsuit has taken its toll on the city staff as they had to endure endless criticism and being put down in every way possible. It has cost many hours of research to pursue it. She understood that people just wanted to end it but the attorney expenses are the taxpayer's money. She felt more needed to be recovered for the taxpayers.

Councilman Keener said there has been a lot of criticism from the appellate in terms of all the legal fees that have been expended to date on this. One of the primary reasons for that is that the appellate used every hook and crook to stall the process to file new briefs, new motions and all of this required a legal response on behalf of the city.

Mayor Johnson said when we went through the process, we did make an offer at the time and we could have been done with it. We asked Canyon to drop their lawsuit and we told them the city would drop theirs. He felt the city should accept this offer. He knows City Council would have ended it that night if Mr. Lattin wouldn't have made the decision to appeal.

Councilwoman Simons asked if that was before the courts said yes you are entitled to that money. We would have just quit but then they came and said we were entitled to this money.

Mayor Johnson said the City of Elko proved on numerous occasions that the contractor was in breach of the contract. It was in writing that whomever breached the contract would pay the attorney fees. He was unsure why some of the comments were made by the arbitrators. As an elected official you are faced with going down the road of a lawsuit, which is nasty, or jeopardizing your partner, (the FAA) which has provided \$50 million to the airport. The City of Elko really had no choice but to move forward with the lawsuit. He was willing to listen to a counter offer but he was willing to vote for the \$500,000 because it's more than what they currently have.

Councilman Rice wanted to make it clear to the community that Mike Lattin has taken advantage of this community. If we continue there will be some other loophole but he should be ashamed of himself.

Councilman Keener said for the benefit of the public, for those that have not kept up to date with this issue as this issue as it has moved forward, it is important to point out that when this case was appealed by Canyon Construction to the Nevada Supreme Court, the Nevada Supreme Court issued an opinion stating that the arbitration panel had a manifest disregard for the law. That is very strong language for them to use. It was a done deal and the appeal opened themselves up to exposure again.

Scott Lattin, 1609 Stitzel Road, stated he has worked for Canyon Construction since he was eleven. This is a family business. This should have been settled back when the \$351,000 settlement was offered but Mike Lattin didn't and he has admitted to making a mistake. He is willing to settle today for \$500,000. He felt this was the final offer that would be made. They are looking at new management. Councilman Schmidlein is an owner of the business and he has recused himself from this. We have accepted numerous opportunities for other employees to get into it. One employee has already taken advantage of that. The new management is looking to put this behind them and move on. Most of their employees have 10 years under their belt or more. He explained the council may not be fighting Mike Lattin by the time it was over. You

may be fighting a whole new group of owners. We feel it is time to end it and this is a reasonable offer.

Councilman Rice noted that Mr. Lattin said this will be a final offer but he also said there could be a counter offer.

Mr. Lattin said this will be the final offer from Canyon, the city can make a counter offer. They were looking to end this tonight. It's appalling to argue about this for 12 years and felt it was a bickering match. It's been a long drawn out battle. The City of Elko has spent 3 times as much money on this on lawyer fees.

Councilman Keener asked if he was speaking on his own behalf or if he was authorized to speak on Canyon's behalf.

Mr. Lattin answered he is authorized to speak on behalf of Canyon Construction.

Councilman Rice asked if he was authorized to accept a counter offer.

Mr. Lattin answered he was.

Councilman Rice said he felt \$800,000 was more appropriate

Mr. Lattin wouldn't accept that. He could only accept up to \$550,000.

Councilman Rice asked if he could go to \$700,000.

Mr. Lattin answered no

Councilwoman Simons said she was okay with \$750,000. She felt Canyon Construction has done great things for the community.

Mayor Johnson said the City Attorney would have to put a counter offer in the mail before 5:00pm.

Councilman Keener agreed with \$750,000. He felt they have been a good community partner and this was the only issue he could think of.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, that the City make a counter offer and authorize our attorney to make a counter offer of \$750,000 to complete this matter between the City of Elko and Canyon Construction, conditioned upon payment within 30 calendar days from today.**

*The motion passed. (3-1 Mayor Johnson voted no.)*

**PLEASE SEE FURTHER DISCUSSION ON THIS MATTER BELOW.**

## II. PERSONNEL

- B. Review, consideration, and possible approval of the revised City of Elko Human Resources Vehicle Use Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Authorized Vehicles list included in the Vehicle Use Policy has been revised to include the School Resource Officer's (SRO) Vehicle, as needed on a case by case basis and upon approval of the Police Chief. AB

Aubree Barnum, Human Resources Manager, said it would be on a case by case basis to take home an SRO vehicle. It would only be on approval of the Chief of Police.

Ben Reed Jr., Police Chief, said he didn't want all the patrol vehicles taken home but wanted to have approval on a case by case basis for special events.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the City of Elko Human Resource Vehicle Use Policy as presented effective 8/23/2016.**

*The motion passed unanimously. (5-0)*

## III. APPROPRIATIONS

- D. Review, consideration, and possible direction to Staff to solicit Statements of Qualifications (SOQ's) from qualified consultants for the design of Gravity Sewer, a Sewer Lift Station, and a Sewer Force Main to provide sewer service to the Exit 298 area, and matters related thereto. **FOR POSSIBLE ACTION**

This work has been approved as a Capital Expenditure in this year's Fiscal Budget. RL

Councilman Recce asked how long it will be before that lift station actually needs to be built.

Ryan Limberg, Utilities Director, answered that is dependent on growth. We haven't seen that demand yet with new housing. We are working on annexing the current two users out there. We would like to be ready to implement that but it is growth driven.

Councilman Keener asked how long the design period would take.

Mr. Limberg answered perhaps six months from the time they get survey data, start on it, review of the documents, and redlining the drawings a few times.

Councilman Keener asked if they could hold this off to a later date without much risk.

Mr. Limberg answered staff's intent was to be ahead of the curve. If there were a big demand for growth then we have some designs. He was comfortable to delay it.

Councilman Schmidlein felt we had the cart ahead of the horse. We had potential developers that have backed out and now have no one. Until we get any commitments, we should hold off. He wasn't in favor of moving it forward tonight. The rail port had water available out there but they didn't have sewer but it finally developed. On the east end of Elko we had water out there for years and the town grew that direction. He was adamant about waiting for commitments.

Mr. Limberg said he could understand that approach. For a timeline standpoint, he wanted them to be aware once the demand comes in, we will be a year and a half out before we can do something there because of engineering, budgeting, and bidding for the competition of construction. He felt either approach was fine.

Councilman Keener said there was a potential opportunity cost if someone wanted to site a facility right away. They might look elsewhere.

Mr. Limberg answered that risk is already out there wherever.

Mayor Johnson felt they should discuss this once a year to see what was happening. Water is obviously an immediate need. Looking ahead 5-10 years was a good idea.

Mr. Limberg agreed that we do have the septic option for homes. When we do install that sewer force main, we want some high flows at that time. We will want to transition over with some substantial flows to start with so the force main and the lift station work properly.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to deny the request to do the design on the Exit 298 force main and have it brought back within a year so council may evaluate what may be transpiring out there.**

*The motion passed unanimously. (5-0)*

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to reconsider the matter regarding the acceptance of the Offer of Judgement from Mike Lattin and Canyon Construction.**

*The motion passed. (3-1 Councilman Schmidlein abstained and Councilwoman Simons voted no.)*

After the motion but before the vote, Councilwoman Simons asked Councilman Rice why he wanted to reconsider.

Councilman Rice answered we have been reacting to Mike Lattin. He fears that we may have just opened the door for more protraction of this matter. In the great scheme of things, \$750,000 is just a little bit more chump change than \$500,000. He did not know if it was really truly fair to the citizens of Elko, no matter how poorly Mike Lattin has treated our community. Time is of the essence because that counter needs to be in the mail by 5:00pm.

Councilman Schmidlein disclosed that he is a principal in Canyon Construction and recused himself from the discussion.

**Council voted on the motion.**

**BREAK**

Curtis Calder, City Manager, said he spoke with Rich Barrows just a minute ago. He has indicated that the counter offer was not subject to the 5:00 pm deadline, just the acceptance of the Offer of Judgement. He halted the legal team to allow the City Council to have the reconsideration discussion.

Councilman Rice said he discussed his reasons earlier but his feelings are that we would simply be protracting this. He is actually prepared to make a motion.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to accept the Offer of Judgment made by Canyon Construction to the City of Elko in the amount of \$500,000.**

*The motion passed. (3-1 Councilman Schmidlein abstained and Councilwoman Simons voted no.*

After the motion and before the second, Councilman Keener stated that this was a tough one to reconsider. The \$500,000 is a sure thing. We know from the past that the appellant can be erratic. There is no guarantee we will get any more than that. He seconded the motion.

**Council voted on the motion.**

**III. APPROPRIATIONS**

- E. Review, consideration, and possible approval to solicit bids for the Ruby Vista Reuse Pipeline Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

Two sections of the Ruby Vista Reuse Pipeline have been replaced. This is the third and final section scheduled for replacement. This portion will be replaced on Ruby Vista Drive from the prior termination point near Ruby View Drive to below Sequoia Drive where the line tees into the Golf Course. The existing line is 6" HDPE and the new line will be 12" HDPE. RL

Ryan Limberg, Utilities Director, explained this is the final section. Currently we still have water service that still travels through some backyards to get into the Golf Course. By replacing this section of main line we will be able to loop down through the bottom of the Golf Course and on up the backside and stay out of any and all backyards through that area.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve soliciting bids for the Ruby Vista Reuse Pipeline Replacement Project in the available budget amount.**

*The motion passed unanimously. (5-0)*

- F. Review, consideration, and possible approval 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 police radio system. The upgrade was scheduled in two-phases to occur over two budget cycles beginning Fiscal Year 2015/2016. Completion is scheduled for Fiscal Year 2016/2017. This item is part of phase II of this project. The upgrade allows for increased coverage, enhanced quality, encryption, and additional frequencies. BR

Chief Reed explained at the last meeting he asked for ratification of what they had done on phase one. This is phase two. We have \$118,050 budgeted. This item and the next one add up to \$118,000. This should get us to where we need to be to implement these two items. It is budgeted.

*Councilman Rice stepped out of the chambers.*

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the Elko Police Department's purchase and installation of a new radio repeater antennae system and various components from Motorola Solutions Inc. for phase two of the project.**

*The motion passed. (4-0)*

- G. Review, consideration, and possible approval 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 police radio system. The upgrade was scheduled in two-phases to occur over two budget cycles beginning Fiscal Year 2015/2016. Completion is scheduled for Fiscal Year 2016/2017. This item is part of Phase II of this project. The upgrade allows for increased coverage, enhanced quality, encryption, and additional frequencies. BR

Chief Reed explained this is a different vendor and they are within budget.

*Councilman Rice returned during this discussion.*

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve the Elko Police Department's purchase and installation of a new radio repeater antennae system and various components from Sierra Electronics for phase two of the project.**

*The motion passed unanimously. (5-0)*

- H. Review, consideration, and possible approval to pre-purchase decorative boots for the for the Arts and Culture Advisory Board community boot program prior to receipt of sponsorship funding, and matters related thereto. **FOR POSSIBLE ACTION**

At the January 26, 2016 Council meeting, the Arts and Culture Advisory Board was given authorization to seek sponsorships from at least 10 businesses and develop a business plan for the installation of decorative boots that will be painted by local artists and installed at a location to be determined by the sponsor. The Arts and Culture Advisory Board has received commitments from the required number of sponsors and is seeking direction from the City Council on the possible purchase of the boots prior to receipt of all the sponsorship funding. JD

Catherine Wines, Arts and Culture Advisory Board, handed them the 10 commitment forms. We have a commitment from the Elko Convention Center that was not included in those ten. She felt by the time they order the boots they will have twenty commitments. They were asking for the initial \$3,000 to get the casts completed.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to authorize staff to pre-purchase the boots for the Arts and Culture Advisory Board.**

*The motion passed unanimously. (5-0)*

Councilwoman Simons asked the businesses putting the boots on the sidewalk, is that feasible? How would that work out?

Ms. Wines said they will have to look at it on a case by case so they don't impede ADA access or line of sight for driving. The Street Department is willing to help install the boots.

- I. Review, consideration, and possible approval for the Fire Department to apply for a Local Giving Grant of \$2,500.00 from Wal-Mart Stores Inc. to assist with cost associated with fire prevention education, and matters related thereto. **FOR POSSIBLE ACTION**

Wal-Mart Stores Inc. has established grants to assist local agencies fund public education. The City of Elko Fire Department Prevention Bureau if awarded the grant would receive \$2,500.00 grant for community fire prevention education materials. Wal-Mart has been a great supporter of the Elko Fire Department's fire prevention efforts for many years. MG

Matt Griego, Fire Chief, explained this was a no-match grant and is brought before council every year.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to recommend approval for the Fire Department to apply for a Local Giving Grant of \$2,500 from Wal-Mart Stores Inc.**

*The motion passed unanimously. (5-0)*

- J. Review, consideration, and possible approval for the Fire Department to apply for Pool/Pact Risk Management Grant to retro fit our Power Lift Gurney with Expandable Patient Surface and Steer-Lock, and matters related thereto. **FOR POSSIBLE ACTION**

These retro fit systems will greatly enhance the safety of the gurney for both patients and EMS crew. The cost to retro fit these systems is \$4173.75. If awarded the Pool/Pact Risk management grant 75% of the cost would be covered by the grant with 25% match by the department. MG

Chief Griego said they were trying to take advantage of this opportunity. The gurney is self-lifting so the Firefighters don't have to bend over and lift it. It has a self-locking mechanism so it doesn't roll away and the new rails fit the patient's side.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve the Fire Department to apply for a POOL/PACT Risk Management Grant in the amount of \$4,173.75 with a 25% match by the Fire Department.**

*The motion passed unanimously. (5-0)*

- K. Review, consideration, and possible award of the bid for One (1) New One-Man Articulating Telescopic Aerial Lift Truck with Utility Body, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 3:00 p.m. on Thursday, August 11, 2016. DS

Dennis Strickland, Public Works Director, explained the low bid came in at \$118,134. He underestimated on our allocation during the budget process and thought \$95,000 would be enough to cover this truck. Facilities does have another \$28,000 in their capital fund so the funding is available to make this purchase. All of the bids were very similar. We felt that the alternate items were important for us to discuss. They were an ISO protectant and the other was the ability to mount a sub-crane. Their low bidder was Altec Inc. at \$118,134, followed by Gallagher Ford at \$118,825. Staff recommended awarding to the low bidder with additives one and two in that amount mentioned.

Councilwoman Simons asked if there were any cost savings going with a local person.

Mr. Strickland answered there is no savings.

Dave Stanton, City Attorney, said there are some issues with having a preference for local vendors. Unless an exception applies, the city government cannot have a preference for in-state vs. out-of-state vendors because that would have a negative impact on interstate commerce.

Councilman Keener asked what kind of cab and chassis is Altec providing.

Mr. Strickland answered Ford F550.

Councilman Keener asked if they were all the same brand.

Mr. Strickland answered there were several different brands of bodies and lifts that were bid. Altec had a truck delivered here we were able to use for a couple of days. We had no idea they would be the low bidder. It is a very acceptable unit.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to award the bid for One (1) New One-Man Articulating Telescopic Aerial Lift Truck with Utility Body and additive alternates number one and number two, to Altec Inc. in the amount of \$118,134.**

*The motion passed unanimously. (5-0)*

- L. Review, consideration, and possible award of the bids for a new 40-ton landfill compactor for the Solid Waste Department, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 3.00 p.m. on Thursday, August 11, 2016. DS

Mr. Strickland explained they planned for a much larger bid number but the bids were very low. Rasmussen Equipment was the low bidder with no deviations.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to award the bid for One (1) New 40 Ton Landfill Compactor to Rasmussen Equipment in the amount of \$523,600.**

*The motion passed unanimously. (5-0)*

- M. Review, consideration, and possible authorization for the Arts and Culture Advisory Board to select and recommend an artist, outside the solicitation process, for the creation of the awards to be given for the 2016 Mayor's Arts Awards, and matters related thereto. **FOR POSSIBLE ACTION**

At the June 14, 2016 meeting, council authorized the Arts and Culture Advisory Board to advertise a call for artists to create the award for this year's Mayor's Arts Awards. There was no response to the solicitation for an artist. The Arts and Culture Advisory Board would like to forgo the solicitation, and have the City award the contract to an artist selected by the Arts and Culture Board to create the awards. JD

Catherine Wines, Arts and Culture Advisory Board, explained they put out the call to artists and didn't get a response. She was tremendously disappointed in the arts community and wanted it on record. The Arts and Culture Advisory Board recommended hiring an artist. She contacted Dion Reynolds who is a photographer and artist in Eureka. He has agreed to create five awards for \$1,000.

Councilman Rice felt that was a good recommendation and shared her disappointment. He agreed that his photography was fantastic.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to authorize the Arts and Culture Advisory Board to select and recommend an artist outside the normal solicitation process for the creation of the awards to be given in the 2016 Mayor Arts Awards.**

*The motion passed unanimously. (5-0)*

## V. NEW BUSINESS

- A. Review, consideration, and possible authorization to Award Five (5) Year Airport Marketing Professional Services Contract to Letter23, LLC, and matters related thereto. **FOR POSSIBLE ACTION**

On March 8, 2016, Council granted the Airport permission to bid the Five Year Airport Marketing Professional Services Contract. The bid process was completed with two firms interviewed. Letter23, LLC of Utah was the most qualified professional. Please consider and award the contract to Letter23, LLC for Airport and Airline Marketing Services. On August 9, 2016, Council took action on granting permission for the airport to apply for \$27,000 in marketing grants this Fiscal Year. With grants included, the total Airport Marketing Funds Allocation FY2016-2017 is \$54,000.00. MG

Mark Gibbs, Airport Director, asked to table this item because he attached the wrong agreement.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to table Item V-A.**

*The motion passed unanimously. (5-0)*

- B. Review, consideration, and possible approval of Revocable Permit 2-16, filed by McGinley & Associates on behalf of Elko Acquisitions LLC, to occupy a portion of the Idaho Street right-of-way as well as East Jennings Way right-of-way located adjacent to 2175 Idaho Street, to accommodate installation of two new monitoring wells, and matters related thereto. **FOR POSSIBLE ACTION**

As part of an ongoing monitoring process being completed by McGinley and Associates, they would like to install, sample and maintain two new groundwater monitoring wells which are proposed to be located in the City of Elko right-of-way. City Code requires they have a Revocable Permit to occupy the right-of-way. CL

Cathy Laughlin, City Planner, explained the License Agreement was included in the packet. This is a common thing and we just did one about a month or two ago along Idaho Street. This one is part of their process to monitor wells. These will be located on Jennings Way and Idaho Street.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve Revocable Permit No. 2-16, subject to execution of a standard license agreement between the applicant and the City of Elko.**

*The motion passed unanimously. (5-0)*

- C. Review, consideration, and possible approval of a Temporary Franchise Agreement between the City of Elko and Citizens Telecommunications Company of Nevada d/b/a Frontier Communications of Nevada, and matters related thereto. **FOR POSSIBLE ACTION**

The Franchise Agreement between the City of Elko and Citizens Telecommunications Company of Nevada d/b/a Frontier Communications of Nevada has expired. The proposed Temporary Franchise Agreement will allow time to renegotiate a successor agreement. CC

Curtis Calder, City Manager, explained this is a long-term franchise agreement that has slipped through the cracks, so they were asking to approve the temporary agreement to keep those terms in place until negotiations could be made.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the temporary franchise agreement between the City of Elko and Citizens Telecommunication of Nevada dba Frontier Communications.**

*The motion passed unanimously. (5-0)*

## **VII. REPORTS**

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

*Councilman Keener said the Attorney General will be in Elko on September 8<sup>th</sup>. He has been working with the new IT director to work on broadband services in Elko. He felt that was a rural issue.*

*Councilman Rice said we participate in Connect Nevada and we got certified to a certain level in terms of our preparation for our connectivity. We can utilize the fiber optic line that runs from Salt Lake to Reno. He felt there may be opportunity.*

*Councilwoman Simons said last week she attended a Women's Leadership Breakfast. There were a lot of wonderful women from throughout the state and nation. Everyone was very impressed with Elko, she felt proud of that.*

*Councilman Schmidlein said he was online and the City of Elko is offering \$79 flights from Salt Lake City to Elko and wanted people to take advantage of it. Curtis Calder added the sale ends August 31 and felt the fares were good through November. Councilman Schmidlein attended the NYTC 100 year celebration.*

### **B. City Manager**

### **C. Assistant City Manager**

### **D. Utilities Director**

### **E. Public Works**

*Dennis Strickland thanked everyone for their patience and Cedar Street should be completed by the end of the month.*

### **F. Airport Director**

### **G. City Attorney**

### **H. Fire Chief**

### **I. Police Chief**

*Chief Reed said he will be headed to Carson City to meet with the AG and statewide law enforcement. The National Academy in Virginia is being put on by the FBI for commanders. Lt. Genseal will be attending that this year. Most of the expenses are paid for by the FBI and he will be gone for 3 months.*

### **J. City Clerk**

- K. City Planner
- L. Development Manager
- M. Administrative Services Director – Subsequent Budget Transfers
  - Dawn Stout said we need to do budget augmentations by June 30, although we receive bills through August. There were some additional budget transfers for FY 2016 end. The schedule was included in the packet. She noted these were the fewest they have ever had to make.*
- N. Parks and Recreation Director
  - James Wiley reported the golf course continues to go well. They should be doing the cart paths any day now. We have until Sept 15 and they were in good shape to meet that date. The recruitment to replace Brian Mickels closes tomorrow and Brian's last day will be Oct 8.*
- O. Civil Engineer
- P. Building Official

### III. APPROPRIATIONS

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

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

*The motion passed unanimously. (5-0)*

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

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

*The motion passed. (4-0 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**

**NO ACTION**

### VI. 6:00 P.M. PUBLIC HEARINGS

- A. Review and consideration of the Business Impact Statement for Landfill Fee increases, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 237.090, a Business Impact Statement must be prepared and considered by the City Council prior to the adoption of a resolution increasing Landfill Fees. SO

Shanell Owen, City Clerk, explained the Business Impact Statement was included in the packet. Section one talks about the manner in which we sent out and solicited comments back from businesses. We didn't receive any comments from the notices or the Public Hearing. She will come back to City Council at the next meeting with the resolution if they wish to approve the Business Impact Statement today.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the findings of the Business Impact Statement and direct staff to draft a resolution for the Landfill Fee Increase.**

*The motion passed unanimously. (5-0)*

- B. Review and consideration of the Business Impact Statement for Water Connection Fee increases, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 237.090, a Business Impact Statement must be prepared and considered by the City Council prior to the adoption of a resolution increasing Water Connection Fees. SO

Ms. Owen explained similar to the landfill fee business impact statement, we followed the same process for the increase in water connection fees. Included in the packet is the Business Impact Statement. We notified over 720 businesses. We also notified the Elko Chamber of Commerce. There were no public comments or concerns voiced. The water fees haven't been increased since July of 2008. The next step will be adoption of the resolution if approved by city council.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to accept the Business Impact Statement for water connection fee increases and direct staff to draft a resolution for the increase in water connection fees.**

*The motion passed unanimously. (5-0)*

- C. Review, consideration, and possible action to adopt Resolution No. 26-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from LI (Light Industrial) to IC (Industrial Commercial) for four parcels, APN's 001-692-001 through 005, located generally on the south side of Silver Street, between First Street and Burner Ct., filed by Jose and Alfredo Uribe and processed as Rezone No. 3-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on August 2, 2016 and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 3-16. CL

Councilman Keener disclosed he owns a parcel in the area but didn't feel it would affect his judgement on the outcome of this.

Cathy Laughlin, City Planner, explained we, as staff, approached this applicant and asked them to consider a rezone on these four parcels. They have recently developed the parcel in the center. It was a vacant building facility that they had leasable space in. A couple of business applications that came into us were for a retail type service. We are having to deny those business licenses. It would not be a permitted use in the LI zone for a retail service. We feel the IC zoning is ideal for Silver Street and would allow various uses. Planning Commission recommended approval.

Councilman Keener said there is a vape shop.

Ms. Laughlin said they denied that one. They can approve that upon the rezoning of the parcel.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to adopt Resolution No. 26-16.**

*The motion passed unanimously. (5-0)*

- D. Review, consideration, and possible action to adopt Resolution No. 27-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from a split zoning of R (Single-Family and Multi-Family Residential) and C (General Commercial) to C (General Commercial) for a parcel located generally on the southeast corner of E Street and W. Cedar St., filed by Robert Nielsen and processed as Rezone No. 4-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on August 2, 2016 and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 4-16. CL

Ms. Laughlin explained they approached the property owner and asked if they would consider a rezone. This building has a tenant that has occupied the building for the last few years and they have not had a business license for years. When they applied for the license we realized the zoning was split. From the 1961 zoning map, it has always been that way. The property owner was willing to rezone the property. It will all be rezoned commercial upon approval tonight.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to adopt Resolution No. 27-16.**

*The motion passed unanimously. (5-0)*

#### **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**

Councilman Keener asked everyone to check out the wall on Cedar Street by the Fairgrounds.

Mayor Johnson said he had the opportunity to attend the grand opening of the Hampton over by Gold Dust West. It is a great property and very nice inside.

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