

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

SS September 8, 2015

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, September 8, 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.**

## **ROLL CALL**

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice *left at 6:40 pm*  
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  
Dawn Stout, Administrative Services Director  
Shanell Owen, City Clerk  
Jonnye Jund, Accounting Manager  
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  
Bob Thibault, Civil Engineer  
James Wiley, Parks and Rec Director  
Dave Stanton, City Attorney  
Karen Walther, Animal Shelter Manager  
Ted Schnoor, Building Official  
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**

*There were no public comments.*

**APPROVAL OF MINUTES: August 25, 2015 Regular Session**

Mayor Johnson noted the attendees will be corrected.

*The minutes were approved by general consent.*

## **I. PRESENTATIONS**

- A. Presentation of a Retirement Plaque to Galen (Gus) Rackely, Public Works Department for his thirty years of service. **NON ACTION ITEM – INFORMATION ONLY**

Mayor Johnson presented Galen “Gus” Rackely with a plaque for his dedication and service to the City of Elko.

Dennis Strickland, Public Works Director, said some kind words about Mr. Rackely and thanked him for his many years of hard work.

- B. Presentation of a plaque by NNRDA Director Pam Borda to Councilman John Rice for his service on the NNRDA Board. **NON ACTION ITEM – INFORMATION ONLY**

Pam Borda, NNRDA, presented Councilman Rice with a plaque for his service on the NNRDA board.

## **II. PERSONNEL**

- A. Employee Introductions:

1.) Ms. Kara Vera, Part-time Minutes Clerk

*Present and introduced.*

2.) Ms. Margaret Earthman, Part-time Spay/Neuter Clinic Manager

*Present and introduced.*

## **III. APPROPRIATIONS**

- C. Review, consideration, and possible approval for the Elko Regional Airport to apply for a Nevada Commission on Tourism Marketing Grant (2015 2<sup>nd</sup> Cycle), and matters related thereto. **FOR POSSIBLE ACTION**

The airport in coordination with Delta Air Lines and the Elko Visitors & Convention Authority would like to reapply for a digital “Explore Elko” campaign in the Denver and Salt Lake City markets for the period May 1-May 31,

2016. The grant application is for \$5,000 with a local match of \$5,000 from the Airport Enterprise Fund. MG

Mark Gibbs, Airport Director, explained this is similar to a grant they applied for last year. It is for marketing Elko to states outside Nevada. They are looking to do digital media advertising.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to authorize Elko Regional Airport to apply for an online marketing grant through the Nevada Commission on Tourism in the amount of \$5,000.**

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

- D. Review, consideration, and possible approval for the Fire Department to accept 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 has been selected as the recipient of a \$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 is an annual grant. Wal-Mart is partnering with them again this year to provide money for our Fire Prevention efforts in the community.

Councilman Keener asked are some of the materials distributed at Wal-Mart.

Chief Griego answered the materials purchased are given out at the Fire Prevention picnic and at the schools and some other fire prevention related events.

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

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

#### **IV. NEW BUSINESS**

- A. Review, consideration, and possible approval of a proposed revision to a release, hold harmless, and indemnity provision in the previously approved professional services agreement (PSA) with Manhard and Artisan, and matters related thereto. **FOR POSSIBLE ACTION**

City Legal Counsel drafted the initial PSA. This draft was sent to Manhard and Artisan for comments and feedback. Feedback was provided and reviewed by legal counsel. The proposed two word change was approved by legal counsel; however, I mistakenly did not include this change in the final document. RL

Ryan Limberg, Utilities Director, apologized for the mistake. In the backup documents the change was written in and initialed by Artisan. Legal Counsel reviewed and approved the change. Because this was a substantial change to the agreement, council needs to approve the proposed revisions.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the proposed revisions to language in the Professional Services Agreement.**

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

- B. Review, consideration, and possible approval of a Second Amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012 and amended on April 22, 2014 for sanitation service in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Sanitation Company currently provides sanitation service in the City of Elko pursuant to an agreement dated June 11, 2015 and amended on April 22, 2014. Elko Sanitation is requesting that the rate schedule be amended by adding a service and adding one additional fee. The additional service would be an eight yard bin. The additional fee would be a rollout fee. In reviewing the proposal and the existing agreement it was determined that additional definitions were required in The proposed amendment requires an amendment of Section 14.01 allowing the addition of services under the agreement prior to Council considering an amendment to the rate schedule. The proposed amendment is identified as the second amendment to the agreement. SAW

Scott Wilkinson, Assistant City Manager, explained Elko Sanitation has proposed adding an additional service for commercial service and a roll-out fee. We have representation from Elko Sanitation. As we were working through the request we determined that we needed to amend the agreement to allow for a service to be added. This amendment is to allow for services to be added to the agreement.

Kris Wright, Elko Sanitation, offered to answer any questions council may have.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve an amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012 and amended on April 22, 2014 for sanitation service in the City of Elko.**

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

- C. Review, consideration, and possible approval of a Third Amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012 and amended on April 22, 2014 for sanitation service in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Sanitation Company currently provides sanitation service in the City of Elko pursuant to an agreement dated June 11, 2012 and amended on April 22, 2014. Elko Sanitation is requesting that the rate schedule be amended by adding a service and additional fees. The additional service would be an eight yard bin for commercial accounts. The additional fees would be for the 8 yard bin service fees and a rollout fee. In reviewing the proposal and the existing agreement it was determined that additional definitions were required to address approved fees. Additionally, Elko Sanitation has several fees for non-typical services, all of which were potentially charged under generic provisions of the agreement. The amendment provides clarification. The proposed amendment is identified as the third amendment to the agreement. SAW

Mayor Johnson asked Dave Stanton how to handle this one. Do we hear this item or table it?

Dave Stanton, City Attorney, said he felt the safest way to handle this one was to table this and reconsider it after it has been re-noticed. The notice needs to place the public on reasonable notice of the nature of the issue being considered. It is up to the judgement of the council. If the rates are close then maybe it is fair game to consider this tonight but the safer approach is to table it.

Mayor Johnson read the item into the record.

Mr. Wilkinson explained what they went through as they considered the request to amend the fees. With this amendment to add the service they were looking at amending Exhibit A, which is the spreadsheet that is inserted into the document. When he looked through the current exhibit, there were some fees described in that exhibit that were not defined in the agreement. Those fees were additional tip fees, delivery fee and a monthly rental fee. As we went through that we determined that it would be best to define those fees. Then he asked Elko Sanitation if they had any additional fees that haven't been presented in Exhibit A. Elko Sanitation has a variety of fees that he would characterize as "one-time" fees that would be considered non-regular fees. He felt those fees needed to be addressed. All of those fees have been addressed in the Exhibit and they have also been defined. Upon review of the spreadsheet today he realized that three of the fees were listed as less than what is currently approved. He felt this should be tabled and brought back at a later date. Mr. Wright with Elko Sanitation agreed.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to table the item.**

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

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

- A. Review and possible consideration of a request by Towne Place Suites by Marriott-Elko to waive the late fees currently pending on a delinquent transient lodging tax payment (room tax) reporting for June 2015, and matters related thereto. **FOR POSSIBLE ACTION**

Transient lodging tax is due on the tenth day of the month; payment is delinquent on the sixteenth day of the month. Marriott's June 2015 payment was postmarked

on Friday, July 17, 2015 resulting in a penalty fee being charged pursuant to City Code 4-6-12 which states, “*If the room taxes are not paid on or before the fifteenth day of the month in which they become due, or if such day falls on a Saturday, Sunday or legal holiday, on the next succeeding day not a Saturday, Sunday or legal holiday, then the licensee shall pay a penalty of fifteen percent (15%) of the unpaid, due and delinquent room tax, and the licensee shall also pay the costs of collection of the tax, penalty, court costs and attorney fees.*” SO

Shanell Owen, City Clerk, pointed out in the packet is the request from Steven Davis on behalf of the Marriott, the envelope with the postmark of July 17, 2015 (the meter date is the date the business places on the envelope) and some sections from city code that states room tax is due the 10<sup>th</sup> of the month but delinquent on the 16<sup>th</sup>. In this case the penalty would be over \$4,600. Also included in the packet are action sheets from prior requests that have been brought to council.

Mr. Stanton said under NRS 268.096(4) it is mandatory that the City impose a penalty and interest if the transient lodging tax is not paid within the time schedule as set forth in the City Code. There is no waiving of the penalty. He doesn't believe the City Council has the authority to waive the fees.

Matt McCarty, Towne Place Suites, explained the previous three incidents when the taxes were paid late had to do with changes in the accounting staff. This incident was a timing issue where the staff just didn't get the payment out on time.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to deny the request by Towne Place Suites to waive the late fees currently pending on a delinquent transient lodging tax payment for June 2015.**

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

After the motion and before the vote, Mayor Johnson thought that was a heck of a penalty.

Councilman Rice noted that if you are a day late on your liquor license you lose your liquor license. This is a penalty and your right to do business is not being revoked.

Councilwoman Simons asked if they would be able to set up a direct payment.

Ms. Owen answered there is a wire transfer that could be set up for them.

**Council voted on the motion.**

## **VIII. REPORTS**

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

*Councilman Schmidlein asked about the assessed value of the new Maverick Store. Ted Schnoor explained the evaluation is based on square footage. He did get an email from the County Assessor and they had the project valued at over \$1 million but the building itself is assessed at over \$300,000.*

*Councilman Keener said he heard from a resident that complained about the street lights that are out around town. Is there a survey to inventory what needs to be fixed? Dennis Strickland answered the audit is done twice a year. Councilman Rice said the fairgrounds looked great this last weekend. The fair was well attended.*

*Mayor Johnson said the Governor was present last week for the Winchester Court grand opening.*

B. City Manager – Nevada League of Cities Conference

*Curtis Calder updated City Council about the upcoming Nevada League of Cities Conference that will be held in October in West Wendover. He asked council if they had an appetite to move the City Council meeting that would be held the same week. He received a check from the insurance pool for our loss control efforts. This is another benefit we receive from the insurance pool. We have a nuisance in the city located at 527 Morse Lane. The nuisance activities include camping on that property. The Police, City Management and the City Attorney are aware of the problem and they are working on getting that nuisance abated.*

C. Assistant City Manager

*Scott Wilkinson spoke more about camping within the city limits. The humanitarian campground is functioning as expected. Applications to the Building Department and the Planning Department seem to be down.*

D. Utilities Director

E. Public Works

*Dennis Strickland said he received a notification from NDEP that the permit modification for the Landfill has been approved.*

F. Airport Director – Update on Runway Rehabilitation Project

*Mark Gibbs reported on the progress of the AIP45 project. They are still on target for opening on September 28 at 5:00 pm.*

G. City Attorney

H. Fire Chief

*Chief Griego gave an update on the Elko County Fire Agreement. Sept. 26 is the Annual Fire Prevention picnic. The Fire Department received the Life Safety Achievement Award from the National Association of Fire Marshals (Exhibit "A").*

I. Police Chief

*Chief Reed reported on the shooting at a police unit a couple of weeks ago. He will be attending a summit September 29<sup>th</sup> at the Attorney General's Office in Carson City.*

J. City Clerk

*Shanell Owen reported she will be attending the CDBG Annual Forum next week.*

K. City Planner

L. Development Manager

*Jeremy Draper reported on the Police Station construction.*

M. Administrative Services Director-Annual Sales Tax Report

*Dawn Stout gave a year-end update on sales tax. For the whole fiscal year of 2015 we wound up \$1.1 million over our estimated budget.*

*Aubree Anderson reminded everyone of the mandatory anti-harassment training scheduled for next week.*

N. Parks and Recreation Director

*James Wiley reported Malibu Pacific has been in town and have been working on the Main City Park Tennis Courts. Our goal is to open the courts for public play on September 14<sup>th</sup>.*

O. Civil Engineer

P. Building Official

### **III. APPROPRIATIONS**

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

Councilman Schmidlein asked if the cost for street lights around town was the average.

Dawn Stout, Administrative Services Director, answered the costs are up a little bit but they are still covered by the fees on the water bills.

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

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

### **BREAK**

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

A. Review, consideration, and possible action in response to an appeal of the Elko City Planning Commission's decision recommending that the Council adopt a resolution which approves Rezone No. 9-15, filed by Bailey & Associates LLC, for a change in zoning from AG (General Agriculture) to R (Single-Family and Multiple-Family Residential) for the development of residential lots, the property being located generally west of Sagecrest Drive approximately 665 feet north of Mountain City Highway (APN 001-01F-318), and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on August 4, 2015. Subsequently, an appeal was received of the Planning Commission's decision. Staff is in support of the zone change as it is in conformance with the Master Plan. Additionally, density allowed for in the AG zone, one residence per

five acres, will not be feasible as any development will require public improvements along the frontage of the parcel, approximately 295 feet. This parcel was annexed into the City on July 31, 2015. All property annexed into the City shall be zoned AG until the zone change process has occurred. The AG district is intended to constitute a "hold" district. RM

*Councilman Rice left during the discussion of this item at approximately 6:40 pm.*

Rick Magness, City Planner, explained Planning Commission considered this annexation and approved an appropriate zone change that would allow the applicant to develop the property. Staff is in support of this action and he offered to answer any questions.

Jeremy Draper, Development Manager, explained the procedure for this appeal is outlined in the agenda packet and we need to follow the procedure as we go through the appeal process.

Dave Stanton, City Attorney, believed this falls under 3-2-21. Was this a Planning Commission recommendation? (yes). In 3-2-21 the way the code is structured, the Planning Commission makes a recommendation to the City Council. Then the City Council takes the recommendation into account at a public hearing like this hearing, and takes evidence from the applicant and anybody that is affected by the zone change. His interpretation of the code, the process by which the City Council would consider a zone change application is in 3-2-21. The reason is that it is a Planning Commission recommendation that applies to a zone change as opposed to an actual Planning Commission decision. It is a public hearing but the process is in a different code section. There has been a Planning Commission recommendation. In subsection C it says City Council Public Hearing. Section 3-2-25 under Appeals, that applies to a Planning Commission decision.

Mr. Draper asked Mr. Stanton if they were agenda'd properly for a recommendation.

Mr. Stanton answered he thought it was. This is a recommendation as explained in the agenda item. It goes on to describe what action is being challenged. A public hearing would take place regardless of whether an appeal is filed. This is acknowledging that there is somebody that opposes. It places the public on notice of what is being considered by the council.

Mr. Draper said we have an application for a zone change for the described parcel. We would be changing the parcel from the current zone of AG to R residential, single family/multi-family. It falls under conformance with the City of Elko Master Plan. That zone allows anywhere from 5 up to 8 units per acre. The applicant is in the audience and has gone through a stage 1 for a possible subdivision. That subdivision would have a density of 4.6 lots per acre. Planning Commission took action to forward their recommendation to City Council.

Mayor Johnson disclosed he owns property on Mountain City Highway; a mini-storage business. He also owns property outside of town. Based on the Rabbit Brush ethics committee decision, a disclosure is all that is needed. He can still vote on the matter because he feels this case is similar to the Rabbit Brush decision.

Linda Morse, P.O. Box 135, Elko, explained she is representing the Morse family regarding a letter of appeal that she filed on August 14<sup>th</sup>, requesting reversal of a Planning Department's

approval in rezoning 9-15 filed by Bailey & Associates for a change in zoning Bailey's recently annexed 2.8 acres from AG to R. Bailey's property is adjacent to the front of her 2.8 acres. This appeal is for two reasons: 1) lack of transparency by the Planning Department in noticing adjacent property owners; and, 2) reasons to reverse Rezone No. 9-15. July 26 is when she first received an official notice for a public hearing scheduled for August 4<sup>th</sup> to rezone the property. She handed out a partial transcript of a meeting held on August 4<sup>th</sup> and read a section of the transcript (Exhibit "B"). She acquired an audio of the June 2, 2015 meeting and handed out her partial transcript (Exhibit "C"). She was never notified of a first public hearing regarding Bailey's annexation. She handed out an agenda sheet of the public hearing (Exhibit "D"). A notice should have been mailed to her to let her know of the annexation. The right thing to do would have been to invite her. NRS and City Codes only recognize the minimum "required by law" methods of noticing public hearings. The noticing lacks transparency. Sending out a hard-copy via US Mail would have been the right thing to do. They are rural property owners with well water rights on file with the State Engineer's Office. She handed out a Google printout of Arroyo Seco Circle in Elko (Exhibit "E"). She felt this cul-de-sac is similar to the proposed subdivision to be built across from her property. Guest parking for these homes is difficult and the cul-de-sac had an incident of flash flooding on 9/2/2013. Cul-de-sac developments are dangerous when they are built at a slope with only one entrance in and one entrance out. There is no escape route included in Arroyo Seco Circle development. The Morse family will bear the brunt of changed conditions of living, light pollution, noises, music, odors, visual intrusions and pollution from petroleum based products that can potentially affect the aquifer of their underground well. These conditions will become long term and affect the future value and use of their properties. She is appealing to reverse the Planning Commission's approval of 9-15 from R back to AG.

Kathy Pennington, 3732 Sage Crest Drive, pointed out there are only three affected parcels, all of which are county. This took place without any notices to the adjacent properties. She felt rezoning this one parcel is a form of spot zoning and will give the advantage to the developer. She heard about the master plan and she read it to see what it was about. They never thought the city would develop so far out and now they are faced with a decision of moving out of the area or selling and moving further out. These homes were built 22 years ago. She understands that growth needs to take place. Putting 13 homes on 2.8 acres is considered medium density. Originally it was supposed to be 11 homes but it was changed to 13 and even after the rezoning it can be changed again. There is nothing they can do about it even though they are adjacent properties. The properties are surrounded by the School District, BLM and Commercial zoned property. Her recommendation is to not re-zone. Please consider what they are saying.

Mayor Johnson asked what the options available to the City Council are. Can we make modifications?

Mr. Stanton answered no. He pointed out this is just a zone change. The annexation is not before the council. There was a comment about no notice for the annexation and that is not part of tonight's meeting. City council can approve or deny the petition. You do not have to accept the zone change. The approval can be with conditions but they have to be agreed to by the petitioner. The petitioner is Bailey. If both agree to the conditions then this can move forward. The council does not have the ability to change the requested zoning to another type of zoning. It has to be whatever the request was that appeared in the application originally. If it is denied there is a one year waiting period. The approval does have to be by resolution. The resolution

has to refer to the legal description and to a map of the property. Both are in the packet but there isn't a resolution in the packet. Council can make a resolution verbally and vote to approve it.

Kathy Pennington asked in the request for rezone, was that for single family or single/multi-family?

Mr. Draper answered the rezone request was for R, single and multi-family. It will allow both options for the developer.

Scott Wilkinson, Assistant City Manager, wanted to verify that the developer could not make an application for another R zone because in his interpretation of the code, they couldn't come back with an R request within one year but if they came back with a different zone request they could do that.

Councilman Schmidlein asked regarding the 2.8 acres, were there any established covenants that was put in place 20 years ago? Once it is annexed, does that supersede any covenants that were there?

Mr. Stanton said deed restrictions run with the land and operate independently of zone changes. If there had been a deed restriction on the property that would have the potential to affect how the property is developed later on.

Councilwoman Simons asked Mr. Bailey if there were any deed restrictions.

Jon Bailey, Bailey & Associates, 780 W. Silver St., answered there were no deed restrictions. He thanked the adjacent property owners for their time and effort that went into their presentation. His company has a good track record with their projects. They go to city staff first to ensure that they have support from staff and make sure they are complying with City Codes. We also try to make sure we are doing things in a manner that benefit the city and the residents that buy from us. We feel this is an appropriate development and that they are not taking away property values from the adjacent properties.

Councilman Keener appreciated the time spent preparing for the meeting. He was part of Planning Commission for a lot of years and understands these zone changes can be emotional to the adjacent properties. It is unfortunate that they were not notified but all regulations were followed. He doesn't think the decision in the end would have been any different if they had been present. He thinks it will work quite nicely. Bailey has done a good job with his projects and will be a good neighbor for them. These issues are vetted well. He would back the decision of the Planning Commission on this.

Councilwoman Simons felt a lot of people get upset when vacant property next to theirs gets developed. Cities are growing and that is a hardship for those that love their rural communities. When we looked at the rules that we abide by, everything seems to conform. She is in support of this. These will be some nice homes.

Councilman Keener commented he didn't think there would be any appetite for Mr. Bailey to do anything denser than what is already being proposed. Property is only annexed into the city

when the owners apply for it so their adjoining properties will not be annexed unless they want to.

Councilman Schmidlein agreed with the other council members. Residential is moving closer to your properties. All services will be closer. All throughout Royal Crest, there is an area that is still county and the west side was annexed into the city. The area that is still county; the residents did not want to be part of the city and they didn't annex. Your properties will not be annexed unless that is what you choose to do. Having more residential will improve the area. His backyard faces Walmart property. He deals with them a lot. He would be more concerned with the commercial area developing. You may be amazed by what can come in there. The Planning Commission did their due diligence to find the best approach to make this work for both sides.

Mr. Stanton said if you are going to approve the rezone, he would recommend going up to the title of the item where it says "adopt a resolution." This council is actually adopting a resolution approving the rezone. The resolution has to contain a legal description of the property and a map of the property by referencing the packet.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to adopt a resolution which approves Rezone No. 9-15 filed by Bailey & Associates, LLC with respect to APN: 001-01F-318, according to the exact legal specifications listed in the packet, to change the zoning from AG to R residential.**

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

After the motion and before the vote, Mayor Johnson restated these are tough decisions. He based it on the proximity to Mountain City Highway and the uses around it. He felt the zoning should be granted. His vision for the City of Elko is similar to Plumb Lane in Reno.

**Council voted on the motion.**

#### **COMMENTS BY THE GENERAL PUBLIC**

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

Linda Morse said she appreciates the speed zone change on Mtn. City Hwy. She looks forward to working with Mr. Bailey.

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