

**CITY OF ELKO**  
**REDEVELOPMENT AGENCY**  
**REGULAR MEETING MINUTES**  
**2:00 P.M., P.D.S.T., TUESDAY, SEPTEMBER 22, 2015**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**NOTE: The order of the minutes reflects the order business was conducted.**

**CALL TO ORDER**

The meeting was called to order by Mayor Chris Johnson, Chairman of the City of Elko Redevelopment Agency (RDA).

**ROLL CALL**

**Present:** Mayor Chris Johnson  
Robert Schmidlein  
Mandy Simons, (*Left at 3:00p.m.*)  
Reece Keener

**Excused:** John Rice

**City Staff:** Scott Wilkinson, Assistant City Manager  
Jeremy Draper, Development Manager  
Rebecca Hansen, Planning Technician  
Dave Stanton, City Attorney

**PLEDGE OF ALLEGIANCE**

**INITIAL PUBLIC COMMENT PERIOD**

There were no public comments made at this time.

**I. NEW BUSINESS**

**A. PUBLIC HEARINGS**

1. Review, consideration and possible action in response to the Redevelopment Advisory Council's (RAC) recommendations regarding the Urban Design Overlay (UDO), and matters related thereto. Action may include, but is not limited to, direction to staff to commence the process of incorporating the UDO into the Redevelopment Plan, as well as a recommendation to City Council to incorporate the UDO into code making UDO standards enforceable on all property within the redevelopment area. **FOR POSSIBLE ACTION**

*Mandy Simons arrived at the meeting.*

Catherine Wines, RAC, gave an overview of her PowerPoint presentation. The UDO is similar to CC&Rs which seek to raise the standard and protect character. This has to do with the building envelope not the use. It applies only to new construction or major remodels. The building envelope standards are siting, massing, height, and frontage. Architectural standards include materials and details, fenestration and roofs, screening, lighting, and signage. We no longer want metal siding. We want lots of windows to see in and out. We want mechanical things screened. The whole reason we're doing this is to bring people downtown. If you require two stories then you create density. Density creates commerce, safety, public revenue, investment, and sense of community. We want to design for people and have cars be secondary. The world's largest retailer knows that density works. Adopting this in to the RDA Plan is easy, but not adopting it into the City Code is a waste.

Scott Wilkinson, Assistant City Manager, said Dave Stanton is here to assist in making a decision. The goal today is to get a clear direction on how to proceed with this document. Regardless of the decision we're most likely going to incur legal expenses. Adoption into the RDA Plan will have less expenses.

Dave Stanton, City Attorney, explained the document could be a plan amendment and that would be the easier thing to do. It could also be modified in order to be adopted into code. From his understanding the code has to be definite and cannot be open to interpretation. Aesthetic codes are open to interpretation. We will have to go through it and make sure it is compliant. These overlay districts are all over the place. Typically they are in historical areas which have a review board. He felt there are things in this document that a developer may feel unsure if someone will like what they're doing.

Robert Schmidtlein said it's difficult to hold somebody with a remodel to this UDO code.

Mr. Stanton felt it wasn't clear in the document what applies to the code or not.

Ms. Wines said it's the same as the Uniform Building Code, if you remodel something you have to bring it up to code within reason.

Mr. Stanton said there has to be some flexibility, but overall this document is not ready for code.

Mr. Schmidtlein questioned if we adopt this into the RDA Plan, but not code, does it only apply to projects the RDA partners with.

Mr. Stanton answered yes on private property.

Mr. Schmidtlein asked if the consultant is willing to help us move this further to get it ready for City Code.

Mr. Wilkinson said they sent communication demonstrating they'd met the scope. We will reach out to them again. There was communication with them on the 17<sup>th</sup> requesting information on

some of the evaluations. They downplayed those concerns and referred to them as “chatter”. He cautioned there will be additional legal expenses.

Ms. Wines asked if Mr. Stanton could give an estimate of how much his time will cost.

Mr. Stanton answered it would be difficult for him to estimate that until he is able to get into the project.

Jon Karr, RAC, explained the point is not to have the UDO apply to all of the city, but only to the downtown area. He asked how we move this forward to implement these ideas, but not make it so stringent that Ted Schnoor has an additional 15 pages to review.

Mr. Wilkinson said if the RDA is interested in incorporating this into the plan, it needs to be revised and remanded back to the RAC.

Mr. Keener asked if the PSA stipulates a deliverable and adoptable document into code.

Mr. Wilkinson answered by reading a section of the PSA. We may be ahead of ourselves in payment of the contract versus the actual product, but it’s worth considering.

Mr. Keener felt the responsibility was on the consultant.

Mr. Wilkinson said that will be their message to them, but if they disagree it will then be legal recourse. That will be difficult since we’ve approved the payment.

Mandy Simons said she thought part of the overlay process was to help people bring the older buildings downtown up to code. Does the overlay do that?

Ms. Wines answered it does not. That was a miscommunication. You cannot relax the building code or ADA. Even if City Council adopted something saying they are relaxing those. I, as an architect, couldn’t legally do it.

Mr. Keener said he also remembered that being communicated. He was glad she did her presentation so everyone understands the purpose.

Ms. Wines said if you have a developer who wanted to do an 80 unit apartment complex, you could relax the water/sewer hookups. She suggested incentivizing for a multi-story building if they didn’t want it to be a requirement, because it makes it appealing to developers.

Mr. Wilkinson said the consultant was supposed to review our existing code. He suggested relaxing the code that requires residential parking within 400 feet of the corridor.

Ms. Wines felt the whole parking code needs to be reviewed because it is antiquated.

Mr. Schmidlein said we’re just addressing the exterior of buildings with the UDO. He would like to have a spreadsheet that shows what is different from City Code versus the UDO. He didn’t like the height requirement and felt the window requirement should be reduced to 60%.

Mr. Karr said a spreadsheet would be helpful to get rid of any extra things in the UDO that may not be needed.

Mr. Wilkinson said Mr. Stanton pointed out part of the contract was the consultant was to identify the conflicts with existing code. There are some issues with the modifications versus our variance procedure.

Mr. Keener felt it was a good idea to remand it back to RAC.

Mr. Wilkinson said we need direction whether on it will be part of the RDA Plan and/or the City Code.

Mayor Johnson asked if the RDA was in general favor of the Overlay Code. A part of the intent is to get the look in continuity. If RDA is in favor of the concept then that needs to come out today. Once we get closer to implementation we will hear from more owners. An investor might be more in favor of investing if they knew the neighbors would be held to certain standards.

Ms. Simons asked if adopting it into City Code is what gives us the authority to enforce it.

Mr. Stanton said that is correct. It's a modification to the Zoning Code which is enforceable through criminal penalties. If it's only adopted into the RDA Plan, then it is only enforceable by contract.

Ms. Wines said the UDO boundary is concurrent with the boundary of the downtown Central Business District and UMD areas.

Ms. Simons said she supports the general idea of the overlay. She is also in favor of adopting it into City Code.

Jeff Dalling, Coffee Mug, said he has attended all of these meetings. When he redid his building downtown, there were no relaxed codes. He didn't do it because he had to, he did it because it would look good. Steve Romero and Mike Moschetti both did the same thing. He felt the restrictions were unnecessary.

*Mandy Simons left the meeting.*

Mr. Wilkinson said we have had a lot of success with the design standards, but if someone doesn't want to follow those standards, we couldn't stop them.

Lina Blohm, RAC, said we would all like to see the free market take reign, but unfortunately we have to make laws and regulations for those who don't do the right thing. It was a request from staff so we wouldn't have a green siding building. Integrated flexibility is also in our scope and we will be willing to work with people. It is important this becomes part of code or it's going to be another study that sits on the shelf.

Mr. Schmidlein agreed this is to prevent someone coming in and building a metal sided green building. You have to prevent what you don't want down there. Restrictions are important for the exterior.

Ms. Wines said there are some things that we can negotiate on. We are waiting to see if the RDA wants to make this City Code and then we will go back and make adjustments as needed.

Mr. Schmidlein said he would be in favor of it, but felt the boundaries need to focus on the corridor area. RAC needs to modify many of the items.

Mayor Johnson said he wants the RDA to give specific direction of what they want RAC to do. He said they couldn't do it today because they don't have a full board.

Mr. Schmidlein agreed, RAC need guidelines to modify it.

Ms. Wines said she thought that's why she was put in charge of this.

Mayor Johnson asked if it needs to be defined that the RDA is on board, but wants to know more about it.

Mr. Wilkinson felt it should be tabled. We need a detailed list of concerns, which should include the concerns of those members not present. Then RAC can modify it based off of everyone's concerns.

Ms. Wines said she was willing to do the list of concerns if they were going to adopt it into City Code.

Mayor Johnson asked if they want this to apply to a building permit.

Ms. Wines answered yes.

Mayor Johnson said he was willing to go forward with that, but he was concerned about the building heights. He did support setting a uniformed appearance standard.

Ms. Wines said the height is only two sentences, so it's not a deal breaker.

Mr. Schmidlein said the code could recommend buildings be two stories, but not require it.

Mr. Stanton said code is supposed to contain requirements. The RDA Plan is more appropriate for a set of recommendations. It is possible to do both. You could take some elements out of the UDO and include those in the Zone Code and you could take other elements out to recommend to add to the RDA Plan.

Mr. Keener said he was in favor of having it codified. We're trying to protect everyone from the two percent who aren't willing to develop nice properties. He felt it would also give lenders more security.

**\*\* A motion was made by Reece Keener, seconded by Robert Schmidlein, to send the UDO back to RAC for advisement, so they can parse through it and make recommendations to RDA. This will be made ready for incorporation into RDA Plan and codification into City Code. The RDA will be responsible for all costs associated with incorporation into the RDA Plan and recommend City Council accept costs associated with incorporation into City Code.**

*The motion passed unanimously. (3-0)*

After the motion, but before the vote Mayor Johnson asked if it needs to go back to RAC or does it need to be at staff level.

Mr. Wilkinson explained staff will be working with the project champions and RAC on the revisions.

Mr. Schmidlein asked if they could have a joint workshop in order to get this closer to finalization.

Ms. Wines said she was willing to do a joint workshop, but felt a discussion between the consultants and staff was necessary.

**The board voted on the motion.**

## **B. MISCELLANEOUS ITEMS, PETITIONS AND COMMUNICATIONS**

1. Review, consideration and possible approval of the selection for an Architect for Design Services for Downtown Storefront Improvement Program, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Wilkinson explained in the packets are ranking scoresheets. There are two interested parties, LCA and R6 Studio. The statements of qualifications were ranked and the oral interviews were also ranked. He recommended approval of R6 Studio for the Storefront Architect.

**\*\* A motion was made by Robert Schmidlein, seconded by Reece Keener, to award the architect design services for the Downtown Storefront Improvement Program to R6 Studio.**

*The motion passed unanimously. (3-0)*

## **A. PUBLIC HEARINGS**

2. Review, consideration and possible action in response to RAC's recommendations regarding the Final Draft Discovery Economic Study Report, and matters related thereto. Action may include, but is not limited to, direction to staff to commence the

process of incorporating of the Economic Study into the Redevelopment Plan. **FOR POSSIBLE ACTION**

Ms. Blohm said she considers the Central Business District as one big project. When you go to the bank for financing you need to have a business plan. The RAC thinks an economic study is important. RAC is asking for more time to work with the consultants or whomever to develop a more solid plan. It goes hand in hand with the design concepts, with corridor design and the entire rehabilitation of downtown.

Mr. Wilkinson said the contract was \$100,000 and we've spent approximately \$93,000. We have documentation of communication from the consultant stating they feel they have satisfied the scope.

Mr. Stanton said he sees it being referred to as an action study and economic study, however, it doesn't seem to be accomplishing either one of those. The RDA Plan is supposed to be broadly written, but this action plan is really not an implementation document. It's very general in terms of how you implement it. The document does not correctly identify the roles of RDA or RAC. You see several places where it gives the RAC authority that is given to the RDA by statute. There is a proposal to sell or donate property given to the City by Project Lifesaver which cannot be done. There seems to be an intent to eliminate certain businesses in the corridor, for example liquor establishments. There are legal issues with trying to close established businesses. The idea of having a business plan is an excellent plan, he just didn't feel this document satisfies that.

Curtis Calder, City Manager, said he had approximately 25 comments on this document that weren't responded to by the consultants. The first of which is the tax increment financing portion, it has to be addressed. We have to have a forecast and we have to have the economic tools in place to utilize this in the future. This was designed to be a step above the Vision Plan and if you compare the two they are very similar. The other major problem is it is too complex. There are 12 different steps, and about half of them we're already doing. Another 25 percent refers to doing additional consulting studies and he isn't interested in pursuing additional studies on top of the ones we've already done.

Mayor Johnson said he wanted an agenda item that the RDA can act on to either accept the plan or not and whether they are going to pay the balance to the consultant.

Mr. Karr said he wants the RDA to make the goals clear. He felt the plan did not help and wants clear direction for the RAC. He wasn't sure why we are where we are at and felt the consultants may have not been qualified to do an economic study.

Mayor Johnson asked if we have access to the statement of qualifications or the contract.

Mr. Wilkinson answered he could put the minutes together.

Mayor Johnson said he wants to go back to the beginning and review all of the documents.

Ms. Blohm said she has the RFQ, SOQ, and all of the requests sent to the consultants. There was a lack of oversight of what the consultants were doing. She and Pam Borda reviewed a list of specifics they wanted with the consultants. She felt there were some usable things. Market reconnaissance is a strong point of the consultants.

Mayor Johnson said he knows some of the stuff has made it to the plan. Hopefully we can step back and look at it. Eventually we have to come to a consensus of what we have and what we can do with it.

**No action was taken.**

3. Review, consideration and possible action in response to RAC's recommendations regarding funding resources for the Downtown Corridor Preliminary Budget as previously approved by RDA, and matters related thereto. Action may include, but is not limited to, acceptance of possible funding sources, and a direction to staff and RAC to pursue those funding sources. **FOR POSSIBLE ACTION**

Mr. Wilkinson said RAC tabled this item. It will be on both agendas going forward to figure out how to fund the \$5 million budget. The biggest issue is whether or not the RDA should bond.

Mayor Johnson said he did listen to the last meeting.

Mr. Keener said the RAC Chairman wanted to have a special meeting because these are important subjects.

**No action was taken.**

**FINAL PUBLIC COMMENT PERIOD**

There were no comments made at this time.

**ADJOURNMENT**

**There being no further business, the meeting was adjourned.**

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**Mayor Chris J. Johnson, Chairman**  
**Redevelopment Agency**