

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

SS October 8, 2013

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, October 8, 2013.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
Councilman Rich Perry
Councilwoman Mandy Simons
Councilman Robert Schmidlein

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Dawn Stout, Administrative Services Director
Shanell Owen, City Clerk
Ryan Limberg, Utilities Director
Matt Griego, Fire Chief
Jeremy Draper, Civil Engineer
Doug Gailey, Human Resources Manager
James Wiley, Parks and Recreation Director
Rick Magness, City Planner
Ted Schnoor, Building Official
Don Zumwalt, Police Chief
Mark Gibbs, Airport Director
Dave Stanton, City Attorney
Diann Byington, Recording Secretary

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

APPROVAL OF MINUTES:

September 24, 2013 Regular Session
FOR POSSIBLE ACTION

The minutes were approved by general consent.

I. PRESENTATIONS

A. WRF Project Presentation

JD Simmons, Project Manager for the WRF facility upgrade, gave a presentation. (Exhibit "A")

B. A Presentation by Police Chief Don Zumwalt regarding the Matrix Report Recommendations

Police Chief Don Zumwalt gave a presentation. (Exhibit "B")

C. A Presentation by Nevada Housing Authority's Executive Director, Gary Longaker

Gary Longaker, Nevada Housing Authority Executive Director, gave a handout to Council. (Exhibit "C") It was the annual report for 2012 along with some inserts. The Housing Authority was created in 1973 legislatively. It was created as a state agency. It operated under the Division of Business and Industry. In 1995 the legislature made it quasi-governmental. They aren't part of the budgetary process in the state and they don't get any state funds. They have to operate like a business but they are quasi-governmental. They are still charged with developing affordable housing programs. In 2005 they were told by the legislature what programs they could do and what their jurisdiction was. They have implemented some new programs since 2005. One is a home ownership program where the voucher is used to help the family acquire a house. It also moves the family off the welfare system. Another program is vouchers for homeless veterans. We were one of the first in the nation to implement that program on a statewide basis. We did our first housing study in 2005. It was statewide. We wanted to understand what the problems or challenges were that all of the communities faced. It was a study that we shared with all of the cities and counties. The study that we are doing right now is far more in depth. It will focus on going forward 20-30 years and look at infrastructure. It will focus on the private sector too. It is not a statewide study. He also went over the first home buyer program.

Mayor Johnson asked how do folks find out about this.

Mr. Longaker answered they advertise throughout the state. They send information up here and place it in the newspapers. We recommend going to our website for this information.

II. PERSONNEL

- A. Review, consideration, and possible approval of the proposed Police Chief Employment Contract, and matters related thereto. **FOR POSSIBLE ACTION**

At the Special Council Meeting on September 16, 2013, Council selected Mr. Ben Reed, Jr. as the top candidate for Police Chief. Council directed Staff to negotiate an employment agreement. Mr. Reed requested an employment contract and Staff has successfully negotiated the terms of the contract. A copy of the proposed contract has been provided for review. DG

Doug Gailey, Human Resources Manager, explained he has started negotiating with Mr. Reed. His desire was to have a contract. The city hasn't done an employment contract in the past. He went over the contract (included in the packet) and explained a couple of changes vs. a standard offer letter.

Councilman Rice asked why don't we look at those changes for all Appointed Officials.

Mr. Gailey answered that would be the plan if this gets approved.

**** A motion was made by Councilman Perry, seconded by Councilman Rice, to approve the Police Chief Employment Contract as written with an effective date as of the date the Police Chief is sworn into office**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval of the revised position description for Parks and Recreation Director, and matters related thereto. **FOR POSSIBLE ACTION**

The position description for Parks and Recreation Director has been revised and updated as a result of the Class/Comp Study and has been formatted as recommended by POOL/PACT. DG

Mr. Gailey explained this is similar to what we have had in the past as we go through and update the job descriptions as a result of the class comp study.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve the new position description for the Parks and Recreation Director effective October 8, 2013.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS

- B. Review, consideration, and possible authorization to solicit bids for the Swimming Pool Replastering and Maintenance Project and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko indoor and wading pools are in need of replastering and other maintenance including the replacement of pool lights. Staff is seeking authorization to solicit bids to complete this project during the month of December. This project has been budgeted in the FY 2013/2014 Recreation Fund.
JD

Jeremy Draper, Civil Engineer, explained we can engineer the project in-house. We did hire out for the electrical. Jay Elquist is coming up with a design for the LED lighting. We are ready to go out to bid next week. We have budgeted \$100,000.00. We figure about \$74,000 for the plastering and \$20,000 for the lights. That will leave us at about \$94,000.00. We have some ceiling tiles that need to be replaced inside the swimming pool. We will try to get as much done as we can with the monies available.

Mayor Johnson asked how long does the plastering last.

James Wiley, Parks and Recreation Director, explained it can last up to five years. We will be looking to do the outdoor pool next year. We had the pool contractor looking at the systems and he found an issue with the piping under the wading pool. We may need to forego re-plastering that pool until that piping problem is resolved.

**** A motion was made by Councilman Perry, seconded by Councilwoman Simons, to authorize staff to solicit bids for the Swimming Pool Re-plastering and Maintenance Project.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Mayor Johnson asked on the long term, looking at facilities and their planning is it smart to get this plastering done?

Mr. Draper answered in the long term we are probably 10 years out before we can have a new pool/aquatic center ready to be built.

Councilman Schmidlein asked what kind of plastering will be used. With new technology do they have a longer life?

Mr. Draper answered there is some new technology out there but the maintenance guy they have dealt with is not completely sold on it. We will go with the same standard plastering.

Council voted on the motion.

- C. Review, consideration, and possible determination of funding mechanisms for the construction of the Sports Complex, and matters related thereto. **FOR POSSIBLE ACTION**

Based on the concepts developed by MGB+A the initial cost for the development of a Sports Complex is between \$15-\$20 million. Phase 1 of the project is expected to be \$8-\$9 million with construction starting no sooner than 2015, with subsequent phases to follow. MGB+A has provided a recommendation to help fund the project of 1/3 Legacy Grants, 1/3 smaller grants and community donations and 1/3 City of Elko. The Legacy Grants are typically grants in excess of \$1 million, MGB+A recommends beginning communications with possible donors for the Legacy Grants early on in the design process to provide them with an opportunity to provide valuable input into some of the design elements of the project. JD

Mr. Draper explained the last couple of meetings we have had discussions on this. This is the final concept that we ended up on at the last meeting. MGB+A has been working on this and getting this to a point where we can go out and start fundraising. We should have a nice booklet that we can use for the fundraising. MGB+A has Bob Springmeyer on board whose job is to fundraise for the project. He has started the process. We are looking from council that they are committed to the project. We are not committing to a dollar value tonight. We just want council committed to the project so we can go forward and start looking at the legacy grants.

Councilwoman Simons asked in the packet it talked about the city paying for one-third of the cost but the motion says half?

Mr. Draper answered he recommends that the city comes up with half of the money but MGB+A recommends one-third. If Council chooses to say we will pay for 30% of the construction costs then that will raise our target for planning for grants and getting the money donated to the city for the project. Between monetary donations and people out there with physical labor we can reach that goal. He would like to see some type of commitment from council.

Councilman Perry said with what has been described it's hard to turn down. After going through the agenda item he asked Dawn Stout to put together some slides on the Capital Projects Fund so we may be able to see a history. That money can only be used for park projects.

Dawn Stout explained the Recreation Fund basically can be used as the Council sees fit for projects and equipment. If we have a large project coming up we will bank the monies and try to save them for several years until we get to the point where we can actually do that large project. We have had to do that multiple years. In the last few years we have budgeted \$1 million and we

haven't necessarily spent all those monies each of those years. The fund balance right now may be a little over \$1 million. She went over her slides on the overhead. (Exhibit "D")

Councilman Perry said he would like to see a five to ten year capital plan. We have some major things coming down the pipeline and more major things such as a recreation center that are still in the planning stages.

Mr. Wiley said they are starting on that five year plan at the next advisory board meeting. It will take them a number of months to actually develop something in that level of detail. There are challenges in developing a plan like that.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the proposed funding mechanism and authorize staff to begin communicating with possible legacy grant providers and commit the City of Elko to no more than one-half of the construction costs for phase 1 of the Sports Complex.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Mayor Johnson said it is really important going in when you are talking to the foundations that that is not the first thing to be able to get the foundation to come into play. He wasn't sure if the city is committing to half of the construction costs. The city will bring sustainability. Maybe the city can bring in \$800,000 or \$900,000.

Councilman Rice amended his motion to read **that we would approve the proposed funding mechanism and authorize staff to begin communicating with possible legacy grant providers and commit the City of Elko to the long-term sustainability of the facility and facilitating in kind and volunteer contributions in the construction phase of the project.**

Councilman Schmidlein said his second stood.

Council voted on the motion.

- D. Review, consideration, and possible approval of an award of a contract to administer engineering and construction management services for AIP-43, Reconstruct Terminal Ramp-Phase 3 to Kimley-Horn & Associates in the amount of \$215,000, and matters related thereto. **FOR POSSIBLE ACTION**

A Master Agreement for Continuing Professional Services between Elko Regional Airport and Kimley Horn & Associates dated November 23, 2008 and accepted by Council, provides Kimley Horn & Associates with a five year contract to provide the airport with engineering, planning and construction management services. The agenda action item dated May 14, 2012 to bid for construction services on AIP 43 did not include engineering and construction management services in the award. Since this is a component of the total project cost for AIP 43, Staff is requesting that Council award the construction management and engineering services to Kimley Horn in accordance with FAA

Advisory Circular 150/5100-14D. The Airport Enterprise Fund is responsible for 6.25% of the \$215,000 service fee or \$13,437.50. MG

Mark Gibbs, Airport Director, explained this is a house-keeping rule. We are covering our bases since we already received the grant and the FAA has signed off on dispersing that entire amount for the grant. We ask the City Council to approve the construction management and engineering services portion of that grant.

Councilman Schmidlein asked after these two projects are complete you will solicit for bid for a new five year contract for engineering.

Mr. Gibbs answered they were soliciting right now for the next five year award. However, because of the FAA's sequestration process this entire year has been skewed late. Because of our short construction season we really had to bump it into next year. This year we didn't get an opportunity to construct but that is mostly due to the Federal Government's grants being held up.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve award of the contract to administer engineering and construction management services for AIP 43 Reconstruct Terminal Ramp Phase 3 to Kimley-Horn & Associates in the amount of \$215,000.00.**

The motion passed unanimously. (5-0)

- E. Review, consideration and possible authorization of a one-time, \$25,000 donation to Vitality Unlimited, Inc., for the Winchester Court Housing Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the May 21, 2013 Special Council meeting, Council approved the allocation of \$25,000 to Vitality Unlimited to be included in the Fiscal Year 2013-14 Final Budget and be added to the Community Service List. A letter from Vitality Unlimited's Chief Operations Officer, Ester Quilici has been included in the Council packet for your review. CC

Curtis Calder, City Manager, explained the actual disbursement needs to be in the form of a grant which will require a Resolution. We don't have the resolution ready yet. Staff will draft it and bring it back at the next meeting.

Ester Quilici, Chief Operations Officer for Vitality Unlimited, explained they requested the City's cooperation in a past meeting to participate as a municipality in their application for a 40 unit development in Elko. We were awarded the major funding in addition to what the city granted. It will be an approximate \$8 million project. The ground breaking will be in the first part of November. She had a letter with her dated April 18, 1995 from Gil DeLouis, Disclosure Assistant for the Internal Revenue Service. It says, "Our records indicate that this organization was recognized to be exempt from federal income tax in February 1972. It is described in the Internal Revenue Code Section 501.C.3." It further states for clarification that we are not a foundation. She also read from her by-laws statement. Vitality Unlimited is a Nevada Non-profit Corporation originally qualified to do business as the Elko Area Council in Alcohol and

other Drugs of Abuse. On February 1, 1972 the corporation was granted exempt status by the Internal Revenue Service pursuant to Section 501.C.3 in February 1972. The Corporation exists for treatment and prevention of addictive behaviors, disorders and related problems but may engage in any lawful business, including but not limited to the promoting or construction of affordable housing.

Dave Stanton, City Attorney, said Ms. Quilici answered all of his questions. Having 501.C.3 status isn't sufficient to satisfy the state requirements. He explained statutes in this situation. He read from the statute. The City has statutory authority to grant this money to an organization that is a charitable organization. That is defined as an organization that advances a public purpose, donates or renders gratuitously or at a reduced rate a substantial of its services to the persons who are the subject of its charitable services and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity.

Councilman Perry asked where will these go.

Ms. Quilici answered on Winchester Court.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to instruct staff to draft a resolution in support of a grant to Vitality Unlimited.**

The motion passed unanimously. (5-0)

IV. UNFINISHED BUSINESS

- A. Review, consideration, and possible direction to Staff regarding an outstanding claim for damages from Eugene Buzzetti regarding the loss of grazing rights associated with the City's acquisition of BLM land surrounding the Rapid Infiltration Basins, and matters related thereto. **FOR POSSIBLE ACTION**

At the January 22, 2013 City Council meeting, Council considered a claim for damages from Mr. Buzzetti in the amount of \$90,012. At this meeting Council took action, to direct Staff to work with Mr. Wines and the Buzzetti's. The Council indicated that we have put some options on the table and there seems to be some general consensus that the City could be in a position to provide some compensation or perhaps provide some grazing land and that Staff could take a look at that and come back to the Council with a proposal at a later date.

Subsequent to this meeting, Staff obtained an appraisal for 760 acres of land in the Kittridge Canyon area. Staff and legal counsel met with Eugene and Shirley Buzzetti and legal counsel to discuss a long term lease on this property as well as fencing considerations. At the onset, there was interest from Mr. and Mrs. Buzzetti in this possibility. However, Staff recently obtained a letter from Mr. Robert J. Wines in which his client has rejected this option. RL

Ryan Limberg, Utilities Director, explained Mr. Wines and his clients were present. Council directed staff to look at other options. One was to consider grazing opportunities in Kittridge Canyon. City staff got an appraisal on the property. They met with the Buzzettis and there seemed to be some interest. Recently we received the letter from Mr. Wines stating they were rejecting that option.

Robert Wines, legal counsel for the Buzzettis, explained why the Kittridge Canyon area would not work for them. It would have to go out for bid. There are others that already use that area. Due to the distance and location from the Buzzetti operations it creates logistical issues. They would have to expend money to get the water dispersed. The actual acreage of the piece is less than what the city acquired. After considering all the options, that didn't work.

Dave Stanton indicated he has made comments on the legal issue before. He has gone through correspondence from Mr. Wines in this case. He has done legal research on this. He doesn't think it is a takings claim. That is his opinion.

Mayor Johnson asked how did you come to the dollar amount.

Mr. Wines answered he calculated the number of grazing units, calculated the number of cattle, figured they would have to reduce their operations by that number of cattle and then took a five year number if they had to reduce their operation.

Mayor Johnson asked is there any other section around.

Mr. Wines answered we haven't found anything. They had originally contacted the BLM when this whole thing started and told them to find them someplace else to graze. They said sorry, there isn't anything.

Mayor Johnson asked Mr. Stanton if his opinion was that this is up to the pleasure of the council. His opinion was that it isn't necessarily a takings of the council from a legal standpoint.

Mr. Stanton answered the council is limited in terms as to how they can use public money. You have to fit within the public purpose doctrine. You would have to spend money on a public purpose. This is about a disputed claim. That is a public purpose. Council is within its authority to settle a disputed claim. It is the pleasure of the council to come up with some sort of solution in exchange for a release.

Councilman Schmidlein said with the entire area up there at the ponds that we have fenced off; it is his understanding that the EPA or whoever it is will not allow the cows to graze in the current ponds. With the new plant upgrade does that kick that area into a different category or does it keep it the same?

Mr. Limberg said the actual regulation is BLM regulation doesn't allow grazing after the transfer through the RP&P process. We had talked about that early on as perhaps there was some wiggle room there but it isn't allowed by the BLM once you acquire the grounds.

Councilman Schmidlein said the WRF just fenced off an additional 800 acres up there that is non-usable for the City of Elko currently. We acquired it for future expansion but yet he could still graze on that property for another 4-6 years.

Mr. Limberg said that is what they asked the BLM but the BLM informed us that wasn't allowed.

Mr. Wines said historically the city used to re-charge and use the effluent water for irrigation purposes. Some of that area for irrigation purposes has been turned into ponds. Are there areas that are still used for re-charge or infiltration the cattle can graze where the re-use is growing.

Mr. Limberg said that may be prohibited by the NDEP permit.

Eugene Buzzetti said this has been going on since 1983. The first time they did this there was a deal and he was able to use a section of ground. They didn't use any AUM's. We went quite a few years with that deal. Then the next time the city came to us they wanted another 160 acres to build a reservoir out there. We had a meeting that the BLM was involved with. We worked a deal there. We were going to lose AUM's but the city paid us for the AUM's that were lost. The question of getting the cows to that water came up again. They said the cows could drink out of the pond. That eliminated the water problem. The 160 acres were fenced in and the cows were able to get water from the pond and the pivot. In 2006 we had a big fire out there. A lot of that allotment got burnt. The city shut us off for three years. In the meantime the city fenced off everything they had previously where the water was piped in to. They were fenced off from the pond. He was told the cows could not drink that water. In 2010 this whole thing started up. This is where we are now. We lot 1607 acres that the city has acquired. One time we got paid for the loss of 40 AUM's. The city wants all the ground that we spent a lot of time and joint effort with the BLM, 1200 acres of crusted wheat seeding. With that last 800 acres the city has it all fenced. We are left with the steep side hill up there.

Mr. Wines said the city paid the going rate for the 40 AUM's at that time. There is a market for Animal Units. The AUM's have to be attached to a base operation. They don't have to be physically attached but you have to have a base operation. If you don't have a base operation you can't maintain any kind of BLM grazing rights. AUM's are going anywhere from \$75 to \$150 an animal unit depending on who is talking and where they are.

Mr. Limberg said some of the claims were 20 years before his time. The prior claim where the city paid some fees to the Buzzettis, there was a noticing period to allow for protest or appeal. At that time the city was in a tight spot for disposal of its waste water. That is why the money was paid.

Councilman Perry asked what did we pay the BLM for this ground.

Mr. Calder said in an RP&P lease, the city doesn't spend a lot of money on the lease itself but it may spend money on engineering, design and development of the property. The lease was not significant but the development of the property is quite expensive. The lease isn't significant

because it is being used for a public purpose and cannot be sold to a developer to build houses on.

Councilman Rice said he is recalling when they had this conversation earlier in the year. There is a dispute about money owed and whether or not this was a taking. He felt they came up with a proposal in terms of the vacant land but it doesn't work. He wasn't sure the claim for damages for \$90,000 is one that is valid. He understood how it was calculated. It may not be an amount the city is responsible for. Is there an opportunity for negotiations on that number that would be more reasonable? There are problems with the BLM that the city can't solve. They want to be able to allow them to graze there but that is beyond the scope of authority. He doesn't support the claim of \$90,000. Is there some way to have further discussion regarding that amount that would be fair?

Councilman Schmidlein agreed with Councilman Rice. When you look at it we have gained from acquiring the property. \$90,000 is out of line in his mind. He would love to work this out. We have tried a few things. Maybe we can negotiate one more time. The city is not acquiring tax revenue with this acquisition. He doesn't agree with the dollar amount.

Councilman Perry said this seems to be a question of the method of valuation. He asked if you were to sell the value of grazing right per acre, what would the value be. If I take the 800 acres, what is the value?

Mr. Wines answered they don't graze that way. Private grazing rights in a field with good hay you can graze a lot of them on an acre. They are charged per head for grazing. For years the federal government has tried to increase the AUM grazing charges. They have gotten a tremendous amount of flak from the agricultural community. He will try to find a different method of valuation for council.

Mr. Buzzetti said ranch property is valued on the amount of grazing it has. Whenever we are losing AUM's it de-values the ranch.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to provide direction to staff to continue negotiating based on this discussion.**

The motion passed unanimously. (5-0)

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Review, consideration, and public hearing for Notice of Proposed Lease of Real Property for City owned land of less than 25,000 square feet, and matters related thereto. **FOR POSSIBLE ACTION**

Hawkins Smith previously held a License Agreement to use City of Elko property located at Well Site #12, adjacent to 1900 Idaho Street, for parking. The agreement expired August 23, 2013. Hawkins Smith desires to continue utilizing the City property for parking. NRS 268.064 provides that the governing body may

lease the property subject to provisions outlined in NRS 268.059, 061, 062, and 064. City Council adopted a resolution stating that it is in the best interest of the City to lease the property without offering the property to the public and for less than the fair market value of the property. SO

Shanell Owen, City Clerk, explained this item is for council to receive public comment on the lease of the described property. This is across the way on Idaho Street by Subway.

**** A motion was made by Councilman Rice, seconded by Councilman Perry, to conduct the public hearing and declare to continue interest to lease city owned land located adjacent to 1900 Idaho Street.**

The motion passed unanimously. (5-0)

IV. UNFINISHED BUSINESS (Cont.)

- C. Review, consideration, and possible approval of a Lease of City Owned Property containing less than 25,000 square feet, located adjacent to 1900 Idaho Street to Hawkins & Smith, and matters related thereto. **FOR POSSIBLE ACTION**

This item is to be considered following the related public hearing item. Council adopted a resolution stating that it is in the best interest of the City to lease the property without offering the property to the public and for less than the fair market value of the property. SO

Ms. Owen explained the lease is included in the agenda packet. Previously, in the license agreement it was \$1 a year. We put in a monthly lease amount of \$236.15. Hawkins Smith actually developed the property into a parking lot.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the lease to Hawkins & Smith according to the terms outlined in the agreement for property located adjacent to 1900 Idaho Street.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible authorization to accept two (2) Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grants, Rehabilitate Runway 5/23 Phase II (AIP 43) and reconstruct terminal ramp-phase III (AIP 42), and matters related thereto. **FOR POSSIBLE ACTION**

AIP Grant 42 is an FAA discretionary grant awarded based on FAA inspection of current apron in June, 2013 and work is scheduled to commence in fall 2013. AIP Grant 43 is an FAA entitlement grant that was delayed due to US Government Sequestration and is scheduled to begin in spring 2014. Both grants have been bid and awarded and funding is based on a Federal share of 93.75% for AIP 43 (entitlement grant) and 56.25% for AIP 42 (discretionary grant). MG

Mark Gibbs, Airport Director, explained both of those grants were signed off by the federal government. City Council needs to accept them. The funds are available for disbursement.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to accept the grant award for AIP-42 and AIP-43 for accumulative total of \$2,895,696.00 in federal grant dollars.**

The motion passed unanimously. (5-0)

V. NEW BUSINESS

- A. Review, consideration, and possible action to approve a City of Elko Policy, Procedure, and Action Plan for Emergency Cold Weather and other Weather-Related Life Threatening Events, and matters related thereto. **FOR POSSIBLE ACTION**

City Staff along with an ad hoc committee and key stake holders dealing with issues related to homelessness have developed a draft policy, procedure, and action plan, as outlined in a recent report, to address emergency shelter provisions during extreme cold weather for Council consideration.

The plan as presented provides a collaborative designated partnership and framework to provide temporary emergency shelter provisions during times of life-threatening extreme inclement weather that would apply to those persons who would be affected by exposure.

This plan would be similar to other types of Emergency Action Plans that promote proactive community preparedness the City would otherwise be involved in to provide services during similar emergency situations. DA

Delmo Andreozzi, Assistant City Manager, explained this is an item somewhat related to an item that the city has been working for nearly a year. We began by looking at our vagrancy codes and trying to modernize those codes and make sure they were in conformance with the constitutional rights of citizens. We had stakeholder meetings with a variety of advocate groups as we worked through the various code amendments. From that there was an ad hoc committee task force that was assembled trying to look at the issues of homelessness. There was a report generated. From that report there was a number of action plans identified. One of the plans proposed was to have an emergency action plan that would be the policy infrastructure to activate/implement a cold weather plan. Last year we had two incidents where two separate people did die from exposure. This may sound like it is specifically for homeless people but it is more than that. There can be just about any emergency out there where the city needs to activate its emergency action plans to evacuate people to put them in a temporary shelter. This is similar to that type of process. Last year Joshua Tree came up with a plan to have a temporary shelter for people that were in danger of dying of exposure. This is just a policy we are proposing the council look into. It would be the framework. We would have to develop a memorandum of understanding with a service provider that would be brought back to city council that would outline exactly what would

happen in this kind of circumstance. This would activate when there will be temperatures at sub-zero numbers. This would be a voluntary shelter and not mandatory.

John Schmidt, Pastor at Living Stones Church, we have been putting things together so this may be in place for this winter season. FISH has agreed to be the service provider. Living Stones Church has agreed to provide all of the volunteer staffs that are needed. We are in the process of procuring a facility in the downtown area. We have not been able to find a place yet but we are working on that. This will bring the city and other providers together to provide all of those functions so we can be proactive. The city's responsibility will be the declaration of the emergencies, providing of the cots and transportation for people who are unable to get to the facility on their own. The community is then taking responsibility for the other items.

Mayor Johnson asked will the city have access to that.

Mr. Andreozzi asked if he meant to the cots. No, we are in the process of looking into this. The most it was used last year each night was 4 people a night. We can't force people to go there. The intention would be to say there is a spot for you.

Councilman Perry asked do you think formalizing this that there will be more people this year.

Mr. Schmidt said there are a number of considerations. Last year there was a facility at the Presbyterian Church. There were other concern in respect to the distance and other concerns such as pets. There was also some issue with personal items being stolen. Some people wouldn't stay at the shelters for these reasons. FISH is looking at addressing some of those issues. We think there may be a greater response this year if some of the mitigating factors were addressed but we aren't sure.

Jennifer Kidwell, Joshua Tree, agreed that the Presbyterian Church was quite a hike when it was cold. Additionally we would have had more because the location wasn't clear. American Red Cross volunteered to loan cots but we were able to sustain with what was at the church. We need to make it clear as to the time it would open.

Michael Moore asked aren't these facilities open all the time for anyone that needs assistance or shelter.

Mayor Johnson answered not necessarily.

Mr. Moore asked how many facilities are involved in this.

Mr. Schmidt answered there are houses like the Samaritan House that have residents in there already. We are talking about people that do not have a place. We are formalizing this so a place can be designated.

Mr. Moore said there are several churches in the area that have provided winter coats, etc. You talk about certain groups that have volunteered and provided equipment but they aren't open?

Mr. Schmidt responded right now we have not found a facility available. We are still looking. We are looking for a larger room. There are certain fire codes that need to be met. The room will provide minimal heat and have restroom facilities.

John Upshaw, 4980 W. Bullion Rd., said when this individual passed away there was a shelter available but they chose not to participate in that shelter. There are great proactive programs like the Rural Housing Authority and Vitality Center available. It seems that this is waiting to fight the fire now that we are in the fire. There are proactive programs in existence. Are we taking advantage of those programs prior to getting below zero?

Mr. Andreozzi said he wanted to know what the proactive programs are now.

Mr. Upshaw said the Rural Housing Authority, Vitality Center and FISH. He understands the need for an emergency action plan. We need to use these programs before we utilize an emergency program. If we need more places to shelter people in an emergency then let that happen.

Mr. Andreozzi agreed those are great programs but currently there are not any emergency shelters for this purpose that he is aware of.

Councilman Perry said in previous meetings they discussed homeless issues and other problems too. There is a population of homeless people here. In 2012 we had 87 Point in Time homeless people. There are people that don't fit at FISH. FISH is not a homeless shelter. It is a place where they feed people and try to rehabilitate people. The Samaritan House is there to mainly address moms with kids that are homeless. If you talk to people down by the river in a tent, they don't want to go into a shelter. Do we do nothing when it gets so cold that obviously we are going to lose some people?

Katie Upshaw said some don't want to be in shelters. How would this help them if they don't want to be there?

Mayor Johnson said there is no solution that is going to solve every single problem. This is just one piece that the city is working on.

Ms. Upshaw said enforce the laws that are on the books so that they aren't here when it gets that cold. Camping in city limits is against the law.

Councilman Schmidlein said it is not against the law to be homeless.

Ms. Kidwell clarified some points about the shelters in town. Samaritan is an emergency temporary shelter. They house 20 people. We have 87 in Elko. They also have residents so that number dwindles.

Mr. Schmidt said what we are talking about it one piece in a 1000 piece puzzle. We have put together an advisory council made up of homeless people. The first meeting will be this Thursday. Discharge policies are being addressed too.

Shane Moss, 5320 Bullwacker, said he wanted to make sure that the council understands that the opposition is coming from opening the gate and offering more opportunity for that homeless population to grow. For this purpose we need to define what constitutes an emergency.

**** A motion was made by Councilman Rice, seconded by Councilman Perry, to approve the proposed City of Elko policy, procedure and action plan for emergency cold weather and other weather related life threatening events.**

The motion passed. (4-1 Mayor Johnson voted no.)

After the motion and before the vote, Mayor Johnson said there is still a lot of work as far as a memorandum of understanding. He thought the key is to have the non-profits provide the solution. There is no one program that will solve this problem. He has studied this and has looked at what other cities are trying to do. He wants to be an advocate and provide the city as common ground that can be provided to help with the solution but the solution will really come from the non-profits and religious groups. If the city provides the amenities then the issue becomes larger. He didn't know if this was a plan that the city should be a part of or if it should just be the common ground to help the different organizations.

Councilman Rice said felt that was what we were trying to do here. We are trying to create a place where the non-profit organizations can be more proactive. He hasn't seen any evidence that shows if we provide this sort of emergency shelter that we are inviting the homeless to come to our community. The City of Elko cannot be a social services provider but we can do everything we can to enable organizations to provide those services.

Councilwoman Simons said maybe we need to decide exactly what is appropriate for the city to participate. Something needs to be done. Providing transportation services for people; how are we going to do that?

Councilman Rice said we can do that with our relationship through My Ride.

Mr. Schmidt said people may be concerned and think we may be trying to create a relief based infrastructure in this community. He wants to help the homeless get out of being homeless and not continually give them handouts. We will discover things this year and decide we need to make some changes to the policy.

Councilman Rice said the city's MOU does not make the city fiscally responsible. He does not want to leave anyone out in the cold. This is a tough decision for the City of Elko. We have the means to empower these other organizations to do this work.

Michael Moore, 381 Four Mile Trail, said he hears everyone and they have good points. His concern is the foundation to some of the major problems that we are in right now with some of our other elected officials. That is a person as an elected official trying to use the government in such a way that it was not intended. He is worried that the homeless are not held to the same personal responsibility that the rest of are. It is the city's job to enforce the rules/laws and it is

the community's job to provide the compassion and the support the homeless need for their situations.

Council voted on the motion.

- B. Review, consideration, possible action to renew the Elko Television District Lease on City owned property, located at 4290 East Ruby Vista Drive, Elko, Nevada, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from Mr. Tyler Gunter has been placed in your Council packet for your review. CC

Curtis Calder, City Manager, explained the lease with TV district will expire soon. There are no extension clauses in the lease. Their board has voted to have their lease extended. He has spoken to legal counsel and he said we would need a new lease. That is plausible because they are a public entity. We have plenty of time to address it before the lease expires if council chooses.

Tyler Gunter, Chairman Elko TV District, said they use the building to house equipment for broadcasting to the area. We would appreciate being able to use that resource.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the renewal of a lease of city owned property for the Elko Television District's use located at 4290 East Ruby Vista Drive and direct staff to bring back a lease for council to approve at the next meeting.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS (Cont.)

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

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

The motion passed unanimously. (5-0)

VII. REPORTS

- A. Mayor and City Council
 - Councilman Perry said regarding the Exit 298 development agreement heard at the last council meeting, he suggested they have a workshop with staff and the developers to work out the differences.*
 - Councilman Rice attended the Fire Prevention Picnic that was a lot of fun with great demonstrations.*
- B. City Manager
- C. Assistant City Manager

Delmo Andreozzi thanked Curtis Calder for allowing him to be a staff representative on the homeless ad hoc committee. They are continuing to work on the vagrancy code. The City has put in a vast amount of missing infrastructure around town in the recent past. That infrastructure is going to help the city look nicer.

D. Utilities Director

Ryan reported on emergency repairs at the Water Reclamation Facility administration building. The vendor was Sheen Silver State and the amount was \$6,517.96. The work consisted of replacing several different pipes there. The sewer pipes in that building weren't PVC, they were ductal iron and cast iron. We had several faucet drains that weren't working. We had showers that wouldn't drain. Toilets had some split vent plumbing that was going through the roof as well.

E. Public Works

D. Airport Director

E. City Attorney

F. Fire Chief

Chief Griego handed out a copy of his most recent newsletter. (Exhibit "E") This last month was the second month in a row without any losses. He also handed out a flyer about fire prevention. (Exhibit "F") He thanked everyone that helped with the Fire Prevention Picnic.

G. Police Chief

H. City Clerk

I. City Planner

J. Development Manager

K. Administrative Services Director

L. Parks and Recreation Director

M. Civil Engineer

Jeremy Draper reported on web based Pictometry and their progress in putting GIS layers on it. They are advertising for a centennial committee. They have people that have expressed an interest. They have gotten two additional grants from NDOT; for curb, gutter and sidewalk on Ruby Vista, Flagview, Golf Course and Jennings at Adobe Middle School.

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

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

Mayor Chris Johnson

Shanell Owen, City Clerk