

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

SS October 12, 2015

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 4:00 p.m., Monday, October 12, 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
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
Shanell Owen, City Clerk
Dawn Stout, Administrative Services Director
Jonnye Jund, Accounting Manager
Aubree Anderson, Human Resources Manager
Mark Gibbs, Airport Director
Ben Reed, Police Chief
Jeremy Draper, Development Manager
Matt Griego, Fire Chief
Bob Thibault, Civil Engineer
James Wiley, Parks and Rec Director
Dave Stanton, City Attorney
Lauren Landa, Deputy City Attorney
Mike Hess, Landfill Superintendent
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**

John Lemich, Machi's, said there has been a lot of talk about vagrants and the homeless. We have built a camp for them and displaced them from the river and the train park. They are in front of his business every night and all along Commercial Street. We need to come up with some sort of ordinance to move them along. Councilman Schmidlein sat in front of his business Friday night for about three hours and saw what was going on. The homeless is the biggest problem right now downtown. We need to do something about it.

APPROVAL OF MINUTES: September 22, 2015

**Regular Session
FOR POSSIBLE ACTION**

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Presentation of a Retirement Plaque to Firefighter Bob Echeverria of Lee Engine Company, for his 41 years of service, and matters related thereto. **FOR POSSIBLE ACTION**

Mayor Johnson and Matt Griego presented a plaque to Bob Echeverria.

Chief Griego thanked Mr. Echeverria for his many years of service and presented him with a shadow box they had put together.

Bob Echeverria said he is usually here because he is complaining about something for the Basque Club. He thanked the City for supporting the Fire and Police because without them life might be hell.

II. PERSONNEL

- A. Employee Introductions:
- 1.) Promotion of Police Officer Jeremy Shelley to Police Sergeant, Police Department

Chief Reed introduced Jeremy Shelley as the newest Police Sergeant.

Mayor Johnson administered the oath and Mrs. Shelley pinned his new badge on him.

I. PRESENTATIONS (Cont.)

- B. A reading of a proclamation by the Mayor "Keeping the Lights on After School", and matters related thereto. **FOR POSSIBLE ACTION**

Mayor Johnson read the proclamation.

- C. A. reading of a proclamation by the Mayor recognizing October 2015 as “National Arts and Humanities Month”, and matters related thereto. **FOR POSSIBLE ACTION**

Mayor Johnson read the proclamation.

IV. APPROPRIATIONS

- C. Review, consideration, and possible authorization for Staff to award a Construction Services Contract to Aqua Engineering for the Truck Load Out Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council authorized bidding this project during the June 9, 2015 meeting. Staff is requesting that the construction services be provided by Aqua Engineering, the Design Engineer of the project. The approved Fiscal Budget included Construction Management. FPS

Ryan Limberg, Utilities Director, explained this is for the construction management portion of the project. They expect to put the project out to bid next week and open bids the second week in November.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to award the Construction Services Contract to Aqua Engineering for the Truck Load-Out Project.**

The Motion passed unanimously. (5-0)

- D. Review, consideration, and possible approval for the WRF Reuse Pipe Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved bidding this pipeline replacement project on August 11th. Three bids were received on September 30th; two bids were determined to be incomplete. Staff is recommending awarding the project to Ruby Dome. FPS

Mr. Limberg went over each of the bids. The low bidder was Faulstich and Rand but they didn't fill out the subcontractors list form. That form is a requirement by NRS so they had to throw out that bid. Sierra Nevada's bid did have their name in the form correctly but they didn't list the percentage of the work they would be performing as required. The bid documents also calls for a document from the Nevada Board of Contractors certifying their license is in good standing. That document was not included with their bid. The third bid was from Ruby Dome. They did fill out the subcontractors form correctly but they did not include the form from the Contractor's Board; instead they included a printout from the Board's web page showing that their license was in good standing. Ruby Dome did have one minor mistake but we have accepted the printout they provided as certification from the Contractor's Board in the past. Staff recommended awarding the project to Ruby Dome, Inc.

Mayor Johnson asked about listing the main contractor as a sub-contractor if the contractor's license would cover the whole project.

Dave Stanton, City Attorney, stated NRS.338141 sub 3, sub B, and sub 4 makes it a requirement that the prime contractor list themselves if they are going to do the work in the place of a sub-contractor.

Councilman Schmidlein said they have lost some bids because they didn't list themselves.

Mr. Limberg said they do bring this list up at the mandatory pre-bid meeting. We have tried to find a way to make this form easier and that is why they added the bold language on the form. Mistakes are still made on the bids.

Councilman Schmidlein asked if there was no issue with Ruby Dome's bid from a legal standpoint.

Mr. Stanton answered it sounds like there was a minor irregularity with the printout from the State. Because of the statute the sub-contractor list is mandatory. If a bidder doesn't strictly comply with the bid documents and submits a bid with minor irregularities the council can waive them. There are things the city has to consider in order to accept the irregularity. Council needs to place on the record whether the irregularity is substantial or not. If it is not a substantial irregularity then you move on and decide whether or not the bid document that was submitted is clear enough so that council can decide if there was compliance. Another thing that council needs to consider is whether the irregularity impacts the assurance that the contractor is going to perform the contract. If we get past all of that, the last thing that council needs to consider is whether or not by waiving the irregularity that it gives that bidder an unfair advantage over other bidders.

Councilwoman Simons felt that if Sierra Nevada had left the percentage blank then they would be able to infer that they are going to do all of the work. The other one she felt was in compliance because they did give the information requested but in a different form.

Jeff Lommori, Sierra Nevada Excavation, said that is why there is a 10% bid bond. The document that comes from the State Contractor's Board comes with a raised seal. The form that was presented is information that is on the website and everyone can get that. The entire bid document listed Sierra Nevada as the only contractor. That implies that there were not going to be any subs.

Mayor Johnson noted if the other bid had been perfect they would have had the letter from the contractor's board. You can have a gap where the website is not up to date with the contractor's license. In his opinion all three bids have issues. It will depend on what city council wants to do.

Mr. Limberg said he and Shanell looked through the bids and they both felt that the printout from the Contractor's Board was sufficient. Each one of the bids has a glitch but each one has a smaller glitch than the proceeding one. As legal counsel has mentioned, Faulstich and Rand's bid has to be out according to the state standard. That leaves two; Sierra Nevada or Ruby Dome. Either one you will have to waive something if you want to approve it.

**** A motion was made by Councilman Rice to award the WRF Reuse Pipe Replacement Project to Sierra Nevada Excavation LLC acknowledging that in doing so we**

are waiving an irregularity in the bid. That irregularity being that the original bid was missing the certified letter from the State Contractor's Board stating the currency of their license; and even though there was an irregularity in the form listing the subcontractors performing the work, in that the contractor listed itself as 1% 5% rather than 100%, that it can be determined by reviewing the packet that the contractor is performing 100% of the work.

The motion died for lack of a second.

Mr. Stanton added there really should be more in the findings; one is that the irregularities are not substantial and another is that this does not give a competitive advantage to the successful bidder.

Mayor Johnson asked Mr. Stanton to draft up a recommended motion.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to table the item.**

The motion passed unanimously. (5-0)

SEE PAGES 8-10 AND PAGE 11 for further discussion and motions.

V. SUBDIVISIONS

- A. Review, consideration, and possible acceptance of public improvements for The Pointe at Ruby View Townhomes, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved the Final Map for The Pointe at Ruby View Townhomes on June 11, 2013. The developer has substantially completed the public improvements in accordance with the approved plans. The City is in receipt of the required certification of the project by the Engineer of Record. The developer will post a maintenance bond in the amount of \$3,263.04 with the City for the twelve month maintenance period upon acceptance of the public improvements. JD

Jeremy Draper, Development Manager, explained this is at the intersection of Khoury Lane and E. Jennings Way. The developer has completed the easterly section of these townhomes. The public improvements; they replaced some panels on the sidewalk and put in a new water tap. In addition to the subdivision map, they also had to apply for a CUP that has conditions that have not been met just yet.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to accept The Pointe Townhomes public improvements.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible acceptance of public improvements for Autumn Colors Phase 3, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved the Final Map for Autumn Colors Phase 3 on April 14, 2015. The developer has substantially completed the public improvements in accordance with the approved plans. The City is in receipt of the required certification of the project by the Engineer of Record. The developer will post a maintenance bond in the amount of \$21,499.00 with the City for the twelve month maintenance period upon acceptance of the public improvements. JD

Mr. Draper explained Autumn Colors Phase 3 is extending Boulder Creek up to Snowy River. Phase 4, which has been through the final plat, is a corner piece. Mr. Bailey has completed the public improvements and he recommended acceptance.

Councilman Schmidlein asked if NDOT curb, gutter and sidewalk is any part of this.

Mr. Draper answered no it is not.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to accept the Autumn Colors Phase 3 public improvements.**

The motion passed unanimously. (5-0)

VI. UNFINISHED BUSINESS

- A. Review, consideration, and possible approval of an amendment to the Elizabeth Younger Agency 5 Year Airport Advertising Services Contract, and matters related thereto. **FOR POSSIBLE ACTION**

Elizabeth Younger Agency Ltd. who provides Airport Advertising Services for Elko Regional Airport is working with both Delta Air Lines and the Airport to provide a FY 2015/2016 Advertising Campaign for the airport. This contract amendment has already been budgeted into the approved Airport Fiscal Budget. In addition, to the Scope of Services listed in the amendment, the airport is carrying additional advertising through successful grant applications. In this contract amendment \$7,500 will come from grant dollars and \$29,350 will be from the Airport Enterprise Fund. MG

Mark Gibbs said Phase 1 was the airport website that was redesigned. This is our first major endeavor since 2003 to advertise to the local market. The marketing proposal will include a kiosk at the Mining Expo and other advertising.

Councilman Rice disclosed that he has family members employed by two of the broadcasting organizations but he won't see any financial benefit.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to authorize the Airport Director to enter into a contract amendment for Airport Advertising Services with the Elizabeth Younger Agency Ltd, not to exceed \$36,850 for Fiscal Year 2015/2016.**

The motion passed unanimously. (5-0)

- B. Review, consideration and possible approval of an amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012, amended on April 22, 2014 and September 8, 2015 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, amended on April 22, 2014 and September 8, 2015. 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 with regard to those fees by including those fees in the rate schedule. The proposed amendment is identified as the third amendment to the agreement. This item was tabled at the September 8, 2015 meeting. SAW

Scott Wilkinson, Assistant City Manager, explained he provided a memo that was in the packet. In that memo he highlighted in yellow all the changes you will see in the rate schedule.

Kris Wright, Elko Sanitation, said none of these fees are new to the city other than the 8 yard bin.

Councilwoman Simons asked if there was no roll out fee for the 6 yard bin.

Mr. Wright answered those do not come on wheels. They are too large to try to roll.

Councilman Keener asked if the roll-out fee applies just to the larger bins.

Mr. Wright answered yes, it would apply to the larger bins. Right now only one customer is charged that fee because they asked that they roll the container 40-50 feet from where they like to store it.

Councilman Schmidlein felt that needs to be redefined because he knows with the bins in the alleys it takes two men to pull it out and turn it so it can be serviced.

After some discussion it was decided that the Roll-Out fee would be charged only if the bins were moved more than 20 feet.

John Carpenter asked how big the 8 yard bins are and how big is his trash bin.

Mr. Wright answered the 8 yard bins are quite large and Mr. Carpenter's trash bin is 2 yards.

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

September 8, 2015 for Sanitary Service in the City of Elko with one modification; that being to Item No. 36, Roll-Out B. that will be worded such that Roll-Out fee means a fee that is charged when a contractor must roll a refuse container more than 20 feet out of an enclosure or building or away from hazards that prevent the collection vehicle from accessing that. The fee will be charged per applicable occurrence.

The motion passed unanimously. (5-0)

Mayor Johnson moved back to Item IV. D., award of the WRF Reuse Pipe Replacement Project.

Dave Stanton had returned to the meeting with a recommended motion.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to award the contract to Sierra Nevada Excavation subject to the following findings: 1) There are minor irregularities in the bid documents that were submitted, namely A) The State Contractor's Board certification was not included in the packet, and, B) the subcontractors form indicated that the prime contractor would perform 1%/5% rather than 100% of the work. 2) The council has determined that these irregularities are not substantial, do not deprive the city of assurances that the contract will be performed, and do not give the bidder a competitive advantage. 3) The council further determines that it can readily determine from the bid documents that the bidder will perform all of the work itself, and moreover, the contractor's status with the Nevada Contractor's Board can be found online. 4) Based on these reasons, the council hereby waives the stated irregularities in the bid documents and awards the contract to Sierra Nevada Excavation.**

The motion failed. (2-3 Councilwoman Simons, Councilman Keener and Councilman Schmidlein voted no.)

After the motion and before the vote, Councilwoman Simons asked if the Faulstich and Rand error was that they didn't self-list.

Mr. Limberg answered they listed "NONE." That is all they put in there.

Councilwoman Simons asked if Ruby Dome had an issue with the certificate.

Mr. Limberg answered correct. They didn't have a certified statement from the State Contractor's Board that is less than 90 days old. They did go to the State Contractor's Board website and printed off a status report showing their license was in good standing.

Councilwoman Simons asked if Sierra Nevada had an issue with both.

Mr. Limberg answered correct.

Councilwoman Simons asked if we have had other people that have been denied a bid because they had issues on the subcontractor list.

Mr. Limber answered correct.

Councilwoman Simons said she had a couple of problems with the motion. She felt they were awarding the project to the one with the most issues.

Councilman Rice felt the only other alternative would be to toss this out and rebid the project.

Mr. Limberg said they won't have the timeframe to accomplish a rebid. This is a narrow window of opportunity.

Councilman Rice said the Sierra Nevada document was clearer than the Faulstich and Rand bid. It was more reasonable to find that we could waive those for Sierra Nevada.

Councilman Keener asked if Mr. Limberg had gotten the paperwork after he put together the agenda item. You were recommending approval of Ruby Dome's bid. Is that still the case?

Mr. Limberg said he would award to Ruby Dome because they only had one minor issue.

Councilman Schmidlein said if all three have mistakes they should all be thrown out.

Councilman Keener agreed with Mr. Limberg and would go with Ruby Dome.

Council voted on the motion.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to award the contract to Ruby Dome subject to the following findings: 1) This is a minor irregularity in the bid document that was submitted, namely the State Contractor's Board certification was not included and instead they included a printout from the Nevada State Contractor's Board web page. 2) The council has determined that this irregularity was not substantial and does not deprive the city of assurances that the contract will be performed and does not give the bidder a competitive advantage. 3) The council further determines that it can readily determine from the bid documents that the bidder will perform all of the work itself, and moreover, the contractor's status with the Nevada Contractor's Board can be found online. 4) Based on these reasons, the council hereby waives the stated irregularity in the bid document and awards the contract to Ruby Dome Inc.**

The motion passed. (3-2 Councilman Schmidlein and Mayor Johnson voted no.)

After the motion and before the vote, Mayor Johnson asked about the urgency of the project.

Mr. Limberg answered they had one failure this year that prompted NDEP to come out and take a look. He felt there is some urgency to get this replaced before the next year season.

Councilman Schmidlein asked if any of this is under roadway. (no) If we go out to re-bid, why can't we do that in December?

Mr. Limberg answered in general the timing for a construction project isn't favorable and the time of year is not ideal to be working with the HDPE pipe with the stretch and contraction of the pipe.

Councilman Schmidlein felt that pipe gets put in all year round.

Council voted on the motion.

VII. NEW BUSINESS

- A. Review, consideration, discussion and possible appointment of (1) one member to the Parks and Recreation Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

The Parks and Recreation Advisory Board currently has (1) one vacant position for a new (4) four year term set to expire on June 30, 2019. During the recruitment period Staff received (2) letters from eligible candidates expressing their desire to serve on the Board. The candidates are Michelle Smith and David Fonua. JW

James Wiley, Parks and Recreation Director, explained they received two letters of interest. There was one candidate present at the meeting.

Michelle Smith said we was interested in the position.

Mayor Johnson asked if she has been attending the meetings.

Ms. Smith answered she has been.

Mayor Johnson asked what her interest is in Parks and Recreation in Elko.

Ms. Smith answered she has been an Elko resident for 20 years. She has three boys that have been very involved in the Parks and Recreation in general. She has participated in the Elko Velo Bicycling Club as the Secretary. Her youngest is an active swimmer. She is on the board for the Elko Swim Team. In general she has been an active member of the community and she felt she would be an asset.

**** A motion was made by Mayor Johnson, seconded by Councilman Keener, to appoint Michelle Smith to the Parks and Recreation Advisory Board.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval of the Accounts Receivable Minimum Charge and Transaction Fees, and matters related thereto. **FOR POSSIBLE ACTION**

The Finance Department has had an Account Receivable Minimum Charge for some time, \$10 dollars since FY99. We have updated our policy to increase the

minimum monthly charge to \$50/month for all Landfill Accounts. We have also added a \$2.00 per transaction charge for the request of duplicate signed tickets. JJ

Jonnye Jund, Accounting Manager, explained the difficulties the finance department has been facing and the proposed changes.

Councilman Keener felt this was reasonable.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to recommend approval of the Accounts Receivable Minimum Charge Increase to \$50 per month for Landfill accounts and also the \$2.00 transaction charge for duplicate Landfill ticket requests.**

The motion passed unanimously. (5-0)

Councilman Rice wanted to revisit the WRF Reuse **ITEM IV. D.** He voted in favor of that motion. There is a parliamentary way to undo that.

Mayor Johnson said he could make a motion to reconsider.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to reconsider the WRF Reuse Pipe Replacement Project.**

The motion passed. (3-2 Councilwoman Simons and Councilman Keener voted no.)

Councilman Rice wanted to reconsider the matter. The bottom line is that we have three bids with irregularities. In order to create an even playing field he would like to move to reject all three bids and send it back out to re-bid.

Councilman Schmidlein seconded the motion.

After the motion and before the vote, Councilwoman Simons asked if this motion passes does that automatically cancel out the other one.

Mr. Stanton answered the council can reconsider actions that were passed earlier in the meeting. You want to word the motion in such a way that is clarifies that is what you are doing.

Councilman Rice restated the motion.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to declare void the previous action and declare all three bids as non-responsive and put the project out to bid once again.**

The motion passed unanimously. (5-0)

Councilman Keener asked Mr. Limberg how much that will slow down the project.

Mr. Limberg answered 30-60 Days. Probably closer to 60 days. They were hoping to get started in November of this year.

Council voted on the motion.

- C. Review and discussion of Elko County's proposed "Tax For Infrastructure Quarter Cent Sales Tax (.25%)," including possible action to submit a letter of support or opposition to the Elko County Board of Commissioners, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the County's Sales Tax Presentation has been included in the packet for review. CC

Curtis Calder, City Manager, explained County representatives were here a while back discussing the matter. If the council wants to take a position on the item this is the time to do that. You don't have to take a position, but if you do we can forward that to the Elko County Board of Commissioners. Gary Zunino was present at the meeting to answer questions.

Mayor Johnson said if the county decides to raise the sales tax it will generate approximately \$3.5 million annually. The county's current plan allocates \$1.5 million to the Fire District and \$2 million towards road projects. He attended the first meeting and there will be another meeting on October 21st. When the county first entered into this it looked like the only option was to raise the sales tax 1/4 cent. Since then they found out that is not the case. They can raise it a minimum of 1/8 cent. The new plan we all have interests in the Fire District, especially in the outlying areas. The county is bound by the tax system and the options are limited as to where they can get revenue. He supports the increase of sales tax for the Fire District. He wants the county to reconsider the road plan to include more monies to all of the incorporated cities.

Councilman Rice said this was discussed at the RTC but it was not an agenda item. The consensus was that the RTC would support the proposal. They didn't talk about the distribution. He shares some concerns about the distribution of it. We should not behave as Clark County behaves to the rest of the state. We need to be sure that we not make that distribution at the expense of some of the more needy parts of the county. He need to be cognizant and caring of the needs of the entire county as we go forward.

Councilman Schmidlein asked for some clarification. As city residents we pay the Elko Capital Projects. Then we have the Elko Debt that we pay into and then we have Elko City. All the current residents of Elko pay these additional taxes. He wants a clear explanation of these and what they go to.

Dawn Stout, Administrative Services Director, said the city tax residents pay .92 cents. We pay a portion of the General Fund, .615 cents. We do have .10 cents that goes to our Debt Service Fund that pays for the Police Department bond as well as the Street Bonds. We have .05 cents that goes to our Capital Equipment Fund and then we have about .155 cents that goes to the Capital Construction Fund. Of those amounts, the General Fund gets about \$2.9 million in taxes. Those taxes are just general revenues that go into the General Fund that help provide services in the General Fund. Police and Fire are in the General Fund. Debt Service gets about \$470,000 per year. The Capital Projects Fund generates about \$730,000. The Capital Equipment Fund gets a portion of our sales tax monies. The total revenues for the City of Elko for our tax

revenues that we have agreed to is about \$4.3 million. That is what we get in sales tax. In total taxes as City residents, we pay about \$16-\$17 million total.

Councilman Schmidlein realizes the county is in a serious condition. They have known for a couple of years that they will need to take care of the shortfall that is in front of them. He feels the City of Elko residents will be paying for these services twice. If the county is not willing to give us some money to go towards our roads, that is where the problem lies.

Gary Zunino, former Administrator for the Fire District, said one of the issues is the statute does not allow the county to just give a portion of the funds. It would have to be done with a separate agreement. The county was aware on the Fire District side that they were going to have to come up with the funds for a couple of years. The county was able to come up with the funds to start the Fire District and now we need more funds. This wasn't done two years ago because they were trying to find another way to fund it. He can't speak about the roads.

Councilwoman Simons agreed with Councilman Rice and we cannot exclusively look out for ourselves. We do have to understand that we do reap the benefits of having a county with a good Fire District. She does occasionally use county roads. To flip it over, there are county residents that use the city roads at a higher rate. It shouldn't be per capita. To see our residents are going to pay this tax and not see any of the money she has a problem with that.

Mayor Johnson didn't know the requirements as far as the road plan goes but part of the steps of having the tax approved is how specific the road plan needs to be. The next step is to identify where the money would go.

Councilman Keener asked if there was a remedy to increase the sales tax for a short window of time.

Mayor Johnson answered that was an option. The county can go with this for 15 years or a shorter time.

Councilman Keener asked if there could be some hope for legislative relief.

Mr. Calder answered there is always hope but when it comes to sales tax distribution formulas and sales tax laws it affects all of the counties in the state. When you talk about legislation on sales tax distribution everybody gets very interested in it. You have some counties that have multiple cities like Elko County and some counties that have no cities or townships. If you are looking for a legislative solution it would be very unlikely that we would come to some sort of resolution that would benefit everyone. If this has to be a road plan we do have some regional roadways that run through Elko. Some of which are at a complete bottle neck at certain times during the day. How about allocating money to widen 12th Street Bridge? That might be something that could be in the road plan so when the time comes to widen the bridge the money would be available to do that.

Mayor Johnson said they need to draft the letter that says generally the city of Elko is in support with consideration of monies coming back to the city.

Councilman Rice added "looking forward to further discussions."

Councilman Keener felt it was unfortunate because people within the City of Elko will basically be paying again for these services that they already pay for.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to direct staff to draft a letter declaring the City's support of the sales tax increase.**

The motion passed unanimously. (5-0)

After the motion and before the second, Councilman Rice said he would like the letter to address what was discussed tonight, that we are very supportive of the Fire District but that we are also concerned that such a sales tax increase would serve the citizens of Elko as well as it can in terms of road construction and maintenance. Mr. Calder cited several different projects. He doesn't want to constrain it but he wants it known that we have those concerns. Anything the county could do help us wage those would be extremely helpful.

Councilman Keener seconded the motion.

Council voted on the motion.

VIII. PETITIONS, APPEALS, AND COMMUNICATIONS

- B. Review, consideration, and possible action to conditionally approve Curb, Gutter, and Sidewalk Waiver No. 3-15, filed by Andrew and Shannon Knudsen, which waives the requirement for certain public improvements on the southwesterly side of Mountain City Highway and Tamarack Road abutting a portion of APN 001-01E-033, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 2-13-3, public improvements are required upon the merger or division of property, or when vacant lots are developed. The applicants are doing both. NDOT has requested no improvements be placed in their right-of-way, and the applicants are proposing a cul-de-sac to terminate Tamarack Road. Tamarack Road was developed without public improvements. Staff recommends conditional approval with some of the improvements still being required. JD

Jeremy Draper, Development Manager, explained the area being discussed is at Sundance Road and Mountain City Highway and Tamarack. He has reviewed and conditionally approved a parcel map. Mr. Knudson is in the process of developing a parcel that requires public improvements. Tamarack and Royal Crest roadways were not developed with curb, gutter and sidewalk. They were developed to more of a rural standard. NDOT has requested that improvements not be installed on Mountain City Highway so the old Pet Cemetery does not get disturbed. Mr. Knudsen has agreed to install pedestrian access/5 ft. sidewalk along his property in an access easement. He would like to waive the requirement for curb and gutter along the roadway.

Councilman Rice wanted clarification. The sidewalk along Mountain City Highway, there will be pedestrian access along there. We are proposing none on Sundance?

Mr. Draper answered no, we still have curb, gutter and sidewalk on Sundance. There will be curb and gutter and Tamarack in the cul-de-sac only. He indicated on the overhead screen where the cul-de-sac would terminate.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to conditionally approve the Curb, Gutter and Sidewalk Waiver No. 3-15 subject to the conditions listed in the Development Department's Memo dated October 5, 2015.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Mayor Johnson asked if the driver that requires the improvements is solely a change in a parcel. Will the zoning remain the same?

Mr. Draper answered the zoning will remain the same. He explained the drivers for the requirements.

Mayor Johnson disclosed he owns property down the road which happens to be mini storages, Charles Chester Plumbing. He doesn't see it as enough to abstain.

Council voted on the motion.

IX. 6:00 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 798, AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF ELKO, NEVADA, GENERAL OBLIGATION (LIMITED TAX) RECREATIONAL FACILITIES AND REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2015 FOR THE PURPOSE OF FINANCING AND REFINANCING THE COSTS OF RECREATIONAL PROJECTS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, AND OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF; and matters related thereto. **FOR POSSIBLE ACTION**

The Debt Management Commission, at their meeting held July 14, 2015, approved Resolution DMC 1-2015 authorizing the City of Elko to proceed with the issuance of the City's General Obligation (Limited Tax) Recreational Facilities Bonds (Additionally Secured by Pledged Revenues) in the maximum amount of \$8,000,000. If this ordinance is adopted, the bonds are scheduled to be sold October 22, 2015 with a bond closing and funding date of November 12, 2015. DS

Dawn Stout, Administrative Services Director, explained the bond and financial counsel were present to answer questions.

Mayor Johnson called for public comment.

John Carpenter said his only concern is that the bottom doesn't fall out of Elko's revenues like it did in Winnemucca. He thought \$1.5 million was going to the Golf Course water line. But now it doesn't look like it will. He wondered what the kids get out of this. Will there be little league ball fields there or will it be strictly adult softball?

Ms. Stout explained the Golf Course will get \$1.2. Then \$1.24 million is for the refunding portion of the California Interpretive Center bonds. The remainder would go to the new Sports Complex. The city is looking to bond for the maximum amount of \$8 million so we have the maximum leverage in funds for any grant funds we may get for the Sports Complex.

James Wiley, Parks and Recreation Director, said the Sports Complex is designed and will be built to be multi-generational. In phase one there will be a field solely dedicated to youth league play. The other two fields can be either size.

Mr. Carpenter wanted to make sure the kids were not left out. As long as they are included it is a go as long as the room tax stays were it is.

Mayor Johnson spoke in support of the bonds.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to conduct the Second Reading, Public Hearing and Adopt of Ordinance No. 798.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to adopt Resolution No. 28-15, a resolution of the City Council adopting a change in zoning district boundaries from C (General Commercial) to RO (Residential Office), involving approximately 1.27 acres of property located generally on the north side of Spruce Road approximately 460 feet west of 5th Street, filed by Gary Morfin and processed as Rezone No. 5-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on May 5, 2015, and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 5-15. The conditions were to be met before Council consideration. JD

Jeremy Draper, Development Manager, explained the conditions have been met. He recommended approving the rezone.

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to adopt Resolution No. 28-15.**

The motion passed unanimously. (5-0)

III. CONSENT AGENDA

- A. Review, consideration, and possible approval for the Elko Police Department to accept an Office of Criminal Justice Assistance (OCJA) Grant in the amount of fifteen thousand dollars (\$15,000.00), for costs associated with the refurbishment of the Elko Bomb Squad Containment Vessel, and matters related thereto. **FOR POSSIBLE ACTION**

In April 2015, the Elko Police Department applied for an OCJA Grant in the amount of fifteen thousand dollars (\$15,000), for assistance with costs associated with the refurbishment of the Elko Bomb Squad Containment Vessel. On September 15, 2015, the OCJA notified Chief Reed that the Elko Police Department was awarded the OCJA Grant of fifteen thousand dollars (\$15,000). BR

- B. Review, consideration, and possible approval for the Elko Police Department to accept an Office of Criminal Justice Assistance (OCJA) Grant in the amount of thirty-four thousand dollars (\$34,000.00), for costs associated with the Elko Combined Narcotics Unit (ECNU), and matters related thereto. **FOR POSSIBLE ACTION**

In April 2015, the Elko Police Department applied for an OCJA Grant in the amount of thirty-four thousand dollars (\$34,000), for assistance with costs associated with the Elko Combined Narcotics Unit (ECNU). On September 15, 2015, the OCJA notified Chief Reed that the Elko Police Department was awarded the OCJA Grant of thirty-four thousand dollars (\$34,000). BR

- C. Review and possible ratification of the City of Elko Returned Check Policies (General and Utility) and City of Elko Past Due Accounts Policy, and other matters related thereto. **FOR POSSIBLE ACTION**

The Finance Department has had a Returned Check Policy and Past Due Accounts Policy for some time however some slight changes have been made since the last ratification in January 2003. This ratifies the amended policy by the Council. JJ

- D. Review, consideration, and possible approval of one additional City of Elko employee credit card and corresponding credit limit, and matters related thereto. **FOR POSSIBLE ACTION**

On April 14, Council approved credit card issuances and limits for City employees who requested to have a City credit card. We have one addition to the list. We would like to request a new card for Linda Buffington with a limit of \$2,500. Linda Buffington is an Administrative Assistant and is responsible for making travel arrangements for numerous departments. JJ

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

The motion passed unanimously. (5-0)

VIII. PETITIONS, APPEALS, AND COMMUNICATIONS (cont.)

- A. Review, consideration, and possible action to accept a petition for the vacation of two public utility easements and one overhead electric distribution easement located within APNs 001-630-086, 001-630-088, and 001-630-089, generally on the south side of Silver Street, east and west of S. 15th Street, consisting of areas approximately 10 feet in width by 445 feet in depth, 10 feet in width by 989 feet in depth, and 10 feet in width by 992 feet in depth, filed by the City of Elko and processed as Vacation No. 6-15, and matters related thereto. JD **FOR POSSIBLE ACTION**

Mr. Draper explained this petition is a result of moving the power lines for the new Police Station. They want to clean up the maps. He recommended forwarding this to Planning Commission for further consideration.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to accept the Petition for Vacation and direct staff to commence the vacation process by referring the matter to the Planning Commission.**

The motion passed unanimously. (5-0)

X. REPORTS

- A. Mayor and City Council
Councilman Keener was happy to see consent items on the agenda.. He is looking forward to the Nevada League of Cities. He and Councilman Schmidtlein have been in touch with John Lemich regarding issues in front of his business in terms of a lot of panhandling and general loitering and vagrancy. There is definitely a real problem down there.
Councilman Schmidtlein said he had the opportunity to hang out Friday night in front of Machi's. It was interesting what took place.
Dave Stanton interrupted and said when two or more council members start discussing the same issue then we start moving away from reports and towards a deliberation. It is not an agenda'd item and there is an open meeting law issue.
- B. City Manager
Curtis Calder spoke about the homeless issue. He has had conversations with concerned members to look at what might be able to be accomplished under the current city code. A couple of years ago we revised some codes that took months of revisions. We want to give it 30 days under the current code to see if there can be some improvement. He also spoke about the League of Cities.
- C. Assistant City Manager
Scott Wilkinson said if you get questions about the storefront program they are working on the details. They are working on the Urban Overlay so it can be adopted before they rollout the storefront project.
- D. Utilities Director

- E. Public Works
Mike Hess reported on the changes to the front entrance at the Landfill.
- F. Airport Director–FBO Owner Report
Mark Gibbs gave a report regarding some changes that have been made since the new FBO owner took over (Exhibit “A”).
- G. City Attorney
- H. Fire Chief
- I. Police Chief
Chief Reed said they are going to address the issue of people sleeping downtown. We will use what we have. The current camping ordinance forbids overnight sleeping activities. He discussed the issues they have found and offered to look into some ordinance changes.
- J. City Clerk
Shanell Owen reported on CDBG grants. She attended the annual forum a few weeks ago. There have been some changes. We have three grants open at this time. For 2016 we would like to get those projects wrapped up before we apply for any more projects. We are doing a complete review of the business license code and recommending changes. She is also working on the business impact statement procedures to reflect the changes from the NRS.
- K. City Planner
- L. Development Manager- Rezone for 12-15 Igoa
Jeremy Draper reported on Rezone 12-15. They had to have an emergency cut on Copper Trails to repair a gas leak. The Police Station is moving along with the internal walls going up and windows going in.
- M. Administrative Services Director–Sales Tax Report; 1st Month of Year
Dawn Stout reported on the Sales Tax information for July.
- N. Parks and Recreation Director
- O. Civil Engineer–Update on Silver Street and Cedar Street
Bob Thibault reported on the street projects around town.
- P. Building Official

IV. APPROPRIATIONS

- 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)

- 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.)

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