

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

SS October 14, 2014

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, October 14, 2014.

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 *left at 5:10 pm*  
Councilman Robert Schmidlein  
Councilman Reece Keener

Council Absent: Councilwoman Mandy Simons

City Staff Present: Curtis Calder, City Manager  
Delmo Andreozzi, Assistant City Manager  
Dawn Stout, Administrative Services Director  
Shanell Owen, City Clerk  
Dennis Strickland, Public Works Director  
Scott Wilkinson, Development Manager  
Ryan Limberg, Utilities Director  
Fritz Sawyer, WRF Superintendent  
Rick Magness, City Planner  
Ted Schnoor, Building Official  
James Wiley, Parks and Recreation Director  
Matt Griego, Fire Chief  
Ben Reed, Jr., Police Chief  
Jeremy Draper, Civil Engineer  
Ben Mangeng, Information Systems Manager  
Jonnye Jund, Accounting Manager  
Rick Hofheins, Airport Security Manager/Assistant Director  
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 23, 2014 Regular Session

*The minutes were approved by general consent.*

## **I. PRESENTATIONS**

- A. A Proclamation by the Mayor recognizing October 24, 2014 as “Food Day.”

Mayor Johnson read the proclamation.

- B. Presentation of the Elko Fire Department’s “Good Samaritan Award” by Fire Captain Troy DeLong to Mr. Matt Chadwell, Ms. Jennifer Chadwell, Mr. Troy Backherms, and Mr. Paul Jones. **NON-ACTION ITEM**

Troy DeLong, B Shift Fire Captain, explained he was going to give out four awards to four citizens. On Friday, September 12, 2014, at 9:22, Elko Fire Department and Elko County Ambulance responded to a “man down, unresponsive” call. Dispatch informed them that CPR was in progress. In less than five minutes, Elko Fire Department Rescue 1 arrived on scene to find four people assisting with care. The Fire personnel assessed the patient and attached the automatic defibrillator and took over chest compressions. Engine 1 arrived next and assisted with the compressions and ventilations of the patient. The AED instructed the Fire Department Personnel to give the patient a shock which they did. Aggressive CPR was continued on the patient. Elko County Ambulance arrived on scene and immediately established an airway and an IO line to administer drugs. The patient was secured to a backboard, place in an ambulance and transported to NNRH. NNRH stabilized the patient, scheduled him to be transported to the University Of Utah Hospital. At the U of U the patient underwent heart surgery and was sent home three days later. He has made a full recovery. Mr. Jones had been out running with his black lab, Rook. He had run approximately nine miles that morning up North 5<sup>th</sup> Street and had just returned back to the pavement where he had parked his vehicle. Two individuals, one a city employee, Paul Jones and his friend Troy Backherms, just happened to be at the same spot where Mr. Jones was ending his run. They witnessed Mr. Jones bend over and then fall to the ground. They immediately went to his aid and found him not breathing and unresponsive. Paul Jones gave rescue breathes and Troy Backherms called 911. Within a minute or two, another two individuals noticed an emergency situation as they drove by. The husband and wife, Matt and Jennifer Chadwell stopped to see if they could help. Matt was trained in CPR from his employer and his wife was also CPR certified. Matt began chest compressions while Paul continued rescue breathing. They continued until they were relieved by the Elko Fire personnel. We are here today to honor and thank the four individuals that stopped to help Mr. Mike Jones. Without their quick thinking and selflessness to help a fellow citizen in need, Mr. Jones would not be here today. He thanked his crew on B Shift, the Elko County Ambulance crew, and the dispatcher that gave them such great information, Officer Drake that took care of Mr. Jones’ dog, NNRH, Summit Air and the University of Utah. He asked that the four citizens and Mike Jones approach the front of the room.

Mike Jones said he died and should have gone to hell but it turned out the place was full and he was redirected to heaven. That place looks just like Elko. It is full of angels. Without the response of these four people he would be in an obituary instead of having four new friends.

Mr. DeLong presented each of the individuals a certificate for their help. It is people like them that make this community a better place to live.

## **II. PERSONNEL**

### **A. Employee Introductions:**

- 1.) Jeremy Shelley, Police Officer, Police Department  
*Present and introduced.*
- 2.) Fire Fighter Oath: Kyle Stone, Matt Hughey, and Chase Purinton

Chief Griego explained that Kyle Stone, Matt Hughey and Chase Purinton were present to be given the Fire Fighter Oath and a new badge. He invited them all up front with their families.

Councilman Schmidlein administered the Fire Fighter Oath.

- 3.) Fire Officer's Pledge: Volunteer Fire Lieutenant Dustin Kappes

Chief Griego explained the Fire Officer's Pledge will be given to Volunteer Fire Lieutenant, Dustin Kappes and invited him to the front of the room. Dustin is the first of the volunteers to come up and swear a pledge. In the past the volunteers have been promoted and have been behind the scenes. He felt it was important that they participate also for council to see who their officers are and for them to swear their pledge to the citizens of Elko.

Bob Etcheverria pinned the new badge on Mr. Kappes.

Councilman Schmidlein administered the pledge.

## **I. PRESENTATIONS (Cont.)**

- C. Presentation by Mr. Wes Henderson, Executive Director of the Nevada League of Cities and Municipalities, regarding the 2015 Legislative Session. **NON-ACTION ITEM**

Mr. Wes Henderson, Executive Director of Nevada League of Cities and Municipalities introduced Emily Carter, President and Mayor of West Wendover.

Emily Carter, President of Nevada League of Cities and Municipalities, explained she served with the league this last year. She had an opportunity to go to a lot of the cities. It has been enlightening and wonderful to see that we have so many councils and Mayors who are dedicated to making Nevada fabulous. She thanked council for their participation in the League of Cities. Next year the gathering will be in West Wendover.

Mr. Henderson said the league is here for its members. Please reach out to us whenever we can be of service. He gave a presentation (included in the packet).

Mayor Johnson thanked them for their work. He enjoyed the conference in Las Vegas.

## V. RESOLUTIONS AND ORDINANCES

- A. Review and possible approval of Resolution No. 33-14, a Resolution encouraging voter participation in the 2014 General Election and rejection of Ballot Questions 2 and 3, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko County Republican Party is requesting that the City Council approve Resolution No. 33-14. A copy of the proposed resolution has been enclosed in the agenda packet for review. CC

Lee Hoffman, 1085 Barrington Ave., explained he was present representing the Elko County Republican Party. We decided to put this Resolution in front of council not because we are opposed to these two questions. We are concerned about some apathy in the voting populous in the town of Elko. We are concerned in getting some people interested in some issues. We have enough voters that can affect state elections. They want to get people interested. He talked further about the questions on the ballot. He is asking the city to adopt the resolution and do a publicity splash to get people engaged/interested in the questions so they go out and vote.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve Resolution No. 33-14.**

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

## III. APPROPRIATIONS

- C. Review, consideration, and possible authorization to enter into a Professional Services Agreement (PSA) with Carter Engineering for the design of the Cedar Street Reconstruction Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the August 12, 2014 Council meeting, Carter Engineering was selected to complete the design for the Cedar Street Reconstruction Project. Staff has reviewed her Proposal and Scope of Work, and recommends approval of the PSA with Carter Engineering. JD

Jeremy Draper, Civil Engineer, explained that Cedar Street is the next street that has risen to the top on our annual review of street maintenance program done by that Public Works Department. After a lengthy review process and selection process, Carter Engineer was selected for the project. They have reviewed her scope of work proposal and have drafted a Professional Services Agreement with her. We are ready to award this project to her.

Dennis Strickland, Public Works Director, said they are not really narrowing the street. The standard width in the tree streets is 46 feet. You will see newer subdivisions with streets that are

30 ft., 33 ft. and even 38 ft. We want to make this street symmetrical and lower the maintenance costs.

Mayor Johnson noted the proposal is broken up into phases. He wanted everyone to see and comment on the benefit of narrowing the street. He would like to see that council and the public have a chance to evaluate the narrowing of the street before the design is completed.

Mr. Draper said the standard language is that the designers don't move on to the next phase until they are given approval from the city. We can have a workshop with council at the 60% phase and invite the public in.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to approve the Professional Services Agreement with Carter Engineering for the design of the Cedar Street Reconstruction Project in the amount of \$214,971.75.**

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

- G. Review, consideration, and possible approval for the Elko Police Department to accept a Community Oriented Policing Services (COPS) Grant of \$125,000.00 from the U.S. Department of Justice, to assist with costs associated with the School Resource Officer Program, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department has been selected as the recipient of a \$125,000.00 COPS Grant (over 3-year period) for assistance with costs associated with the School Resource Officer Program previously approved by Council. BR

Chief Reed explained we did apply for this grant several months back. He has been working with the Sheriff's Office and the School District on this. His original goal was to have two officers working on this grant. We were given approval to hire one officer. We were notified that we received a federal government grant. He explained the rules that accompany the grant. He asked Sheriff Pitts to explain what they are planning for their agency.

Sheriff Pitts said they applied for the same grant. They qualified for three people. He will take the proposal to the county and hire the three officers. With the fourth officer from West Wendover, they will have four officers in the schools. If the city has two officers, we will have six officers in the schools. Mr. Zander said he will, over the next three years, donate more money to the program.

Mayor Johnson asked when the idea started was the idea to have just one officer from the city.

Sheriff Pitts answered that originally the Sheriff's Office was going to have all the officers but when Ben Reed came on board we got together and we were going to go two officers and two officers. Since he has more deputies than the city he qualified for more money.

Mayor Johnson asked if there was a commitment in the length of time for the minimum staffing level after the grant.

Sheriff Pitts answered it is four years through the grant and not after the grant. After the fourth year you can do whatever you want.

Councilman Rice noted we are already substantially in a position to match the grant.

Chief Reed agreed we are close to matching the grant. We still need to accept the grant but we need to be comfortable with hiring two officers. For the first year we are close to matching the funds. The second and third years get a little tougher unless the school district could contribute more funds.

Councilman Rice said he is sensing a commitment to the program and he is glad that we have time to talk this out. It will be good to hear what the county has to say tomorrow and what the school district has to say too.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to recommend approval for the Elko Police Department to accept a COPS grant of \$125,000 from the U.S. Department of Justice to be contingent upon support of the Sheriff's request and further commitment from the School District.**

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

After the motion and before the vote, Councilman Rice said he likes grants because they bring money into our economy.

Mayor Johnson asked if there was a specific commitment he would like to see from the school district.

Councilman Rice answered Mr. Zander laid out a template earlier and made his commitment but he has a board he has to answer to.

Chief Reed said Mr. Zander was firm on \$100,000 for this next year. That would be \$50,000 to the city and \$50,000 to the county. Going forward Mr. Zander said they would keep increasing that.

Councilman Rice noted we have 90 days to accept this. He wanted to hear from the School District but also felt are on board with this. This is the road we are traveling. We are going to get a mandate without any funding pretty soon and we will be ahead of the game with this grant.

**Council voted on the motion.**

Councilman Rice left @ 5:10 pm

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

- B. Review, consideration, and possible action to approve Curb, Gutter, and Sidewalk Waiver No. 3-14, filed by Elko County, requesting a waiver of the requirement for installation of curb, gutter and sidewalk on the subject property frontages, and matters related thereto. **FOR POSSIBLE ACTION**

The property is located between 9<sup>th</sup> Street, River Street and 10<sup>th</sup> Street. The Nevada Division of Forestry (NDF) will no longer provide a shop or mechanics for the Elko County Fire District beyond July 1, 2015. The County is proposing a shared use facility, approximately 1,600 square feet in size, for emergency response vehicles and road maintenance vehicles in order to address the issue. Per City Code Section 2-13-3, curb, gutter and sidewalk improvements are required for all new construction involving the addition of gross floor area exceeding 400 sq. ft. The waiver is based on limited fiscal resources. The request does not appear to meet the criteria for waiver identified in Section 2-13-3. SW

Scott Wilkinson, Development Manager, explained all the information that has been included in the agenda packet. County representatives were present to explain their position on the matter. There is a staff recommendation and staff comments included in the packet.

Gary Zunino, Elko County Fire Protection District, explained that they are requesting a waiver so they wouldn't have to install the curb, gutter and sidewalk along the parcel. The parcel is almost an entire city block. The reason they are asking for this is that the State of Nevada has placed an unfunded mandate on the county relative to fire protection. NDF has managed the fire district since 1956. Part of that management included maintenance and repair of all the apparatus and fire trucks. Within Elko County we have 15 fire departments and over 70 pieces of firefighting apparatus' to maintain. Those repairs have been taking place in the state shop. The county has looked at their options. The fire district is funded out of the general fund. If we are tasked with putting in infrastructure we will be out of our budget and we won't be able to build the shop. If we don't have this shop we cannot provide the public safety services to the county.

Mayor Johnson asked about the city's requirement for curb, gutter and sidewalk. Is it just on the 10<sup>th</sup> Street side or does it involve more of that parcel?

Mr. Wilkinson said the city code requires all frontages be addressed.

Mayor Johnson asked if the property owner gets any credit at all for what is there already. Is there any "grandfathering" that could be provided as credit?

Mr. Wilkinson answered no. We have this missing infrastructure throughout the community. The triggering circumstances are really to address that.

Mayor Johnson asked if the city could give credit to River Street and just address 10<sup>th</sup> Street. Is that an option that the city could offer?

Mr. Wilkinson said if there is any infrastructure in place you don't have to reconstruct it.

Councilman Schmidlein said they have valley gutter on 9<sup>th</sup> Street and River Street.

Mr. Wilkinson said there is sidewalk behind valley gutter in many areas and that would suffice. Probably in those locations you need to put sidewalk behind the valley gutters.

Councilman Schmidlein said he would like to see the infrastructure done where the vehicles discharge. He wasn't giddy about enforcing putting curb, gutter and sidewalk all around the entire property.

Mr. Wilkinson noted they are asking for a waiver on all three fronts. You may be able to grant a waiver on some of the frontages. He felt the code allowed for a waiver on some of the frontages requested.

Delmo Andreozzi, Assistant City Manager, said that staff looked at an opportunity to parcel the property that the building is going on. There were a number of triggering events that led to this waiver. As a city we have struggled with deferrals. This might have been one of those circumstances where a deferral would help but we don't have that as an option any further.

Mr. Strickland felt there are options we can look at.

Tom Coyle said the council is bound by a finding that it is impractical to install the curb, gutter and sidewalk because of some circumstance beyond reasonable control of the applicant. If you are going to consider a waiver of part of the frontage you would have to make that finding. Impractical relates to some issues of topography, parceling, street alignment and things of that nature.

Randy Brown, Assistant County Manager, we are not developers. We are providing a safety and health service to the county and they have been mandated to do it. We have not received an increase for it. The curb, gutter and sidewalk probably should have been built many years ago. The fact is that we still have a shop there. We are not looking at making a huge impact on those streets. We will not change the infrastructure or anything else by placing a 1600 sq. ft. building in there. The idea is that the building will be built to provide access for our roads department and the fire protection district. We are adding to infrastructure that is already in place. This is a road department and a county facility. We are asking for the waiver because any offsite infrastructure will kill our budget.

Mr. Wilkinson said the fire district is occupying the older community development building. That is on a smaller parcel. If they take a look at that they can probably locate the structure on that parcel. There is some sidewalk there. We would only be looking at some pedestrian access improvements just on a very small area there.

Mr. Brown agreed and said they have looked at that option. He wasn't sure if that was feasible.

Bret Murphy, Spring Creek Volunteer Fire Department, said he supported the waiver for this.

Mr. Wilkinson suggested a boundary line adjustment and then they would be faced with a driveway approach to get into the shop. That may be worth exploring. Maybe table this while the county explores that option.

Mr. Brown offered to work with staff on this and try to develop a boundary line adjustment and an agreement for a driveway.



**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to table Curb, Gutter and Sidewalk Waiver No. 3-14.**

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

## **II. PERSONNEL (Cont.)**

- B. Review, consideration, and possible approval of the position description for Part-Time Fire Inspector, and matters related thereto. **FOR POSSIBLE ACTION**

The Part Time Fire Inspector is a newly proposed part time position for the Fire Department. DG

Chief Griego explained this was budgeted and approved for this year. He had asked Human Resources to produce a job description for a part-time inspector.

Mayor Johnson asked what is the driver for this.

Chief Griego said they have been struggling with keeping up with inspections. This position will not have benefits. The part-time person will come in and work when there is work.

Curtis Calder said this is the same model that they use in the building department. He works as needed 15-20 hours a week.

Councilman Schmidlein said he would like to cross train other personnel.

Chief Griego said they have received the curriculum to do that and they are working on the cross training.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the position description as presented effective October 14, 2014 for the position of Part-time Fire Inspector.**

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

## **III. APPROPRIATIONS (Cont.)**

- F. Review, consideration, and possible authorization for Staff to reject current bids and re-solicit equipment bids for the WRF West Secondary Activated Sludge Center Well Project, and matters related thereto. **FOR POSSIBLE ACTION**

An error occurred during the bidding process which was discovered after bids were opened. Staff believes re-bidding the project is appropriate. FPS

Fritz Sawyer, WRF Superintendent, explained they would like to table the bids received and rebid the project. We discovered that half of the plan holders received an email informing them that there was an addendum and the other half did not.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to reject the current bids and approve re-soliciting bids for the WRF West Secondary Activated Sludge Clarifier Center Well Project. The rejection is in the interest of public interest.**

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

After the motion and before the vote, Tom Coyle asked that the motion be amended to say **“The rejection is in the interest of public interest.”** Councilman Schmidlein agreed to amend the motion and Councilman Keener indicated his second still stood.

**Council voted on the motion.**

- D. Review, consideration, and possible final acceptance of AIP 42 Reconstruct Terminal Ramp Phase III at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Reconstruct Terminal Ramp Phase III has been completed. A walk through inspection took place on September 22, 2014, and all punch list items were accepted on October 6, 2014. Staff is asking for final acceptance of this project. This project encompassed removing concrete that was affected by Alkali Silica Reactivity (ASR) and replacing it with pavement that meets stringent requirements that mitigate ASR. This included removal and replacement of pavement in and around the commercial apron deice pad and the entire section of Taxiway Alpha abeam the commercial ramp. The project is still finalizing the final pay invoice; however, we anticipate the project to come in at \$1,670,000.00 - \$1,680,000. MG

Rick Hofheins, Airport Security Manager/Assistant Airport Director, explained Mr. Gibbs is in Phoenix meeting with the FAA. The de-icing pad is a big square with trench drains all around it. That was replaced. To date, roughly 34% of the ramp has been replaced.

Councilman Keener said he saw the work completed and it all looked really good.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, for final acceptance of AIP 42 Reconstruct Terminal Ramp Phase III at the Elko Regional Airport. We don't have a final amount but it was in the amount up to \$1.68 million.**

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

- E. Review, consideration, and possible final acceptance of AIP 43 Rehabilitate Runway 5-23 (Phase 2) including Paving Shoulders and upgrading Airfield Lighting and Signage at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Rehabilitate Runway 5-23 (Phase 2) including Paving Shoulders and upgrading Airfield Lighting and Signage has been completed. A walk through inspection took place on September 17, 2014, and all punch list items were accepted on October 6, 2014. Staff is asking for final acceptance of this project. This project

encompassed a mill and overlay of approximately 1,800 feet by 150 feet of Runway 5/23 including the Runway 05 Blast Pad. Runway shoulders were added to either side of the runway on the portions rehabilitated. New runway edge lighting, runway end identifier lighting configuration and the removal of discontinued REIL NAVAIDS were also components of this project. The final invoice is still in progress but the project is estimated to close out at \$1,565,000.00 - \$1,575,000.00. MG

Mr. Hofheins explained there is one punch list item to be completed. Grooving will be completed later this week. The final numbers will be presented in two weeks.

Mayor Johnson felt it was early to accept this project.

Curtis Calder, City Manager, recommended tabling this until the punch list is completed.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to table the final acceptance on the AIP 43 Rehabilitate Runway 5-23 Project until all punch list items are completed 100%.**

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

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

- B. Review, consideration, and possible approval of a request from the Stray Dog Pub & Café to close a portion of the alley between Idaho Street and Railroad Street and 5<sup>th</sup> Street and 6<sup>th</sup> Street for an event to be held on October 18, 2014 from 3:00 p.m. to midnight, and matters related thereto. **FOR POSSIBLE ACTION**

The Stray Dog would like to close a portion of the alley next to their business for an Oktoberfest Event. The applicant had requested a similar closure in 2011; however since it has been over a year it requires Council approval. SO

Mike Reynolds, 638 Courtney Drive, explained he has talked to adjoining business and they all said they were okay with the event as long as they can have access to their back doors and dumpsters.

Shanell Owen, City Clerk, said in the past they have extended the closure a bit for people driving down the alley. We also need the insurance.

Mr. Reynolds explained where they have had barriers in the past. He is requesting three barricades for the event.

Ms. Owen said the applicant could work with the Street Department on the technicalities.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to accept the Stray Dog Pub Café to close a portion of the alley between Idaho Street and Railroad Street with the barricades being set on Idaho Street in the alley and down just**

**past the Western Folklife Center, along with receiving the proper insurance required and to work with the Street Department to make adjustments with the barricading.**

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

**VII. 6:00 P.M. PUBLIC HEARING**

- A. Public Hearing for the purpose of obtaining the views of citizens regarding the type(s) of project(s) to submit for funding by the Community Development Block Grant (CDBG) Program in 2015, and matters related thereto. **FOR POSSIBLE ACTION**

The City may submit two grants for this funding cycle. During the public hearing, the City will ask for citizen views and respond to proposals and questions for the development of proposed activities. Council will prioritize the applications at a future public hearing. Grants are due to the CDBG office January 7, 2015, in Carson City. SO

Shanell Owen, City Clerk, gave a presentation (Exhibit "A"). The next meeting will be held November 10, 2014 at 6:00 pm. We did have a legal notice in the paper and she did receive one contact from Jennifer Kidwell with Joshua Tree. We discussed her proposed project and decided that her project is not quite ready for the 2015 funding cycle. CDBG can be used for her project so Ms. Kidwell was encouraged to attend the application seminar next year. She asked if there were any public comments for projects. She presented a summary of grant performance for all CDBG grants received since 1982 and offered a copy of the summary to members of the public for their review. She also offered assistance with the grant submittals to those that are not familiar with the process and are interested in submitting an application.

Rick Magness, RDA Manager, said currently in conjunction with the Governor's Office of Economic Development and NNRDA, the Redevelopment Agency and the City of Elko are working on a project that would bring a \$300,000 grant to the city. It would work on a store front program that would identify a specific area within the existing redevelopment area in the downtown. It identifies with the item of blight and ties to economic development.

Ms. Owen said the grant money that Mr. Magness discussed are the set-aside funds for economic development. CDBG funds are very competitive. We want to make sure any proposals are merited and project ready. We still have two projects we are working on. They will keep staff busy enough that we may not want to apply for another one in 2015. Anyone can approach her with project ideas until the next agenda is ready and posted.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to conduct the public hearing and direct staff to continue to work the grant application process.**

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

#### IV. NEW BUSINESS (Cont.)

- A. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Section 3-2-3 General Provisions, and matters related thereto. **FOR POSSIBLE ACTION**

Council has identified and designated a City-owned parcel for the purposes of allowing overnight camping, to include use by the homeless individuals and families, and has subsequently completed a number of code amendments that would enable such use.

As it is Council's intent to utilize the designated City-owned parcel for a limited period of time, Staff felt that the Council may want to consider amending City code relative to waiving certain requirements for onsite and offsite improvements with respect to an undeveloped parcel of land used as a temporary emergency shelter or temporary campground, or for temporary camping, provided that the use is for a humanitarian purposes, and any associated application fees. DA

Mayor Johnson wasn't sure if they could decide this tonight without a full council. Everyone would have to vote in the same manner in order to provide a direction.

Delmo Andreozzi, Assistant City Manager, explained no one can understand all of the challenges that council has gone through in respect to public improvements. This is no different than some of those other issues, except there is a specific difference here. In terms of this particular property that has been identified, we continue to work with a local service provider and hope that we get someone that can manage this site for the City of Elko. What is happening with this process is that we are changing the use of the land from a vacant unused piece of property and converting it another use. That change of use is a triggering event that requires public improvements. This is an interim measure to have a location that allows for overnight camping. That is all we envision this use to be. There may be some access to running water and portable toilets and waste receptacles. The property may require some level of fencing so we create an environment that directs the use to the appropriate access to this location. If we make this change of use there could be some development costs. There would be offsite and onsite improvements required. We did an engineering analysis of the offsite improvements required (curb, gutter, sidewalk, paving and extension of utilities to the site) and it is reaching \$400,000. This is intended to be a temporary solution. At some point in time, when this property is used for something else, we would agree that those improvements are warranted and required at that time. We are here to decide if the improvements are warranted at this time.

Councilman Keener said he supports being able to avoid putting in the permanent improvements. This is a temporary facility.

Councilman Schmidlein agreed 100%. This is being set up as a temporary facility. His goal is to have it shut down sooner rather than later. He wanted to make sure there will be no automobiles or licensed trailers on this. If people have vehicles they aren't homeless.

Mr. Andreozzi said early on there were some concerns from business owners that provide RV camping. We don't envision any motorized vehicles there. Part of this is also the fee associated with a temporary use permit. We are asking an agency to step in and provide these services and the fee will be \$200. This will require multiple agencies coming together and coming up with the best solutions we can. We see this as different than any other application process because this is specifically for a humanitarian services.

Mayor Johnson asked for any comments without a response. If the city requires public improvements for some then it should require them for all. The use of the property will go up. There needs to be a strong argument in order for this to be waived. This is being presented as temporary but that doesn't always turn out to be the case. This is a divisive issue and a three person board may not be fair.

Gil Hernandez, 1316 7<sup>th</sup> Street, is concerned with winter fast approaching. The intent was to move these homeless people out of the river corridor so we can clean that up. We may be looking at another year or longer. We are looking at some rules that would guide the homeless. He doesn't feel the city is consistent in how they waive fees and wants to see more consistency. \$400,000 for two years; this is something that will be here for a long time. There are some people that will not go to these facilities. What are you going to do about that? He doesn't have all the answers but he wants these things taken into consideration. We need to act before it is too late.

Mr. Andreozzi said there a ton of legitimate concerns that have been raised in this process. This is a big issue. We did also approve a section of code where we were trying to be the catalyst to create a cold weather shelter. Regarding having other people involved in the process; as we have been developing this we have worked with a local service provider and we have drafted some general rules and regulations. He understands the frustrations and we are developing this slowly.

Mayor Johnson said this is about waiving the improvements based on a humanitarian benefit. This would apply city wide and not just this parcel. Can the city really make an argument?

Tom Coyle, Assistant City Attorney, said this applies to an undeveloped parcel and the parcel would have to be used for a humanitarian propose specifically. It would also have to be used non-profit. Those distinctions in a code would not be determined to be arbitrary or capricious and the council would have that discretion to make that decision. Council could go down that road.

Mayor Johnson said he would vote for this to move it on. As the full board meets they will have the opportunity to make the decision. It isn't fair that this process be stopped by just one vote tonight.

Mr. Andreozzi said this code amendment is specific to the temporary use permit.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to initiate an amendment to the City Zoning Ordinance, specifically Section 3-2-3-C5 General Provisions, relative to waiving certain requirements for onsite and offsite improvements with respect to an undeveloped parcel of land used as a temporary emergency shelter or temporary campground or for temporary camping, provided the use**

is for humanitarian purposes, and any associated application fees to the Planning Commission for public hearing.

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

## **BREAK**

- C. Review, discussion, and possible approval of a License and Concessionaire Agreement between the City of Elko and Curtis Duff dba Jo' Mama's Espresso, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Duff would like to utilize Main City Park space for a mobile coffee and smoothie truck. Mr. Duff would like to utilize space number 5 which was previously approved for The Trailer but that business has opted out of their Concessionaire Agreement. Mr. Duff would like to use the space all year and every day except Sundays. The time he would utilize it would be 6:00 a.m. to 6:00 p.m. There are two businesses currently occupying space in the park they are Desert Sno and Come and Get It Kettle Corn. SO

Shanell Owen, City Clerk, explained included in the packet is our standard License and Concessionaire Agreement. We did have space #5 come available. The last applicant decided not to proceed with the agreement. We will need the insurance as required by the agreement. Everything else is standard.

Curtis Duff, Owner of Jo' Mama's Espresso, said he may be there less than stated in the agreement. It will be a trailer similar to the Desert Sno trailer.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the License and Concessionaire Agreement between the City of Elko and Curtis Duff dba Jo' Mama's Espresso, contingent on proof of insurance.**

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

## **VI. PETITIONS, APPEALS, AND COMMUNICATIONS (Cont.)**

- A. Ratification of the Police Chief issuing a 30-day temporary retail liquor license and issue a regular retail liquor license, modifying the current liquor license, to add Jennifer Velasquez, dba 24K, located at 232 Silver Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed explained at the last meeting council authorized the issuance of a regular retail license for 24K the name of Jorge Velasquez but it was an oversight that there were two applicants. Jennifer Velasquez has been approved and he is requesting that the license be amended.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to ratify the Police Chief issuing a 30-day temporary retail license and issuing a regular retail license, modifying the current liquor license to add Jennifer Velasquez to 24K located at 232 Silver Street, Elko, NV.**

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

## VIII. REPORTS

- A. Mayor and City Council
- B. City Manager - Police Station Project Update  
*Curtis Calder gave an update on the Police Station Project. Interviews were held for the Assistant City Manager position and they gave an offer that was accepted. Mr. Scott Wilkinson will be the next Assistant City Manager. Tomorrow there will be a Elko County Commission meeting and he will be representing Elko Central Dispatch Administrative Authority as the Chairman. With Delmo Andreozzi's departure you will see an invitation for his going away party on December 6.*
- C. Assistant City Manager
- D. Utilities Director  
*Ryan Limberg reported the Vac Truck Containment Basin at the WRF is essentially complete. The Manzanita Project is about 99% complete but we are waiting on a couple of change orders. The Reuse Line Replacement Project should be starting in the next week to ten days.*
- E. Public Works – Utility Coordination Update  
*Dennis Strickland reported the signals on Mountain City Highway are on the same time-of-day plan with new controllers and detection.*
- F. Airport Director
- G. City Attorney
- H. Fire Chief  
*Chief Griego thanked council for their participation in the swearing-in of the Firefighters. He handed out a copy of the latest fire watch newsletter (Exhibit "B").*
- I. Police Chief– Brothel License Application  
*Chief Reed noted that the restriping downtown has helped him and his officers a lot. Two people recently applied for a house of prostitution license which includes a liquor license. They are in the process of purchasing Mona's Ranch. These applicants are the current owners for Inez's.*
- J. City Clerk – Election Information  
*Shanell Owen said last week she assisted the county with programming and certifying the election equipment. Voter registration is now closed. Early voting will take place at the Convention Center beginning on Saturday.*
- K. City Planner
- L. Development Manager  
*Scott Wilkinson thanked the city for the opportunity to fulfill the position of Assistant City Manager. There was some discussion regarding the Artisan agreement.*
- M. Administrative Services Director  
*Dawn Stout reported on the July sales tax statistics.*
- N. Parks and Recreation Director  
*James Wiley reported on the projects he has ongoing. The Tennis Court Project is underway with one half of one court poured. The Pool Replastering Project is progressing.*
- O. Civil Engineer



*Jeremy Draper said there will be a dedication ceremony on October 28, 2014 at 3:00 pm for the Sesquicentennial Sagebrush Project.*

P. Building Official

### **III. APPROPRIATIONS (Cont.)**

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

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

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

B. Review and possible approval of Print 'N Copy Warrants. **FOR POSSIBLE ACTION**

Mayor Johnson noted with Councilman Keener's abstention from the vote there won't be a full board.

Councilman Keener agreed to hold these warrants until the next meeting.

**NO ACTION**

### **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.

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Mayor Chris Johnson

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Shanell Owen, City Clerk