

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

SS October 25, 2016

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, October 25, 2016.

This meeting was called to order by Mayor Chris Johnson.

## 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  
Aubree Barnum, Human Resources Manager  
Dawn Stout, Administrative Services Director  
Jeremy Draper, Development Manager  
James Wiley, Parks and Recreation Director  
Cathy Laughlin, City Planner  
Matt Griego, Fire Chief  
Ben Reed Jr., Police Chief  
Ted Schnoor, Building Official  
Bob Thibault, Civil Engineer  
Dennis Strickland, Public Works Director  
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**

Joel Hochhalter, MedX Air One, introduced his company and offered to answer any questions. He showed a few slides on the overhead screen (Exhibit "A").

*The minutes were approved by general consent.*

**I. PRESENTATIONS**

- A. A reading of Proclamation by the Mayor recognizing the week of November 13-19, 2016 as Nevada Flood Awareness Week, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Johnson read the proclamation and presented a copy to Jeremy Draper.

**II. PERSONNEL**

- A. Employee Introductions:

- 1.) John Holmes, Fire Marshal, Fire Department *Present and introduced.*
- 2.) Pete Dondero, Golf Course Superintendent, Golf Course *Present and introduced.*
- 3.) Amanda Terrell, Accounting Technician II, Finance Department *Present and introduced.*
- 4.) Jo Ann Kyriss, Animal Shelter Worker I, Animal Shelter *Not Present.*
- 5.) Levi Bengoechea, Equipment Operator I, Street Department *Present and introduced.*

**III. APPROPRIATIONS**

- D. Review, consideration and possible final acceptance of the Cedar Street Reconstruction Project Phase I, and matters related thereto. **FOR POSSIBLE ACTION**

This Project was awarded to Great Basin Engineering in the amount of \$1,793,473.84 on April 12, 2016. There was a quantity bid savings of \$4,235.76 for Public Works and \$7,976.56 for Water. There were seven change orders on the project which totaled: Public Works - +\$79,510.71; Water Department - +\$16,890.51; and Information Technology - +\$3,884.12, for a total of \$1,881,546.86. Great Basin Engineering has satisfactorily completed the project in conformance with the plans and specification. DS

Councilman Schmidlein disclosed his partners in Canyon Construction are also part owners in Great Basin Engineering Contractors. He recused himself from this item and the next item.

Dennis Strickland, Public Works Director, said they are pleased with the project and turned the time over to Ryan Limberg to go over some of the change orders.

Ryan Limberg, Utilities Director, went over the first three change orders.

Mr. Strickland talked about the remaining change orders. He felt it was a clean project with minimal change orders. The drainage has worked flawlessly since it was completed. We have had two rainstorms since and the new infrastructure handled all of the water.

Lana Carter, Carter Engineering, thanked council for the opportunity to be part of the project and part of the team that worked on it. She thanked Great Basin Engineering Contractors, and everyone that worked with her, for all of their work. She is excited to see how the water is draining.

Stan Zunino, 881 5<sup>th</sup> St., wants his driveway fixed so he can drive into it. He has a new dodge that rubs every time he drives over it. It is just too steep. He wants to know what can be done so he can drive in it.

Mr. Strickland said rolled curb was installed in this section. This is the same as is approved in subdivisions within the city. There is a tendency for cars to scrape a little bit. That is the case of what we had to work with there, otherwise we would have had cut his driveway back and done a lot of other modifications to put it back. We couldn't put it back the way it was before because it wasn't ADA compliant.

Mr. Zunino asked if there was something that could be put in to help.

Mr. Strickland said there is a driveway mat that other residents have put in their driveways.

Mr. Zunino said his driveway is not drivable.

Chelsey Richens, 881 5<sup>th</sup> St., said Mr. Zunino is driving a 2016 Dodge Caravan which is not a low riding vehicle.

Mr. Strickland said his car hits when he pulls in and out of his driveway too.

Mayor Johnson said they can review what he has and give an official response. The City of Elko will be in touch.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, for final approval of Phase 1 of the Cedar Street Reconstruction Project in its entirety in the amount of \$1,881,546.86.**

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

- E. Review, consideration, and possible approval to modify the existing contract between the City and Great Basin Engineering by negotiated deductive change order in the amount of \$213,193.15 for Public Works Project EL-2016-156 based upon unforeseen circumstances in Federal funding for the project, and matters related thereto. **FOR POSSIBLE ACTION**

The City entered into a Highway Agreement PR204-14-063 on May 12<sup>th</sup>, 2014 to provide approximately \$567,000 in Federal reimbursement funding for the Flagview Sidewalk Project with a total project cost of \$678,706.76. The Nevada

Department of Transportation (NDOT) and City of Elko had certain responsibilities to ensure Federal requirements for funding would be met.

NDOT provided the City a Notice to Proceed dated April 12, 2016. However, subsequent to the City's award of contract for the project, NDOT identified certain issues that it believes compromise the reimbursement funding. As a result of NDOT's determination, City Staff has identified a reduced scope for the project. The reduced scope eliminates all of the street lighting and related electrical infrastructure, and other items as specified in the Change Order Form. The revised contract total after this change order will be \$465,513.61.

Based upon the best information to date, it appears the Flagview Sidewalk Project will not qualify for Federal reimbursement. However, Staff believes this critical project is long overdue. Additionally, funds exist within the Ad Valorem Capital Projects Fund to complete the project. BT

*See previous agenda item for Councilman Schmidlein's disclosure and abstention.*

Bob Thibault, Civil Engineer, said staff has met with the contractor and has reached an agreement for the reduced scope of work. There was a representative present.

Mayor Johnson asked if there was something in the verbiage that the City of Elko should do to keep/reserve that the city can re-award this so the city does not get into a material add and it needs to be competitively bid.

Scott Wilkinson, Assistant City Manager, answered we have a legal opinion and we had the contract looked at by Mr. Barrows. He determined under the contract that if we had a negotiated change order then we can do this. We can reduce the scope to the magnitude that we want if we negotiate a change order.

Mayor Johnson said if the federal funding comes available, he doesn't want the city in a position where it cannot be awarded because it has to be re-bid. It has come up before that when we wanted to add work to a project we were advised that it needed to be competitively bid.

Councilwoman Simons asked if the federal funding came through like we thought it would in the first place, can we go ahead and have them do the whole contract.

Mr. Wilkinson answered, yes. We would be able to go back to the original contract and add the lighting. The likelihood of that happening is close to zero. We are proposing a change order to reduce the scope. You can include in the motion the option the potential to bring back the work that is being reduced into the scope in the event if the federal (or any funding) becomes available.

Mr. Calder said we will see a proportionate reimbursement based on the revised scope. We have been given the names at NDOT that we need to contact to get reimbursement.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to negotiate a deductive change order to modify the existing contract between the City of Elko**

**and Great Basin Engineering Contractors in the amount of \$213,193.15, for Public Work Project EL2016-156, based upon unforeseen circumstances in federal funding for the project; and, an approval of the change order as presented.**

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

- F. Review, consideration, and possible approval of the Elko Police Chief to accept a Nevada Office of Traffic Safety (OTS) Grant in the amount of approximately thirty-nine thousand dollars (\$39,000.00), and matters related thereto. **FOR POSSIBLE ACTION**

On October 4, 2016, the Elko Police Department applied for a Nevada Office of Traffic Safety (OTS) Grant in the amount of approximately thirty-nine thousand dollars (\$39,000.00), to cover costs associated with hand-held electronic citation devices. This OTS grant requires a 20% match, equal to seven thousand, eight hundred dollars (\$7,800.00).

On October 17, 2017, the Elko Police Department was notified by OTS that the grant in the amount of approximately thirty-nine thousand dollars (\$39,000.00) was approved for funding. BR

Ben Reed Jr., Police Chief, explained at the last meeting, we had this agenda item for seeking approval to apply. The timeline moved quickly. You ratified our decision to apply and we were notified shortly thereafter that we were approved for funding. This is a line item in the capital equipment budget. We may have some money left over to get some more devices not covered by the grant. We are already working with the OTS representative to get this going.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the Elko Police Chief to accept a Nevada Office of Traffic Safety Grant in the amount of \$39,000, to cover costs associated with handheld electronic citation devices.**

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

#### **IV. UNFINISHED BUSINESS**

- A. Review, discussion, consideration, and possible acceptance of a Grant, Bargain and Sale Deed, transferring ownership of the jointly owned Masons and Oddfellows Cemetery to the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

At the June 28, 2016 Council meeting the Board approved a request from Mr. G. Robert Denham, Trustee Elko Lodge #15 A & AM, to transfer the ownership of the jointly owned Masons and Oddfellows Cemetery to the City of Elko. Staff was directed to work with City's Attorney's Office and the Masons and Oddfellows to come up with the necessary document to begin the process. A copy of the Grant, Bargain and Sale Deed has been included in the packet for Council consideration. JW

James Wiley, Parks and Recreation Director, explained since June 28th, the staff, City Attorney and Mr. Denham have been working on the Grant Bargain and Sale Deed. We have all come to agreement with the terms found in the agreement. A copy is in the packet. There are five terms spelled out in the agreement. Mr. Denham was available to answer any questions.

Councilman Keener said he looked at this over the summer and talked about the pros and cons of this. We have a very limited number of sites available at the existing city cemeteries. This will put off the necessity of a new cemetery for a while and it will meet our needs for the immediate future.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to accept the terms and conditions within the Grant, Bargain and Sale Deed transferring ownership of the Masons and Oddfellows Cemetery to the City of Elko and direct staff to finalize the agreement with executed signatures and the official recording of the agreement.**

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

Bob Denham, Spring Creek, said it was a pleasure working with James Wiley. He was very professional and took care of them.

- B. Presentation, continued discussion, and possible direction to Staff to continue the adoption of new Building and Fire Codes, and matters related thereto. **FOR POSSIBLE ACTION**

Council met on September 27, 2016, and directed Staff to initiate the adoption of the 2012 Building and Fire Codes. City Staff is presenting the pro and cons and some of the substantial changes for Council review. TS/MG

Ted Schnoor, Building Official, offered to go over the areas in the 2012 codes that have been of concern in the past. He noted there is a chance that there will be an increase in building costs but he can't say for sure. He went over key changes (included in the packet) and offered to answer any questions.

Councilman Keener asked about grey water recycling systems.

Mr. Schnoor answered that is something we do not deal with here.

Councilman Keener asked if these will be triggered with new construction and/or remodels.

Mr. Schnoor answered there are a few things that would trigger the codes. New construction and remodels are a couple ways. If you change the occupancy of a building you are required to bring that building up to the current codes.

Councilman Keener noted he read that single family dwellings need to have sheetrock in unfinished basements.

Mr. Schnoor said he has some amendments to that. He is proposing any rooms with gas fired appliances needs to be projected. It is not practical to require the entire basement.

Councilman Schmidlein said he wished that realtors would let businesses know that there will be additional fees and inspections before they can open.

Mr. Schnoor agreed that is a big concern. There are some people that go to the Building Department prior to purchasing a property. Then we let them know what will need to be done and they can make the decision whether or not they want to go through with it.

Matt Griego, Fire Chief, talked about the changes in the International Fire Codes and offered to answer any questions.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to direct staff to continue on with the process of adoption and initiation of code amendments for adoption of the 2012 Building Codes and Fire Codes.**

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

## **V. NEW BUSINESS**

- A. Review, consideration, and possible approval of Revocable Permit 3-16, filed by Jagmohan Dhillon, to occupy a portion of the East Jennings Way Right-of-Way as located adjacent to 2572 E. Jennings Way, to accommodate installation of a new sign, and matters related thereto. **FOR POSSIBLE ACTION**

A sign permit was received for three signs for the new Home2 Suites. The proposed monument sign "C" is located in the City of Elko Right-of-Way. City Code requires they have a Revocable Permit to occupy the Right-of-Way. CL

Cathy Laughlin, City Planner, explained the proposed location of the sign. In the packet is a copy of the proposed license agreement.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve Revocable Permit No. 03-16, subject to execution of a standard license agreement between the applicant and the City of Elko.**

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

- B. Review, discussion, and consideration for a possible donation of an old scoreboard from the Parks Department to Ruby Mountain Little League in Spring Creek, and matters related thereto. **FOR POSSIBLE ACTION**

As a result of the installation of a new scoreboard at Ernie Hall Baseball Field, the Parks Department has removed the old scoreboard which is slated for disposal. Ruby Mountain Little League is requesting the old scoreboard be donated for possible use at the baseball field located at 1 Licht Parkway in Spring Creek. After review and consideration, the City Council must approve the donation by Resolution at a subsequent meeting per NRS 268.028. JW

James Wiley, Parks and Recreation Director, explained there were members of Ruby Mountain Little League present in the audience. This past year, Elko Little League and the City of Elko were recipients of a very generous donation which was put towards two scoreboards at two local fields. We just put the new scoreboard up at the Ernie Hall field and removed the old one. It is a functioning scoreboard and will serve the Ruby Mountain Little League.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to authorize the donation of the old scoreboard to Ruby Mountain Little League and set the matter for final approval via resolution at a subsequent meeting.**

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

- C. 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, September 8, 2015 and October 12, 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, September 8, 2015 and October 12, 2015. The City of Elko has increased its per ton disposal fee from \$31.00 to \$34.00 effective October 1, 2016. As a result, Elko Sanitation is projecting its cost of service for tipper cart and bins to increase 1.94%. The roll off cost of service is based on a per ton disposal cost and will increase from \$31.00 to \$34.00. Accordingly, Elko Sanitation is requesting that the rate schedule be amended pursuant to Section 15.03 (Extraordinary Cost-Based Change) of the agreement. The proposed amendment is identified as the fourth amendment to the agreement. SAW

Scott Wilkinson, Assistant City Manager, explained the proposed amendment was included in the packet. He also included the rate schedule with highlighted fee increases. After the packet was put together he sent out more information that shows a couple year cost increase that Elko Sanitation's incurred.

Jered Martin, Elko Sanitation, 963 Alpine Drive, Spring Creek, explained how they came up with the rate increase.

Mayor Johnson asked what the end user will see.

Mr. Wilkinson answered about \$4 per resident increase per year. Depending on your service, it will be an increase of 1.94%.

Councilman Schmidlein added that Elko Sanitation will be coming back next spring for CPI increases. This increase is just for the rate increases at the landfill.

Mr. Martin said we will actually be looking at that next month.



Mr. Wilkinson said the CPI increase is allowed every two years. The change today is an extraordinary based change, out of the control of Elko Sanitation.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to approve an amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012, amended on April 22, 2014, September 8, 2015 and October 12, 2015, for the sanitation service in the City of Elko.**

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

- D. Review, discussion, and possible action to postpone the regularly scheduled November 8, 2016 City Council meeting due to a conflict with the 2016 General Election, and matters related thereto. **FOR POSSIBLE ACTION**

The 2016 General Election will be held on November 8, 2016 which conflicts with the regularly scheduled City Council meeting. Staff requests postponing the meeting or combining the meeting with the Special City Council meeting (required within six working days of the election for the purposes of canvassing).  
CC

Councilwoman Simons asked if the meeting could be moved to the 15<sup>th</sup>.

Curtis Calder answered we could because there is a holiday. The county is canvassing their results on the 14<sup>th</sup>. We would be clear to do that on the 15<sup>th</sup>.

Mayor Johnson likes the 15<sup>th</sup>. He may want to cancel the meeting on the 22<sup>nd</sup>.

Cathy Laughlin, City Planner, noted they would like to have an RDA meeting on the 15<sup>th</sup>.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to postpone the November 8<sup>th</sup> meeting because of its conflict with the General Election, and reschedule it with a special meeting on November 15<sup>th</sup>, a Tuesday, which we would be required to call to canvass the election and to add any action items for council consideration on that date.**

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

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

- A. Review, consideration, and possible action to accept a petition for the vacation of a portion of the Beverly Circle right-of-way consisting of an area approximately 249 feet in width by 5 feet in depth, filed by Efren and Maria Aguirre and processed as Vacation No. 1-16, and matters related thereto. **FOR POSSIBLE ACTION**

The property was annexed into the city in 2007. Beverly Circle is still a County road although ½ of the roadway was dedicated to the City with the annexation. City of Elko Master Plan states that local streets would have a right of way width of 50'. We currently have a right of way width of 60'. CL

Cathy Laughlin, City Planner, explained this property was developed prior to being annexed into the city. The landscaping encroaches into Beverly Circle. They have approached us in regards to a fence permit. Looking at the location of the utilities that are in the utility easement that are on the inside of the property line, there was some encroachment of the utilities on the property line. It was impossible for them to put the fence line on the property line. When we annexed this in we did get to the center line of Beverly Circle but without having the property to the east, we do not have jurisdiction of that road. It is still considered a county road. We can't require curb, gutter and sidewalk. This Beverly Circle is classified as a local in our Master Plan, therefore, a 50 ft. right-of-way would be recommended. We have a 60 ft. right-of-way currently, so by eliminating 5 ft. that would give it a 55 ft. right-of-way with this vacation. They would install their new fence line on the outside of the new property line.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, 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)*

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

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

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

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

- B. Review and possible approval of Print 'N Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

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

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

- C. Review and possible approval of Great Basin Engineering Warrants, specific to the Cedar Street Reconstruction Project Phase I, and matters related thereto. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the Great Basin Engineering warrants.**

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

## VII. REPORTS

### A. Mayor and City Council

*Councilman Keener talked about the Cedar Street wall art. He had a meeting with Mr. Roberts at Frontier Communications and he got a report on the different projects going on in the community to improve high speed internet service. He received a call from a citizen whose child is part of the swim team and they have been having to bus the kids to Wells for practice because the swimming pool is too cold. He spoke with James Wiley and found out that the fact that the swimming pool is not open has nothing to do with the boiler project; it is because the geothermal system is still down.*

### B. City Manager

*Curtis Calder reported he and Shanell attended the League of Cities Conference. The big thing happening at the airport is the Part 139 Annual Inspection that will start November 3<sup>rd</sup>. For the December 6<sup>th</sup> Planning Commission meeting, he has arranged for Wayne Carlson to come out and spend some time going over the Board Government Training and Open Meeting Law for the Planning Commission, advisory boards and any elected officials that would like to attend.*

### C. Assistant City Manager

### D. Utilities Director

### E. Public Works

### F. Airport Director

### G. City Attorney

### H. Fire Chief

*Chief Griego reported on the recruitment for Deputy Fire Chief.*

### I. Police Chief

*Chief Reed reported the jury returned with a guilty verdict on the Gonzales murder trial. Donald Trump is scheduled to visit the area this Sunday.*

### J. City Clerk

*Shanell Owen reported on the 2016 Auction. Councilwoman Simons asked about the Facebook comments about the voting machine screens jumping and marking the wrong candidate. Shanell answered if you see that happening on your machine, notify the election workers. The machine may need to be calibrated again.*

### K. City Planner

*Cathy Laughlin reported there is a RAC meeting scheduled for Thursday at 4:00pm. There is a Planning Commission meeting on November 1<sup>st</sup> with two CUP applications on the agenda. There will also be some code amendments that she hopes to have on the November meeting agenda. They did get one applicant for the vacancy on the Planning Commission.*

### L. Development Manager

*Jeremy Draper reported on a donation to the Centennial Project from Coldwell Banker. We are still working on the punch list for the Police Station.*

- M. Administrative Services Director  
*Dawn Stout reported on the sales taxes for July 2016. The County Sales Taxes were down about 5% and our revenues were down about the same.*
- N. Parks and Recreation Director  
*James Wiley reported on the Boiler Replacement Project. Pavement went down at the Golf Course last week. He will be meeting with the general contractor to resolve some issues they are having with it. Other than the pavement, the project is basically complete.*
- O. Civil Engineer
- P. Building Official

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

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Councilman Keener reminded everyone that Early Voting is happening at the Convention Center.

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



**MED ~~X~~ AIR ONE**

AGUSTA 119MKII KOALA





## ELKO AIRONE PROVIDES EMERGENT AIR MEDICAL TRANSPORT FROM NNRH

- Exclusive Business Model (How we work)
  - Partnership with Hospital
  - Partnership with Community
  - Provide emergent air transport at no cost to permanent residents
  - Provide high quality patient care in the safest environment
- Humboldt General Hospital (HGH AIRONE)
  - In operation September 2015
  - Same model used at HGH will be in place for ELKO AIRONE
  - Transported 300 patients...no patient has ever received a bill
- Membership
  - Current Northern Nevada Counties, Pershing, Humboldt, and Lander
  - When ELKO AIRONE arrives in ELKO membership will commence
  - Everyone should purchase all available memberships
  - Memberships are not interchangeable between companies
  - Memberships can not be purchased in the ED or at time of need
  - Elko Co residents do not need to purchase ELKO AIRONE membership



ELKO AIRONE START UP SCHEDULED FOR DECEMBER 1, 2016

JOEL HOCHHALTER

PRESIDENT & MANAGING MEMBER

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QUESTIONS?