

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

SS October 27, 2015

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, October 27, 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
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
Dennis Strickland, Public Works Director
Dave Stanton, City Attorney
Ted Schnoor, Building Official

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: October 12, 2015 Special Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Presentation by Police Chief Ben Reed and Elko County Juvenile Probation Assistant Chief Randy Shelley regarding the Graffiti Removal Program, and matters related thereto. **INFORMATION ITEM ONLY – ACTION WILL NOT BE TAKEN**

Ben Reed, Police Chief, provided an update on the Graffiti Removal Program. He explained juvenile probationers clean up the graffiti under Randy Shelley's supervision. The program is funded with existing resources and donations. We received significant donations from several downtown businesses which has helped the program significantly. The graffiti is removed from public property and private property, with the owners consent. It is typically removed by painting over it or with special chemicals that can remove it.

Randy Shelley, Juvenile Probation Assistant Chief, said initially an email address was set up to report graffiti. Some things that need to be included when reporting include location and description or pictures. Then we have an idea of how to remove it. He said his department purchased \$3000 worth of chemicals, but they have discovered some things are easier to paint over than remove. Businesses have reduced the cost of products for the program, which has been helpful. He explained their intention is to put trail cameras up and start catching the people doing it and make them clean it up. The young people who are removing the graffiti are excited to do it.

Councilman Keener said it sounds like a great program and he appreciated it. He asked if there were any juveniles on probation right now for tagging.

Mr. Shelley said no. He felt there is a range of young adults also involved in the graffiti. Since transients have moved to the humanitarian camp the majority of the graffiti has stopped.

- B. Presentation by Judge Mason E. Simons, Elko Township Justice/Municipal Court, regarding the creation of a 2nd Justice of the Peace position in the Elko Justice Court, and matters related thereto. **INFORMATION ITEM ONLY – ACTION WILL NOT BE TAKEN**

Judge Mason Simons said he sent letter to the County and the City. Three weeks ago we sent a notification to County of the Courts intention to create a 2nd Justice of the Peace position. If a judicial township is over a 34,000 population threshold, it is justified in the NRS to have a second judge created. We have been over that threshold for 18 years. We need to make those changes in order to better serve the public. The county approved the change and this judge will be elected in 2016. January will be the judicial filing period and they would take office in January of 2017. Our court has been the busiest limited jurisdiction court in the State of Nevada for many years. Our total case load fluctuates from 10,000 – 15,000 cases a year. As a result of delaying this process, we have several hearings and cases stacked up. Therefore, officers and witnesses have to wait hours for a case to be heard. We asked the County for 2 positions, a judge

and a bailiff. There is a cost sharing agreement since this is a justice and municipal court that has been in effect since 1994. Fifteen percent of the cases are Municipal Court cases and 85% are Justice Court cases. Fifteen percent of the cost of running the court goes back to the City for reimbursement to the court. The total cost to add these positions for the next fiscal year is approximately \$140,000, the impact to the City would be approximately \$42,000 a year. We are required to see people within 15 days and we will be able to do this more efficiently. We are building a new courtroom in the courthouse and we are refurbishing the old county commission room into a courtroom. Once this person comes on line they hope to have them co designated for municipal as well.

Councilman Rice said this is a huge project and thank them for doing this.

Judge Simons said it will be moving us forward in a dramatic way and it is long overdue.

Councilwoman Simons asked if they considered using the savings for not having to pay visiting judges into the incomes for the new positions.

Judge Simons said he did not contemplate that but they will see a cost saving for it. We will still need some visiting judges for absentees, but it won't be on a regular basis. Most of the time the City is paying overtime for the officers going to court, there will also be a savings there too.

II. APPROPRIATIONS

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

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

The motion passed unanimously. (5-0)

B. Reconsideration of possible award of contract for WRF Reuse Pipe Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the October 12, 2015 meeting of the City Council, three bids on the WRF Reuse Pipe Replacement Project were rejected on the basis of being nonresponsive by virtue of failing to strictly comply with instructions in the bid documents. Subsequently, it was determined that the instruction in the bid documents to include the certification of good standing from the Nevada State Contractor's Board could not be satisfied by virtue of a change in procedures by the Contractor's Board. Specifically, the Contractor's Board informed Staff that online information pertaining to the contractor's good standing is to be used in lieu of a signed hard copy of the certification. Based on that information, Staff now believes that the printout of the online certifications supplied by one of the bidders complies with the revised procedures of the Contractor's Board and satisfies the purpose of the requirement in the bid documents. Accordingly, Staff believes that the Council should reconsider the bids that were previously submitted. Staff further recommends that any inconsistencies between the Contractor's Board certifications that were submitted with the bids and the instructions in the bid documents are minor irregularities that should be waived. RL

Ryan Limberg, Utilities Director, provided a chronological time line of the bid. We found a mistake on the lowest bidders subcontractor form and it was required by NRS. The next lowest bidder and found issues with that bid as well. Staff felt Ruby Dome was a responsive bidder. He said he was approached about the Ruby Dome bid and the person said that there was a problem with their status report. He said he went to the City Clerk's office and spoke to the Clerk who said the document submitted isn't the correct document the bid document asks for. We have accepted the document in the past. The bids were rejected by City Council at that meeting. The following day Ruby Dome questioned why their bid was rejected. He explained the situation but they still felt that the document was correct and it was an error on his part. He called the Contractor's Board and asked them for the correct document. The Contractor's Board said it has been several years since they have issued status reports as they once did. The document that Ruby Dome submitted was the correct document. He felt we need to revise the language in our bid documents and apologize to Ruby Dome.

Councilwoman Simons asked can we award the bid to them.

Dave Stanton, City Attorney, answered you can make a motion to award the bid to them.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to waive the requirement that bidders supply a status report issued by the Nevada Contractors Board, provided the bids include a printout from the Contractors Board website showing good standing and award the WRF Reuse Pipe Replacement Project Ruby Dome, Inc.**

The motion passed unanimously. (5-0)

III. NEW BUSINESS

- A. Review, consideration, and possible acceptance of proposed changes to the bylaws of the Arts and Culture Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

At the October 7th, 2015 Arts and Culture Advisory Board meeting, the Board took action for forward a recommendation to the City Council to modify the existing by-laws to allow for the Board to cooperate with other public entities in developing arts and culture initiatives, and to receive input from members of the public and private entities regarding arts and culture entities. JD

Jeremy Draper, Development Manager, explained the Board would like to cooperate with other public entities and to receive input from both public and private entities regarding projects for the Arts and Culture Advisory Board. Those entities would include the Convention Center and create public art.

Councilman Keener asked if the only changes were to Section 3.

Mr. Draper said that is correct.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the proposed amendments to the Arts and Culture Advisory Board Bi-Laws in Article 1, Section 3, with the additions of numbers 7, 8 and 9.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to rescind the approval of renewing hangar lease terms approved by Elko City Council on June 9, 2015, and matters related thereto. **FOR POSSIBLE ACTION**

The attorney representing the late Alan Blach Estate, owner of GBB Express, LLC wishes to remain with a T-Hangar Lease Agreement for a 15 year extension approved by Elko City Council on August 13, 2013. This extension was approved when GBB Express, LLC purchased 21 airport hangars from two Elizagoyen Trusts and V&J Properties; also owned by the Elizagoyen Family. A letter is included in your agenda packet explaining the late Mr. Blach Estate's request. MG

Mr. Gibbs said we have already entered into an agreement to exercise a 20 year lease. Mr. Blach's Estate had originally asked for the new hangar lease to negotiate into but then they said they didn't want it, so we would just go back to the old lease we agreed to.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to rescind the Elko City Council approval on June 9, 2015 concerning a hangar lease extension for the late Mr. Alan Blach Estate owner of GBB Express, LLC for hangars H2, G2, H7, F3, G3, G5, M7, G4, B4, M4, F7, M8, G1, G8, M2, G9, F2, M6, M10, M9 and M3.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of a request from the Ed & Sharon Netherton, to assign its interest, ownership and airport lease of Hangar E-3 to Mr. James D. Boyer, and matters related thereto. **FOR POSSIBLE ACTION**

Ed and Sharon Netherton and James Boyer have mutually agreed upon the private sale of Hangar E-3. Both parties request to assign the current airport hangar ground lease to Mr. James Boyer. Mr. James Boyer agrees to assume all of the conditions of the Airport T-Hangar Lease Agreement for Hangar E-3; entered into between Ed and Sharon Netherton and the City of Elko on February 12, 2008. Mr. James Boyer will assume the lease through February 28, 2018 unless sooner terminated under the terms of the agreement. MG

Mr. Gibbs said it is self explanatory. Two parties have entered into a private sale and we are looking to transfer the current lease to the new owner.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the assignment and assumption of the airport hangar lease E3 from Ed and Sharon Netherton to James D. Boyer upon the successful sale of said property.**

The motion passes unanimously. (5-0)

IV. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Police Chief issuing a 60-day temporary Retail Beer and Wine License and issuing a regular Retail Beer and Wine License to Ryan Albright and Amanda Stout, Leisure Gaming, Inc., dba Roadhouse Casino, located at 1165 E. Jennings Way, Suite #102, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Reed said this is a new establishment. Ms. Stout is in the audience for questions. He requested the Council ratify the 60 day temporary and issue a regular Retail Beer and Wine License. The backgrounds are clear and there have not been any problems thus far.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to ratify 60-day temporary Retail Beer and Wine License and issue a regular Retail Beer and Wine License, to Ryan Albright and Amanda Stout, Leisure Gaming, Inc., dba Roadhouse Casino, located at 1165 E. Jennings Way, Suite #102, Elko, NV 89801.**

The motion passed unanimously. (5-0)

VI. REPORTS

- A. Mayor and City Council

Councilman Keener said he was pleased to attend his first Nevada League of Cities (NLC) meeting. There was an interesting conversation regarding medical marijuana. It sounds like recreational marijuana may be on its way. He felt we would have a lot of problems with that in this area; especially with the mining industry and their safety compliance issues. He had the opportunity to fly on SkyWest out of Elko and was pleased to see good passenger loads.

Councilwoman Simons said she went out on a drive with Sergeant Pepper this past weekend. She found it to be very informative and enjoyed it.

Mayor Johnson said he also went to the NLC and attended the homeless workshop for veterans and listened to the struggles of other communities. This is a struggle across the country.

Councilman Schmidlein said he attended Medicare/Medicaid workshop. Currently the hospital is 3 physicians short. We have over 5,000 Medicare and Medicaid patients in Elko County. All the resources are trying to figure out how to get more physicians into the Elko community. The City needs to continue to participate in these meetings so we know what the health care issues are in the County. There are a lot of people being turned away because we don't have enough resources.

Councilman Rice said he attended the RTC meeting. They are going to continue to consider alternative routes to Spring Creek. Lamaille Highway is not at capacity. Emergency responsiveness over the summit is a concern and will be regularly reviewed going forward.

B. City Manager

Curtis Calder, City Manager, said the bond sale occurred last Thursday. It was competitive and we had 5 bidders for the bond. The percentage ranged from 2.579% to 2.84%. The winner was Janie Montgomery Scott, LLC and on top of the rate they paid a premium of \$541,000. After all costs of issuance were taken into consideration and refund the California Trail Bond, we will have a net of \$7.146 million to go towards recreational projects. Because of the low rate, we will save \$20,000 a year. We will be funded on November 12th.

Mayor Johnson asked what the expected net was going to be if they didn't buy the premium.

Mr. Calder said \$6.5 million.

Mayor Johnson questioned if they would be getting almost \$1 million more.

Mr. Calder explained we will be getting \$541,000 in the premium plus the difference on the interest rates. The initial interest rate estimate was much higher. Overall it was a great move for the City financially to get in at the low interest rates. He said once they are funded he will send out an email with final figures. The City has a great Standard and Poor's rating due to the great debt management policy the City has held over the years and continues to maintain. He said Councilwoman Simons went on tour of police station and encouraged others to coordinate with Mr. Draper to set up a tour. Tours of the Convention Center can also be scheduled Monday-Thursday between 9:00 to 11:30. We will be seeing a revised design for the golf course irrigation plan and will probably be showing you that at your next meeting.

C. Assistant City Manager

D. Utilities Director

Mr. Limberg reported on lab and water capital projects. He has been working on 2 environmental assessments with BLM. One is for the North 5th Street tank side and right away up the street and section 18. He said he will bring the sewer slip line to City Council for approval in December. Their water connection fees have been steady for many years and those fees are still adequate for existing infill areas. We have 1.2 million in connection fee revenue and it continues to grow. Newer areas will need a new and higher connection fee. He has been working with the new environmental position on sand and oil interceptors, the pretreatment program and the cross connection program. New development and plan reviews are slowing down a little bit. Financially water and sewer budgets are doing well. Sewer is fully staffed and are a great crew. The capital projects include a Master Plan update with staff input. There will be a grit removal study, the pipe replacement project, a new dump truck is coming and bidding on a truck load out. There is also the South Reservoir Liner Project and we will be rebidding this winter for work in the spring. We are working on getting water quality to class B standards which was easy at first when we put our air rotors online, as of lately that has been difficult. The vendor that supplied the air rotor motors will be replacing those units because we are having break noises, and that

will begin on the 9th. He said there were some foaming digester issues and it has been taken care of. They will be meeting with the vendors on that item. The clarifier project was finished recently and worked on the minor component issues. The reuse water can be used on the golf course and the fair grounds, but not on the construction sites unless the contractor has their own permit. He said he pressed on that issue and found out that construction use means the City projects. If a contractor uses the City's permit, which they can do, the City will be responsible for any violations.

E. Public Works-Silver Street Project

Dennis Strickland, Public Works Director, said the Silver Street project is done and is right on budget, he will have the final approval ready at the next meeting. The Cedar Street design is progressing and will come down to a budget issue. The leaf collection program starts next Monday.

F. Airport Director

G. City Attorney

H. Fire Chief

Matt Griego, Fire Chief, said they have had a busy month with Fire Prevention Week. They are also starting their public education on fire prevention as we approach the holidays. They are at approximately 2200 runs this year, which is their biggest year ever for the number of incidents. The fire losses are down though.

Mayor Johnson asked if the run numbers included first response with the ambulance.

Mr. Griego answered yes, fire related runs were only about 50.

Mayor Johnson asked how many were transported.

Mr. Griego answered 17 so far this year.

Mayor Johnson asked if the county ambulance has been the main source to transport those to the hospital.

Mr. Griego answered yes they are the primary means of transport. The only time the City units transport is when there is no ambulance available which has been 17 times this year.

Mayor Johnson asked if that number is down.

Mr. Griego answered said it is average because they typically transport 20-22 per year.

Mayor Johnson asked if it was higher at one time.

Mr. Griego said when we first started, it was extremely high.

I. Police Chief

Mr. Reed said they have had several issues lately. The school resource office building was burglarized. We do have an individual in custody and we are making changes on that building and procedures. The images captured by the system were helpful and the FBI office helped us with that. We use the NIXLE community alert system and we were able to get a different version that allows us to text those images and interact with the public through the system. We received real time tips, many of which, were accurate. That was the first time we used the system to that degree. He said there is a murder suspect extradition from Mexico. The suspect is still in Washoe County Jail and will be here at the end of this week. The Family Resource Center put on a puppy love 5k walk/run and they had 140-150 people. They donated \$1800 for the K9 program at the Police Department. They plan to purchase a new bite suit for training. He said the illegal camper situation downtown was recently brought up and we have made good progress and have been utilizing different ordinances to deal with the situation. The managers of Horseshoe tried to reopen but we let them know they need have a business license. He thanked Councilwoman Simons for coming out for a ride along. He explained Halloween falls on Saturday there could be implications for them due to costumes and masks in liquor establishments. They will have additional staffing. They will also participate in the different children programs that are being conducted such as trick or treat street.

J. City Clerk - CDBG

Shanell Owen, City Clerk, said we just received a letter of closeout on the Silver Street CDBG grant. She is still working on the senior citizens project. On the Store Front Project, there are some plans and policies that need to be put in place before it can get started.

K. City Planner

L. Development Manager

Mr. Draper said the Police Station interior walls are place. They are trying be ready to pave next week. All indications are Staker will be open up until Thanksgiving. He felt it would be okay, they just need to watch the temperature. The pavement is critical for a winter move-in. They placed concrete up front earlier this week and there needs to be a 7 day cure before they start working around it.

Councilwoman Simons asked what temperature it needs to be to pour concrete.

Mr. Draper answered anything below 40 degrees will need to be covered so it doesn't freeze overnight. As long as it isn't placed on frozen ground, it will be okay. He said it cannot be raining or snowing.

M. Administrative Services Director

N. Parks and Recreation Director

O. Civil Engineer -Cedar Street Update

Bob Thibalt, Civil Engineer, said Lana Carter, our consultant, has been doing a great job locating utilities on the Cedar Street Project. The project should be wrapped up by the end of the year and go out to bid in February.

P. Building Official

V. 6:00 P.M. PUBLIC HEARINGS

A. Review, consideration and possible action to conditionally approve Preliminary Plat No. 9-15, filed by Bailey & Associates, LLC, for the development of a subdivision entitled Autumn Hills involving the proposed division of approximately 2.8 acres of property into 13 lots for residential development within an R (Single Family and Multiple Family Residential) Zoning District, located generally west of Sagecrest Drive approximately 665 feet north of Mountain City Highway (APN 001-01F-318), and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the preliminary plat on October 6, 2015, and took action to forward a recommendation to City Council to conditionally approve Preliminary Plat No. 9-15. RM

Mr. Draper said the property was recently annexed into the City and went through a zone change. The map in the packet has been slightly changed. The packet shows a 40' cul-de-sac and we need a 50' cul-de-sac. We recommend approval of preliminary plat.

Linda Morse, PO Box 135 Elko, NV, said the Morse family would like to keep their west section of barbed wire fence. It runs from the H brace of Autumn Hills down to the corner post of the Autumn Colors subdivision. She would like the barbed wire fence put back up after development with gates.

Mayor Johnson asked why barbed wire.

Ms. Morse said it is easy to maintain and easy for the deer to cross.

Councilman Rice said he doesn't understand her request.

Councilwoman Simons asked if the fence was on her property.

Ms. Morse answered yes. She doesn't want a vinyl fence put up because she has a log home, she wants her barbed wire fence put back up as she paid for it.

Councilwoman Simons asked if she meant she didn't want Bailey to put up a fence by her fence.

Ms. Morse said no, he will have his backyard fences. She said she just wants her fence to remain.

Councilwoman Simons said that is your property so it doesn't matter.

Councilman Schmidlein asked if she was referring to the south side or the west side.

Ms. Morse said she was referring to both. She only wants it put back up if it has to be taken down during development.

Scott Wilkinson, Assistant City Manager, said he doesn't believe Bailey has the right to take your fence down if it is on your property.

Councilman Rice said we don't need to act on this.

Mr. Morse said she has mentioned there should be an escape path, but Jeremy Draper said it is not doable.

Mr. Limberg said the Morse property is outside of the City limits.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to conditionally approve the preliminary plat No. 9-15 for the Autumn Hills Subdivision, subject to the conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

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 Johnson adjourned the meeting.

Mayor Chris Johnson

Shanell Owen, City Clerk