

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

SS November 12, 2013

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 12, 2013.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

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

City Staff Present: Delmo Andreozzi, Assistant City Manager
Dawn Stout, Administrative Services Director
Shanell Owen, City Clerk
Dennis Strickland, Public Works Director
Ryan Limberg, Utilities Director
Scott Wilkinson, Development Manager
James Wiley, Parks and Recreation Director
Dawn Leyva, Recreation Services Manager
Lorraine Martinez, Accounting Supervisor
Ben Mangeng, Information Services Manager
Matt Griego, Fire Chief
Jeremy Draper, Civil Engineer
Doug Gailey, Human Resources Manager
Jay Paxson, Environmental Coordinator
Rick Magness, City Planner
Ted Schnoor, Building Official
Ben Reed Jr., Police Chief
Rick Hofheins, Airport Security Manager/Assistant Airport Director
Dave Stanton, City Attorney
Diann Byington, Recording Secretary

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this

item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There were no public comments.

APPROVAL OF MINUTES:

October 22, 2013

FOR POSSIBLE ACTION

The minutes were approved by general consent.

I. PERSONNEL

- A. Continued review, consideration, and possible appointment of a City Council member, and matters related thereto. **FOR POSSIBLE ACTION**

Due to the resignation of Councilman Richard Perry, the City advertised for interested, qualified individuals to fill the unexpired term. The City received applications from John C. Carpenter, James A. Conner, Reece Keener, and Randy Powell. SO

Shanell Owen, City Clerk, explained the letters received are in the packet and they all meet the qualifications to be appointed. It is up to Council whether or not they want the applicants to come up and speak.

Mayor Johnson noted there is no formal procedure.

Councilman Rice said he would like to hear from the candidates and then from the public.

John Carpenter said he would welcome the opportunity to serve the community as a member of council. He feels he has the experience, knowledge and the know-how to serve his community well. He has been a resident of Elko for over 50 years. He has been Chairman of the County Commissioners and the Recreation Board and the Convention Center. He served in the Legislature for 24 years. He is a fiscal conservative and believes in getting the best bang for your buck. He is well versed in city affairs and has attended many council meetings. He would be honored to serve the remainder of the term.

Reece Keener said he is happy in his role as Chairman for the Planning Commission. The assignment has been interesting and personally fulfilling. Councilman Perry's absence is a great loss for our community. He pledges that if appointed he will do his very best to fill the void. It was with Councilman Perry's recommendation and the encouragement of community leaders that he is putting his name forward as a candidate. His only motivation is the cause of helping make Elko the best it can be and serving all of its citizens. As a citizen of Elko, it is his desire that the appointment be extended to the best person for the job. If he is deemed to be that person he is ready to serve.

Jim Conner said he just got done serving his third term as a Councilman last year. He served eleven years on the Planning Commission. He has been involved as a liaison to the Parks and Recreation Department, the Fire Department, and the Police Department. He feels he is qualified

and would like the opportunity to serve again. There are things he would like to get done in the city. He is excited about the 100 year celebration.

Dale White, 2088 Colonial Drive, said the candidates are all qualified. He voiced his support for John Carpenter as Councilman.

Councilman Rice noted this is an opportunity that is rarely presented to a board. He remembers one other time about eight years ago. One applicant out of the three rises to the top and that is Reece Keener. He feels Mr. Keener is committed to this community and has contributed to the quality of life in Elko. Many people around the community have recommended Reece Keener as the new councilman. It was his desire that he be nominated and appointed.

Councilman Schmidlein felt all four candidates are great people. On past councils they have had to appoint councilmen and there was concern about appointing an individual that was planning on running for the following term. It gives them a great advantage. There are pros and cons. He has nothing against candidates because they all do a lot in the community.

Councilman Rice noted this term is a shortened term. It is six months shorter than a regular term because of the change in election dates. Part of the responsibility of the board is to do the best for the city and put someone in place that has already been dealing with issues.

Councilwoman Simons said she shares Councilman Schmidlein's concerns. Everyone is qualified but she is worried about giving someone a leg up in an election. Mr. Conner would be good because he cannot run in the election. The public is in support of Mr. Keener. It's a difficult decision.

Mayor Johnson said there are a lot of different factors regarding who would be selected to fill the seat. The job was to select one candidate.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to appoint Reece Keener to fill the unexpired term of Councilman Rich Perry.**

The motion passed unanimously. (4-0)

- B. Administration of the Oath of Office for the appointed City Council member, and matters related thereto. **ACTION WILL NOT BE TAKEN**

Mayor Johnson administered the Oath of Office to Reece Keener. **Councilman Keener took his seat with the other councilmembers.**

- C. Presentation of "Fire Officer" professional designation to Captain James Johnston II, and matters related thereto. **FOR POSSIBLE ACTION**

Captain James Johnston II has successfully completed the process that awards him the professional designation of "Fire Officer". The Commission on Professional Credentialing met on October 1, 2013, to officially confer the designation upon Captain Johnston. Captain Johnston is one of two designated "Fire Officers" in Nevada and one of 168 worldwide. The Commission on

Professional Credentialing is an entity of the Center for Public Safety Excellence.
MG

Matt Griego, Fire Chief, introduced Captain James Johnson and explained the designation of "Fire Officer." He has worked closely with Captain Johnson over the years and this is an honor. He presented him with a plaque.

James Johnston compared this to a college course that took probably six months and then he was interviewed by his peers. One thing that kept coming up was how great the people around him were. Everyone helped him get this award. He thanked City Council in supporting him with his education.

II. APPROPRIATIONS

- B. Review, consideration, and possible issuance of Final Acceptance for the 2013 WRF Fencing Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project was awarded to Lamoille Fencing at the September 10, 2013 Council meeting. The work has recently been completed and Staff is recommending final acceptance for the project. There were no change orders. FPS

Ryan Limberg, Utilities Director, explained there were no change orders on this project. This fencing tied into the fencing project that was completed last year and loops around the south side of the storage reservoirs. He recommended approval.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve final acceptance for the 2013 WRF Fencing Project in the amount of \$38,317.00.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible issuance of final acceptance for the Golf Course Sewer Main Rehabilitation Project, EL-2013-320, and matters related thereto. **FOR POSSIBLE ACTION**

This project was necessary to maintain the integrity of the existing sewer main. Video of the pipe showed multiple areas of cracking and root intrusion. The sewer pipe was repaired using a cure in place pipe liner. Staff is pleased with the results and recommends final acceptance for the project. RL

Mr. Limberg explained this project had no change orders. Staff is pleased with the work and recommended final acceptance. Work was completed by the Layne Christensen Company in the amount of \$40,100.00.

Councilman Schmidlein asked what is the life expectancy on this.

Mr. Limberg answered it varies but he estimates a minimum of 20 years.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, for final acceptance for the Golf Course Sewer Main Rehabilitation Project EL2013-320 in the amount of \$40,100.00.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible authorization for Staff to solicit bids for the Main City Park Tennis Court Reconstruction Project, and matters related thereto. **FOR POSSIBLE ACTION**

The Main City Park Tennis Court reconstruction project was approved as part of the FY 2013/2014 Recreation Fund Priorities List with a budget of \$500,000. Engineering and design has recently been re-worked to fit within the budget and is now ready to go out for bid. Staff would like to start construction on the project in the spring of FY 2014. JW

James Wiley, Parks and Recreation Director, explained we started looking at this project a year ago. We had a larger budget but scaled it down according to council direction. The scope has been reduced to 2 courts from 4 courts. There is an additive alternate for a third court.

Councilwoman Simons asked if we only replace two courts, would the remainder be grass.

Mr. Wiley answered grass will replace the courts that are eliminated.

Councilman Schmidlein asked if that meets the master plan requirements for tennis courts.

Mr. Wiley answered it does fit in his opinion but the master plan states two more courts. The school district is the biggest user of those courts and they will be affected by this.

Councilman Rice asked we would be able to expand later on if we wanted to.

Mr. Wiley answered we do have some flexibility if tennis needs increase.

Councilman Keener asked what would the life expectancy be on the courts.

Mr. Wiley answered typically in similar climates they are good 10-12 years down the road. The surface comes with a 7 year warranty. The post tension slabs will be there for decades. The surface will be the only part replaced every 10-12 years.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to authorize staff to solicit bids for the Main City Park Tennis Court Reconstruction Project.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible award of a contract for the Swimming Pool Replastering and Maintenance Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the October 8, 2013 Council meeting, Staff was authorized to solicit for bids for the replastering of the indoor swimming pool. Bids were opened on Friday November 8, 2013. A bid tab will be provided for Council to review. JD

Jeremy Draper, Civil Engineer, explained we received two bids but one was deemed incomplete. That left one bidder with a base bid of \$94,826.00. They would also like to award alternates three and four which replace some ceiling tiles above the pool deck and pool. The total award would be \$99,026.00.

Councilman Schmidtlein asked what the life expectancy on this was.

Mr. Draper answered seven to eight years. This contractor talked to him about a newer style type of plaster called Peppletec. It is something we could pursue but that would put us into prevailing wages and we only have \$100,000.00 for the budget.

Councilman Schmidtlein asked if you did go with the other project, how long will that last.

Mr. Draper answered they say 10 years but it hasn't been on the market that long yet and not tested fully in a commercial environment.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Rice, to award the Swimming Pool Replastering and Maintenance Project to Adams Pools Specialties Inc with additive alternates three and four in the amount of \$99,026.00.**

The motion passed unanimously. (5-0)

III. UNFINISHED BUSINESS

- A. Continued review, consideration, and possible direction to Staff to initiate the adoption of new building and fire codes, and matters related thereto. **FOR POSSIBLE ACTION**

Council met on April 2, 2013 and directed Staff to talk to the City Attorney as to whether or not the adoption of new building and fire codes will warrant a business impact statement. TS

Ted Schnoor, Building Official, explained the City Attorney felt the business impact statement was not required for the adoption of the new codes. He wanted to know if council wanted to adopt these codes or not. The design community would like these adopted.

Mayor Johnson asked the city codes in place now are what year? (2009) When were those adopted? (2010)

Councilwoman Simons asked what will the county do.

Mr. Schnoor answered they are on 2003 codes. There is some discussion on adopting the 2012 codes but he wasn't sure how that was going right now. Most jurisdictions have adopted the

2012 codes: Wells, Winnemucca, Humboldt County, most of southern Nevada and all of Washoe County.

Councilman Schmidlein said in his opinion the entire outlying area outside of Elko is running on 2003. We support all fire suppression in the five-mile radius outside of Elko. He doesn't feel Elko should leap into the 2012 codes until we get a commitment from the outlying areas that they will also be using the 2012 codes. There is a lot of development being completed outside the city limits that is getting the same fire support and not paying for it. At this time he cannot support this adoption.

Councilman Rice said there were a number of contractors in the room back in April that said they were working to a variety of codes depending on the jurisdiction they were working. Contractors are prepared to build to whatever standards are adopted. He thought we needed to be thinking about our needs and not the needs of other communities first. Perhaps we need to look at our MOU's and maybe it will be more expensive for us to respond outside the city limits.

Josh Carson, Fire Marshal, said this is a great opportunity to be on the leading edge of design and construction. It is important that we follow the most modern building and lifesaving codes. Most design professionals are from areas that are already using the newer codes. We will be setting the standards for our area. He wants to move forward with adopting the codes.

John Carpenter wants to make sure that if you adopt the codes you look at amendments that would be required for this area. We just looked at a water fountain for a jewelry store. These need to be looked at and taken out.

Catherine Wines, Architect, has been asked by the Elko County Building Department to be on a committee to review the Northern Nevada Amendments. They are going to borrow Washoe County's and look at those as they would apply. The county is in the process of adopting the 2012 codes. She encouraged council to be on the same page as the county. Code changes do not always increase costs other than buying new code books. Sometimes requirements are relaxed.

Dale White said every time the legislature meets you get more regulations and costs. The citizen is going to pay for any building improvements, good or bad. He asked what a balloon cost would be between the 2009 and 2012 codes.

Mr. Carson answered there is really no way to quantify a balloon payment with the code. It is based on the individual type of construction that they choose to make. That is why the business impact statement was such a hurdle. There is really no way to quantify how it is going to affect each individual process type of construction, building or anything similar. As we move forward with the process we can eliminate some problems such as the drinking fountain and things that don't fit for our jurisdiction.

Councilman Keener asked Mr. Schnoor if there will be a significant difference that he knew of with going with the new set of standards.

Mr. Schnoor answered as far as a remodel goes, no. There will be very little change if any. One of the things we have to look at is that when these codes do change, most of the changes we are dealing with are changes in the wording of the code itself. That will not have much impact on

the costs and is mainly clarification. Since April he has done research to try to determine cost increases or decreases in the adoption of the 2012 codes. There really isn't anything you can put your finger on. The code does address the occupancy load of a business. That is also a factor on items such as a drinking fountain, bathrooms, etc. We will have the ability to amend those items to a point. We also have to be very careful because the Federal Government and the ADA have a lot to do with these.

Chief Griego said from the Fire Department's standpoint and the standpoint of public safety, because we have kept up with the codes the buildings we have built are going to last. As the community grows and we continue to put out that quality product, future public safety is partially addressed. He felt it was better to address public safety in the front end where you know you have a quality city with buildings that are able to withstand major disasters and large loss of life.

Ed Netherton, local businessman, has been here approximately 20 years. There is a duty to make sure that we are doing the proper things and building the safe facilities that we all want. These codes have been an issue and impacted him over the years. We keep in mind that a lot of the building done in the city is done by small to medium-sized businessmen. One obstacle to getting growth in these small businesses is cost of facilities. He has been stymied by the cost of these construction codes and that has equated to real job growth. For him this is a big deal.

Mike Lattin, Canyon Construction, felt council is willing to adopt the new codes without knowing what is contained in the new codes. He suggested looking at the codes and then decide if the revisions are worth it.

Councilman Rice said the action is to take a look at that and have the opportunity to have conversation with builders and contractors and then initiate the adoption of new codes.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to direct staff to initiate the adoption of new building and fire codes and consider amendments. He also asked that Mr. Schnoor engage building professionals from the community to help with that process.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Mayor Johnson clarified that the motion was to direct staff to begin the process of adopting the code.

Councilman Rice said he felt part of adopting the code and what works for us.

Mayor Johnson asked if he would consider to direct staff to present to the council in January the pros and cons of adoption of the 2012 codes. Then we can decide in January if we have enough information to move forward.

Councilman Rice amended his motion to include, **“and direct staff to present to council in January the pros and cons of adoption of the 2012 codes.”**

Councilman Schmidlein said he would support that as long as we are not adopting the codes yet. Information will be brought back so we would have further information to review to see the actual costs and what they would be.

Mr. Schnoor said his intention was not to say we are going to adopt the code. The intention was that there was a massive amount of work here that needs to be done. He has plenty of other things on his plate. If there wasn't going to be any appetite to consider the new codes then he wasn't going to go down that road.

Councilman Schmidlein asked to find out from other cities what their impacts have been.

Council voted on the motion.

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

This item was considered and approved by the City Council on October 8, 2013. The lessee is requesting a few minor changes to the lease. SO

Shanell Owen explained after council met the principal was out of town and didn't have a chance to look over the agreement. The changes to the agreement are noted in bold and underlined. She went over the requested changes.

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

The motion passed unanimously. (5-0)

IV. NEW BUSINESS

- A. Review, discussion, and possible approval of the transfer of Airport Hangar E3 Leases from the Colorado Corporation to Ed and Sharon Netherton, including approval of the appropriate "Consent to Assignment and Assumption of Airport Hangar E3 Lease Agreement," and matters related thereto. **FOR POSSIBLE APPROVAL**

A letter from the President of the Colorado Corporation was presented to the Airport Director requesting assignment of the hangar lease E3 to be reassigned to Ed and Sharon Netherton. The appropriate consent agreements have been included in the agenda packet for review. MG

Rick Hofheins, Airport Security Manager/Assistant Director, explained this is common out there.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to transfer the airport hangar lease agreement for hangar E3 to Ed and Sharon Netherton and approve the appropriate consent agreement.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible appointment of a member of City Council to serve on the Elko Centennial Committee and authorize Staff to select the remaining members of the committee, and matters related thereto. **FOR POSSIBLE ACTION**

At the September 24, 2013 Council meeting, Staff was directed to advertise for letters of interest and to approach the Redevelopment Advisory Council, the Arts and Culture Board, the Parks and Recreation Advisory Board, the Elko Area Chamber of Commerce, the Downtown Business Association and advertise for three (3) at large positions. Staff has received the appointments from the above mentioned boards and several letters of interest from the public for consideration. Staff is requesting that the Council select one of its members to serve on the committee and make a recommendation to Staff for the selection of the three (3) at large members of the public to serve on the committee. JD

Jeremy Draper, Civil Engineer, explained this is a two part item: 1) appoint a member of City Council to serve on the Elko Centennial Committee; and, 2) to make a selection and recommendation to staff for the three (3) at large positions to serve on the same committee. There are five letters in the packet and we received another letter from Jan Petersen over the weekend.

**** A motion was made by Mayor Johnson, seconded by Councilman Rice, to appoint Councilman Schmidlein to the committee.**

The motion passed unanimously. (5-0)

Councilman Schmidlein said he was honored and pleased to support this. He is involved with the RAC and RDA downtown. He is also involved with the Parks and Recreation Department. He thinks it would be most filling to move forward with this as being one of the ringleaders on this committee. There is a lot that needs to be done in a short period of time.

Mayor Johnson went over the choices for the committee. Are we limited to only do three members?

Mr. Draper answered that is how it was proposed as a 9 member committee. This will be an exciting project for us.

Councilman Rice disclosed he reports to Mark Curtis who is the president of the college. He didn't know if that would recuse him from the vote.

Dave Stanton, City Attorney, thought the disclosure would be sufficient.

Councilman Schmidlein thought Peter Navarro would be a good person for the project because the car show in Stockmens is right in the downtown corridor area. They are wanting to move forward with a possible joint venture between the RDA and the city on anything we may elect to do for some sort of improvements.

Councilman Rice mentioned that GBC will be celebrating their 50 year anniversary the same year. Mr. Curtis wanted to be part of the committee to coordinate both celebrations.

John Carpenter said there are great candidates that have applied for the job. Increase the board members to 11 and let them all participate.

There was some discussion about increasing the number of committee members but Mr. Stanton noted how the item was agenda'd and council cannot at this meeting appoint more than three members. The committee membership can be increased at a later council meeting.

Councilman Keener said he would like to hear from some of the applicants that are present.

Jan Petersen disclosed she is the City Sexton. She has taken people through the city cemetery and downtown for many years. She likes Elko history and being involved in her community.

Cathy McAdoo said she feels like she is a native Elkoan. She has lived here 38 years. She loves the community and loves to serve the community. She feels that she can bring diversity to the committee through her work with PACE non-profit.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to nominate Peter Navarro, Cathy McAdoo and Jan Petersen to the Elko Centennial Committee.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of Map of Reversion to Acreage No. 2-13, filed by Iron Horse Elko LLC, for the purpose of reverting to acreage Parcel 22 of File No. 637804 and Parcel 12 of File No. 455685, located generally between Idaho Street and Manzanita Lane approximately 1,110 feet east of 30th Street, and matters related thereto. **FOR POSSIBLE ACTION**

The parcel merger was a condition of Conditional Use Permit No. 11-13 for the development of four additional RV spaces within an existing park. RM

Rick Magness, City Planner, explained this is an item of condition for a conditional use permit.

Councilman Keener disclosed that while on the Planning Commission this was an item before him. He was previously involved in actions on this parcel.

Mr. Stanton didn't feel he needed to abstain from the vote.

Mr. Magness said there is another condition of the recordation of a utility easement as conditioned with Vacation 3-11 and also a recordation of Vacation 3-11. These conditions also need to take place.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to conditionally approve Map of Reversion to Acreage No. 2-13 subject to conditions contained in the memorandum of staff.**

The motion passed unanimously. (5-0)

V. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 23-13, a resolution increasing the petty cash fund for the City of Elko Regional Airport in the amount of One-Hundred Dollars (\$100.00), and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Airport deals with cash transactions on a daily basis. They need the availability of cash to make change for various transactions during the day. They now have a vending machine and need more petty cash to facilitate their daily cash transactions. Staff is recommending that the airport increase their petty cash fund in the amount of One Hundred Dollars (\$100.00) which brings their total petty cash to Seven-Hundred dollars to facilitate the petty cash needs of the department. DS

Dawn Stout, Administrative Services Director, explained they do have two parking stations that require cash and cash in the office for people that come in to get airport badges. This is a separate new item and will need the cash for the vending machine.

Councilman Keener said currently the cash fund is \$600. It isn't much of an increase to \$700. Will they need to come back soon for another increase?

Ms. Stout answered she didn't believe so. The vending machine is a quarter machine.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve Resolution No. 23-13 authorizing staff to increase the petty cash fund for the City of Elko Regional Airport in the amount of One Hundred Dollars (\$100.00) bringing the total airport petty cash fund to Seven Hundred Dollars (\$700.00) with the source of the funding to come from the airport fund cash.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible adoption of Resolution No. 24-13, a resolution finding that is in the best interests of the public of the City of Elko to lease certain land to the Elko Television District pursuant to NRS 268.061, and matters related thereto. **FOR POSSIBLE ACTION**

During the October 8, 2013 City Council meeting, Staff was directed to proceed with a new lease for the Elko Television District. Adoption of Resolution No. 24-13 is the next step in the process. A new lease document will be provided for consideration at a future City Council meeting. CC

Delmo Andreozzi, Assistant City Manager, explained this is a step in the process in getting the lease finalized with the Television District. We will be bringing back a lease for approval.

Scott Wilkinson, Development Manager, asked are you leaving enough room if we ever extended Ruby Vista there to get by that.

Mr. Andreozzi said there is a legal description and it excludes that street.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 24-13 and direct staff to bring back a proposed lease for consideration.**

The motion passed unanimously. (5-0)

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing and possible adoption of Ordinance No. 776, an ordinance creating a new Chapter 8, Title 9 of the Elko City Code entitled “Post Construction Stormwater Run-off Control and Water Quality Management,” providing regulation of discharges to the Elko City stormwater conveyance systems or stormwater run-off from completed construction projects, and matters related thereto. **FOR POSSIBLE ACTION**

The Nevada Department of Environmental Protection issued a NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to the City of Elko on December 9, 2002. The permit was reissued on July 6, 2010. The permit regulates storm water discharges from the City of Elko incorporated boundaries. Condition V.I.E.1 of the permit requires the permittee to develop a post-construction stormwater management BMP program for new development and significant redevelopment (“NDSR”) projects that is suited for the unique hydrologic, hydrogeologic and regional conditions of the permittee’s locality. Condition V.I.E.3.a.v of the permit requires the permittee to develop and implement an ordinance or other regulatory mechanism to address urban stormwater runoff from NDSR projects. Condition V.I.E.4 of the permit requires the development of design standards to address the following criteria in NDSR projects: Peak Urban Runoff Discharge Rates, Site Design BMPs, and Source Control BMPs.

Staff has worked through the established Storm Water Advisory Committee and Legal Counsel to develop the proposed ordinance. Staff believes the proposed ordinance complies with the MS4 permit conditions. JP

Scott Wilkinson, Development Manager, explained they are recommending adopting the ordinance with one minor change found on page 7 of 17.

Councilman Schmidlein said he wanted to make sure he understood this. This is a three part regulation: 1) legal discharge; 2) construction run-off; and, 3) post construction run-off control.

Mr. Wilkinson answered the permit has six minimum control measure sections. Two of them have to do with public education and public outreach. There are three that require us to pass ordinances so that we can have some enforcement capability and regulation capability. The sixth control measure has to do with our public operations. That requires us to evaluate our own operations and make sure we are in conformance with the Clean Water Act.

John Carpenter felt this ordinance is far reaching. It applies to any new or significant re-development except subdivision of five acres or less. There are practically no situations that are not subject to this water shed plan. This increases costs to all projects. How many people will the city have to hire to approve and police the projects? Is this regulation really needed? He wasn't sure if the Clean Waters Act applies here. It needs to be navigable waters and the Humboldt is not navigable for many months out of the year.

Councilwoman Simons heard that the county just adopted or looked at something similar.

Mr. Wilkinson said the county may be forced into that. The state has redefined their urban areas. They want the city to expand their program. We will not expand into the county because we have no authority into the county. He agreed with a lot of what Mr. Carpenter had to say about fishable and swimmable waters. The state did that. They did that in response to the EPA. They probably didn't think it through. They went in and designated uses for all these streams and rivers. That leads to all the water quality criteria that you have to try to achieve. They didn't even take into account that you don't have flow in some of these areas. We have to live with them until the State of Nevada changes the designated uses. This is a bare-bones ordinance because we don't want a complicated program to try to enforce.

Councilman Rice thought that we ought to pass this ordinance because of the liability we expose ourselves to if we do not. But then we should begin to work immediately with our legislative representatives if this doesn't fit for us.

Mr. Wilkinson said a lot of what is required in this ordinance has been taking place with development over the last five to seven years. He indicated the CAT Warehouse and the detention pond on the property. That is the extent of the infrastructure that would be required with this ordinance. When Newmont developed there wasn't room for a detention pond. They did storage under the parking lot and restricted the outlet on that. The state will have to go back and do an assessment on the Humboldt River but that is a low priority for them.

Sharon Hughes, 287 Oak, asked what has happened to DEP, Department of Environmental Protection. She lived in New Jersey about 30 years ago. A lot of this started there. Raw sewage was always being put out into the harbor and Hudson River. It has just spread out from there.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to conduct the second reading and adopt Ordinance No. 776 with the revision on page 7 of 17, Section 9-8-5 Permit Procedures and Requirements B. to include the phrase "under this section of code" as noted in the support materials.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to adopt Resolution No. 18-11, a resolution and order vacating a portion of the Norco Lane right-of-way consisting of an area approximately 60 feet in width by 235 feet in depth abutting APNs 001-860-095 and 001-860-098, which is located within the City of Elko, Nevada, to the property owners, i.e., Ormaza Series LLC and Ironhorse Elko LLC, filed and processed as Vacation No. 3-11, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of April 26, 2011, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of May 3, 2011, and took action to forward a recommendation of conditional approval to the Council with findings in support of its recommendation. Several of the conditions with regard to public improvements on Manzanita Lane and Norco Lane have been satisfied. The proposed resolution reflects the outstanding conditions recommended by the Planning Commission. SW

Mr. Wilkinson explained a bit about the history of Norco Lane. We are looking at vacating the portion right off Manzanita because both properties can have access right off Manzanita. It isn't really serving any functionality as a street there. If we developed there it would have to be developed as a street. The Iron Horse RV Park applied for a rezone to expand the RV park. This has all been conditioned upon each other: vacations and rezones. Conditions have been met and a CUP has been issued. They are cleaning everything up. This was presented to Planning Commission some time ago and was recommended for approval with some conditions. Some conditions still apply such as an easement.

Bob Thibault, Summit Engineering, asked if we grant the easement first.

Mr. Wilkinson answered we have to go back to see who owns the property and have them grant the easement. We will record the easement and then the vacation. We just need to figure out who is going to sign the Grant of Easement because he didn't think that was city property.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to adopt Resolution No. 18-11 which contains conditions recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

- C. Final public hearing and possible action to submit the Friends in Service Helping (FISH) Refrigerated Vehicle Project for funding to the 2014 Community Development Block Grant (CDBG) Program, and matters related thereto. **FOR POSSIBLE ACTION**

The City may submit two grants for this funding cycle. During the public hearing Council will receive comments from citizens pertaining to the proposed project. Council will consider sponsoring the FISH Refrigerated Vehicle project. The estimated vehicle cost is \$75,000 and the grant request is for \$70,000. SO

Shanell Owen, City Clerk, explained this is a continuation on the CDBG grant process and the application process. This was advertised as a public hearing. She recommended approval.

Councilwoman Simons asked if Ms. Owen had heard from anybody else about ideas. (no)

Mayor Johnson called for additional public comment. There was no response.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to authorize staff to submit the Friends in Service Helping Refrigerated Vehicle Project for funding to CDBG for the 2014 grant cycle.**

The motion passed unanimously. (5-0)

VII. REPORTS

A. Mayor and City Council

Councilwoman Simons said a while back we asked Mark Gibbs to look at the hangar rates. At the last airport advisory meeting Mr. Gibbs reported we are close to what other airports charge.

Councilman Rice is on the Nevada Commission on Aging. He is on a committee advising the bylaws on that to give a better direction on what they can do. He reported on a meeting with Barbara Barrett and a visit to Highland Manor.

Councilman Keener thanked council for their support.

B. City Manager

C. Assistant City Manager

Delmo Andreozzi reported the Planning Commission considered a rezone in the area of the Eight Mile subdivision. There was a piece of commercial area adjacent to the Ruby Vista area that was indicated on the overhead screen. The rezone was approved and is being forwarded to City Council for possible adoption.

D. Utilities Director

E. Public Works

F. Airport Director

G. City Attorney

H. Fire Chief

Chief Greigo handed out a copy of this month's Fire Watch newsletter. (Exhibit "A")

I. Police Chief

J. City Clerk – Snowflake Festival

Shanell Owen reported on the Snowflake Festival and that it was approved administratively. She also reported on the street closures and the Parade of Lights.

K. City Planner

L. Development Manager

M. Administrative Services Director

Dawn Stout reported on the sales tax numbers. The numbers are down and we hope they go up.

N. Parks and Recreation Director

O. Civil Engineer

II. APPROPRIATIONS

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

Councilman Schmidlein asked about paying Ruby Dome to repair curb and sidewalk.

Ryan Limberg, Utilities Director, answered that may have been curb, gutter, sidewalk and paving on Manzanita in front of a rail house at Iron Horse.

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

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**

Cathy McAdoo, PACE, said she has attended numerous council meetings. She never ceases to be amazed at the council's dedication to the community. She thanked them for their vote of confidence.

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

Mayor Chris Johnson

Shanell Owen, City Clerk