

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

SS November 13, 2018

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 13, 2018.

This meeting was called to order by Mayor Chris Johnson.

## CALL TO ORDER

## ROLL CALL

**Mayor Present:** Chris J. Johnson

**Council Present:** Councilman John Rice  
Councilman Robert Schmidlein  
Councilman Reece Keener

**Council Absent:** Councilwoman Mandy Simons

**City Staff Present:** Curtis Calder, City Manager  
Scott Wilkinson, Assistant City Manager  
Ryan Limberg, Utilities Director  
Kelly Wooldridge, City Clerk  
Jonnye Jund, Administrative Services Director  
Dennis Strickland, Public Works Director  
Cathy Laughlin, City Planner  
Candi Quilici, Accounting Manager  
Mike Haddenham, WRF Superintendent  
Matt Griego, Fire Chief  
John Holmes, Fire Marshal  
Ben Reed Jr., Police Chief  
James Wiley, Parks and Recreation Director  
Jim Foster, Airport Manager  
Bob Thibault, Civil Engineer  
Jeff Ford, Building Official  
Dave Stanton, City Attorney  
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**

*There were no public comments.*

**APPROVAL OF MINUTES:      October 23, 2018      Regular Session**

*The minutes were approved by general consent.*

**I.      PRESENTATIONS**

- A.      Reading of a proclamation in recognition of “Small Business Saturday” and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Johnson read the proclamation.

**II.     PERSONNEL**

- A.      Employee Introductions:

1) Benjamin Ritz, Mechanic I, Fleet Department

*Present and introduced.*

2) Susan Drake-Shurtz, Human Resources Manager

*Present and introduced.*

3) Kara Vera, Technical Assistant, Building Department

*Present and introduced.*

**III.    APPROPRIATIONS**

- D.      Review, consideration, and possible award of a bid for a new Service Truck with body and crane for the Water Reclamation Facility, and matters related thereto. **FOR POSSIBLE ACTION**

City Council approved soliciting bids at the October 9, 2018 meeting. A Bid Tally Sheet will be provided prior to the Council meeting. RL

Ryan Limberg, Utilities Director, explained the bid tally sheet was included with the packet. The bids were all very close. Staff recommends award to Advanced Truck & Body Equipment for the base bid only, in the amount of \$107,010.

**\*\*      A motion was made by Councilman Rice, seconded by Councilman Keener, to award the bid on the new WRF Service Truck with body and crane to Advanced Truck & Body Equipment, 4825 Table Rock Rd., in Central Point, Oregon, in the base bid amount of \$107,010.**

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

- E.      Review, consideration, and possible approval of Change Order No.1 and issuance of final acceptance for Reuse Pipeline and Sanitary Sewer to the Elko Sports Complex Project (Railroad and River Crossing Project), and matters related thereto. **FOR POSSIBLE ACTION**

This difficult project has been completed. The original bid was for \$1,117,267.50. There was one change order for the project in the amount of 43,557.40, consisting of deductive amounts for removing one manhole and reducing the number of conduits from the Scope of Work, as well as additive amounts for additional drill rig and boring expenses. RL

Mr. Limberg explained this was a difficult project because there is always water running beneath the surface. He is pleased with the completion of it. In the packet was the final invoice from Ruby Dome and a change order request form.

Councilman Keener said he noticed the budget amount available was \$930,000.

Mr. Limberg said there are two budgets for this project (\$930,000 in one budget and \$465,000 in another for the reuse line) and they can cover the costs. The same budgets also need to cover additional work through the Sports Complex. The budget will be close to the total allocation.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve Change Order No. 1 and issue final acceptance for the Reuse Pipeline and Sanitary Sewer to the Elko Sports Complex Project.**

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

- F. Review, consideration, and possible final acceptance of the 6<sup>th</sup> Street Storm Drain Repair-Phase 2, and matters related thereto. **FOR POSSIBLE ACTION**

At their August 14, 2018 meeting, Council awarded the bid for the 6<sup>th</sup> Street Storm Drain Repair-Phase 2, in the amount of \$59,175.60 to Great Basin Engineering Contractors. While performing this repair, on October 10, 2018, it was discovered that a significant amount of storm drain pipe downstream from this project is failing. The City of Elko deployed a camera in the storm drain for approximately 150 additional feet of the culvert and found numerous areas to be compromised and in danger of failing. The potential failure of this storm drain necessitated an emergency repair to protect the public health, welfare or safety of the public. Failure of this storm drain would pose significant risk of flooding to numerous areas, as this is a main drainage structure for the City of Elko. Great Basin Engineering Contractors has satisfactorily completed these repairs. DS

Councilman Schmidlein disclosed that his partners at Canyon Construction are owners of Great Basin Engineering Contractors and recused himself from the discussion.

Dennis Strickland, Public Works Director, explained he has already kept everyone apprised of the work going on. They are underfunded with the change order. After speaking to the City Manager and the Finance Manager, one of two things will happen; either excess sales tax will be used to support the budget on this item, or contingency will be used.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve final acceptance of the 6<sup>th</sup> Street Storm Drain Repair – Phase 2, to Great Basin Engineering, in the amount of \$164,171.20.**

*The motion passed. (3-0 Councilman Schmidlein abstained.)*

- G. Review, consideration, and possible final acceptance of the Centennial Park Electrical Improvements, and matters related thereto. **FOR POSSIBLE ACTION**

At their July 25, 2017 meeting, Council awarded the Centennial Park Electrical Improvement Project to Intermountain Electrical Contractors, in the amount of \$140,728.20. There was one monetary change order during construction in the amount of \$31,035.89. There was an adjustment in quantities that saved \$1,343.50. The total project cost was \$170,420.59. This project was substantially completed on November 14, 2017, but had issues with the asphalt paving that the contractor needed to address in warmer weather. The issues were addressed this fall, and Staff recommends final acceptance. BT

Bob Thibault, Civil Engineer, explained this is finally completed and ready for acceptance after about a year delay due to cold weather hitting.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the final acceptance of the Centennial Park Electrical Improvement Project by Intermountain Electrical Contractors, in the amount of \$170,420.59.**

*The motion passed. (3-0 Councilman Schmidlein was absent.)*

## **V. NEW BUSINESS**

- A. Review, consideration, and possible authorization to reschedule the City Council Meeting from December 25, 2018 to Tuesday, December 18, 2018, and matters related thereto. **FOR POSSIBLE ACTION**

Councilman Keener said he would be out of town at that time.

Mayor Johnson thought the 18th would be the best date to hold this. We may not have to have a meeting but just in case there are some issues that need to be finished up by the end of the year, we can hold this meeting.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to reschedule the December 25, 2018 meeting to Tuesday, December 18, 2018.**

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

- B. Review, consideration, and possible approval of a Water Meter Grant Policy and Water Meter Grant Application, and matters related thereto. **FOR POSSIBLE ACTION**

The Annual Water Department Budget has included \$20,000.00 for a Water Meter Grant Program for several years. However, a grant policy and grant application form was never acted upon or approved by Council. The purpose of this item is to request formal action by Council to approve, or direct Staff to modify, each of these two documents. RL

Ryan Limberg, Utilities Director, explained City Council directed staff to include money in the budget for a Water Meter Grant Policy that would be available for people to use but they have never been able to find a policy that Council had acted upon or approved. He included a draft grant policy in the packet. This year it looks like we may use these funds completely. In the past there have only been one or two applicants. The way this is drafted anyone may apply but only one application per year.

Councilman Keener asked if this could be used to help subsidize new construction.

Mr. Limberg answered he doesn't see this as applying to new construction but he can clarify that language in the policy.

Councilman Keener wanted to add the language "excluding new construction."

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the Water Meter Grant Policy and Water Meter Grant Application with the amendment that was discussed, limiting the eligibility to existing customers; no new construction.**

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

- E. Consideration and possible authorization to solicit statements of interest and qualifications for engineering services at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Regional Airport currently has a Professional Services Agreement with Jviation, Inc. for engineering services at the airport. The current contract agreement will expire January 14, 2019. The FAA requires that every five (5) years the airport re-advertise for consultants to provide engineering services. JF

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to authorize staff to solicit Statements of Interest and Qualifications for Engineering Services at the Elko Regional Airport.**

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

- F. Review and possible approval of a Lease Agreement with the Bureau of Land Management, for the operation and use of the Elko Interagency Fire Dispatch and Helibase, and matters related thereto. **FOR POSSIBLE ACTION**

On September 24, 1997 BLM entered into lease agreement with the Elko Regional Airport for a period of twenty years, which has expired. The annual revenue generated from this Lease Agreement will be \$11,310.00. In addition, a 2% per year escalator was included in the Lease Terms. The Lease will be for a

period of Twenty (20) years commencing upon the execution of the Agreement.  
JF

Jim Foster, Airport Manager, explained this is an update to one of their long-standing leases, with the BLM for the use of the Firebase. This agreement was sent to the FAA for approval. They were fine with the terms of it and it increases the yearly rent to the airport, along with the escalator.

Councilman Keener noted there is a provision in 7A where, “during the term of this lease, Government agrees to maintain, at its own expense, any government owned improvement, fixtures, equipment, thereon, in a safe and clean condition.” Do they have a maintenance schedule for micro slurry and other things on the helipad?

Mr. Foster answered they are supposed to and required to maintain their facility. It is not a requirement for us to maintain it for them.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the Lease Agreement with BLM, lease No. L18PL000 for the operation of the Elko Interagency Fire Dispatch and Helibase located at the Elko Regional Airport.**

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

- G. 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, as amended, 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, as amended. Elko Sanitation is requesting that the rate schedule be amended pursuant to Section 15.01 (CPI Based Change) of the agreement. The request is to be made in writing. Such request is to be accompanied by statement from an independent certified public account that the contractor’s cost of doing business has increased at a rate at least equal to the increase in CPI. The fees or compensation may be increased every two years at an amount equal to the net percentage change in the CPI less one percent. SAW

Scott Wilkinson, Assistant City Manager, explained he sent out revised agreements this afternoon. The agreements in the packet had some errors. This is the Eighth Amendment to the Franchise Agreement. If approved, the effective date would be today.

Jerod Martin, Elko Sanitation, offered to answer questions.

Councilman Keener mentioned they have a baler to assist with the recycling program. To what extent are the regular operations having to subsidize the recycle program?

Mr. Martin answered they don’t have the numbers lined out that way. When they started the program they were getting paid about \$15 a ton for recyclables that were taken to Utah. Now

they are paying upwards to \$50 a ton and up to \$55 a ton for trash that is sorted out of the recyclables. The original contract didn't provide for the costs so they have been eating those costs.

Councilman Schmidlein asked how much they haul.

Mr. Martin answered they have been doing about 60 tons a month. Of that 60 tons, about 20 tons of it has been garbage that has been mixed in with the recycle. They do not have the equipment or manpower to sort the garbage out themselves.

Councilman Keener said he looks at this as a way to extend the life of the landfill. If it gets too expensive, maybe we need to look at suspending the program.

Councilman Rice felt the rate increase will be less expensive than buying more land for another landfill. Consumers need to understand there is a cost for doing service.

Mr. Wilkinson said the actual cost for service for Elko Sanitation is more than double what CPI was.

Bill Hance. 724 5<sup>th</sup> Street, asked what is the actual tonnage of what they are hauling to the dump vs what they are recycling.

Mr. Martin answered he didn't have the numbers with him. He stated, even if we suspended the recycling, we will still be picking up the same amount of trash to go to the dump.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt the proposed Eighth Amendment.**

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

- H. Review, consideration, and possible approval of an amendment, adding a service, to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012, as amended, 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, as amended. Elko Sanitation is requesting that the rate schedule be amended by adding a service and additional fees as provided for under section 14.01 of the agreement. Addition of a service requires amendment to the fee schedule and approval of the proposed fees by the city council. The additional service would be a four yard front loader container for commercial accounts. The additional fees would be for the 4 yard container fees and related fees rollout fee. The proposed amendment is identified as the third amendment to the agreement. SAW

Mr. Wilkinson explained this would be the Ninth Amendment. Exhibit A is the same as was just approved in the Eighth Amendment with the addition of the 4-yard bin.

Mr. Martin said this is a front load bin. It is a safer way of operating. This will give the consumer more options for their service.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Ninth Amendment to the Franchise Agreement, dated November 13, 2018.**

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

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

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018 and took action to forward a recommendation to Council to conditionally approve Final Platt 11-18.  
CL

Cathy Laughlin, City Planner, explained, based on the letter we received from NDEP, dated November 9, Council can make the decision on if they want to table this or have a hearing on it, as well as, the performance agreement in the agenda. Mr. Capps and his attorney sent an email asking for this item to be tabled after the agenda had been posted.

Mayor Johnson reviewed their options: to table, continue to table, or is there a timeframe?

Dave Stanton, City Attorney, said Council can choose to table the item again. It will be a continuation of the item. Under NRS 278.380.1A, City Council can, at the next meeting after receipt of the final map, approve it if it satisfies all of the criteria in the code. What we heard was that NDEP sent a letter that they were not approving the final map. He would interpret it that City Council does not have the authority to approve a final map that has not been approved by NDEP.

Kati McConnell, Attorney for Parrado Partners, LP, wants this tabled or no action until the developer brings it back.

Mr. Stanton said the N.R.S. states the next meeting after receipt of the final map. Maybe there is an administrative process of having the applicant come back with another final map.

Councilman Schmidlein asked if it could be withdrawn.

Ms. McConnell said they do not want to withdraw.



There was some discussion about how to table the item. The opinion of the City Attorney was that the item needed to be tabled to the next agenda per N.R.S.

Robert Capps said he wanted to apologize for not being at the last meeting. He met with NDEP today but he didn't get the signatures on Phase 2.

Mayor Johnson thought the best thing to do today was to table this item and come back to it at the next meeting.

Ms. McConnell agreed.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to lay on table.**

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

## **V. NEW BUSINESS (Cont.)**

- C. Review, consideration, and possible approval of an Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-44 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-45. The Planning Commission recommended as one of the conditions for approval of the final plat, that the agreement shall be approved by the City Council.

The Planning Commission also recommended that the Developer shall enter into the agreement within 30 of the City Council's approval of the final plat. CL

Ms. Laughlin recommended tabling this item.

Mayor Johnson noted there could be some advantages of postponing this until the new subdivision code was adopted.

Kati McConnell said that is their intention. They would like this postponed and then they can work with staff on a Performance Agreement.

Mr. Wilkinson said if the final plat is tabled until the next agenda, we would like to have a draft Performance Agreement on the next agenda so they could take action if needed. They can work on a second Performance Agreement and the timing would determine which Performance Agreement is presented to Council.

Mr. Stanton said it makes sense to have them both on the same agenda.

## **NO ACTION**

- I. Consideration and possible approval of temporary waivers of the mandatory connection to public sewer for four (4) additional building permits associated with APN 001-633-030, pursuant to City Code 3-2-3 (B)(4), and matters related thereto. **FOR POSSIBLE ACTION**

Great Basin Estates Phase 2 and Phase 3 Maps are currently pending NDEP approval. On October 9, 2013, the City Council approved one (1) waiver associated with APN 001-633-030.

Since NDEP has not yet approved the maps, “public sewerage and water supply” are technically unavailable, thereby requiring City Council approval of a waiver of the mandatory connection to public sewer requirement. Additionally, Staff believes that unless a variance is granted by the Planning Commission, only one (1) building permit can be approved per parcel. CC

Curtis Calder, City Manager, explained we don’t see a mechanism within the City that would allow them to issue more than one building permit per parcel unless there is a variance through the Planning Commission. The Planning Commission hasn’t even heard this item to consider a variance. There is a cease and desist order from NDEP on all construction activities on Phase 2 and 3. They received a letter today from NDEP that allows for limited construction on Phase 3 only but that would not apply to any foundation construction.

Robert Capps, Parrado Partners LP, said he was with NDEP this morning. There are some open trenches exposed that he was given permission to cover. He agreed not to move forward with anything else until this is resolved with NDEP. There was a verbal agreement with NDEP staff, pending further approval, they would be willing to remove the cease and desist order on Phase 2. He requested Council to grant the request to issue building permits conditioned upon approval from NDEP approval on their cease and desist. There is some confusion between the project engineer and NDEP of what was approved. He also has a letter from City of Elko that he handed out that stated he had approval to install the sewer main for Phase 2. This was part of the confusion with NDEP; he was under the impression the entire time that he had the approval. He doesn’t think this would put the City or public at any further risk. It puts him in the hole further. He has been struggling to put a team together to keep up with the production demand. He finally has a good team together and he is worried he will lost his team if he doesn’t get the permits. He isn’t asking for Certificate of Occupancy (C of O), just building permits.

Kati McConnell, they are not asking for anything outside the NDEP lifting the cease and desist. This is similar to the waiver that was given a couple of months ago. The City Manager had said at that time that Mr. Capps could come forward and request additional waivers.

Mr. Capps added that he was told by City Staff that he could go ahead with construction in Phase 2 but not with C of O’s.

Councilman Rice felt Mr. Capps' request was reasonable. His concern has been whether or not we were going to authorize anything outside of approval from NDEP. We all understand the delicacy of the housing market and the need for affordable homes. He didn't see that this was an anomaly from any other permits they have approved. We are not asking for C of O's. He will just be continuing with construction pending the pulling of the cease and desist. He felt we should grant this.

Mr. Calder said City Staff cannot find in City Code where they can issue multiple building permits to one parcel. We did anticipate additional waivers to be requested but we also had the understanding that additional processes would have to happen for that to occur.

Councilman Rice said the single parcel is a result to the delay of the map approval. We may be walking a fine line, but we have a responsibility, as a Council, to ensure that affordable housing is available in the community. Mr. Capps has done his due diligence on this.

Councilman Keener said from his perspective, all of the risk is on the developer.

Mr. Wilkinson thought a conditional approval might be appropriate but we do have a letter from NDEP that says to stop all activities.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve temporary waivers of the mandatory connection of public sewer for four additional building permits associated with APN: 001-633-030, pursuant to City Code 3-2-3-B4, conditioned upon NDEP lifting of the cease and desist order on Phase 2, with a 90-day sunset.**

*The motion passed. (3-1 Mayor Johnson voted against.)*

After the motion and before the vote, Mayor Johnson asked what are we gaining without NDEP approval.

Mr. Capps answered they are gaining the approval to move forward with the construction of the homes in Phase 2. In the meantime, working with NDEP to get approval on both Phase 2 and Phase 3.

Mr. Wilkinson said if the cease and desist order is not lifted, we gain nothing. If it is lifted, then the building permits could be issued.

#### **Council voted on the motion.**

- D. Review, consideration, and possible approval to accept Mr. Knight's repudiation of the previous sale of APN 001-066-005, consisting of city-owned property at the intersection of Eighth and Elm Streets, pursuant to NRS 268.061(e)(1)(II), and to proceed with the statutory process required to sell the parcel pursuant to NRS 268.062, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has received a request from Mr. Don Knight to purchase a parcel of city owned property adjacent to his residence located at 772 Elm Street. The City of Elko Land Inventory was updated May 9, 2017 to list this APN for disposal. City

Council at their May 23, 2017 meeting determined that the property was not economically viable and approved selling the property directly to Mr. Knight. One of the conditions was that Mr. Knight merge both parcels. Mr. Knight has since communicated to City Staff that he will not merge the parcels and will therefore not satisfy the Council's condition. As a result, Mr. Knight has repudiated the sale of the parcel to him pursuant to NRS 268.061(e)(1)(II).

NRS 268.062 allows for the sale of any real property at auction after adopting a resolution declaring its intention to sell the property at auction. CL

Cathy Laughlin, City Planner, explained when Mr. Knight purchased the property, his realtor told him he owned all of the property in the fenced area. That was not true because it is a City owned parcel. It is 40 foot wide by 100 feet deep. Mr. Knight filled out an application to ask to purchase the property from the City of Elko. We took this to Planning Commission and we changed the status of the land inventory from Storm Drain Retention to For Sale so we could sell this to Mr. Knight. It was determined the property could be directly sold to Mr. Knight with the condition that it be merged with Mr. Knight's parcel. The parcel map change would trigger the need for public improvements (curb, gutter and sidewalk) but they felt it was unfair to make Mr. Knight do those improvements. The City of Elko did the improvements for over \$10,000. Once that was done, she reached out to Mr. Knight to get the parcel map started. At that time, Mr. Knight didn't want to merge the parcels. It is staff's opinion and recommendation that they continue with the sale of the property but it be done under public auction. \$17,500 was the appraised value.

Mr. Knight, 772 Elm Street, said the Reed Family had been in possession of this property for eighty years. There was a garden on this parcel during that time. The whole thing was fenced off and it appeared to be one unit. The realtor he bought it from said it was all part of the property. It wasn't until he came in, looking into fencing and whatnot, that he found out that was not his property. He wanted to purchase that parcel from the City. After the curb and sidewalk was done that was great. If this is auctioned then whoever would purchase it would own it as a separate property. He wanted the same consideration. If that is not acceptable, he would like to move forward with what was agreed with at the last meeting.

Mayor Johnson said if the City auctions the property then he takes the risk of not being able to purchase the property or paying more for it. He is in a position right now to purchase the property for a low amount and it is his. He will be taking a risk by going to auction.

Mr. Knight said he would prefer that this be a separate parcel.

Mayor Johnson said the only way the City can move forward is to do this at public auction.

Mr. Knight said he would move forward and take the risk.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to accept Mr. Knight's repudiation of the sale of the parcel and authorize staff obtain the required appraisal for the proposed sale of APN: 001-066-005, and proceed with the statutory process of selling the parcel pursuant to NRS 268.061 and/or 268.062, subject to the Council accepting the appraisal.**

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

## VI. RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance No. 834, an amendment to the City Zoning Ordinance, specifically Title 3, Chapter 3, of the Elko City Code entitled “Subdivisions”, specifically a repeal and replacement of the chapter, and matters related thereto.  
**FOR POSSIBLE ACTION**

Planning Commission at their May 1, 2018 meeting, initiated an amendment to the City Zoning Ordinance, Section 3-3. It was further discussed at the August 7, 2018 meeting. A motion was made to have a special meeting with City Council and Planning Commission on September 18, 2018. From that meeting a special working group was formed and they held two meetings, October 4<sup>th</sup> and 17<sup>th</sup>, 2018 to finalize the changes to the code. Planning Commission took action at their November 6, 2018 meeting to recommend to City Council to adopt Ordinance 834. CL

Ms. Laughlin explained this has been a very long process and it is a long amendment. The entire purpose in doing the repeal and replace was due to the many changes. She went over the proposed changes.

Councilman Schmidlein said he thought a majority of the developers were in favor of this. There was a lot of hard work put into this. All parties worked extremely hard to make this happen.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to conduct first reading of Ordinance No. 834, and direct staff to set the matter for Public Hearing, Second Reading and possible Adoption.**

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

- B. First reading of Ordinance No. 836, an amendment to the City Zoning Ordinance, specifically an amendment to Title 3, Chapter 4, Section 2 of the Elko City Code entitled “Planning Commission”, and matters related thereto. **FOR POSSIBLE ACTION**

After the September 6, 2018 Planning Commission meeting, it was discovered that the existing Elko City Code 3-4-2 and Resolution 1-95 had conflicting information regarding the quorum for official action. This change will bring the Elko City Code into conformance with Resolution 1-95. Planning Commission took action at their November 6, 2018 meeting to recommend to City Council to adopt Ordinance 836. CL

Ms. Laughlin explained the proposed changes.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to conduct first reading of Ordinance No. 836, and direct staff to set the matter for Public Hearing, Second Reading and possible Adoption.**

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

- C. Review and approval of the Elko City Election held November 6, 2018 and its results, including the adoption of Resolution No 28-18, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to Nevada Revised Statutes 293C.387, the election returns from a general city election must be filed with the City Clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the Mayor and the governing body of the City. The canvass must be completed on or before the sixth working day following the election (November 14, 2018). After the canvass is completed, the governing body of the City and Mayor shall declare the result or the canvass. KW

Kelly Wooldridge, City Clerk, explained this will certify the canvass of the election. She went over the results effective January 7<sup>th</sup>, 2019.

Curtis Calder, City Manager, asked if there was clarification on the January 7<sup>th</sup> date vs. January 1<sup>st</sup> date.

Ms. Wooldridge answered she was not able to get the clarification yet but according to State Law they don't take office until January 7<sup>th</sup> but the outgoing councilmembers are out December 31<sup>st</sup>. They are trying to find out if they can do the oath of office on January 1<sup>st</sup> or 2<sup>nd</sup>.

Dave Stanton, City Attorney, said he would have to research the issue.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to adopt Resolution No. 28-18.**

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

- D. Review, discussion, and consideration for a possible donation of two (2) Elko Police Department used patrol vehicles to Nevada Peace Officers Standards and Training (POST), and matters related thereto. **FOR POSSIBLE ACTION**

Elko PD has been approved to purchase two new patrol vehicles for School Resource Officer use in FY 18/19. Anticipated delivery of new cars is early spring 2019. Upon delivery of the new vehicles, the current vehicles will be relegated to backup use, allowing two (2) older Ford Crown Victoria's to be removed from city fleet. The vehicles have approximately 181,000 and 111,000 miles on them, respectively, and have reached useful service limits for Elko Police Department; however, can be utilized in a training function.

Nevada POST relies upon donated vehicles from agencies for their fleet of vehicles utilized in teaching the Emergency Vehicle Operations Course (EVOC). POST recently requested vehicles, as their fleet has become unserviceable due to age and use. Chief Reed sits on the POST Commission and was made aware of this need. If donated, these two (2) units will serve cadets in POST academy classes, including Elko Police Department cadets and would assist in fulfilling the

needs of POST. Elko Police Department is asking to donate the vehicles to POST, transferring ownership to them. BR

Ben Reed, Jr., Police Chief, explained normally what happens is the old vehicles are stripped and auctioned off. Looking back over time, the high end would be \$2000 or the low end could be \$200 back to the general fund. These two would be set for auction. They can be used for the academy. The resolution is attached to the packet. We need to declare that the vehicles have reached the end of their useful life as far as our purpose.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt Resolution No. 29-18.**

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

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

- A. Review, consideration, and possible action to accept a petition for the vacation of a portion of the D Street and Cedar Street Right-of-Way consisting of an area approximately 2, 467.89 sq. ft., filed by A.M. Engineering and processed as Vacation No. 2.18, and matters related thereto. **FOR POSSIBLE ACTION**

The existing non-conforming parking is within the City of Elko Right-of Way. The property has been vacant for more than 12 months and has lost all legal non-conforming status. Without the vacation, the use of the property would be severely compromised. CL

Cathy Laughlin, City Planner, explained the vacation request. The parking is currently half in and half out of the parcel.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to accept a petition for vacation and direct staff to commence the vacation process by referring the matter to the Planning Commission.**

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

- B. Ratification of the Police Chief issuing a 30-day temporary Retail Liquor License and possible issuance of a Regular Retail Liquor License to Jurine Armstrong, dba Hunter Ray's, located at 245 3<sup>rd</sup> Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

See attached memo from Police Chief Ben Reed, Jr. BR

Chief Reed explained the applicant was present. This is a restaurant next to the Post Office. There is a small bar area in the restaurant. He recommended approval.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to ratify the Police Chief issuance of a 30-day temporary Retain Liquor License and issue a regular Retail Liquor License to Jurine Armstrong, dba Hunter Ray's, at 245 3<sup>rd</sup> Street.**

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

### III. APPROPRIATIONS

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

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

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

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

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

*The motion passed. (3-0 Councilman Keener abstained.)*

- C. Review and possible approval of Great Basin Engineering Contractors Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

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

*The motion passed. (3-0 Councilman Schmidlein abstained.)*

### VIII. REPORTS

- A. Mayor and City Council

*Councilman Keener said it was nice to attend a parade and not be in it. He got his signs down and he would like to talk to Cathy Laughlin about signage requirements. He looks forward to assuming the center seat in January and working with all of the appointed officials and department heads. He asked that they write down their goals and challenges they are dealing with that they would like him to know about.*

*Mayor Johnson said he has some chocolate from Ukraine and a flag. He met with some people from there and it was very interesting. He was invited to a Webelo Pack meeting where he was given an introduction he will never forget.*

*Councilman Schmidlein congratulated the newly elected officials. He looks forward to working with them.*

*Councilman Rice congratulated them too. He also congratulated Kelly Wooldridge on going through her first election cycle.*

*Councilman Keener said he has had another request from a broadband provider and wanted to know if Dave could meet with them. Dave Stanton answered yes.*



- B. City Manager  
*Curtis Calder said there is a going away shindig for Mayor Johnson and Councilman Rice on December 1<sup>st</sup>. There will be invitations. Then the Christmas Party is the 7<sup>th</sup> at the Western Folklife Center. Regarding the incoming elected officials, he will be sending out information to help them hit the ground running. He asked Bill Hance to wait to resign from the Elko Central Dispatch Board until after the Operating Engineer's Contract is buttoned-up. Councilman Keener asked about the radio ads for recruitment and if they are successful. Curtis thought it worked.*
- C. Assistant City Manager  
*Scott Wilkinson congratulated the newly elected officials.*
- D. Utilities Director  
*Ryan Limberg congratulated the newly elected officials. Water and sewer are wrapping up their capital projects.*
- E. Public Works  
*Dennis Strickland congratulated the newly elected officials. Chris and John will be missed. The landfill had their fall free dump day and he went over the numbers.*
- F. Airport Manager
- G. City Attorney
- H. Fire Chief
- I. Police Chief  
*Chief Reed reported there is one bar they are working on investigating for serving underage minors. He gave an update on the Elko Combined Narcotics Unit and he passed out some end-of-year statistics (Exhibit "A"). They had a great year. There was a big wreck at E. Jennings and Idaho last night around midnight. Major injuries to the driver and he was flown out.*
- J. City Clerk  
*Kelly Wooldridge reported they moved forward with the Business Impact Statement for the brothel changes. The Proposed Rule has been published in the paper for a week and comments are due by November 23<sup>rd</sup>. We are hoping to have on the next agenda for public hearing and first reading of the ordinance.*
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director  
*James Wiley congratulated the new councilmembers. He reported on the Sports Complex progress. Councilman Keener asked about the swimming pool structural issue. James said they are close to getting a proposal on possible repairs. At this time they are hoping it isn't major.*
- O. Civil Engineer
- P. Building Official

## COMMENTS BY THE GENERAL PUBLIC

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

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

*There were no public comments.*

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

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Mayor Chris Johnson

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Kelly Wooldridge, City Clerk

## ECNU Stats

	Oct. 2016 to Sept. 2017			
	Cases Open	Cases Close	Arrests	Weapons Seized
<b>October</b>	9	11	8	
<b>November</b>	2	1	3	
<b>December</b>	6	9	2	
<b>January</b>	13	10	10	
<b>February</b>	3	9	4	1
<b>March</b>	6	5	9	3
<b>April</b>	8	9	3	
<b>May</b>	7	9	7	
<b>June</b>	6	9	7	
<b>July</b>	15	10	4	1
<b>August</b>	13	12	7	
<b>September</b>	12	7	7	2
<b>TOTAL</b>	<b>100</b>	<b>101</b>	<b>71</b>	<b>7</b>

	Oct. 2017 to Sept. 2018			
	Cases Open	Cases Close	Arrests	Weapons Seized
	16	20	10	2
	5	11	8	
	11	10	17	1
	16	17	14	3
	8	8	9	
	10	8	14	
	6	4	6	1
	3	4	5	1
	7	6	7	
	7	9	7	
	9	10	21	1
	12	14	6	1
<b>TOTAL</b>	<b>110</b>	<b>121</b>	<b>124</b>	<b>10</b>

### Trips to Outlying Areas

	Oct. 2016 to Sept. 2017				
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
West Wendover	5	12	9	14	<b>40</b>
Wells / Jackpot	3	3	6	7	<b>19</b>
Carlin	2	1	5	2	<b>10</b>
Other Areas	2	4	4	2	<b>12</b>

	Oct. 2017 to Sept. 2018				
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
	0	3	24	13	<b>37</b>
	0	0	9	9	<b>18</b>
	3	8	6	6	<b>23</b>
	0	0	13	2	<b>15</b>

### UFED (Total FY17: 43)

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	TOTAL
5	8	3	23	8	1	3	1	9	15	33	3	112

### Search Warrants

*FY17: 31*

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	TOTAL
9	7	11	5	5	3	6	9	1	5	1	68	

# Exhibit A