

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

SS November 15, 2016

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 4:00 p.m., Tuesday, November 15, 2016.

This meeting was called to order by Mayor Chris Johnson.

ROLL CALL

Mayor Present: Chris J. Johnson

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

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
Aubree Barnum, Human Resources Manager
Dawn Stout, Administrative Services Director
Jeremy Draper, Development Manager
James Wiley, Parks and Recreation Director
Cathy Laughlin, City Planner
Matt Griego, Fire Chief
Ben Reed Jr., Police Chief
Ted Schnoor, Building Official
Bob Thibault, Civil Engineer
Dennis Strickland, Public Works Director
Shelby Knopp, Planning Technician

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 25, 2016

Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. A Proclamation by the Mayor in recognition of Small Business Saturday, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Johnson read the proclamation and recognized November 26th, 2016 as Small Business Saturday.

II. PERSONNEL

- A. Employee Introductions:

- 1) Jo Ann Kyriss, Animal Shelter Worker I, Animal Shelter
Present and introduced.
- 2) Alexis Broski, Part Time Records Technician, Police Department
Present and introduced.
- 3) Dale Hoggatt, Equipment Operator, Landfill
Present and introduced.
- 4) Toni Carter, Equipment Operator, Landfill
Present and introduced.

Mayor Johnson presented Mark Gibbs, Airport Director, a plaque in recognition for all of his hard work for the City of Elko.

Mark Gibbs, Airport Director, said he enjoyed his time here in Elko. He is grateful for everything he learned while here.

Mayor Johnson said he also had a plaque for Janet Davis who was on the Golf Course Financial Advisory Committee and one for Jose Negrete who is leaving the Elko Planning Commission. He wanted to thank and recognize each for volunteering and for their hard work.

- B. Review, consideration, and possible approval of the proposed position description for Volunteer Recruitment & Retention Coordinator for the Fire Department, and matters related thereto. **FOR POSSIBLE ACTION**

The Volunteer Recruitment & Retention Coordinator position is a 48 month position funded by a Federal SAFER Grant (Staffing Adequate Fire Emergency Response), an assistance program created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase the number of trained, “front-line” firefighters available in their communities. On September 27, 2016, Council approved the Fire Department’s acceptance of the FY 2015 SAFER Grant from FEMA. AB

Aubree Barnum, Human Resources Manager, explained this position was approved in September, so once we have the approval for the proposed job description we can begin the recruitment process.

Councilman Keener, asked if the position would be a PERS eligible position.

Ms. Barnum said they will be a full time regular employee, so they will be PERS eligible.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the proposed Volunteer Recruitment and Retention Coordinator position description as presented, effective November 15, 2016.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS

- D. Review, consideration, and possible issuance of final acceptance for the Hot Springs Road Public Improvements Project, and matters related thereto. **FOR POSSIBLE ACTION**

The project has been completed. Change orders for the project totaled \$23, 918.50 or approximately 7% of the total project cost. RL

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to issue a final acceptance for the Hot Springs Road Public Improvements Project.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible issuance of final acceptance for the Truck Load Out Facility Project, and matters related thereto. **FOR POSSIBLE ACTION**

The project is complete. Change orders for the project totaled \$7,207.26 (less than 1% of the total project cost). RL

Councilman Schmidlein disclosed that his partners at Canyon are also part owners of Great Basin Engineering, so he recused himself.

Ryan Limberg, Utilities Director, explained that they had one change order for this project that was for a little over \$7,000. However, on the bid there was a line item for dewatering, and that bid was \$30,000 that wasn't used. Actually on this project we came in, approximately, \$23,000 under the bid amount.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to issue a final acceptance for the Truck Load-Out Facility Project.**

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

- F. Review and possible approval of a proposal from the Griffin Company for legislative support services during the 2017 State of Nevada Legislative Session, and matters related thereto. **FOR POSSIBLE ACTION**

In preparation for the 2017 Legislative Session, Staff is requesting approval of the Griffin Company's Proposal in the amount of \$27,500. A copy of the proposal has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained that this was a similar proposal to what we've had in the past, with regard to our legislative support services. It is an increase of \$2,500 over the past proposal, but that is pretty reasonable considering the amount of time and effort they put forward on our behalf during the course of the legislative season. He recommended approval.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to accept a proposal from the Griffin Company for the legislative support services during the 2017 State of Nevada Legislative Session in the amount of \$27,500.**

The motion passed unanimously. (5-0)

IV. SUBDIVISIONS

- A. Review, consideration, and possible acceptance of public improvements for Golden Hills Unit 2 subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved the Final Map for Golden Hills Unit 2 on May 24, 2016. The developer has substantially completed the public improvements in accordance with the approved plans. The City is in receipt of the required certification of the project by the Engineer of Record. The developer has posted a maintenance bond in the amount of \$41,198.00 with the City for the twelve month maintenance period upon acceptance of the public improvements. JD

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to accept Golden Hills Unit 2 public improvements.**

The motion passed unanimously. (5-0)

V. UNFINISHED BUSINESS

- A. Consideration of a letter from the Veterans of Foreign Wars, Gasper J. Salaz Post No. 2350, withdrawing their earlier request for a conveyance of the old police station building, but maintaining the request for the vacation of a segment of VFW Drive and conveyance of a portion of APN 001-200-002, including the old metal shop building, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from Marlene Merck, Commander of VFW Post 2350, has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained there were representatives from the VFW here tonight. In summary, they are withdrawing their original request for the conveyance of the entire parcel, which included the large Police Station Building. However, they would like to retain the portion of the request for the conveyance of the metal building, along with a small amount of property,

surrounding the footprint of that building, for parking, and the vacation of VFW Drive. They have taken some time to evaluate the condition of the old Police Station Building and, pursuant to their letter, they believe it is too big of a project and too costly for their organization to take on. That would trigger the City of Elko to move on with our plans to demolish the building and take it down to grade. Our current plans for the parcel, if this were to be approved, would be to landscape over the footprint of the old building and possibly consider that for possible park use purposes. The parking lot, as it is currently situated, is utilized for overflow parking for recreational purposes, and would continue to be used for that. We could share that parking space with the VFW for when they have large events.

Gill Hernandez, VFW, said their letter explained the reasoning on why they couldn't use the building. The original request did have a request for the vacation of VFW Drive, we would still like that. They have been using the metal building for storage. They have gone out and rented a facility, because they get donations from businesses. They are limited in space, they have two storage units on their property that are full. It is hard to get involved in the community with the stuff that the stores donate. That is why they would like to be considered for the storage unit, as well as the parking they use for the vans that they use to take veterans to Salt Lake City.

Mayor Chris Johnson asked regarding the process for this.

Mr. Calder said if the Council wanted to move forward with this, then we will have to get a petition for a vacation started on the vacation of VFW Drive. The Planning Department was researching any previous agreements that exist or that were recorded, with regard to shared access with the old clinic. That would go through the typical vacation process, and then the conveyance would have to come back after we parcel that segment of property off. There would be a Parcel Map associated with the conveyance as well. It would take place in early 2017, by the time we got all of those items addressed.

Councilman Rice said he was not excited about vacating VFW Drive or conveying the storage unit. He thought the footprint had a lot of value to the park system. One idea is a site for a new aquatic center, when that time comes, and then replace the current pool with a community center that would have multiple uses. He suggested that the Council allow the VFW to use the storage unit in the meantime, and continue to hold VFW Drive so we can continue to maintain it. He didn't think they should be giving up this property. They should hang onto the property and allow the VFW to use the storage building and the parking for overflow.

Councilman Keener concurred with Councilman Rice. We don't know what that property is going to look like in the future. There might be a great need to utilize that whole parcel. He said he was on board with allowing the VFW to use the building as long as it is available for their use. There is no organization better in this community than the VFW, but in this situation it is in the City's best interest to hang on to this.

Mayor Johnson said he would support the conveyance. He also thought that if there was a plan presented to the VFW, they would work with that and help the City. In the meantime, it's the best use of property and anything that happens on the Police Station property needs to be careful not to affect the VFW operations. They are always going to be a big player, because they have that location. Since they are at that location, they see the potential of the property, and they know the best.

Robert Spencer, Facility Superintendent, said he had been putting together a list of the buildings and assets that the City has. The evidence storage building was built in 2005 at a cost of \$56,000. That was because it was designed to hold evidence. It's basically the same price they paid for the old church in 1986. We would probably have better use for that. The Parks Department has had their eye on that building for storage of some of their materials that are presently being stored outside. They would like to get some equipment and supplies out of the weather.

Mayor Johnson asked if the City had use for it. (Yes) He then asked Mr. Spencer to explain what the use would be for.

Mr. Spencer explained that the Parks Department has supplies and materials in their current yard stored in a lean-to that are exposed to the elements.

Mayor Johnson asked if the Parks Department is hoping to use it or if they are currently using it.

James Wiley, Parks and Recreation Director, said they are not currently using it. They have discussed it, previous to this request. If the question is if it can be put to use by a City Department the answer is yes. They also have other options.

Mr. Hernandez said the VFW is currently using that building for now. The City has been utilizing the lean-to for years. It would be nice if the City had the funds to enclose the lean-to for the Parks Department. The facility is not being used, we're still continuing with our request for that. They have been plowing the snow around their building for years. He has even helped out at the Police Station parking lot when the City Plows weren't able to make it over there. That road is a dead end road that goes to the clinic. They had an agreement with the Clinic years ago, that they would be utilizing that road. Somehow they got left out of the original contract and the Police Department that had access through that street. That street was partially paved last summer. If they would have known that it was going to be paved they would have helped out and paid for the other portion, so they could have that whole street paved. They are just here making the request, but are willing to work with the City on what they are willing to do.

Councilwoman Simons asked if anyone would be on board to do a renewable conveyance, if they could do that.

Mr. Calder explained they probably wouldn't do that. A conveyance is a lot of work, because we're going to have to do a Parcel Map and some other documentation that needs to be done.

Councilwoman Simons asked if there was a temporary permit of use they could do,

Mr. Calder said they could do a lease. They have had leases in the past.

Councilwoman Simons asked if they had to charge fair market value or if they could just charge a dollar.

Mr. Calder said that is what they have done in the past with some organizations. For example, the Girl Scout House was a dollar a year lease. The downside to the City, on those types of lease agreements, is that some of these structures are old, and a lot of these organizations don't have

the resources to keep up with the maintenance. That building is owned by the Citizens of Elko, so if it has a higher and better use we need to consider those. If a lease is a better option for the City Council that should be considered as well. We could do a five year lease that has renewable terms.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to deny the request for the vacation of VFW Drive and for the conveyance of the metal storage unit in the former Police Department parking lot and direct staff to negotiate an agreement for a shared use of that storage shed (look at all options) with the VFW. We now know that the Parks Department can benefit from the use of that building as well, so there may be some shared use.**

The motion passed. (4-1 Mayor Johnson voted no.)

After the motion and before the second and the vote, Councilman Schmidlein thought that prior to looking at leasing it out, if City services need to retain it then we need to retain it. The motion is somewhat in that direction, but if the City sources don't need to retain this building then, option 'B' would be to look at a lease with VFW. That would be a more appropriate motion.

Councilman Rice thought that was covered in the negotiation of an agreement. We have an understanding that the City has a use for that, there is equipment and assets that are in the weather that could be stored. At the same time the VFW is storing supplies not equipment and that sharing the storage is a possibility as well.

Councilman Schmidlein asked if they could legally have multiple resources using the same facility.

Mr. Calder thought they could, but he thought if we're going to lease it then just simply lease it. That's the cleanest option. He oversees the Parks Department and they can make do with what they have. That's not a very big space. We were willing to consider a complete conveyance of the entire parcel, including the metal building, up to this point of them withdrawing the request for the larger structure. The parcel has value for recreation purposes. Retaining everything but the small building is an appropriate request. A short term lease would be appropriate as well. He would like to see the lease just go to them and we can worry about storing our own equipment.

Councilman Schmidlein seconded the motion.

Mayor Johnson stated he would convey the whole thing.

COUNCIL VOTED ON THE MOTION.

VI. NEW BUSINESS

- A. Review, consideration, and possible action to fill a vacancy on the Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

On October 11, 2016, Council accepted a letter of resignation from Planning Commissioner Matt Haley, effective October 11, 2016. Staff conducted the standard recruitment process, and has received one Letter of Interest to serve on

the Planning Commission, a copy is included in the Council packet. The new member will finish out the remainder of Joe Becker/Matt Haley term, which will expire at the end of July 2019. CL

Cathy Laughlin, City Planner, said she had received one letter of interest. The applicant was present in the audience.

Kevin Hodur, 2788 N 5th Street #2218, said he's relatively new to the area, he moved here in January from Michigan. He previously served on the City Council for the City of Hancock, Michigan. His academic research is on urban planning and community development.

**** A motion was made by Mayor Johnson, seconded by Councilman Rice, to appoint Kevin Hodur to the Planning Commission.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to accept a Letter of Resignation from Mr. Jose Negrete from the Planning Commission, and to further authorize Staff to commence with the standard recruitment process to fill the vacancy on the Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Schmidlein, Seconded by Councilwoman Simons, to accept the resignation of Planning Commissioner Jose Negrete and direct staff to begin the recruitment process.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible action to accept a letter of resignation from Janet Davis from the Golf Course Financial Advisory Committee, and to further authorize Staff to commence with the standard recruitment process to fill the vacancy on the GCFAC, and matters related thereto. **FOR POSSIBLE ACTION**

Janet Davis has submitted a letter of resignation from the Golf Course Financial Advisory Committee. She has upheld her responsibilities and duties and her service has been greatly appreciated. Staff is also requesting authorization to advertise for the vacancy on the board. JW

James Wiley thanked Janet Davis for her service on the board.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to accept the letter of resignation from Janet Davis and authorize Staff to commence with the standard recruitment process to fill the vacancy on the Golf Course Financial Advisory Committee.**

The motion passed unanimously. (5-0)

- D. Review, discussion, and consideration for a possible donation of a storage shed from the Elko Police Department to the Elko Snobowl Foundation, and matters related thereto. **FOR POSSIBLE ACTION**

As a result of the construction of the new police station several items at the old facility have been designated as surplus including a shed that is no longer needed by the department. The Elko Snowbowl Foundation is requesting this shed be donated for use at the Snowbowl Recreation Facility. After review and consideration, the City Council must approve the donation by Resolution at a subsequent meeting per NRS 268.028. JW

James Wiley, Parks and Recreation Director, explained several month ago Chief Ben Reed, Jr. sent out an email to all departments notifying everyone that this shed was available to whoever wanted it. Elko Snowbowl is in dire need of storage up at that facility. This would provide them with some more storage and could be put to good use. The reason it is going to the foundation is that the City has not come to a decision as to whether or not we will ultimately own that facility. So, it is still under the care of the foundation.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to authorize the donation of the storage shed to the Elko Snowbowl Foundation. We will have to finally approve of it in a Resolution in a subsequent meeting.**

The motion failed.

Mayor Johnson asked if this was the same shed they talked about in a previous agenda item.

Mr. Wiley explained that this is a much smaller shed.

David Stanton, City Attorney, wanted to remind the Council, before they voted on the item, about the NRS about donating things. The NRS states that we can donate equipment that the governing body determines has reached the end of its useful life. He then read the statute from the NRS. He thought, in order to comply with the statute, whatever they decided had to fit within the guidelines.

Councilman Rice asked which statute it was.

Mr. Stanton stated that it was NRS 268.028 (2).

Councilman Rice asked if charitable purposes was one of the listed uses.

Mr. Stanton replied charitable or educational. There are some statues that define what that means. He didn't know whether the Snowbowl Foundation fit within that. He also didn't know if the shed had reached end of its useful life. He suggested the Council make a finding that it provides a substantial benefit to the inhabitants of the City, since inhabitants of the City use the Snowbowl. The idea is that the City shouldn't be giving away things that can still be used.

Councilman Rice asked if the Police Department could just turn it over to the Parks and Recreation Department and Parks and Rec could just place it there.

Mayor Johnson said it would still be in the possession of the City.

Mr. Wiley thought it could happen. Hopefully in the short future we will have an item for action in front of you in regards to who is going to own the Snowbowl. We're still working through that

process. They are in need of storage up there right now, so our reaction was to donate to a foundation who can use it. It's either going to be donated or slated for the landfill.

Ben Reed, Police Chief, said that they are done with it, in regards to its useful life. If they had a need for it they would have taken it to the new facility. It's small, maybe 8x10 wooden.

Mayor Johnson said he wouldn't interpret useful doesn't mean that it is dilapidated.

Mr. Wiley said that Parks & Recreation runs the ski school as a program up there. If that's the way to do it then he's fine with that.

NO ACTION.

- E. Review and possible approval of a request from the Elko Downtown Business Association (DBA), to change the parade route for the annual Snowflake Festival to be held on December 10, 2016, and matters related thereto. **FOR POSSIBLE ACTION**

The DBA would like to change the parade route back to the regular parade route with the exception of ending the parade on 9th Street. SO

Shanell Owen, City Clerk, said the application was included in the agenda packet. Staff has reviewed it, and we don't have any concerns. A representative from the DBA is here to explain the minor changes to the route.

Susan Goddard, DBA Coordinator, explained that their request was to go back to the traditional parade route, with one exception. The Chief of Police has requested that they end at 9th Street for staffing considerations.

Mayor Johnson thought that was a great idea.

Chief Reed stated that it wasn't his idea, they are just trying to work with them. We are all interested in getting their parade back to the regular route. His understanding was that they were looking to end a couple blocks earlier. It worked out better for them for some of the logistics of the people that have floats. The Police Department agreed to that, it helps, and that is a couple blocks that we don't have to cover.

Councilman Rice said the parade last year created some issues going against traffic with people on the interior of the corridor. He asked if they could put it on Railroad Street, flowing with traffic so that people are not boxed in. He recalled that there were problems with people getting out during the parade.

Chief Reed said that would work for them.

Councilman Schmidlein didn't think it would impact much. The Commercial side will be closed anyway.

Councilman Simons asked if having the parade lineup in a different location would be a problem.

Councilman Rice said it was just a thought and he didn't want to complicate it.

Chief Reed said last year was an experiment to go around the corridor. They had a problem last year because they didn't have enough staffing, or barricades to block off the entire corridor.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve the DBA requested parade route ending at 9th Street.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible approval of changes to the closures for the 2016 Snowflake Festival to be held December 10, 2016, and matters related thereto. **FOR POSSIBLE ACTION**

The DBA is requesting a change to the closures for the Snowflake Festival. The requested closures include 5th Street between Idaho Street and Silver Street, portions of the downtown corridor between 4th and 6th Streets and alleyways between 4th and 6th Streets. Closures will be from 7:00 a.m. to 9:00 p.m. on December 10, 2016. SO

Ms. Owen said that there will be changes to the special event, that's why it is requiring your approval. We have the insurance and staff approvals and everyone recommends approval.

Susan Goddard, representing the DBA, explained that they are requesting to close 5th Street from Idaho to Silver Street including the parking corridors. That is where all the festivities for the Snowflake Festival will be contained.

Councilman Schmidlein explained that they were closing at the mid-block range on Railroad and Commercial Street, because they want to utilize part of the corridor parking lot. They also want to close a couple alleys and a couple lane closures as well. He recommended moving this forward for them.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons to approve the changes to the closures for the 2016 Snowflake Festival.**

The motion passed unanimously. (5-0)

- 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 of the agreement. In reviewing the proposal and the existing agreement it was determined that there is unrelated and conflicting language in Section 15.01 and

Section 15.03 and the stipulations in Section 15.01 present practical difficulties for execution of the request that cannot be addressed without changes to the agreement. The proposed amendment is identified as the Fifth Amendment to the agreement. SAW

Scott Wilkinson, Assistant City Manager, said the proposed agreement was included in the packet and also a draft of the proposed agreement with track changes, so you can see the changes. There are a couple issues with this. The first being that the contractor had to submit a request for a CPI increase in January, if it's not published by January then it is not available for the first quarter. It's not possible to be able to do that. The different provisions of the code conflicted the extraordinary increase with the CPI increase and they are not related. The existing agreement says in lieu of a CPI request they can do the extraordinary increase request. What really precipitated identification of this was the City of Elko increasing its tipping fees at the Landfill in addition to a pending CPI request. We identified the conflicts in the contract and we're presenting that to the Council for possible amendment.

Jared Martin, Elko Sanitation, offered to answer any questions.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve an amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012, as amended, for sanitation services in the City of Elko.**

The motion passed unanimously. (5-0)

- H. 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

Mr. Wilkinson said the request from Elko Sanitation was included in the packet, along with the certified financial information, the amendment to the agreement, with the amended rate schedule, and a rate schedule with the highlighted fees that will change. Councilman Schmidlein had asked what the cumulative impact of the prior increase and this proposed increase to the customer. A typical residential customer uses a 95 gallon cart, between the two increases the proposed impact is \$0.67 a month. For a yearly increase, cumulative increase between both the approved and the proposed increases, would be \$8.04.

Councilwoman Simons thought Elko Sanitation had been coming to Council a lot for small increases. She asked if there was a way to buffer that.

Mr. Wilkinson answered the contract only allows for a CPI request every two years. The last CPI increase was in 2014. We have had Elko Sanitation before you with an addition of service, but that wasn't a fee increase. They then had an extraordinary request, which had to do with the tipping fees.

Councilwoman Simons said it seemed like, for that kind of request, they would just wait for the two years and then roll it in to one request.

Mr. Wilkinson explained that the way the agreement is written those requests have to be separated. The last time we saw an extraordinary fee increase had to do with fuel and that was in 2008.

Mr. Martin explained that the last price increase was two years ago with the CPI increase and the only other time would have been the tipping fee going up. The other times were probably adding services.

Councilman Keener asked Mr. Wilkinson if the tables were submitted or if City Staff created them.

Mr. Wilkinson said that exhibit had been part of the agreement since 2012.

Councilman Keener asked if each line item was verified.

Mr. Wilkinson answered yes.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein to approve the request from Elko Sanitation for the proposed amendment dated September 9, 2016, and approve the proposed rate schedule.**

The motion passed unanimously. (5-0)

- I. Review, consideration, and possible approval for an amendment of the Memorandum of Understanding for Implementation of Policy, Procedure and Action Plan for Extreme Cold Weather between the City of Elko and the Friends In Service Helping, and matters related thereto. **FOR POSSIBLE ACTION**

Under the existing Memorandum of Understanding, the City has the responsibility to declare an Extreme Cold Weather Emergency when the outside ambient or wind-chill temperature reaches zero degrees Fahrenheit or less. The declaration automatically terminates when the temperature increases to one degree or above. The current protocol presents practical difficulties in deploying volunteers to Staff the facility and addressing periods of extended cold weather. The proposed amendment addresses these issues. SAW

Mr. Wilkinson said the biggest issue they face is when there is a period of cold weather over a week or so. In an effort to have advance notification for the volunteers, what we would like to do is amend the agreement on how we declare that, but also be able to extend it over a period of days, so that the declaration doesn't automatically terminate when the temperature gets above one degree. He has talked with the director of FISH; she is in favor of being able to do that. It will facilitate the volunteer effort in order to staff that facility. In addition to that, if it's approved by the Council then it will need to go to FISH Board for their concurrence. It doesn't have a large impact on FISH, other than if we do a multi-day declaration, it would drive up their heating costs for that facility.

Councilman Keener had a question on the list of functions and services on Page 2 of 4. It stipulates that they need to provide at least two people to be present at the emergency shelter at all times. He asked if that was different from what's required now and if that placed any kind of burden on FISH.

Mr. Wilkinson answered that is what is in place now. We are not changing that section, we are just changing provisions under Item 2, the Activation and Deactivation. Those are the only proposed changes. Last year the volunteer effort went off well. We had a point person who was able to mobilize the volunteers. The year prior to that we had difficulty in staffing the facility. The City had to agree to reimburse FISH for some overtime pay. We just want to be able to declare it early in the morning and then be able to extend the declaration for a period of time.

Cindy Carpluk, Carlin, said she started looking into the homeless situation in Elko. She pointed out that zero is 32 degrees below freezing. This is a passionate subject for her. Living on the street is not easy, but getting off of it is also very hard. The bottom line is these are still people that are trying to get off the street. These are people that are hurting. They are human beings. There are a lot of assumptions and judgements made about people who are homeless. You have no idea what happened to these people, or how they got there. Many of them are there because they lost their jobs or thrown out of the house. There is an old American Indian saying that says "Never criticize a man until you've walked a mile in his moccasins." The Bible tells us "Judge not, unless you want to be judged." In northern Nevada we're no strangers to extreme temperatures. Each winter we experience subzero weather. Over the next 10 days the overnight temperature is expected to drop into the teens. People cannot survive in a tent in the teens. People can suffer from hypothermia at 60 degrees. If the temperature is correct you can freeze to death at 60 degrees, it doesn't have to be below zero. Currently the humanitarian efforts of FISH are subpar. When it comes to sheltering these people, it's not enough. Underdog Ministries is willing to help and they have the volunteers available. She asked if we could open the shelter before it gets down to zero degrees.

Mayor Johnson said it had been awhile since the policy had been looked at. There are resources that would be needed in order to be able to have an available shelter for more than what the policy has now.

Mr. Wilkinson said they considered temperature last year. The Council chose not to consider increasing it. A lot of it had to do with some testimony from FISH. Increasing that temperature will require FISH to open the shelter for a longer period of months. There is a cost associated with that, it's not about staffing it. It's about FISH being able to afford heating a building for a

longer amount of time than they currently expect to do. They went through quite an effort to determine that that temperature was an appropriate threshold.

Councilwoman Simons said they had a long discussion about it and then asked Susan Martsolf if they would be willing to continue and she said if they raised the temperature they couldn't do it. So then by raising the temperature they would lose the shelter completely.

Mayor Johnson said resources change throughout the year; should the City consider a review of it. Should we evaluate what resources are available to see if the policy can be changed?

Councilwoman Simons noted that FISH's financials are not any better. They have no money to fund heating or other things. If it were just volunteers it might not be a big deal.

Mayor Johnson asked what the daily costs were.

Mr. Wilkinson answered he didn't know the daily costs. The building isn't heated to 70 degrees for a variety of reasons. It comes down to them not being able to heat that building for a longer period of time. That's the fundamental issue, having volunteers is secondary to being able to heat the building. He recommended they consider the proposed changes tonight and they can have a discussion with FISH about whether they could accommodate a different threshold.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the proposed amendment of the Memorandum of Understanding for Implementation of Policy, Procedure and Action Plan for Extreme Cold Weather between the City of Elko and the Friends In Service Helping.**

The Motion Passed Unanimously. (5-0)

After the motion but before the vote Councilwoman Simons disclosed that she is a board member of FISH, but Sherry has already said she was fine with her voting on the matter.

Cindy Carpluk, Carlin NV, said she received letter from HUD a month ago. FISH has gotten a block grant from HUD for financing. The letter said they should have full funding to have a full shelter.

Councilwoman Simons said she would have to ask Sherry about that, but there are strict stipulations on what the funds can be used for.

Ms. Carpluk stated that the letter was very explicit that there should be an emergency shelter here that is being funded by HUD.

COUNCIL VOTED ON THE MOTION.

- J. Review, consideration, and possible approval of Amendment No. 1 to Cooperative Agreement No. PR204-14-063 (Flagview Project), and matters related thereto. **FOR POSSIBLE ACTION**

The existing agreement dated May 12, 2014 stated a termination date of December 31, 2016. Staff requested and extension of the termination date to December 31, 2018. The proposed amendment contains revisions addressing the project termination date and inclusion of certain federal required provisions based on current federal requirements. SAW

Councilman Schmidlein disclosed the Great Basin Engineering contractors currently have a contract with the City of Elko. The members/owners of Great Basin are also his partners at Canyon Construction. There may not be a financial gain, but since it's under contract he recused himself.

Mr. Wilkinson explained the opportunity to have the grant funding available is in question, but they are treating the project according to federal requirements. They are trying to keep the opportunity as available as possible. The agreement had a deadline of the end of this year. To complete the project entails completing construction, having all the certifications submitted, and having the project accepted and finalized by NDOT. We reached out to NDOT and asked them to provide an opportunity for an extension. That was before the other issues came to light. NDOT has provided us an amendment for an extension. He wanted to draw the Council's attention towards the latest agreement that was put on the dais before the meeting. Mr. Thibault had identified a problem on Page 3 of the Agreement, under 'I'. In your packet there was a paragraph that was omitted, and so this revised agreement just includes the paragraph for Article 3, paragraph 14, that states "all notices and other communications required or permitted etc." In the packet it just had the parties to be addressed for changes to it. We need to approve the agreement that is on the dais, which includes that language.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve amendment number one to the cooperative agreement No. PR204-14-063, also known as the Flagview Project, to include the most recent version of the agreement as explained by Mr. Wilkinson.**

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

- K. Review, discussion, and possible action to cancel the regularly scheduled November 22, 2016 City Council meeting, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Calder explained that he checked with staff this morning and we have no need for the meeting on the 22nd. We will need to have the first meeting in December. We will have business that needs to be taken care of for December 13th.

**** A motion was made by Councilman Keener, Seconded by Councilman Rice to cancel the regularly scheduled Elko City Council Meeting for November 22, 2016.**

The motion passed unanimously. (5-0)

VII. RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance No. 805, an ordinance amending Title 3, Chapter 2, of the Elko City Code “GENERAL ZONING ORDINANCE” specifically Sections 3-2-2 Definitions, Section 3-2-3 General Provisions, 3-2-5 Residential Zoning Districts, 3-2-8 PQP Public, Quasi-Public District, 3-2-11 IBP, IC Industrial Districts, and 3-2-12 LI GI Districts by revising definitions, removing provisions that reference repealed statutory provisions and adding new development standards, and other matters appropriately related thereto, filed and processed as Zoning Ordinance Amendment No. 3-16, and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto.
FOR POSSIBLE ACTION

August 2, 2016 meeting, Planning Commission took action to initiate the amendment to the City Zoning Ordinance, specifically section 3-2-3 General Provisions, 3-2-5 Residential Zoning Districts, 3-2-11 IBP, IC Industrial Districts and 3-2-12 LI GI Districts. September 6, 2016 staff brought the ordinance back to the Planning Commission with adding the section of 3-2-2 Definitions. Planning Commission took action to initiate the amendment to the Elko City Zoning Ordinance with all of the sections as listed. October 4, 2016 Staff brought the ordinance back to the Planning Commission with adding the section 3-2-8 PQP Public, Quasi-Public district. Planning Commission took action to initiate the amendment to the Elko City Zoning Ordinance with all of the sections as listed. The Planning Commission then held a public hearing on November 1, 2016, and took action to forward a recommendation to Council to adopt an ordinance which approves the zoning ordinance amendment. CL

Cathy Laughlin, City Planner, explained the proposed zoning changes and the reasons for the changes.

Councilman Keener asked if this will need to come back in a few months with the addition of recreational marijuana. (Yes)

**** A motion was made by Councilman Rice, seconded by Councilman Keener to conduct the first reading of Ordinance No. 805 and direct staff to set the matter for public hearing, a second reading, and possible adoption.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval of Resolution No. 31-16, donating an old scoreboard to Ruby Mountain Little League and matters related thereto.
FOR POSSIBLE ACTION

On October 25, 2016, the Council reviewed and considered this request. Per NRS 268.028 the Council must approve the donation by Resolution after the review and consideration. JW

Dave Stanton, City Attorney, reminded everyone that they must make a finding that it has reached the end of its useful life. Ruby Mountain Little League falls under an Educational Organization. In the Resolution there needs to be a finding for the purpose.

Councilman Keener asked if the resolution met all the requirements. (Yes)

Councilman Rice suggested the motion include “Ruby Mountain Little League, which qualifies as an Educational Organization.”

Mr. Stanton said that’s the thing to put in and also the purpose of the scoreboard.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve Resolution 31-16, to donate an old scoreboard to Ruby Mountain Little League, finding that it is an Educational Organization, and that the scoreboard will be used for keeping score of little league baseball games.**

The motion passed unanimously. (5-0)

- C. Review and approval of the Elko City Election held November 8, 2016, and its results, including the adoption of Resolution No. 32-16, 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. After the canvass is completed, the governing body of the City and Mayor shall declare the result of the canvass. SO

Councilwoman Simons and Councilman Schmidlein recused themselves because they were both included on the ballot.

Dave Stanton, City Attorney, stated that there is a way that this has to be done. The way the statute works is: there has to be a disclosure and then an abstention, but under this set of circumstances, where there are two abstentions and you want to reduce the number needed for a quorum, you can reduce the number needed for a quorum by him writing the letter that was given to the Council members. The letter states they need to abstain from voting on this item.

Councilman Rice read the letter from Mr. Stanton into the record. He asked if in the next election, where three positions would be up, the same declaration would be made and then two would be quorum. (Yes)

Shanell Owen, City Clerk, explained that there were no clerical errors discovered in the count. The overall results were included in the agenda packet. The total count for City Council was: Pedro Marin had a total of 3,064 votes, which was 31.71%; Robert Schmidlein had a total of 3,093 votes, which was 32.01%; and, Mandy Simons had a total of 3,507 votes, which was 36.29%. Therefore, the two highest number of votes would be declared the election winners,

which would be Robert Schmidlein and Mandy Simons. The Resolution is included in the packet for adoption.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt Resolution No. 32-16.**

The motion passed. (3-0 Councilman Schmidlein and Councilwoman Simons abstained)

III. APPROPRIATIONS

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

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the regular warrants.**

The motion passed unanimously. (5-0)

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

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

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

C. Review and possible approval of Great Basin Engineering 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 Warrants.**

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

VIII. REPORTS

A. Mayor and City Council

Councilman Rice congratulated Councilman Schmidlein and Mandy Simons on their reelections.

Councilman Keener said he had the chance to get together with James Wiley and check out the boiler project at the swimming pool. He was glad to hear that everything was up and running. He also said staff did a great job during the Rudy Giuliani visit.

Mayor Johnson said he had the opportunity to answer questions from students at the Charter School, which was a great experience. There was great support of a skate park and a bigger skate park.

- B. City Manager
Curtis Calder reported that the City Christmas party is scheduled for Saturday, December 3rd, at the Basque Club House. It is a family event, so bring your family.
- C. Assistant City Manager
- D. Utilities Director
- E. Public Works
- F. Airport Director
- G. City Attorney
- H. Fire Chief
Matt Griego thanked Mr. Gibbs for all the help from him and his staff.
- I. Police Chief
Ben Reed reported that they strive to keep the Commercial and Residential burglaries at bay, which has gone pretty well this year until just recently. The last two weekends there has been a big uptick in Commercial burglaries. The five officers that were hired at the end of the summer graduated from the Police Academy with scores and grades that were about as high as you can get. He has had a really good working relationship between his department and Mark Gibbs, and his staff at the Airport and wished Mark well.
- J. City Clerk
Shanell Owen reported that they have started discussions with the City Attorney and the State regarding the marijuana issue. They will be bringing back possible Ordinances and Policies to approve.
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director
James Wiley reported that the Golf Course project was substantially complete, but there are some issues with the pavement. They are in the process of mitigating those issues, unfortunately those issues will have to be resolved next spring when the weather is more favorable. Pool Boiler Project is inching close to being done. Within the next two weeks they will fire the boilers. Jared Linder has tendered his resignation with the Recreation Department.
- 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.

Mayor Chris Johnson

Shanell Owen, City Clerk