

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

SS November 25, 2014

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 25, 2014.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

Council Present: Councilwoman Mandy Simons
Councilman Reece Keener

Council Absent: Councilman John Rice
Councilman Robert Schmidlein

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Dawn Stout, Administrative Services Director
Shanell Owen, City Clerk
Ryan Limberg, Utilities Director
James Wiley, Parks and Recreation Director
Doug Gailey, Human Resources Manager
Dennis Strickland, Public Works Director
Mark Gibbs, Airport Director
Scott Wilkinson, Development Manager
Ted Schnoor, Building Official
Tom Coyle, Assistant City Attorney
Matt Griego, Fire Chief
Ben Reed, Jr., Police Chief
Jeremy Draper, Civil Engineer
Jonnye Jund, Accounting Manager
Diann Byington, Recording Secretary

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

Brent Golding, Court Administrator for the Municipal Court, introduced himself and explained one of his goals is to streamline the court processes and make things easier.

APPROVAL OF MINUTES: October 28, 2014 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

A. Airport Website – Mark Gibbs

Mark Gibbs, Airport Director, demonstrated the proposed website using the overhead screen.

Councilman Keener suggested using some different colors and some phrases.

Mr. Gibbs felt that was a great idea. They will take ownership and will maintain the website once it goes live. Carol Genseal is learning the software that supports this website.

II. PERSONNEL

A. Employee Introductions:

1.) Kenyon Walch, Police Officer I

Present and introduced.

III. APPROPRIATIONS

E. Review, consideration, and possible approval to purchase one (1) vehicle through the Nevada State Purchasing Program for the Friends in Service Helping CDBG 2014 Grant, and matters related thereto. **FOR POSSIBLE ACTION**

As a political subdivision of the State of Nevada, the City of Elko is able to utilize the State of Nevada Purchasing Division for equipment and fleet acquisition. This acquisition will be reimbursed through the Community Development Block Grant Program. The purchase amount is within the amount granted. **SO**

Dennis Strickland, Public Works Director, explained staff is recommending the purchase of the truck through state purchasing. CDBG requires that council approve the purchase of the truck.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to authorize staff to purchase one (1) vehicle for the FISH CDBG 2014 grant from Fallon Auto Mall.**

The motion passed unanimously. (3-0)

- F. Review, consideration, and possible approval to purchase one refrigerated box for the Friends in Service Helping CDBG 2014 Grant, and matters related thereto. **FOR POSSIBLE ACTION**

This item completes the FISH Vehicle purchase with a refrigerated box that will be installed on the truck. City Staff received three (3) quotes and is recommending award to Fallon Auto Mall in the amount of \$25,837.00. This acquisition will be reimbursed through the Community Development Block Grant Program. The purchase amount is within the amount granted. SO

Mr. Strickland explained we did solicit and received three quotes. Fallon Auto Mall was the low quote.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to authorize staff to purchase one (1) refrigerated box for the FISH CDBG 2014 grant from Fallon Auto Mall.**

The motion passed unanimously. (3-0)

- D. Review, consideration, and possible authorization to enter into a Professional Services Agreement (PSA) with AM Engineering, for the design of a portion of the Flagview Drive TAP Project, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko has entered into an agreement with NDOT after successfully receiving TAP funds for the installation of curb, gutter and sidewalk along Ruby Vista Drive, Golf Course Road and Flagview Drive. The engineering department will take the lead on the design of this project and will require assistance for the design of the Flagview Drive portion of this project, as it is a part of a larger project identified in the 5 Year Capital Improvement Plan. After consideration of several design firms' staff recommends entering into a PSA with AM Engineering to complete a design for Flagview Drive. JD

Jeremy Draper, Civil Engineer, explained Aaron Martinez was present if anyone had questions for him.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to move forward with the approval of a PSA with AM Engineering for the design of Flagview Drive.**

The motion passed unanimously. (3-0)

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review for possible approval or denial of a House of Prostitution License Application and Retail Liquor License made by Soon Yee Scott and Kim Watson dba Mona's Ranch, located at 103 S. 3rd Street, Elko, Nevada, and matters related thereto. **FOR POSSIBLE ACTION**

A comprehensive background investigation was conducted by Elko Police Detectives regarding the Applicants. Ms. Scott and Ms. Watson have met the requirements relating to City Code 4-9-7. The Police Chief has reviewed the investigations and recommends approval of a House of Prostitution License and Retail Liquor License. BR

Police Chief Ben Reed explained they had co-applicants for this. One applicant, Kim Watson, was present. Mona's Ranch is currently in operation with another owner that wishes to sell. The background investigation was recently completed. Both applicants are current owners of Inez's. A background was done in 2010 for that license. They meet the requirements for the code.

Councilman Keener was concerned about absentee ownership. He just found out today that they already own another brothel. With being an absentee owner, would they be able to keep an eye on the business and make sure nothing illegal is going on?

Chief Reed said if they keep the same onsite manager then he is very familiar with the drill. The Police Department is there every seven days with the required inspections. They have not had any problems with management at Inez's.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, for approval of the House of Prostitution License Application and Retail Liquor license made by Soon Yee Scott and Kim Watson, dba as Mona's Ranch located at 103 S. 3rd Street in Elko, NV.**

The motion passed unanimously. (3-0)

II. PERSONNEL (Cont.)

- B. Review, consideration, and possible adoption of Employment Disabilities Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Employment Disabilities Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Doug Gailey, Human Resources Manager, explained this is similar to the ADA policy we had before.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the Employment Disabilities Policy effective November 25, 2014.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible adoption of Employment of Relatives Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Employment of Relatives Policy has been updated and formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained there is an NRS that already covers this policy. This gives us a policy that is in line with what the NRS says.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the Employment of Relatives Policy effective November 25, 2014.**

The motion passed unanimously. (3-0)

- D. Review, consideration, and possible adoption of Political Activity Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Political Activity Policy has been updated and formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained this is an updated policy.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the Political Activity Policy effective November 25, 2014.**

The motion passed unanimously. (3-0)

- E. Review, consideration, and possible adoption of Work Stoppage Prohibited Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Work Stoppage Prohibited Policy has been updated and formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained this policy is covered in NRS.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the Work Stoppage Prohibited Policy effective November 25, 2014.**

The motion passed unanimously. (3-0)

- F. Review, consideration, and possible adoption of Code of Ethics Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Code of Ethics Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey explained this policy deals with those that are elected and taking bribes. It also applies to the employees and not just the elected.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the Code of Ethics Policy effective November 25, 2014.**

The motion passed unanimously. (3-0)

- G. Review, consideration, and possible adoption of Solicitation Prohibited Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Solicitation Prohibited Policy is a new policy and has been formatted consistent with POOL/PACT HR recommendations. DG

Mr. Gailey felt this one was self-explanatory.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the Solicitation Prohibited Policy effective November 25, 2014.**

The motion passed unanimously. (3-0)

III. APPROPRIATIONS (Cont.)

- C. Review, consideration, and possible issuance of Final Acceptance for the Sewer Containment/Drying Bed Project 2014, and matters related thereto. **FOR POSSIBLE ACTION**

This Capital Project was awarded to Mach 4 at the July 8, 2014 Council meeting. The work has recently been completed and Staff is recommending final acceptance for the project. Change Orders for the project totaled \$4,500.00. RL

Ryan Limberg, Utilities Director, explained there was one change order with two items on it. Staff recommends that council issue final acceptance for this project.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the final acceptance for the Sewer Containment/Drying Bed Project 2014 in the amount of \$79,586.**

The motion passed unanimously. (3-0)

After the motion and before the vote, Councilwoman Simons asked which fund the additional money will come out of.

Mr. Limberg answered it will be out of the Sewer Fund. They have more in the budget but the estimate last year was \$60,000. When we do that budget it is before we have any engineering completed.

Council voted on the motion.

IV. NEW BUSINESS

- A. Review, consideration, and possible approval of changes to the closures for the 2014 Snowflake Festival, and matters related thereto. **FOR POSSIBLE ACTION**

The DBA, represented by Bailey Billington, has requested a change to the closure for the festival. They would like to close Railroad & Commercial Street between 5th and 6th Streets on December 13, 2015 with the closure beginning at 10:00 a.m. and ending at approximately 7:30 p.m. There will be no fireworks this year. SO

Bailey Billington, Events Coordinator for the Elko Downtown Business Association, explained they had two changes this year. First the organization decided not to do the fireworks. Second, in previous years this event has been on 5th Street and Idaho Street. They have had concerns/complaints and they decided to move the event to the downtown corridor for safety reasons.

Shanell Owen, City Clerk, said they have included in the packet, signatures from affected business owners. There were a couple that did not sign.

Ms. Billington explained Capriolla's didn't sign and neither did the Coffee Mug. Capriolla's felt it didn't matter whether or not they signed the paperwork. Coffee Mug was concerned about parking for his business.

Councilman Keener asked if Roy's was okay with it. (yes)

Ms. Owen said we do have the insurance already in place. We have also had a meeting with the affected departments as well as NDOT.

Councilwoman Simons asked how many hours this will be closed.

Ms. Billington answered that it would be closed between 6-7 hours. There is available parking near both the businesses.

Ms. Owen noted the hours of the closure and said it was also to allow them to prepare for the event.

Mayor Johnson asked for public comment.

Chief Reed said there will be a Lieutenant down there this year. This plan will be safer for the event. The times seem to be earlier in the day. He felt this will work out better with fewer conflicts than last year. It is a large crowd. There are issues with the dark, drinking, etc.

Councilman Keener asked if there was something that could be done for pedestrians.

Chief Reed said he would work with Mr. Strickland to come up with signs.

Mr. Strickland said there will be advanced warning signs. Reader boards may be an option. He agreed with the Chief that this is a smaller venue. The only thing we may see is pedestrians walking to shops on Idaho and crossing 5th. This is NDOT's jurisdiction and they will be involved with the traffic control and pedestrian safety, as well.

Chief Reed said he could make sure the lieutenant gets someone to that block to watch for safety issues.

Councilman Keener felt the main vulnerability would be for the traffic going north bound on 5th Street.

Ms. Billington said she is working with the Sheriff Office Cadets to have some crossing guards and some crowd control.

Bill Hance asked what the parade route will be.

Ms. Billington answered it is the standard parade route.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the proposed road closures for the 2014 Snowflake Festival scheduled for December 13, 2014 from 10:00 a.m. to approximately 7:30 p.m., in which Railroad and Commercial Streets between 5th and 6th Streets will be closed, and additionally note that for the safety of pedestrians the organizers will be working with staff and law enforcement to ensure the safest possible program.**

The motion passed unanimously. (3-0)

III. APPROPRIATIONS (Cont.)

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

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

The motion passed unanimously. (3-0)

After the motion and before the vote, Councilman Keener asked about "Refinish Body Paint" for the MRAP for \$6400.

Chief Reed said the SWAT truck that was received from the military came to us without our logos or colors on it. It has been painted but it isn't completed just yet.

Councilman Keener asked if the Sheriff Office shared in the costs.

Chief Reed said they didn't contribute to the paint but he has been talking to them about the logos, etc. They contribute to the team in other ways as well.

Councilman Keener asked about Goichechea & DiGrazia for counseling for \$3500. Was that related to the opinion we heard last meeting?

Curtis Calder, City Manager, said he would have to look that up. That sounds like it was above the normal monthly billing.

Dawn Stout, Administrative Services Director, explained the bill.

Councilman Keener asked about the rapid tag work center/mobile express software from the ARFF Fund for almost \$17,000.

Fire Chief Matt Griego explained this is for a grant that will be reimbursed. This is an identification system that will track firefighters and qualifications. It will help them identify people that come in on mutual aid.

Council voted on the motion.

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

These warrants will be pushed to the next meeting.

VII. REPORTS

- A. Mayor and City Council
Councilman Keener was able to attend the Skate night that the Recreation Department puts on once a month. He felt Jarod Linder did a great job putting that together.
- B. City Manager
Curtis Calder said this is Delmo Andreozzi's final meeting. He thanked Mr. Andreozzi for his efforts and help throughout the years.
- C. Assistant City Manager
Delmo Andreozzi said thank you. There was a standing ovation in Mr. Andreozzi's honor.
- D. Utilities Director
- E. Public Works

Dennis Strickland said they conducted their semi-annual fall day. He went over the numbers. Councilman Keener asked about the project on Golf Course Road, were they able to use hot patch on the roadway? Dennis answered they were with some weather issues. That patch may be replaced in the spring.

F. Airport Director

G. City Attorney

H. Fire Chief

Matt Griego handed out a copy of his newsletter (Exhibit "B"). He has been working with Gary Zunino on the Fire District Mutual Aid Interlocal Agreement.

I. Police Chief

J. City Clerk

Shanell Owen said the election reports have been filed. We need to schedule the oath for the new term which may be the first part of January.

K. City Planner

L. Development Manager

M. Administrative Services Director

Dawn Stout explained the sales tax numbers for September. They received a letter from Kafoury Armstrong saying they have merged with another CPA firm (Exhibit "A"). She applied for and received an extension for the annual audit.

N. Parks and Recreation Director

O. Civil Engineer

P. Building Official

Councilman Keener asked Chief Reed about Sex Offenders and the article that was in the Elko Daily Free Press. The state used to play a bigger role in monitoring the offenders but now it has been pushed down to the local level. How is that impacting the Police Department?

Chief Reed answered the law changed last year but it has not been implemented because it has been held up at the Nevada Supreme Court. There is a lawsuit pending. We are still under the old rules. The registrations occur at the Elko County Sheriff's Office. We share that data with them. There is a technician at the Sheriff's Office that is assigned for that role. Working with the Sheriff, we started a new program at the Police Department where one of our technicians in the front office is tracking and doing all the clerical for registrants that have an address within the City Limits. We have started being more proactive since July. We do compliance checks on all of the registrants that are in the City, including the transient address that may say 12th Street Bridge. We have checked on them all and we will keep that current.

Councilman Keener said he would not be able to attend the latter meeting in December.

Curtis Calder, City Manager, offered to put an item on the next agenda to cancel the meeting on December 23rd since they don't currently have anything scheduled for that meeting.

Mayor Johnson thought that would be a good idea. He didn't the city has ever had two meetings in December since he has been on City Council.

BREAK

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing and possible adoption of Ordinance No. 789, an ordinance, amending Title 3, Chapter 2 Section 3 C(5) of the Elko City Code, which ordinance is entitled “TEMPORARY WAIVER OF IMPROVEMENTS AND FEES REGARDING TUP’S FOR CAMPGROUNDS” by adding Subsection “i” which permits the Council to waive permit fees and requirements for onsite and offsite improvements under specified conditions, and matters related thereto, filed and processed as Zoning Ordinance Amendment No. 4-14, and matters related thereto. **FOR POSSIBLE ACTION**

Council took action to initiate an amendment to the zoning ordinance on October 14, 2014. The Planning Commission then held a public hearing on November 4, 2014, and took action to forward a recommendation to Council to adopt an ordinance which approves the zoning ordinance amendment. Council conducted First Reading of this Ordinance on November 10, 2014, and directed Staff to set the matter for second reading, public hearing, and possible adoption. RM

Delmo Andreozzi, Assistant City Manager, explained he had nothing to add but would answer questions if there were some.

Mayor Johnson asked this is solely a means of having the Ordinance able to, in the event that City Council wanted to continue on, what would be the process.

Mr. Andreozzi answered they were going to need a Temporary Use Permit for an Applicant. We envision the Applicant being a social service provider. As we process a Temporary Use Permit we look at each location and the infrastructure so we may understand what type of off-site requirements may be needed. We need an applicant to initiate that.

Mayor Johnson asked if there is an applicant then it would go to Planning Commission. (yes) And then it would come to City Council?

Mr. Andreozzi answered no, only if there is an appeal.

Mr. Calder said in the event of a non-profit not coming forward with a TUP the only other option a that point would be the city applying for the TUP. That is a less pleasant alternative but it is an alternative in the event of. We do not have a firm commitment from FISH at this point. We are hoping that comes to fruition.

Mayor Johnson thought this is a little bit different because part of the issue is to show that it is for a humanitarian issue. It would be interesting to see who would be making that determination.

Councilman Keener asked along those lines, at what point do we start developing the site.

Mr. Andreozzi said ideally the TUP would say we are heading in this direction. There are some things that look like we can start moving forward on without an applicant. We just have to make sure we are headed in that direction at this point. We envision some fencing, potable water and some millings or asphalt there.

Councilman Keener asked if there is any hope that the Railroad or the county would participate at all.

Mr. Calder said he didn't think we would get any participation from the Railroad. We have had discussions with them regarding the fencing. They do offer a community grant that may pay for a small portion of it. He hasn't had any specific discussions with the county but he would welcome their participation.

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to conduct the Second Reading, Public Hearing and adopt Ordinance No. 789.**

The motion passed unanimously. (3-0)

Councilman Keener said that something had been mentioned about a grant. Mayor Johnson had gone to a Business Before Hours at Frontier and was excited about a community grant program they offer. Has anything been done with that in Elko?

Mr. Andreozzi said this is a nifty grant opportunity. Frontier has a grant opportunity for eligible grant applicants within the United States. Elko fits right into that. It is collaboration with multiple entities so there is a lot of wisdom in the whole process. There is an established committee and he is representing Elko County on that committee. They are trying to come up with a community project. They are working on the application process. They are competing with other communities that are similar size to Elko. He is very optimistic and feels we have a good opportunity. There are various stages along the way. They are looking for innovative-type ideas. The deadline for submittal has been extended a couple of months.

Councilman Keener asked if there will be a public workshop.

Mr. Andreozzi answered it is set up with just the areas of representation. He wasn't sure if it will call for any public participation.

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