

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

SS November 26, 2013

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 26, 2013.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

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

Council Absent: Councilman Robert Schmidlein

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

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **COMMENTS BY THE GENERAL PUBLIC**

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

*There were no public comments.*

**APPROVAL OF MINUTES:** November 12, 2013 **Regular Session**  
**FOR POSSIBLE ACTION**

*The minutes were approved by general consent.*

**I. PRESENTATIONS**

- A. Presentation of an Appreciation Plaque for Outgoing Planning Commission Chairman Reece Keener.

Mayor Johnson presented Councilman Keener with a plaque in appreciation for serving on the Planning Commission.

Councilman Keener said it was an honor to serve on the Planning Commission. It was a great way to gain a lot of experience.

- B. A Reading of a Proclamation Recognizing November as “National Homecare Month.”

Mayor Johnson read the proclamation. A representative from Genesis Home Health Services came forward to accept a copy of the proclamation.

Querubin Iguban, Genesis Home Health Services, said a few words regarding home healthcare.

- C. Badge pinning and administration of the Fire Fighter Oath for Firefighter Martin Larraneta.

Councilman Keener introduced the agenda item.

Chief Griego introduced Firefighter Larreneta and his father to the group. Mr. Larreneta’s father pinned the new badge on his uniform.

Councilman Keener administered the Firefighter’s Oath.

Mr. Larraneta thanked everyone from the Fire Department and everyone that supported him. He looks forward to a long career in the Fire Department.

**II. APPROPRIATIONS**

- B. Review and possible acceptance of a surplus modular storage building from the Federal Aviation Administration excess property disposal program, and matters related thereto. **FOR POSSIBLE ACTION**

The Federal Aviation Administration would like to donate an 8ft. by 25 ft. modular building that previously housed Navigational Aid electronics. If accepted there is no cost to the City. The modular building is in excellent

condition with running electrical and heating hook ups. The airport would like to take possession of the building to use as additional storage during the winter as the building will be heated. Title will be transferred if accepted and the modular building will be added to the airport inventory for use by airport personnel. MG

Mark Gibbs, Airport Director, explained the building is in excellent condition. They would like to use that building to store paints that can be damaged by extreme weather.

Councilwoman Simons asked where the building is now.

Mr. Gibbs answered it is about 20 feet from where it will end up on airport property. If we don't accept it the FAA will hire someone to haul it off the property.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to accept the surplus Federal Aviation Administration Navigational Aid modular building for use by the Airport for storage.**

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

- C. Review, consideration, and possible approval for the Fire Department to apply for a Local Giving Grant of up to \$5,000.00 from Wal-Mart Stores, Inc., to assist with cost associated with fire prevention and public education, and matters related thereto. **FOR POSSIBLE ACTION**

Wal-Mart Stores, Inc. has established grants to assist local agencies fund fire prevention and public education endeavors. The City of Elko Fire Department Fire Prevention Bureau has been the recipient of the Local Giving in prior years, and has used grant funds to augment community fire prevention supplies and education materials. Wal-Mart has been a great supporter of the Elko Fire Department's fire prevention efforts for many years. JC

Curtis Calder, City Manager, explained this is a no match grant from Walmart. It is similar to grants we have applied for and received in the past. We are asking for authorization to apply for this. It is for up to \$5000.

Chief Griego said this is the same grant we brought to you not too long ago. Walmart has been a great contributor to the community with their giving grants.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve the Fire Department to apply for a Local Giving grant from Walmart.**

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

### **III. SUBDIVISIONS**

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 11-13 for the Golden Hills Estates Unit 2 Phase 2 subdivision, filed by Steve Patterson and Edgemark Homes LLC, with authorization from Sierra Blue Development & Holdings LLC, for the proposed division of approximately 5.836

acres into 10 lots for residential development within an R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally west and east of Mittry Avenue approximately 110 feet north of Chris Avenue (APNs 001-619-062 and 001-619-006). The Planning Commission considered this item on November 5, 2013, and took action to forward a recommendation to Council to conditionally approve the Final Plat. DA

Scott Wilkinson, Development Manager, said looking at the plat there is some right-of-way dedication outside of the Phase 2 area which would be in the Phase 3 area. Council approved the preliminary plat August 13, 2012 for two phases (Phase 2 and Phase 3). We felt it best to have the right-of-way dedicated for both phases with the Phase 2 plat. In addition to that, as part of that preliminary plat approval, if you notice along Mittry Avenue we have some bulb-outs to accommodate a backing movement from those lots onto Mittry Avenue. We felt that was a safer way to go. There are additional rights-of-way dedicated adjacent to Mittry Avenue. There is a modification of standards that was approved with the preliminary plat. If you look at the Development Department's memo dated November 19, 2013, and item 12 addressed the modification. There are a couple of lots where they are modifying the standard on the lot dimension. We have larger lots than would be required for the minimum area. The reason we had to modify the standards there, we already have some utilities in place. When you get into the lot layout for the subdivision it drives the lot layout there with the shorter lot depth but doesn't compromise the intent of the R district. The subdivision is in conformance with the master plan. The Planning Commission has conditions recommended in its action report included in the packet. In addition staff has requested a few minor revisions to the plat before coming to City Council. We have an updated memo from the Development Department dated November 19, 2013. We have a recommended motion for a conditional approval as recommended by the Planning Commission and updated by staff.

Councilman Keener asked do we still have some trailers on the property.

Steve Patterson, Sierra Blue Development & Holdings LLC, said he thought they were all gone. All but one was gone when he was last here.

Mr. Wilkinson said he thought one was still there. You will need to move them along as part of your conditions.

Mr. Patterson said we have been trying to get that fellow to move the trailer off for several months. They will make arrangements to move him off if needed. He appreciates all that staff has done.

Councilman Rice said he likes the idea of the bump-outs for turning around. Is that a design decision?

Mr. Wilkinson said that had to do with the functionality of the roadway. We expect, as we get connectivity to these streets that there will be more traffic. These rights-of-way were established some time ago and we are kind of stuck with them.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, for conditional approval of Final Plat No. 11-13 for the Golden Hills Estates Unit 2 Phase 2 Subdivision subject to the conditions as recommended by the Planning Commission and/or as updated by staff.**

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

#### **IV. NEW BUSINESS**

- A. Review, discussion, and possible approval to cancel the regularly scheduled, December 24, 2013 Council meeting, and matters related thereto. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to cancel the regularly scheduled December 24, 2013 City Council Meeting.**

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

- B. Review, consideration, and possible approval of a request from Southwest Gas Company to cut Country Club Drive, which is currently on the no cut list as it was reconstructed on August 8, 2012, and matters related thereto. **FOR POSSIBLE ACTION**

Southwest Gas has received a request for gas service from Gwen Anne Thacker at 939 Country Club Drive. In order to facilitate this request, Southwest Gas would be required to cut into a street that was recently reconstructed. Southwest Gas is asking for permission to cut into the street at 939 Country Club Drive. It appears this street cut will not be within the travel lane; it will take place in the parking lane; however, Southwest Gas will not be able to facilitate a permanent patch before the hot plant is closed for the season. A temporary patch will be required until Southwest Gas can do a permanent patch next spring. Also, Southwest Gas has agreed to warrantee this cut for an additional 3 years. DS

Dennis Strickland, Public Works Director, explained it would have been nice to have it dealt with before the road was paved but the owner didn't have the funds to have natural gas ran to the home at that time. This cut will accommodate both houses without gas service in the area. Southwest Gas has agreed to install a temporary patch until we can put in a permanent one.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve a request from Southwest Gas to cut Country Club Drive which is currently on the "No Cut" list and they will extend the warranty for three years and use a temporary patch until this spring when a permanent patch could be used.**

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

- C. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Section 3-2-3 (General Provisions), and matters related thereto. **FOR POSSIBLE ACTION**

Staff has been working with a local service provider pursuant to the recently adopted Policy, Procedures and Action Plan for Extreme Cold Weather. Friends in Service Helping (FISH) has a suitable location that has been evaluated by Staff within its complex that could be utilized as an emergency cold-weather shelter; however, the GI zoning does not support that type of use. The City would need to amend its zoning codes to enable the possibility to establish and allow emergency shelters in the C, LI and GI zones via the Temporary Use Permit process, which process permits the City to impose special conditions, such as the time frame during which the emergency shelters may operate. RM

Delmo Andreozzi, Assistant City Manager, offered some background on this item. They have been navigating a variety of issues surrounding this particular topic. They knew early on that zoning issues were a concern. They were trying to identify the best way to handle those. The biggest thing was finding a service provider who would administer and manage a facility such as this. FISH has said they would like to manage a facility like this in an emergency situation. They have a complex located off Water Street. That complex is city property leased to FISH. They have a warehouse off Douglas Street and serves as the location for their haunted house. They try to do things to fund their operation there. In the warehouse they have an area that could be used for this type of facility. Staff evaluated the property. They feel it is doable and could be allowed on a temporary basis. This is located in the general industrial zone. There is a lot of residential uses in the GI zone and is a throwback from when the RR came through the community. How FISH got constructed in a GI zone is not known. They did some evaluating and research to see how other communities handle this kind of item. In discussing this with our legal department, we coined this as an emergency action plan. If we declare an emergency do the zoning laws go out the window? Legal counsel said it is still not a permitted use inside the zone. Staff, after evaluating this, felt this could be handled through a temporary use permit. We would need to amend that section of code and then an applicant could come to the city and apply for this temporary use. This process is still going to take some time before we get the code amended. This is not for a permanent shelter; it is for a temporary shelter pursuant to the MOU that would be required according to our action plan.

Councilwoman Simons asked when would they come and apply for this.

Mr. Andreozzi answered under our current scenario we will have to have it in our code before they can do that. If it was in code then we would have already gone through that process and then brought back along with an MOU for the City Council to approve.

Councilman Keener asked there is a two month time period before this could be enacted. Is it probable there could be emergency weather situations and what provision would be there in the interim?

Mr. Andreozzi answered like last year there could be a group of people that maybe cooperates with a church and makes a church available on an emergency basis.

John Schmidt, Pastor Cornerstone Baptist Church, said Calvary Baptist Church has volunteered on an emergency fill-in basis until FISH is able to take care of their facility.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to initiate an amendment to the City Zoning Ordinance specifically section 3-2-3 General Provisions, as recommended and to forward the amendment to the Planning Commission for a public hearing.**

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

- D. Review, consideration, and possible action to accept a letter of resignation from Mr. Reece Keener 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**

Planning Commissioner Reece Keener was recently appointed as a member of the City Council. RM

Rick Magness, City Planner, explained they lost a good man. Planning Commission does a lot of work for this community. This is to acknowledge he has moved on and get direction to fill that vacancy.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to accept the resignation of Planning Commission Member Reece Keener and direct staff to begin the recruitment process.**

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

- E. Review, consideration, and possible adjustment of the size of the Elko Centennial Committee by increasing the number of at-large positions and to appoint additional members of the public to serve on the Elko Centennial Committee based on the letters of interest that were previously submitted, and matters related thereto. **FOR POSSIBLE ACTION**

At the November 12, 2013 Council meeting, Council appointed 3 members of the public to serve on the Centennial Committee and expressed an interest to appoint additional members of the public to serve on the Centennial Committee. JD

Jeremy Draper, Civil Engineer, explained at the last meeting we had three people that were not appointed. Those three are still at-large. He received an additional letter of interest from Diane Elwess for being on the committee.

Mayor Johnson asked how many do we need to get all that are interested on the committee.

Mr. Draper answered we need two additional.

Councilman Rice said as this project unfolds he imagines there could be more interest. Do we want to put a cap on this right now or should we allow anyone that wants to pitch in? We would be limiting it to 5 at large members?

Mr. Draper answered we have appointed three and this would make a committee size of 11 members. As members step down we can appoint new members.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to adjust the size of the Elko Centennial Committee by increasing the number of at-large positions to five and to appoint additional members of the committee this evening; Mark Curtis and Don Newman. The committee size is eleven members.**

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

- F. Consideration, discussion, and possible authorization for Staff to apply for a Public Facility Assistance Grant through the United States Tennis Association, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has received notification of a grant opportunity that will reimburse public agencies up to \$50,000 for the purpose of enhancing and growing tennis in communities through expansion or improvements of facilities. The City of Elko is currently in the process of soliciting bids for the reconstruction of the Main City Park Tennis Facility for possible construction in the Spring of 2014. This project is eligible to receive reimbursement monies from the United States Tennis Association. JW

James Wiley, Parks and Recreation Director, explained we recently purchased some grant tracking software. They came across this rolling grant through the United States Tennis Association. We are eligible to receive up to \$50,000.00 towards our improvements. Staff would like to go ahead and apply for this grant and see what we can get awarded.

Councilman Keener asked are there any strings attached to that money.

Mr. Wiley answered yes but our project meets those requirements. They want to make sure our project will last.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to authorize staff to apply for the United States Tennis Association grant in association with improvements to our public facility, specifically the Main City Park Tennis Facility.**

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

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

- A. Ratification of the Chief of Police issuing a 30-day Temporary Package Beer/Wine license and issue a Regular Package Beer/Wine license to Angela Miller, dba Divine Expressions, for her new location at 2160 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from the Police Chief has been provided in your Council packet. This business has an existing Package Beer/Wine license and has relocated requiring the issuance of the license to the new address. BR

Chief Reed recommended approval.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to ratify the issuance of a 30-day temporary packaged beer/wine license and issue a regular packaged beer/wine license to Angela Miller dba Divine Expressions for her new location at 2160 Idaho Street.**

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

- B. Review, consideration, and possible action to accept a petition for the vacation of a portion of the Silver Street right-of-way consisting of an area approximately 2,580 feet in width by a depth varying from 0 feet to 85 feet, filed by Parrado Partners LP and processed as Vacation No. 3-13, and matters related thereto.  
**FOR POSSIBLE ACTION**

Rick Magness, City Planner, explained this application is to eliminate/vacate this portion of the right-of-way that is no longer necessary for this particular parcel to develop.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to accept the 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)*

## **VII. REPORTS**

- A. Mayor and City Council  
*Mayor Johnson reported the city received a letter from the County Commissioners thanking the city for donation of asphalt grindings to the shooting range.*  
*Councilman Rice said tomorrow NNRDA meets. He will be encouraging members of the NNRDA to come to the special meeting so we can hear from them regarding Exit 298.*
- B. City Manager – Report on National League of Cities Conference  
*Curtis Calder reported on the national league of cities conference. Next year it will be in Austin, Texas and council members were encouraged to attend.*
- C. Assistant City Manager
- D. Utilities Director  
*Ryan Limberg will have two presentations at the December 10 meeting: One on Exit 298 Artisan Development Agreement and also an update on the WRF project.*
- E. Public Works  
*Dennis Strickland reported on the project up North 5<sup>th</sup> Street. The West Idaho project is about wrapped up too.*
- F. Airport Director
- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk

*Shanell Owen asked that at the next meeting we update the pictures on the website. She wanted to take a group picture.*

K. City Planner

*Rick Magness reported that last week he and Delmo Andreozzi went to Reno and met with the director of the Northern Region for the Governor's Office of Economic Development, Mr. Peter Wallach.*

L. Development Manager

M. Administrative Services Director

*Doug Gailey reminded everyone about the Christmas party next Saturday at the Trail Center. Please RSVP.*

*Dawn Stout reported on sales tax. She handed out a spreadsheet (Exhibit "A").*

N. Parks and Recreation Director

*James Wiley reported on things Joe Carr, Park Superintendent, has been working on. Mr. Carr is a certified arborist. He sits on the Nevada Shade Tree Council and helps address statewide forest needs and concerns; he was recently asked to speak at the Las Vegas Greens Conference; and, he was nominated as one of two people from the state to attend the National Arbor Day Convention in Nebraska.*

O. Civil Engineer

BREAK

**VI. 6:00 P.M. PUBLIC HEARINGS**

- A. Review, consideration, and possible action to adopt Resolution No. 22-13, a resolution of the Elko City Council adopting a change in zoning district boundaries from C (General Commercial) to R (Single Family and Multiple Family Residential), involving approximately 1.23 acres of property located generally south of Mitty Avenue between Spruce Road and College Parkway, filed by Jordanelle Third Mortgage LLC and processed as Rezone No. 11-13, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on November 5, 2013. The Commission took action to forward a recommendation to Council to adopt a resolution to grant Rezone No. 11-13 as requested, with findings in support of its recommendation. RM

Rick Magness, City Planner, explained this will be changing zoning back from C to R. Planning staff recommended approval. The area will be all residential.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to adopt Resolution No. 22-13 as recommended by the Planning Commission.**

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

- B. Review, consideration, and possible adoption of Resolution No. 25-13, a resolution of the Elko City Council amending the Land Use map of the Elko City

Master Plan by moving the location of the proposed future cemetery, filed as Elko City Master Plan Amendment No. 1-13, and matters related thereto. **FOR POSSIBLE ACTION**

On November 5, 2013, the Planning Commission adopted its Resolution No. 1-13 to amend the Land Use map of the current Elko City Master Plan, and also took action to recommend City Council adopt said amendment via a resolution. An amendment of this type requires positive action by both the Planning Commission and the Council. If the Council suggests any changes to the Master Plan amendment as adopted by the Planning Commission, the Master Plan must first go back to the Planning Commission for review and approval. RM

Mr. Magness identified the area for cemetery using the overhead screen. There have been discussions with the Veterans Administration and they will be out to look at this site. This area has been shifted approximately one mile from where it was originally located.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 25-13.**

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

## **II. APPROPRIATIONS**

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

Councilman Keener disclosed that some of the payments included in the warrants were for his business. They were incurred in October prior to his appointment to Council.

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

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

Mayor Johnson said regarding liaisons, with Councilman Perry's resignation, Councilman Perry was first on Water & Sewer, first on Fire, second on Airport and second on Landfill. Most important is that Councilman Keener will move to first on Parks. Councilman Schmidlein will be working mostly on the Centennial Committee and RDA. Councilman Schmidlein will be moving to first on Fire. Mayor Johnson will move to first on Water. Councilman Keener will be second on Airport and Landfill. Councilman Keener will also be on the Elko County Recreation Board. He will get a copy of his chart out soon.

## **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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Shanell Owen, City Clerk