

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

SS November 28, 2017

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 28, 2017.

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  
Ryan Limberg, Utilities Director  
Shanell Owen, City Clerk  
Aubree Barnum, Human Resources Manager  
Cathy Laughlin, City Planner  
Ty Trouten., Police Captain  
Jeremy Draper, Development Manager  
Bob Thibault, Civil Engineer  
Jeff Ford, Building Official  
Matt Griego, Fire Chief  
James Wiley, Parks and Recreation Director  
Jonnye Jund, Administrative Services Director  
Dave Stanton, City Attorney  
Diann Byington, Recording Secretary

## PLEDGE OF ALLEGIANCE

## COMMENTS BY THE GENERAL PUBLIC

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

*There were no public comments.*

**APPROVAL OF MINUTES: November 14, 2017 Regular Session**

*The minutes were approved by general consent.*

## I. PRESENTATION

- A. A presentation of an Appreciation Plaque to Parks and Recreation Advisory Board Member Kent Aveson for his many years of service, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Johnson read the plaque. Kent Aveson was unable to attend the meeting so James Wiley, Parks and Recreation Director offered to take the plaque to Mr. Aveson.

## II. PERSONNEL

- A. Employee Introductions:

- 1.) Sadie Pope, Animal Shelter Worker I, Animal Shelter

*Present and introduced.*

## III. APPROPRIATIONS

- B. Review, consideration, and possible issuance of final acceptance for the Effluent Reuse and Sanitary Sewer to the Elko Sports Complex Project, and matters related thereto. **FOR POSSIBLE ACTION**

The project is complete. There were two change orders for the project. One change order was deductive in the amount of \$644,301.00 for removing the river crossing and railroad bores from the scope of work (this includes a reduction in mob/demob costs of \$31,500.00 or 50% of the bid price). There was one additive change order in the amount of \$10,933.00 for an additional 130 feet of pipeline installation. RL

Ryan Limberg, Utilities Director, explained there are just a few items the contractor is finishing up. We have a Storm Water Permit for this project that says the area that was disturbed will be reseeded. We are leaving that in the contractor's name until that area is revegetated.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, for Final Acceptance for the Effluent Reuse and Sanitary Sewer to the Elko Sports Complex Project, in the amount of \$351,397.**

*The motion passed unanimously. (5-0)*

- C. Review, consideration, and possible authorization to solicit Requests for Qualifications for architectural services for the new combined Water/WRF Shop Design Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project is budgeted in the current fiscal year budget with a 50/50 allocation between Water and WRF Budgets. The location would be on the vacant lot adjacent to the WRF. RL

Mr. Limberg explained the area we are looking at is essentially across the street from the homeless camp. The reason we are considering this is because we have grown over the years

with more and bigger equipment. We would like this to be a combined shop with the Water and Sewer Departments. The plan would be to design it this year, bank some money for a few years and build it later.

Councilman Schmidlein asked if the design goes over the \$250,000 estimate, will this fall into prevailing wage?

Mr. Limberg wasn't sure. He said he would have an answer at the next meeting.

Curtis Calder, City Manager, said because the professional Architect side of this is a professional service it doesn't fall under prevailing wage.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to authorize staff to solicit RFQ's for the WRF Shop Design Project.**

*The motion passed unanimously. (5-0)*

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

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

*The motion passed unanimously. (5-0)*

D. Review, consideration, and possible authorization to solicit bids for the WRF Fill Station Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project is budgeted in the current fiscal year budget. The project would consist of a reuse water fill station with card reader system and would be located on vacant property adjacent to the WRF. RL

Mr. Limberg indicated where the fill station will be located on the overhead screen. There have been numerous fill stands around town over the years. Those fill stations usually drip a little bit and since it is reuse water and those locations border other properties, then it is considered a violation of their storm water permit. This location would be a card reader where the data goes directly to the finance department. There would also be a catch basin with a drop inlet so there won't be any violations. This is budgeted for this year.

Councilman Schmidlein asked if all of the other fill stations will be shut down.

Mr. Limberg answered there will still be some other locations but this will be a primary location. We can still use some other locations but the trend will be to get away from several locations and direct people to this one as a primary location.

Councilman Schmidlein said he was concerned about the developments on east end of town. Will they be able to use the potable water over by Vega Construction?

Mr. Limberg answered we do have another fill station next to Vega Construction. It is a potable fill station. We will leave that one in place and people can continue to use it. This water is a little cheaper.

Councilwoman Simons asked if the other fill stations can be retrofitted with the card reader.

Mr. Limberg said the card reader is not the main concern. The main concern is if the truck overflows and that water goes somewhere. How do you capture that water and how do you clean it up? The most difficult part is the water management issue.

Councilman Keener noted the main driver is NDEP.

Mr. Limberg answered that would be the first issue. Next will be billing and convenience.

Councilman Schmidlein said we put it on the golf course. If we break a main on the golf course, do we have to report that? When the application is being put down on the jobsites for dust suppression, will that be acceptable because that is no different? If you pull on to a job site and they lose a sprayer head off a water truck and blow out 300 gallons, do they have to report that on job sites?

Mr. Limberg said some of those are storm water questions he may not be able to answer. If a pipe breaks at the golf course then that is the area that is designed to be used. The City can use reuse water on city projects under the City's storm water permit. On new subdivisions, the contractor needs to get a permit before the reuse water is used there.

Councilman Schmidlein said it doesn't make sense. We paid to upgrade the WRF plant to utilize the reuse water and now our hand is in the cookie jar and it's getting slapped. We can't use it on construction sites unless there are legitimate permits put in place. Why are we going to a card reader system?

Councilman Keener asked if the billing is a real problem or is it more of a nuisance.

Mr. Limberg said it is a nuisance for him but a problem for Jonnye Jund if she isn't getting reads from the WRF staff.

Jonnye Jund, Administrative Services Director, said right now we are on the honor system. We can't prove what they report to us because it is not metered.

Mayor Johnson said often times when these things show up it is the opinion of an individual. Should the City of Elko request that NDEP revisit and bring more logic to it. It doesn't make sense that the City is forced to spend all of this money for water containment when the water meets a quality that you can put on a construction site and the golf course. The City will not see a return on it with sales even with the efficiency of the card reader.

Mr. Limberg said he could speak to NDEP and bring it back to council. The more reuse we can use the more it saves on our potable side. The more we save on the potable side the more it saves on drilling new wells, etc.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to authorize staff to solicit bids for the WRF Fill Station Project.**

*The motion was withdrawn.*

After the motion and before it was withdrawn, Councilman Keener asked if Mr. Limberg is still going to go back to NDEP and we will look at other strategies such as the site plan.

Councilman Rice said in terms of the NDEP, we would be building this one but the NDEP had to deal with the other sites. This isn't a temporary site but the others are. The trend is to move everyone towards this site. It will also be good to check with NDEP about other sites and uses.

Mayor Johnson is concerned that this is the opinion of one individual and maybe this is going too far.

Councilman Schmidtlein stated he was opposed to this.

Councilman Rice thought maybe we should get more information and direction from NDEP. He withdrew his motion and made a new motion.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to direct staff to consult with NDEP about exactly what it is we are allowed or not allowed to do in regards to reuse water and how we need to manage it. This discussion can continue after that.**

*The motion passed unanimously. (5-0)*

- E. Review, consideration, and possible authorization to solicit bids for the Secondary Clarifier #3 Construction Project, and matters related thereto. **FOR POSSIBLE ACTION**

A third Secondary Clarifier is required at the Water Reclamation Facility to provide settling and allow adequate removal of solids from the water. This project was approved in the FY 2017/18 Budget. RL

Mr. Limberg indicated on the overhead screen where the secondary clarifiers were located. We need a third clarifier so when we take one of those offline we will have adequate capacity to the remaining units.

Councilwoman Simons asked what this might cost.

Mr. Limberg answered the engineer's estimate was around \$3 million and we have that in our budget for it.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilman Keener, to authorize staff to solicit bids for the Third Secondary Clarifier.**

*The motion passed unanimously. (5-0)*

#### IV. UNFINISHED BUSINESS

- A. Review, consideration, and possible approval of a Special Reimbursement Agreement for construction costs to extend a 12” water main under I-80 Right of Way on Sheep Creek Trail, and matters related thereto. **FOR POSSIBLE ACTION**

A developer is desiring to develop a parcel of property near Exit 298. In order to accomplish this objective, the developer will need to extend a water line from Cattle Drive down to, and across, the full frontage of the property they wish to develop in accordance with Section 9-1-35 of City Code.

The developer is asking for a Special Reimbursement Agreement, in accordance with Section 9-1-35 (E) of City Code. The area they are requesting that agreement apply to is the portion within the I-80 Right of Way where development cannot occur. Additionally, the developer is requesting oversize reimbursement from a 10” water main to a 12” water main and an extension connection fee reimbursement applicable to two parcels.

The original agreement has been adjusted based on direction from Council at the 11/14/17 meeting. RL

Councilman Schmidlein disclosed he did provide the developer a proposal to complete the work. He doesn't feel there is any pecuniary interest since they are working with another contractor.

Mr. Limberg explained the agreement. The primary concern on this was the amount the City should pay for the portion going under I80. He took council's suggestions into account and the numbers did change from \$165,000 to roughly \$148,000. He tried to go through and find similar examples of what we have done in the past. Along I80 there are several places where the water or sewer crosses I80 but many of them are very old. He gave several examples of projects to show who paid for what.

Tom Ballew, High Desert Engineering, wasn't sure what to say. Based on the action at the last meeting they have gone back and revised the numbers. If the city is considering not granting this agreement he suggested bringing back all of the players. They are under the impression that the city wanted to enter into this agreement.

Councilman Schmidlein said he was the reason Mr. Limberg spoke about similar projects. We have a responsibility to take care of transmission mains. We also need to support economic development. He has heard from some developers that feel this is not the city's responsibility. He is in support of the upsizing of the lines but the rest of it he is starting to drag his feet. He is in favor of that area developing but we need to be careful. He spoke about the costs he would be willing to support which comes to roughly \$108,000.

Councilman Rice understood the concern of setting a precedence. He asked Mr. Ballew if there was time to table this and bring back the other parties.

Mr. Ballew said they have time. In reference to the other projects that were brought up, they feel this is unique. They thought the city was in support of this agreement.

There was some discussion about the possibility of a special surcharge on any new connections to the line and possible development in the Exit 298 area.

Councilwoman Simons asked Mr. Limberg if there are possibilities of similar circumstances that may come up in the future.

Mr. Limberg answered in that specific area there is a possibility of another I80 crossing. The longer term plan would be for this line to be extended along the Highway 40 frontage, come up at the end of the Airport and then back to the east for future airport property development on the north side of the runway.

Councilman Keener agreed that the crossing is very unique. We have been trying to get something going in this area before. We directed staff to work with the developers and council should honor what staff came up with.

Mayor Johnson explained he was considering an amount closer to \$100,000. He would like to see some number approved and then the developer could decide if that number is acceptable.

Councilman Rice said everyone agrees that the charge of \$38,000 for the oversize is fair. Everything has been prorated as discussed at the last meeting. The City of Elko has skin in the game for economic development on that end of town which is important for a unique situation like this. The whole Exit 298 is unique because of its remoteness and developable land. We need to get behind these kinds of development because we have worked so hard to make it possible out there.

Curtis Calder, City Manager, said all of these were really good comments. From the economic development perspective, if this project went away and the city decided in the future to put that line in, the city's cost would far exceed what has been presented tonight due to prevailing wage. Having a private developer come in, do the work for the least cost possible and the city share in only 19% of the costs, and then the payback associated with the additional property tax, additional hookup, additional monthly revenue back to the water fund, it pays for itself. He would be supportive of this because it will open up more economic development in the future. He doesn't see it as a money loser at all from an economic development standpoint.

Mayor Johnson said Mr. Calder's comments help. He wants to be sure the city isn't set up for future issues.

Councilman Rice would support a motion of \$186,000.

Councilman Keener said he would too.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve a special reimbursement agreement for construction costs to extend a twelve inch**

**water main under I80 Right-of-Way at Sheep Creek Trail, in the amount of \$186,587.54; which breaks down to \$148,520.51 for underneath I80 and \$38,067.03 for the oversize.**

*The motion passed. (3-2 Mayor Johnson and Councilman Schmidlein voted against.)*

After the motion and before the vote, Mr. Limberg commented that we did have a small portion, line items 38-44 that relate to sewer extension. Part of that proration was included in the mob as a percentage based on our percentage of the cost. If we took that sewer portion out that would reduce the total price by \$737.97. He suggested including that.

Councilman Rice amended his motion to include Mr. Limberg's comments, **to remove line items 38-44 that relate to sewer extension and reduce the cost by \$737.97.**

Councilman Keener said his second still stands.

Mayor Johnson didn't interpret council's direction the same as Mr. Ballew. He was hoping the number would be less and he felt that number was a bit high.

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

Councilman Schmidlein pointed out the city is on the hook to run the force main from A to Z, from the lift station all the way to the sewer plant which is going to cost us between three and four million dollars whenever the sewer needs to go online.

#### **V. NEW BUSINESS**

- A. Review, consideration, and possible approval of an amendment to Revocable Permit No. 3-17, filed by WANRack, LLC to occupy a portion of the City of Elko Right-of-Way, to accommodate installation of a new fiber optic wide area network between school facilities, and matters related thereto. **FOR POSSIBLE ACTION**

Council reviewed the application for a revocable permit at their September 26, 2017 meeting and approved to enter into a license agreement with Wanrack. Wanrack has changed the Scope of Work to include more underground work rather than overhead lines and therefore requiring an amendment with new exhibits. CL

Cathy Laughlin, City Planner, explained WANRack changed their scope of work after we had a signed license agreement with them. They have decided to go underground in several locations. The route has not changed. The scope of the entire project hasn't changed. The change is that they have decided to go underground.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve an amendment to the License Agreement for Revocable Permit No. 3-17.**

*The motion passed unanimously. (5-0)*



- B. Review, consideration, and possible approval of Revocable Permit No. 4-17, filed by Neider Hearing, LLC and Sonora LLC, to occupy a portion of the 5<sup>th</sup> Street Right-of-Way as located adjacent to 974 5<sup>th</sup> Street, to accommodate installation of a new sign, and matters related thereto. **FOR POSSIBLE ACTION**

A sign permit was received for the business known as “Miracle Ear,” which is owned by Neider Hearing, LLC. The business will be operated on real property owned by Sonora, LLC. The proposed monument sign is located in the City of Elko Right-of-Way. City Code requires they have a Revocable Permit to occupy the Right-of-Way. CL

Ms. Laughlin indicated on the overhead screen where Miracle Ear is proposing the sign to be installed. They have entered into a lease agreement with Sonora for the building. We required a revocable license agreement for the sign to be allowed in the right-of-way. These properties along 5<sup>th</sup> Street were recently rezoned to Residential Business District. We included some sign regulations and standards in this new zone. She has been working with the sign company and Miracle Ear to design this according to those regulations.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to approve Revocable Permit No. 4-17, subject to execution of a standard license agreement, between the applicant, property owner and the City of Elko.**

*The motion passed unanimously.*

- C. Review, consideration, and possible authorization for the California Trail Center Foundation to create a waypoint at the Elko Hot Hole, and matters related thereto. **FOR POSSIBLE ACTION**

Kevin Lee, California Trail Heritage Alliance, explained their mission and what their goal is. He went over the proposed project with a presentation (included in the packet). He gave a rough high cost estimate of \$70,000.

Councilman Rice thought it was a great idea and it would complement the Sports Complex development as well.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to authorize the California Trail Heritage Alliance to begin the process of finding the funding and planning and implementing and installing a waypoint at the Elko Hot Hole.**

*The motion passed unanimously. (5-0)*

- D. Consideration and possible action to cancel the December 26, 2017 Elko City Council meeting, and matters related thereto. **FOR POSSIBLE ACTION**

Curtis Calder, City Manager, said at this point there isn't any business needing to be acted on December 26<sup>th</sup>, the day after Christmas. Pleasure of the council.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to cancel the December 26, 2017 Council Meeting.**

*The motion passed unanimously. (5-0)*

- E. Review, consideration, and possible re-appointment of four (4) members to the Parks and Recreation Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

The terms for five (5) members serving on the Parks and Recreation Advisory Board expired on June 30, 2017. Colby Curtis, Harmony Stahl, Jim Conner, and Fred Beitia are seeking reappointment for another four year term. Kent Aveson is resigning his position from the Board. JW

James Wiley, Parks and Recreation Director, explained we have five members whose terms have expired. Four of them are seeking reappointment. One is resigning which leaves us with two vacancies on the board that we are already advertising for. This board is a great asset for us.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to reappoint members Colby Curtis, Harmony Stahl, Jim Conner and Fred Beitia to a new four-year term to the Parks and Recreation Advisory Board.**

*The motion passed unanimously. (5-0)*

- F. Review, consideration, and possible approval of a lease agreement between the City of Elko and the Elko Television District, for 2,500 square feet of property located at Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Television District is requesting to lease 2,500 square feet of property in the vicinity of the airport beacon, for the purposes of installing a utility building and related Elko Television District equipment. A copy of the proposed lease has been included in the agenda packet for review. CC

Curtis Calder, City Manager, requested no action on this item at this time. City staff found a fiber optic cable in the proposed lease area. This will need to be addressed before this item can be reviewed by council.

**NO ACTION**

## **VI. REPORTS**

- A. Mayor and City Council

*Councilman Keener has received a lot of positive feedback on the Chilton Tower. He has been working on trying to coordinate a broadband action committee. Working in conjunction with the Governor's Office on Science and Technology, they have identified Elko as severely lacking in our DSL broadband capabilities and is promoting White Pine and Elko County to come*

*up with some better solutions there. There will be meetings on the 6<sup>th</sup> and 7<sup>th</sup>. He attended the SWAC meeting this afternoon. The wind sculptures in the park look good.*

*Councilman Rice has been keeping up with the Marijuana issue. There was a conference for that industry in Las Vegas a week or so ago. There was a panel discussion with Dina Titus and another congress person where they were talking about the issue from the federal standpoint. His main concern has to do with medical marijuana for patients. He reported the ECVA has their new calendar out and urged everyone to go visit the Festival of Trees. A Christmas Carol opens next Tuesday. It runs from Tuesday the 5<sup>th</sup> through Saturday the 9<sup>th</sup> at 7:00pm with a 2:00pm matinee at the college. He thanked Councilman Schmidlein with his assistance with some of the rigging.*

*Councilman Keener will not be able to attend the City's Christmas party.*

**B. City Manager**

*Curtis Calder reported the airport inspection is next week and the staff is preparing for it. The following week will be our Annual Airport Capital Improvement Project meeting with the FAA, which is tentatively scheduled for Carson City after our next City Council Meeting. The Christmas Party is on Saturday. Hopefully everyone will show up.*

*Councilman Keener asked about a payout on the warrants, a \$5,000 burglary claim to Nevada Public Agency Insurance. What was that for?*

*Jonnye Jund said that was for when the pool was broken into. They reimbursed for the cost and our deductible is \$5,000.*

- C. Assistant City Manager**
- D. Utilities Director**
- E. Public Works**
- F. Airport Manager**
- G. City Attorney**
- H. Fire Chief**
- I. Police Chief**
- J. City Clerk**
- K. City Planner**
- L. Development Manager**
- M. Administrative Services Director**
- N. Parks and Recreation Director**

*James Wiley said typically around this time of year we usually shut our pool down for a couple of weeks to do annual maintenance. This year we are going to close ahead of Christmas break and reopen during Christmas break so the kids that are out of school can come and enjoy the pool.*

*Councilman Keener said there was a letter to the editor that was critical of the public availability of the pool. Since that time he has had two people inquire and complain about that. How do you determine the schedule?*

*Mr. Wiley answered this is one of those instances where a few people are going to be unhappy no matter what we do. They have to juggle between lap swim time, swim classes, aerobic classes, swim team (which buys the bulk of our season passes) and open swim. We have tried to provide opportunity for all of those groups. Our pool is heavily used.*

O. Civil Engineer

*Bob Thibault said the Chilton Tower is completed and the electrical work is substantially completed. They are waiting for an electrical pedestal. We can get power to the tower for our lighting ceremony with or without the pedestal. The ribbon cutting will be Saturday, December 9<sup>th</sup>.*

P. Building Official

#### COMMENTS BY THE GENERAL PUBLIC

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

*There were no public comments.*

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

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Mayor Chris Johnson

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Shanell Owen, City Clerk