

CITY OF ELKO
REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
2:00 P.M., P.S.T., TUESDAY, FEBRUARY 9, 2016
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The meeting was called to order by Mayor Chris Johnson, Chairman of the City of Elko Redevelopment Agency (RDA).

ROLL CALL

Present: Mayor Chris Johnson
Robert Schmidlein
Reece Keener
John Patrick Rice (*Arrived at 2:37 p.m.*)

Excused: Mandy Simons

City Staff: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Dave Stanton, City Attorney
Cathy Laughlin, City Planner
Rebecca Hansen, Planning Technician
Jeremy Draper, Development Manager
Dennis Strickland, Public Works Director
Bob Thibault, Civil Engineer

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

No public comments made at this time.

APPROVAL OF MINUTES

October 12, 2015 – Regular meeting **FOR POSSIBLE ACTION**

October 27, 2015 – Regular meeting **FOR POSSIBLE ACTION**

The minutes were approved by general consent.

II. NEW BUSINESS

- A. Review, consideration, and possible action to accept the Storefront Improvement Program implementation process as approved by the City Council at its meeting on January 26, 2016, and matters related thereto. **FOR POSSIBLE ACTION**

The City Council took action at its meeting on January 26, 2016 approving, with revision, the implementation process for the Storefront Improvement Program. The City is responsible for administering the program under an inter-local agreement with the RDA dated August 25, 2015.

Scott Wilkinson, Assistant City Manager, explained the City has an inter-local agreement. The City Council already adopted it, so this is more of a formality.

**** A motion was made by Reece Keener, seconded by Robert Schmidlein, to accept the Storefront Improvement Program implementation process as approved by the City Council at the January 26, 2016 meeting.**

The motion passed unanimously. (3-0)

- B. Review, consideration, and possible action to accept a recommendation from the Centennial Committee to locate the centennial project on a 20 ft. x 20 ft. space on the west side of 6th Street and forward the recommendation to the City Council, and matters related thereto. **FOR POSSIBLE ACTION**

The Centennial Committee took action at its meeting on January 19, 2016 to forward a recommendation to the RDA to locate the centennial project in a 20 ft. x 20 ft. space in the 500 Block on the west side of 6th Street and forward a the recommendation to the Redevelopment Agency.

Mr. Wilkinson added we showed an element in the corridor design that could easily be modified to the Centennial Project. It would be adjacent to the proposed plaza paving. This is consistent with the proposed corridor design.

Robert Schmidlein asked if they approve this, will they still have the flexibility to move it if needed.

Mr. Wilkinson answered it's to approve a general location and size so the Centennial Committee can start moving forward. This is consistent with the plan but if we start shifting it too much, we might have to look at the design again later.

Mr. Schmidlein said he didn't have a problem with the size. He just wanted to make sure it could be shifted a little, if they had to.

Jeff Dalling, Coffee Mug, said he wasn't excited about the location. The size is great, but if they put it on the other side of 6th Street it makes more sense. There's not a lot of business on that side.

Mr. Wilkinson said that would also be consistent with the proposed design. We do have a design element shown on that side of 6th Street, which is something for the RDA to consider.

Mr. Dalling said he doesn't want 45 degree parking in front of his business.

Mayor Chis Johnson reminded him that's not on this item.

Mr. Wilkinson said if the RDA feels there is a more suitable location, they would consider it, but we have a recommendation from the Centennial Committee.

Mayor Johnson asked why they want to put their project on that block.

Mr. Wilkinson said he didn't think they had a real reason.

Jeremy Draper, Development Manager, said one of the things they considered was 5th Street is the heart of downtown, but when we got to talking about traffic they decided to move it to the westerly side of 6th Street.

Mayor Johnson asked if it was just to keep it centered as much as possible.

Mr. Draper answered yes. He recommended moving it towards 7th Street, they considered it but decided to keep it by 6th Street. Concerning Mr. Dalling's comments, this will not adversely affect the parking.

Lina Blohm, RAC, said the idea is to have the central focus near the heart of downtown. If we go to the 10 ft. parking spaces, this project will only take up two parking spaces. She asked if there was a specific project.

Mr. Draper answered no. They talked about a water tower similar to an old train depot water tower that would tie into the railroad theme for downtown. We aren't taking away any parking with our proposed plaza.

Ms. Blohm said as she understands this has nothing to do with the alignment of the parking, she questioned if the plan showed a new parking alignment.

Mr. Wilkinson answered it depends on how we lay that out, there may be some impact to parking. We may have to have sidewalks going around it. We could have some pedestrian access encroachments.

Ms. Blohm said at one time we were discussing a linear multi-use plaza. Was that the concept that was agreed upon?

Mr. Wilkinson answered that is off topic, but the brown area is designated as plaza area.

Mr. Blohm said her concern was they need to look at the big picture.

Reece Keener said regardless of how the design is laid out we're not giving up any spaces.

Mr. Wilkinson said with a 20 ft. x 20 ft. area we may give up two or three spaces.

Mr. Keener asked if that was parallel parking on the east and west.

Mr. Wilkinson answered yes there is parallel parking on-street. If we have a plaza design there, maybe we won't have on-street parking at that location.

Mr. Keener said he remembered there was discussion about putting it on 5th Street, but because of the traffic, 6th Street was the preferred location.

Mayor Johnson questioned if the curb extension would narrow 6th Street.

Mr. Wilkinson answered yes, we will extend the block ends. We're going with the 9 ft. x 20 ft. stalls and 24 ft. aisles, so you do see parking reduction just by restriping. However, the layout being proposed today has no reduction of parking due to the addition of green space. On the 6th Street block we show plaza paving which could be set aside for special events. If that will be disruptive to the businesses, we can discuss placing it on the other side of 6th Street.

Mayor Johnson said he was still leaning towards the Centennial Project on 7th Street.

Jon Karr, RAC, felt they should table the item.

**** A motion was made by Robert Schmidlein, seconded by Reece Keener, to table agenda Item II.B.**

The motion passed unanimously. (3-0)

I. UNFINISHED BUSINESS

- A. Review, consideration, and possible action to amend the Redevelopment Advisory Council bylaws, and matters related thereto. **FOR POSSIBLE ACTION**

The RAC met on November 19, 2015 and took the following action:

1. A motion was made by Catherine Wines, seconded by Lina Blohm, to forward a recommendation to RDA to amend the RAC bylaws to replace Elko Chamber of Commerce membership with a member-at-large from within the City of Elko corporate boundaries.

City staff and the city's legal counsel reviewed the bylaws and recommended additional changes.

The RAC met again on December 17, 2015 and took the following actions:

1. A motion was made by Jon Karr, seconded by Catherine Wines, to change Article II, Section I to eliminate the NNRDA and Chamber seat. The RDA, DBA, ACAB, one stakeholder and one at-large seat would remain.
2. A motion was made by Jon Karr, seconded by Catherine Wines, to have the elections in January.
3. A motion was made by Catherine Wines, seconded by Jon Karr, to accept all other amendments.

After the December 17, 2015 meeting, staff received notification from NNRDA that they appointed a new representative to RAC. That communication is included in the packet.

Mr. Wilkinson explained the proposed changes to the bylaws are included in the packets. The vote to remove NNRDA was not a unanimous vote. Currently, the elections and some appointments occur in July so not everyone has enough time to determine everyone's strengths and weaknesses. You could consider leaving the NNRDA as a member but that would make a six member board. We've worked through most of our bigger projects, so another thing to consider is RAC having quarterly meetings instead of monthly meetings.

Catherine Wines, RAC, said part of the changes were in an effort to create more efficiency because we were having quorum problems. She personally voted to remove NNRDA but she no longer stands by that because they have a new member from the NNRDA that wants to serve. All of the changes are up for discussion.

Mr. Karr said he would be against adding NNRDA back on because the five member board is finally making progress. However, if the NNRDA member came forward to them with ideas they are open enough to not shun the idea.

Ms. Blohm said she was the dissenting vote. Economic development is a huge component of redevelopment and if NNRDA wouldn't have been present the Storefront Program may not have taken place. Which is why she would like to retain NNRDA. She was surprised to see NNRDA appointed a new member to RAC. If it's a matter of quorum, she preferred diverse opinions.

Mr. Wilkinson said if we're going to consider NNRDA, we need to consider a seven member board because six members would be a bad idea.

Mr. Schmidlein said he had mixed emotions because he sat on RAC for three years. They had ups and downs, but they are finally making headway with five members. He doesn't want to throw NNRDA under the bus because they brought forth a lot of information but, he wasn't happy about the action of NNRDA at the meeting. He was confused as to why it took them six months to appoint new a new member.

Mayor Johnson said in defense of NNRDA, they wanted to see where RAC was going. The larger the group, the harder it is to maintain. Whichever way it goes, they will be fine because they can participate in other ways. He felt there was good argument on both sides.

Mr. Keener asked if they could approve the bylaws as presented, but encourage NNRDA to attend the meetings. If the committee then feels it would add value to have them as a voting member, they could come back to the RDA in six months with that request.

Mr. Wilkinson said he consulted with legal and the item is broad enough that if you wanted to maintain a five member board and reconstruct the representation to include NNRDA in place of one of the other memberships, you could do that.

Mr. Keener asked if that would displace a current active member.

Mr. Wilkinson said we recommended one of the stakeholders replace NNRDA.

Ms. Wines said the recommendation in November contradicts the one in December. We recommended replacing one in November and removing one in December. Right now we have six members because we haven't removed NNRDA.

Mayor Johnson said he wants to change the meetings to quarterly instead of monthly.

Ms. Wines questioned if the RDA meetings would also be quarterly.

Mayor Johnson said yes.

Mr. Wilkinson clarified there is no minimum for the RDA meetings.

John Rice arrived at the meeting.

Ms. Blohm asked if they were looking for a blanket motion to approve all the items.

Mr. Schmidlein requested clarification that they're looking at removing NNRDA and minimize the amount of meetings to quarterly.

Mayor Johnson answered yes.

Mr. Keener said go with the bylaws as written. The only exception being changing the meetings to quarterly. He asked if Mr. Wilkinson had strong feelings one way or another.

Mr. Wilkinson recommended they go to quarterly meetings because the bylaws allow for more frequent meetings. They also did that for the Stormwater Advisory Committee. If we have periods where we don't have a lot of business it will take a considerable work-load off of staff. There were times we were uncertain whether we were going to have a quorum, but the bylaws required a monthly meeting. We have our economic study behind us, and the UDO and the corridor project are winding down.

**** A motion was made by Reece Keener, seconded by Robert Schmidlein, to approve the revised bylaws as published with the exception of quarterly meetings as a minimum. More frequent meetings can be held, if required.**

The motion passed unanimously. (4-0)

After the motion Mr. Keener encouraged NNRDA to participate in the meetings, and if the time comes the committee can recommend an addition as a voting member to NNRDA.

- B. Review, consideration, and possible amendment of the RDA Plan so as to incorporate the Urban Design Overlay District Development Standards (UDO) to include amending the text of the RDA Plan and/or its exhibits, or, in the alternative adopting the UDO Plan as an implementation document and amending the RDA Plan to reconcile any inconsistencies, and matters related thereto. **FOR POSSIBLE ACTION**

The RDA took action at its meeting on September 22, 2015 to remand the UDO back to RAC for advisement and the UDO could be incorporated into RDA Plan and codification into City Code. The RDA will be responsible for all costs associated with incorporation into the RDA Plan and recommend City Council accept costs associated with incorporation into City Code. The UDO has been vetted by the City's Legal Counsel and the RAC.

Mr. Wilkinson explained this is back for final consideration. We will need direction on how to proceed with an amendment to the RDA Plan if you choose to adopt the UDO. For clarification, the adoption of the UDO into the RDA Plan only places those requirements on projects that the RDA does. Placing it in City Code would put those requirements on private property, and the intent was this is the type of development we need across the board downtown in order for the downtown to really redevelop and fulfill its full potential. However, there would have to be considerable work by Dave Stanton to rework those to be put into City Code. There are a couple different options for adopting this in the plan which Mr. Stanton will discuss. His memo in the packet points out some of the stipulations which could be a dis-incentive for development which is not all inclusive.

Dave Stanton, City Attorney, explained in NRS 279 there are specific blocks that a redevelopment plan has to check. It is deliberately a general document. Specific redevelopment projects, design criteria, parking layouts and similar things are supposed to be implemented through implementation documents. The issue has gone to the Nevada Supreme Court. They said, if you have an implementation document that satisfies the minimum checklists then the RDA has some flexibility. He discussed this with Bob Fielden years ago and they discussed why he was doing certain things in the redevelopment plan. The redevelopment plan is intentionally broad in order to give this body flexibility to implement specific components. When the preliminary plan was incorporated into the RDA Plan, the problem was it went into more detail than required by the NRS. There was one part that says replication or reconstruction of historic buildings should not be promoted and that is creating inconsistency. It's probably wise to sever the preliminary plan from the RDA Plan. Under law you can have an implementation document

and adopt new ones with just a vote of the RDA. He felt it should come out of the RDA Plan and be the chief implementation document. Then instruct us to take the UDO and Vision Plan and make sure they are compatible.

Mr. Wilkinson said that would be option one. All options are included in the document he handed out. Option two would be less preferable because it would complicate implementation documents going forward. He felt the preliminary plan was a fundamental document, and if choosing option 1, he requested the RDA be very specific in giving instructions that we leave the fundamentals contained in the preliminary plan intact. He felt it was very important the RDA understand the components of the preliminary plan and how important it is to us at this juncture and what we are trying to achieve.

Mayor Johnson wanted clarification of how the preliminary plan ties into discussion of the UDO.

Mr. Wilkinson explained the preliminary plan is an exhibit to the RDA plan. The RDA plan was adopted in 2008. The Vision Plan, which is an implementation document was approved in 2011.

Mayor Johnson said the Vision Plan was specific to goals and steps, but the RDA Plan is the basis of the RDA. Inside of that is the Preliminary Plan which talks about specifics to store fronts, building fronts and some architectural requirements, and that is why the UDO and the Preliminary Plan interface.

Mr. Wilkinson explained since the Preliminary Plan is an exhibit to the RDA Plan we would have to make sure there are no conflicts between the UDO and the Preliminary Plan. Regardless, we're going to go through that process anyway. The benefit of severing it would be if we have another type of implementation plan, we would just make an appendix to the Preliminary Plan and we wouldn't have to go through the amendment process for the RDA Plan every time. We would end up with two documents, one being the RDA Plan that satisfies the NRS and the implementation plan. We could make all the other plans be appendices to it. The Preliminary Plan deals with everything, and there are a lot of good elements that have been providing us direction to date.

Mayor Johnson said the UDO is more specific to buildings.

Mr. Wilkinson said there are some site development standards in there.

Mr. Stanton clarified the RDA cannot make a recommendation to City Council for an amendment today because there will be a public hearing process to amend the redevelopment plan.

Mr. Keener asked if the UDO plan would only apply to RDA projects.

Mr. Stanton answered correct. If we were going to put it in City Code, we would have to go through a completely different process. The document would have to be substantially rewritten in order to make it into City Code.

Mr. Keener said he thought some of the requirements would only come into play if the RDA was the developer.

Mr. Stanton said it would apply to any RDA project, for example grants, loans and matching funds. The landscaping work along Idaho Street would have to comply with the RDA Plan.

Mr. Keener asked if he owned property and didn't use any RDA funds, he wouldn't have to comply.

Mr. Stanton answered correct.

Mr. Wilkinson added it's been presented to the RDA that they need to do this across the board in order to have our downtown redeveloped in a meaningful way. The intent was to have the design guidelines approved and codified within City Code. The question is, does the board believe we need to have this apply to all properties. We need to pay attention to when they apply. If we have interior improvements that are equal to or greater than 25 percent of the total value then they have to comply.

Ms. Blohm said she has never heard of the Preliminary Plan being considered the implementation plan. She asked if that was the case, why they hired CRSA to develop the vision plan.

Mr. Wilkinson said the projects in the Vision Plan support the implementation that's outlined in the Preliminary Plan. The Preliminary Plan identifies prioritization, sequencing, phasing and has the project listed out.

Ms. Blohm said so they really are two separate documents that need to be consolidated.

Mr. Wilkinson said if there were any inconsistencies the RDA Plan would trump the other plan.

Mr. Stanton said we lined them up and started running into a few inconsistencies. He doesn't recall seeing any inconsistencies with the Vision Plan. In the Preliminary Plan we have street schematics for the downtown parking configuration, landscaping and building design. It's an appropriate time to review the plans. That's why he thinks the best thing to do is remove it from the RDA Plan. RDA Plans were never intended to be that specific. Secondly, the process for amending the Redevelopment Plan is much more onerous and time consuming than the process for adopting an implementation document. For example, there are public noticing and hearing requirements before this board and City Council. If you have that much specificity then it makes it hard to make any changes, even minor ones because then you have to go through that whole process again. You need to take specific documents and turn those into your implementation documents and you can adopt those much more easily.

Mr. Schmidlein requested clarification on whether or not the UDO would be adopted as-is.

Mr. Stanton said the preferable option would be to take the documents and reconcile them and then adopt them both as implementation documents.

Mr. Schmidlein asked if he wanted to make changes, could they do that at a later time.

Mr. Stanton answered yes, if it's an implementation document.

Mr. Wilkinson asked if the RDA wanted the UDO to apply to all projects in the downtown area. If you don't believe we need to do some of the more onerous requirements, we need to have that discussion. We feel this is a complete document and we are asking for direction on how you want to proceed with amending the plan.

Mayor Johnson said we need to determine where we see the RDA participating within the RDA district. We need to decide if we're going to work within the public right-of-way, partnerships like the Storefront program or similar things. Then we need to decide if we want this to apply to all properties. This can also change with a new board.

John Patrick Rice said the goal in the beginning was to create a downtown in which people lived and worked. In order to do that, the vision must be a mandate. That continues to be, what he felt was the vision, when we went down this road eight years ago, and continues to be on board with. If he's interpreting this correctly than what you're saying is anyone can take advantage of their private piece of property as long as they're not taking advantage of any incentives or assistance of the RDA.

Mayor Johnson felt he was saying stop short of codification.

Mr. Stanton explained the RDA is different from the City. The requirements are not the same as those in the zoning code.

Mr. Rice said even though the requirements are not insignificant they are in keeping with the vision we established for the downtown district.

Mr. Stanton agreed.

Mr. Schmidlein asked if the RDA builds a sidewalk along the east side of Railroad Street, would someone who owns a vacant lot along there be required to comply.

Mr. Stanton answered probably not because it's their own property.

Ms. Wines said they need to consider the reality of development. The UDO would only apply to new construction, unless it's a major remodel it wouldn't come to 25 percent. The intent was to create a great downtown. People are the most important component to make it successful. If the UDO never becomes part of City code then we wasted a lot of time and money.

Mr. Wilkinson said if the document is only intended for new construction, we should revise it to say that. He was concerned that if we leave that 25 percent part in there some of those older buildings may trigger that. He agreed with Ms. Wines, if we don't intend to codify this then maybe we shouldn't move this forward at all.

Mr. Keener clarified if it was codified and a private developer with no assistance from the RDA or grants, this would not be triggered. Right?

Mr. Stanton answered if it's incorporated into City code it would apply. Existing buildings would be grandfathered in, but any new structures would be subject to it. This cannot be codified as-is, but a lot of cities have done that.

Mr. Rice said the new lot on the corner of 5th and Commercial Street would have to comply with the UDO. He was in support of that kind of development and that was the direction they have been going for over the years. We want to encourage commercial on the first floor and residential on the second floor. That's what the board was in favor of in 2008. We keep calling it a restriction, but we're promoting redevelopment so it's simply a requirement.

Mr. Stanton said there's nothing that precludes this body from adopting the whole document and recommending the City Council adopt portions of it into code.

Mr. Keener was on board conceptually. He gave an example of the building on the corner of 4th and Idaho Street. If they were required to have a two story building they may stop development.

Mr. Rice said it's an existing one story building, so they wouldn't be required to go up.

Ms. Wines said the only way that would apply is if it was over the 25 percent or an addition to the building.

Mr. Wilkinson said if we want to be certain on the 25 percent we should just remove that from the UDO.

Mr. Rice said he wanted to make sure they weren't just suggesting a good idea. Codifying it would make it a great plan.

Mr. Keener said he heard the NV Energy laydown yards may be on the market soon. Would that pencil out to do a two-story building? Those are things we need to think about.

Mr. Rice said that would be a good opportunity for apartment buildings. It's also a good opportunity for development. We need to be ambassadors for redeveloping downtown.

Mr. Schmidlein said if he were going to do an investment downtown it would have to pencil out. As it sits today he would not vote for it because it seems too complex. The building at 5th and Idaho may have to be condemned. The windows themselves on 4th and Idaho would come to about 50 percent of that building. If a developer felt a two or three-story building would work, they would do that on their own.

Mr. Karr said he thought the Planning Commission denied residential parking in the corridor.

Mr. Wilkinson clarified they just didn't chose to include it on this amendment.

Mr. Rice said we've been discussing this for a long time. He felt people were waiting to see what they decide to do. He was ready to move forward with it.

Mr. Keener said he agreed with both Mr. Rice and Mr. Schmidlein. He wanted feedback from developers who own property down there. His desire was to table the item for more information.

Ms. Wines said there are plans to develop the corner of 5th and Commercial Street. Everything they're planning is consistent with the UDO plan. If you look at the history there are codes and there may have been some push back in the beginning, but developers eventually adopt the codes. Developers want to go where the money is.

Mr. Keener asked if the design requirements would apply to the entire RDA.

Mr. Stanton answered there are geographical requirements, and it's not the entire RDA.

Mayor Johnson felt if you get into the dollar amount of things the RDA should be ready to buy property. Even the consultants claim the more restrictions there are the more the developers are willing to develop. The City has seen when the public makes improvements it prompts private owners to do more. It's pretty easy just to get the UDO into the RDA without a total requirement, but then we have to decide whether we will stay out of the public with infrastructure expense and maybe solely allocate for partnerships and private property development. The money is only going to go so far, so whether you have RDA tax dollars or general tax dollars, it has to come into the mix to make the plan viable.

Mr. Rice said he remembers they went around in circles in 2007 and 2008, regarding whether or not to even establish a redevelopment area. He feels the consensus in the community is to move forward. We need to put some teeth behind it.

**** A motion was made by John Rice, seconded by Reece Keener, to table the item.**

The motion passed unanimously. (4-0)

Before a second, Mayor Johnson said before we allocate any more of staff's time, will this move forward? We need the votes to face a full council chamber to sell this to the public. He can see why some of the developments go the extra step to make it nice and he can also see why people keep it bare to keep prices low.

Reece Keener seconded the motion. The board voted on the motion.

APPROVAL OF MINUTES

December 8, 2015– Regular meeting **FOR POSSIBLE ACTION**

The minutes were approved by general consent.

- C. Review, consideration, and possible approval of the Downtown Corridor Design and direction to staff to commence the process of adopting the Downtown Corridor Design into the Redevelopment Plan, and matters related thereto. **FOR POSSIBLE ACTION**

The RDA took action at its meeting on December 8, 2015 directing staff to revise the corridor design as directed through several motions. The design has been revised accordingly. Other revisions were included in the design as directed by staff. The revisions are detailed in staff memo dated February 3, 2016. The memo is included as supplemental information.

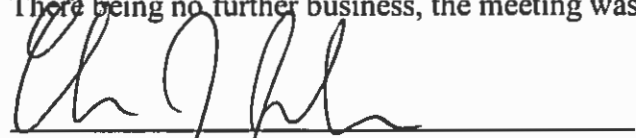
NO ACTION TAKEN

COMMENTS BY THE GENERAL PUBLIC

No public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Mayor Chris J. Johnson, Chairman
Redevelopment Agency