

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

SS January 23, 2018

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, January 23, 2018.

This meeting was called to order by Mayor Chris Johnson.

ROLL CALL

Mayor Present: Chris J. Johnson

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

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
Dennis Strickland, Public Works Director
Mike Hess, Landfill Superintendent
Jonnye Jund, Administrative Services Director
Candi Quilici, Accounting Manager
Aubree Barnum, Human Resources Manager
Cathy Laughlin, City Planner
Ben Reed Jr., Police Chief
Ty Trouten., Police Captain
Jeremy Draper, Development Manager
Jeff Ford, Building Official
Matt Griego, Fire Chief
John Holmes, Fire Marshal
Jack Snyder, Deputy Fire Chief
Jim Foster, Airport Manager
James Wiley, Parks and Recreation 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**

Hadley Noren, School District Employee, said she, along with a few other school district employees, Pam Wells, Joy Young and Christopher Noren, have created an exhibit that will be in the GBC library for the month of February. It was taken off an article that was in National Geographic (February 2015) that talks about the veterans and art therapy through mass creation. She invited the Council to join them and view it sometime in February. There will be a reception February 13 from 4:30pm to 6:00pm.

Gratton Miller, 1024 Barrington Ave., wanted to comment on the marijuana issue now because he had another meeting later on tonight to attend. He thinks this conversation has been wholly inadequate. The one person that was defending the ban has not read any of the legislation in Nevada regarding marijuana by his own admission. He asked Chief Reed some questions about regulation of the marijuana black market, grow operations, current state law, tracking numbers, gang operations, how practices may change if there were a dispensary, quality testing of marijuana and the role of the Department of Taxation. Chief Reed briefly answered each question and admitted that to answer these questions fully would take some time. Mr. Miller felt most of the Council were uneducated on the entire issue at hand.

Russ Minter, 1830 Canyon Drive, wanted to say that City Council feels like they are trying to do something good for the citizens of Elko by proposing this ordinance change, to ban a dispensary. By doing that, you are tying the hands of future City Council members. Ordinances can be changed but it is much harder. A moratorium will do the same thing as a ban. A ban is doing a disservice. The officers are worried about the problems that come with marijuana usage, but marijuana is here whether they get it through delivery services from Reno or Wendover. To put a ban on marijuana is giving up any oversight/control over marijuana that you have. You are restricting access to the City residents that may need it for chemotherapy. The City is also missing out on revenue we could gain from the sales. He feels public opinion is going the way of approving medical marijuana and he thought marijuana will be changed from a Class 1 drug and the Federal Government is going to lighten up on it.

APPROVAL OF MINUTES: January 9, 2018 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. A presentation of a retirement plaque to Diane Armuth for her twenty-two years of service, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Diane Armuth was not present and this item will be on the next agenda.

II. PERSONNEL

A. Employee Introductions:

- 1.) Susanne Ray, Scale Operator, Landfill

Present and introduced.

III. APPROPRIATIONS

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

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

The motion passed unanimously. (5-0)

B. Review, consideration, and possible action to select a firm for design services for a combined Water/WRF Reclamation Facility Shop, direct Staff to negotiate a proposal with said firm, and thereafter bring back to Council for possible final approval a Professional Services Agreement (PSA) with said design firm, and matters related thereto. **FOR POSSIBLE ACTION**

Council authorized Staff to solicit for Statements of Qualifications on November 28, 2017. Staff received Statements of Qualification (SOQ's) from four firms. These SOQ's were rated by three Staff members (the rating sheet summary is attached for Council review). RL

Ryan Limberg, Utilities Director, explained the rating sheet and who the raters were. ZGA was the highest rated architect firm for this project. He recommended ZGA for the project.

Councilwoman Simons asked if they are local.

Mr. Limberg said they are from Boise. This is just for the design and it won't make a difference that they aren't local.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to direct staff to negotiate a proposal with ZGA Architects and Planners and bring back to Council a Professional Services Agreement for possible final approval.**

The motion passed unanimously. (5-0)

C. Review, consideration, and possible approval to authorize Staff to solicit bids for the Cedar Street Reconstruction Project Phase 2, and matters related thereto. **FOR POSSIBLE ACTION**

This item has been approved and budgeted for in the 2017/18 Fiscal Year Budget, Capital Construction Fund. DS

A presentation by Public Works Director, Dennis Strickland regarding the Cedar Street Reconstruction Project, and matters related thereto. **FOR POSSIBLE ACTION**

Dennis Strickland, Public Works Director, gave a presentation (Exhibit “A”) regarding the Cedar Street Reconstruction Project. He has met with the Finance Department and there is one little glitch with the Water Fund. We didn’t get this budgeted for this fiscal year. Ms. Jund explained they may have to do a budget transfer to cover this. The Water Fund is very healthy. Their portion of this phase is around \$186,000. When we get this phase done we should just have a couple of blocks to do the next year.

Ryan Limberg, Utilities Director, said each year they get all the departments together to match up projects. We planned for engineering this year with the intent that construction will start after July but the timing has moved up a bit.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to authorize staff to solicit bids for the Cedar Street Reconstruction Project Phase 2.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible approval for the Fire Department to apply for an Assistance to Firefighters Grant (AFG) to enhance emergency communications, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department radios are a mix of brands and models none of which are capable of communicating with County Ambulance, Sheriff’s Office or NHP. In addition, they will not be capable of decoding scrambled communications from Elko PD radios in the future. The FEMA Assistance to Firefighters Grant would allow Fire Department to attain 20 mobile radios, 60 portable radios and accessories utilizing government pricing. These radios will enhance emergency communications and interoperability with Elko PD, Elko Ambulance, Sheriff’s Office and NHP. In addition, these radios will meet the criteria for enhanced 911. JS

Jack Snyder, Deputy Fire Chief, explained the grant will total \$431,737 with 10 % match from the City. He went over the safety features of the new radios.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to recommend approval for the Fire Department to apply for the Assistance to Firefighters Grant for \$431,737, with a 10% match through the Federal Emergency Management Agency.**

The motion passed unanimously. (5-0)

IV. UNFINISHED BUSINESS

- A. Review, consideration, and possible approval of a revised Water Line Special Reimbursement Agreement with Golden Gate Petroleum of Nevada, LLC, and matters related thereto. **FOR POSSIBLE ACTION**

The original agreement was approved by Council on November 28, 2017. There were no comments provided by Golden Gate Petroleum of Nevada, LLC to the agreement prior to the time Council approved the agreement. Thereafter, Golden Gate Petroleum of Nevada, LLC submitted the Council approved document to their legal team for review. Their legal team suggested wording changes prior to signing the document.

The total financial contribution by the City is still limited to One Hundred Eighty-Six Thousand Dollars (\$186,000.00) as previously approved. The change requested in the new document essentially amounts to stating reimbursement for the oversize and I-80 crossing portion of the work will be reimbursed to the developer within 30 days of completion. RL

Ryan Limberg, Utilities Director, explained he doesn't see any legaleze trickery with this. This document clarifies that where the oversize portion of the work, as well as, the I80 portion of the work, that the reimbursement would occur within 30 days after completion of the work and acceptance by the City of Elko.

Tom Ballew, High Desert Engineering, said he didn't have anything to add. He introduced Dennis O'Keefe from Golden Gate Petroleum.

Dennis O'Keefe, Golden Gate Petroleum, Reno, said thank you to everybody for all of the hard work that they have put in.

Mayor Johnson said it is exciting to see the property develop.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to accept the revised Water Line Special Reimbursement Agreement.**

The motion passed unanimously. (5-0)

V. NEW BUSINESS

- A. Review, consideration, and possible approval of Map of Reversion to Acreage No. 2-17, filed by 12th Street Associates, LLC, for the purpose of reverting to acreage parcel B & C as shown on Parcel Map File No. 711850, identified as APN 001-630-092 & 001-630-093, located generally south of the intersection of

12th Street and Opal Drive, and matters related thereto. **FOR POSSIBLE ACTION**

Cathy Laughlin, City Planner, explained which parcels are proposed to be merged into one parcel. It is undeveloped but there are plans for a another building there. It is zoned commercial and they have an approved CUP which is conditioned upon this reversion to acreage being finalized. She recommended approval.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the Map of Reversion to Acreage No. 2-17.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to accept the 2018 Planning Commission Work Program, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered a draft 2018 Work Program at their special meeting January 4, 2018. They took action to approve the Work Program and forward it to Council for acceptance. CL

Ms. Laughlin gave some history of the 2017 work program by going over projects that have and have not been completed in 2017. The projects they felt were important were put on the 2018 work program.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to accept the 2018 Planning Commission Work Program.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible authorization to pursue legal action against Braemar Construction for continued violations of Title 9 Chapter 7, Construction Site Runoff Control, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko as a part of our Small Municipal Separate Storm Sewer Systems (MS4) permit requirements as issued by NDEP, and Elko City Code Title 9 Chapter 7, Construction Site Runoff Control, conducts regular inspections of constructions sites throughout the City of Elko. The inspections are to verify the contractors' compliance with their Storm Water Pollution Prevention Plan (SWPPP), and the Best Management Practices (BMP) they have selected to use to minimize storm water pollution from their construction sites. Braemar Construction has been in continual violation of these regulations resulting in multiple violations from regular inspections and a total of seven (7) written Notice of Violations (NOV) being issued since 2012 for failure to correct actions in a timely manner. Recently, work began on a property near Jennings Way and Courtney Drive without Braemar filling the required Notice of Intent (NOI), or

receiving a grading permit from the City as required in Elko City Code 2-2-2-Appendix J. Staff is requesting authorization to pursue legal action against Braemar Construction for these continued violations pursuant to Elko City Code.
JD

Jeremy Draper, Development Manager, asked this item be tabled.

NO ACTION

VI. RESOLUTIONS AND ORDINANCES

- C. Review, consideration, and possible approval of Resolution No. 4-18, a resolution placing a four-year moratorium on the issuance of business licenses for marijuana establishments and medical marijuana establishments, and matters related thereto.
FOR POSSIBLE ACTION

A copy of the proposed resolution has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained based on a request from Councilman Rice we have drafted a new Resolution, which combines both the medical marijuana and recreational marijuana into one moratorium for four years. Councilman Rice has some suggested amendments to the resolution.

Councilman Rice asked that the first “whereas” sentence be stricken from the resolution. That line was not in the first two moratoriums and should not be included in this one.

Mr. Calder said he received two emails today and he was asked that they be read into the record (Exhibits “B” and “C”).

Mayor Johnson called for public comment.

Eva Owsian, 336 Osino, Unit 11, said it was mentioned that to give a business license for something that is federally against the law, that can’t happen. If that is true, because that was mentioned at the last meeting, why are we worried about this? Why do you need an ordinance? Other than having people that are against it personally, are you creating a mess?

Mayor Johnson said it is a good question and they understand how dicey this is. We have an Attorney General opinion one time, we have a new Attorney General opinion, we have legislation and we have things that are happening in Colorado and Nevada. The City of Elko has decided, with the advice of the City Attorney, the Nevada State Legislature has given the power to local government via zoning. That is why we are going down the path of zoning. When the Elko Planning Commission looked at it they came back with the City of Elko won’t issue a business license if it is federally illegal. It should end there. Just because of the unknown and what we can see from what the State has given local government, there are a couple of paths that local government can follow.

Ms. Owsian asked if you passed an ordinance, wouldn't that create more problems because she is pretty sure it will be taken from a Schedule 1 drug. It will be turned over. Can an ordinance be overturned?

Mayor Johnson answered yes.

Dave Stanton, City Attorney, said even though possession and cultivation of marijuana is illegal under Federal Law, under Nevada State law it is not. The State Government has allowed local governments to make decisions on their own. There are two main ways that local governments can address marijuana establishments and medical marijuana establishments that are written into state law. One is through business licenses and the other is through zoning and land use. Those are two separate things that the State has specifically said that cities can deal with however they see fit.

Mike Magney, 1645 Dotta Drive, Elko, said speaking as a resident, said it seems that we have an epidemic in this country of kicking difficult decisions down the road. To him the idea of a moratorium is an attempt to delay decision making on the part of the Council until things change. It seems that we are really hoping that things will change between now and 2020. If we wait long enough marijuana will be problematic again. He is against the moratorium.

Mayor Johnson read the emails into the record (Exhibits "B" and "C").

Gratton Miller, 1024 Barrington Ave., asked if council was aware of the Cole Memo and the Sessions memo. He asked that it be explained to him.

Councilman Rice answered the Cole memo laid out seven or eight or more directives to law enforcement with how to enforce marijuana laws in every state. The Sessions memo rescinded the Cole memo and left the enforcement of marijuana laws up to the US Attorney and the states where it is legal.

Mr. Miller asked if council was aware which District Court we are in. It is one of the most liberal in the country. He doubts that the Ninth Circuit Court is going to come to Elko, Nevada to punish anybody here. We have one FBI agent in this whole city. This is absurd. They won't come after us.

Mr. Stanton corrected Mr. Miller that it was not District Court, it is actually Federal Circuit Court.

Ms. Oswian, asked if we have a number or a percentage of what people are currently addicted and what they are addicted to. She doesn't think this is going to make a difference. She is trying to see what everybody is afraid of. The problem is not marijuana.

Laura Oslund, 1645 Sewell Drive, wanted to speak about the drug use in the City and County. We have use in our community and we have use in every community within the three counties she serves. She also has proof, if you go on to the Rocky Mountain HITA (High Intensity Drug

Trafficking Agency), you will see year by year the increase of use of marijuana in legalized areas. If you want to go look up data and you want to look at information, you can go look at Colorado and see the number of illegal grows that are still there even if they have dispensaries. Not only where it has been prohibited but if they are able to grow six plants, they are growing twenty-four. They are being caught with eighty plants. Every time you increase access, you increase use. Every time you try to put boundaries on people that don't like them, they push them. If we don't have boundaries and we say, "let's let people do what they want to do and make their own decisions because it doesn't harm anybody else." What she does has proven to be wrong. She lost a niece in May to a person that was under the influence of alcohol and marijuana. Does she care which one was in their system more? Not one bit. Their choice has ruined a portion of her family forever. It's never just the choice of one person. We are all affected.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to the Council adopt Resolution No. 4-18, a resolution placing a four-year moratorium on the issuance of business licenses for marijuana establishments and medical marijuana establishments as revised in the earlier conversation.**

The motion failed. (1-4 Mayor Johnson, Councilwoman Simons, Councilman Schmidlein and Councilman Keener voted against.)

After the motion and before the second, Councilman Schmidlein said he cannot support this moratorium tonight. He seconded the motion and added if you had considered a moratorium for just medical marijuana he would have considered it. He cannot support recreational dispensaries in the City of Elko. He is done with it.

Councilman Rice said if there were ever an issue that is before them that is an opportunity for some compromise, this is it. He has sat on this council for 11 years. He has been here when there have been bad decisions and even illegal decisions. He asked council to consider this resolution and approve it. It will satisfy every concern that has been brought up. This is a great opportunity to compromise.

Mayor Johnson said he is against marijuana. He is hearing the comments like those that were read into record. It is easy to be an elected official when your constituents have this opinion make these comments. A moratorium and a zoning ordinance are not that different. He will continue in the manner as stated.

Councilman Rice said for the record we have two written comments. There were 40 people at an event that Councilman Keener and himself attended on Friday night and he would say that 90% of the people there were in favor of the establishment of dispensaries. He has checked the comments on the Free Press articles, there were two anonymous comments in support of the ordinance. The thing that speaks the loudest are the election returns that have been discussed already, where pretty close to half of our community does not have a problem with the establishment of marijuana dispensaries. He asked again that there be a compromise, and the moratorium is a solution that will be satisfactory to the entire community.

Mayor Johnson said he is against marijuana. The support is against marijuana. What folks voted on then and what we know from the studies going on in Colorado, they may not make that change. If we were here tonight in acceptance of a dispensary this chamber would be full of opposition. That is his opinion as a representative of Elko. The voters will be heard. If you look at what is going on in Colorado, 60% of the municipalities in Colorado do not allow marijuana. Not the whole state of Colorado has marijuana. Yet there are more marijuana shops in Colorado than there are Starbucks or McDonalds. On his watch he will do what he can to not allow and limit the amount of marijuana use in Elko.

COUNCIL VOTED ON THE MOTION.

BREAK

- A. Review, consideration, and possible approval of Resolution No. 2-18, Resolution and Order providing for the Elko City General Election to be held November 6, 2018, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko City Council will have one Mayor position and two Councilmember positions available for the election to be held November 6, 2018. The City Election shall be governed by and conducted in accordance with the Elko City Charter, Title 1 Chapter 5 of the Elko City Code, and all applicable laws of Nevada. SO

Shanell Owen, City Clerk, explained the proposed resolution was included in the packet. The election will be held on November 6. The dates the applicants can file for office will be held on Monday, March 5 and close Friday, 5:00pm March 16. The City Clerk's Office will work closely with the Elko County Clerk's Office in holding this election.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to adopt Resolution No. 2-18.**

The motion passed unanimously. (5-0)

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible adoption of Resolution No. 33-17, a resolution amending Zoning Application Fees pursuant to Elko City Code Title 3, Chapter 2, Section 21, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 237.080, the City of Elko completed the Business Impact Statement process and Resolution No. 33-17 is ready for adoption by the Council. SO

Ms. Owen explained this is the final step in the process. The Business Impact Statement has been completed.

Councilwoman Simons asked did we send out cards when we received the comments.

Ms. Owen explained the process.

Councilman Keener thought the fees seem reasonable to him.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to adopt Resolution No. 33-17.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Mayor Johnson called for public comment without a response.

VI. RESOLUTIONS AND ORDINANCES (Cont.)

- B. Review, consideration, and possible approval of Resolution No. 3-18, a resolution amending fees for treated effluent construction water by changing the billing rate from the metered rate to a flat rate, and matters related thereto. **FOR POSSIBLE ACTION**

At the January 9, 2018 meeting, Council directed Staff to modify the billing by converting it to the flat rate. RL

Ryan Limberg, Utilities Director, explained the proposed resolution. He does have one change, that the effective date be April 1 of this year. He explained how the system would work.

Councilman Schmidlein thought this would make things easier and save plenty of staff time.

Jonnye Jund, Administrative Services Director, agreed but we are still on the honor system because they still have to sign the logs.

Councilman Schmidlein said the flow meter will still work so they can submit their reports to the state.

Mr. Limberg said there are the checks and balances in place.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve Resolution No. 3-18 with the changes as Mr. Limberg discussed, to begin on April 1st in lieu of August 1st, for the billing cycle.**

The motion passed unanimously. (5-0)

- D. First reading of Ordinance No. 825, an ordinance amending Title 3, Chapter 2, of the Elko City Code "GENERAL ZONING ORDINANCE" specifically adding a new Section 29 entitled "Marijuana Establishments and Medical Marijuana Establishments Prohibited", filed and processed as Zoning Ordinance Amendment No. 3-17, and possible direction to Staff to set the matter for public hearing,

second reading, and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

At its December 5, 2017 meeting, the Planning Commission considered the action initiated by the City Council to establish a new Section 3-2-29 of the Elko City Code to prohibit marijuana establishments and medical marijuana establishments in all zoning districts. The Planning Commission voted to recommend denial of the amendment. The Council at their January 9, 2018 meeting rejected the Planning Commission's recommendation, approved the amendment and directed Staff to set the ordinance for a first reading. CL

Cathy Laughlin, City Planner, said this is the first reading. If approved the matter would be set for public hearing, second reading and possible adoption.

**** A motion was made by Councilman Rice, without a second, to postpone consideration of this ordinance until the first meeting of October 2018.**

The motion died for lack of a second.

**** A motion was made by Councilman Rice, without a second, to table consideration of this ordinance on the grounds that there are many unanswered questions in regards to the Federal Laws prohibiting this and also many unanswered questions in regards to the City's community attitudes towards this particular ordinance, and that it be tabled until the first meeting of October 2018.**

The motion died for lack of a second.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to conduct first reading of Ordinance No. 825, and direct staff to set the matter for public hearing, second reading and possible adoption.**

The motion passed. (4-1 Councilman Rice voted against.)

After the motion and before the vote, Councilman Rice said he poured over Robert's Rules of Order to see if there was a filibuster opportunity but there is not.

Mayor Johnson read the emails into record again (Exhibits "B" and "C").

Laura Oslund, PACE Coalition, 1645 Sewell Drive, said council has her information and understanding of how she stands considering the dangers of the use of marijuana and legalizing any other intoxicating substance in our community. She wanted to speak of the environmental impact of marijuana growth and sales in a community. A county in California, the impact of indoor marijuana production has a high use of energy. PG&E estimates that the average indoor marijuana production facility uses eighteen times energy than the average single home. Over 1/3 of all consumption based carbon emissions come from things we buy. In marijuana, one gram grown indoors produces ten pounds of carbon dioxide. We have greenhouse gasses and effluent wastewater. As to the comments to the event that was held Friday, the audience it was a

Libertarian Party's meeting, so the fact that it was 90% for leans because of the audience and it was set up that way. It takes six gallons per mature plant per day of water. We all know that we live in a very desert state and we cannot afford to have that much water used for something that not everybody is for. We also know that there is a large amount of waste. In Washington State they have had 1.7 million pounds in two year in waste of marijuana plants that cannot be recycled or composted. We have in one county, in 2016, 215,000 pounds of waste that was not recycled in any manner. Where is that going to go? Even if they wanted to compost in Elko, we have no system for composting that type of waste. In the state of Colorado, there are 400 toxic products that they use on growing marijuana.

Council voted on the motion.

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for annexation of property to the City, filed and processed as Annexation No. 2-17 by Surebrec Holdings, LLC, consisting of approximately 62.03 acres of property located northeast of the intersection of Statice Street and Delaware Avenue, and matters related thereto. **FOR POSSIBLE ACTION**

Cathy Laughlin, City Planner, explained the applicant owns the property. This parcel is 62.03 acres. The property is identified in our adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report as having annexation potential. Staff feels it is a logical and orderly addition to the City's incorporated boundary. It will not have any immediate or negative on the City resources. The area can be served by the 5400 water zone. Sewer can be worked out in design. She recommended accepting this petition and referring the matter to the Planning Commission.

Councilman Schmidlein asked if that location would be able to continue on with gravity sewer.

Ryan Limberg, Utilities Director, said there is water on two sides of this property. The sewer at that location would need to come across I80 to serve it. There isn't enough slope. The sewer ends before we get there. This is a location where the most likely solution would be to bore across I80 and gravity sewer down Union Pacific and on down to Manzanita.

Councilman Schmidlein asked about going parallel to the Interstate heading down towards where we annexed those other properties, will gravity be able to connect going in that direction.

Mr. Limberg said this is a lower point. It is generally upgradient as it heads towards the north.

Scott Wilkinson, Assistant City Manager, said there are options.

Councilman Keener said it is a significant chunk of real estate. It would be great to have that in our inventory as developable.

Mr. Wilkinson said the city tried to acquire this from the state some years ago. We received a couple appraisals that we weren't interested in entertaining from the state. We tried to purchase about 100 acres in this same location.

Councilman Keener asked if it was for economic development purposes?

Mr. Wilkinson explained we had a lot of need for large industrial acreage. Our intent was to purchase this from the State and then move that right into private hands. A real driver at that time was Boart Longyear was looking for a regional facility. We didn't have the water extended to 298. We had National Drilling looking for a facility other than Silver Street. We had a lot of potential but we missed that opportunity and couldn't work something out with the State.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to accept the Petition for Annexation No. 2-17, and refer it to the Planning Commission for further consideration.**

The motion passed unanimously. (5-0)

II. PERSONNEL (Cont.)

B. Mayoral designation of City Council members to specific "Liaison" positions within the City of Elko, and matters related thereto. **NO ACTION BY THE COUNCIL REQUIRED**

1. Police Department Liaison
2. Street Department Liaison
3. Waterworks and Sewer Liaison
4. Fire Department Liaison
5. Airport and Public Property Liaison
6. Parks/Recreation Department Liaison
7. Building Department Liaison
8. Animal Shelter Liaison
9. Landfill Liaison
10. Redevelopment Advisory Council (Board Member)
11. Centennial Committee (Board Member)
12. ECVA (Board Member)
13. NNRDA (Board Member)
14. Elko County Commission Liaison
15. Elko County Water Planning Commission Liaison
16. Elko County Fair Board Liaison
17. Elko County Regional Transportation Commission (Board Member)
18. Elko County Debt Management Commission (Board Member)
19. Elko County Recreation Board (Board Member)
20. Other Departments Not Listed – SO

Mayor Johnson went over what the liaison positions are now and then ask for suggestions for changes.

There was discussion about the committees that have gone away and what board everyone was wishing to work on.

Curtis Calder, City Manager, said Jonnye Jund, at the recommendation of the auditor, suggested a Finance Liaison.

Mayor Johnson finalized the proposed changes (Exhibit “D” and below):

Mayoral Appointments	Mayor Johnson	Councilman Rice	Councilwoman Simons	Councilman Schmidlein	Councilman Keener
Airport and Public Property	2nd		1st		
Fair Board		1st			
Fire		1st		2nd	
Parks/Recreation/Cemetery/Golf			2nd		1st
Police	1st				2nd
Streets/Public Works	2nd		1st		
Building Department			1st		2nd
Water and Sewer	2nd				1st
RAC	1st	2nd			
Landfill				1st	2nd
Animal Shelter		2nd	1st		
County Commission	2nd	1st			
Elko Debt Service				1st	
NNRDA	1st				
ECVA					1st
Recreation Board	MEMBER		MEMBER	MEMBER	MEMBER
RTC				1st	
Finance	1st				2nd
Mayor Pro Tempore		1st			

C. Election of Mayor Pro Tempore, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Mayor Johnson, seconded by Councilman Keener, to nominate Councilman Rice as Mayor Pro Tempore.**

The motion passed unanimously. (5-0)

IX. REPORTS

A. Mayor and City Council

Councilman Keener said he has been involved with the Broadband Project. They met today and he thought they were making good progress. There are some internet providers looking at Elko. He and Councilman Rice had a spirited, deliberation free, discussion about marijuana last Friday and he felt it was interesting.

Councilman Rice thought the Friday event was a terrific event in terms of civic engagement and encouraged all groups to do those sorts of things and for Council to participate in any way we can.

B. City Manager

Curtis Calder reminded there were representatives from Marsy's law present a couple of meetings ago. There are some endorsement forms ready for council to fill out. They also left some little bags for council. Councilman Keener asked if it could be on an agenda for a proclamation. Mr. Calder said he talked to them about that and they said their priority was to get the endorsements first. He wanted to remind council, if they haven't done it yet, to turn in their financial statements and do it quickly to minimize the fines.

C. Assistant City Manager

Scott Wilkinson said the bid opening for the Sports Complex is the 29th.

D. Utilities Director

Ryan Limberg reported that the City of Carlin had a large water main leak a couple of weeks ago. They were unable to shut it off. They asked that the City help them with the hot-tapping machine. We said we would assist them and they ordered the materials. We found the leak and repaired it. Councilman Keener asked about water rights and them being oversubscribed. Mr. Limberg said Water Resources are still working through the issue. They are making headway and making revisions. Councilman Keener asked if the City would have to give up some water rights. Mr. Limberg answered that is something that everyone is trying to avoid.

E. Public Works

F. Airport Manager

G. City Attorney

H. Fire Chief

I. Police Chief

Chief Reed reported at the last meeting there was a liquor license applicant that Council gave direction on. They have followed up with that and extended the temporary license. That will come back at the next meeting and he will give an update on how they are doing. He reported how the government shutdown has affected them. One of our bomb specialists who was scheduled for training, the training was cancelled over the weekend. Several grants are on hold. All federal law enforcement funding money is on hold. One thing that has affected us on a more permanent basis is the Sanctuary Jurisdiction issue. Now any Federal pass-through money through the State,

he has to fill out a series of forms that state we are not a sanctuary jurisdiction.

- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

James Wiley reported on the SnoBowl and the ski lessons. There is zero snow at the SnoBowl at this time. They have started the refund process for the classes. It doesn't look good that they will be open this year.

- O. Civil Engineer
- P. Building Official

Councilman Keener asked about the permitting for Elko TV District. Apparently they are waiting for some kind of signoff from City staff. He wasn't sure what department. What are they eluding to?

Curtis Calder said the lease was approved at the last meeting. They have a secure ground lease and they will have to go through the Building Department to get permits. He didn't know if they have come in with plans or anything.

Jeff Ford, Building Official, said nothing has come in.

Shanell Owen, City Clerk, said she just emailed them to tell them their copy of the Lease Agreement was ready to be picked up. She wasn't sure if that is what they were waiting for.

Councilman Keener said he would report back to him because his understanding was that the documents were waiting. It sounded like engineering/survey type documents.

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