

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

SS August 25, 2015

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 25, 2015.

This meeting was called to order by Mayor Chris Johnson.

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

## **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  
Jonnye Jund, Accounting Manager  
Dennis Strickland, Public Works Director  
Darin Windous, Fleet Superintendent  
Mark Gibbs, Airport Director  
Ben Reed, Police Chief  
Jeremy Draper, Development Manager  
Brian Burgess, Deputy Fire Chief  
Rick Magness, City Planner  
Bob Thibault, Civil Engineer  
James Wiley, Parks and Rec Director  
Brian Mickels, Golf Superintendent  
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: August 11, 2015 Regular Session**

*The minutes were approved by general consent.*

**I. PRESENTATIONS**

- A. Reading of a Proclamation by the Mayor in recognition of Vietnam Veterans Commemorative Day. **NON-ACTION ITEM - INFORMATION ONLY**

Mayor Johnson read the proclamation and presented a copy of it to Lovia Larkin with the Ladies Auxiliary to the Veterans of Foreign Wars Post 2350.

**II. PERSONNEL**

- A. Employee Introductions:

- 1.) Erika Herrera, Part-time Records Technician, Police Department  
*Present and introduced.*
- 2.) Austin Hughes, Entry Level Firefighter, Fire Department  
*Present and introduced.*

**III. APPROPRIATIONS**

- C. Review, consideration, and possible approval to award a joinder contract to Rush Truck Center of Idaho to purchase a 2016 International 7500 Cab and Chassis for Biosolids Hauling, and matters related thereto. **FOR POSSIBLE ACTION**

At the June 9, 2015 meeting, Council allowed Staff to solicit for the biosolids truck replacement. Rush Truck Center has agreed to a joinder contract. FPS

Ryan Limberg, Utilities Director, explained they try to use the joinder provision whenever they can because it saves a lot of time and effort. Legal Counsel has reviewed the agreement. We will be purchasing the Cab and Chassis and the dump bed separately.

Councilman Keener asked about heated mirrors. This truck will be housed in the new storage building. Are they still required?

Mr. Limberg felt it was worth the money. It is part of a package deal for \$585.

Councilman Schmidlein said there is a lot of moisture in the shed it will be stored in and this will clear the mirrors off as they pull out.

Dennis Strickland, Public Works Director agreed. This will be an International tractor that will match what we have in the existing fleet.

**\*\* A motion was made by Councilman Keener, seconded by Councilwoman Simons, to award a Joinder Contract to Rush Truck Center of Idaho to purchase a 2016 International 7500 Cab and Chassis with options specified in the amount of \$100,075.**

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

- D. Review, consideration, and possible direction to Staff to obtain an appraisal on approximately 15 acres of land for possible acquisition for a future tank site, and matters related thereto. **FOR POSSIBLE ACTION**

This land is currently owned by Jerry Jones and the owner has contacted the City with an interest in selling to the City for the appraised value. The property is located above Elko Mountain Village in section 19, Township 34 North, Range 56 East. This location is described on the Elko Mountain Village Utility Master Plan as a tank site. A tank at this location could serve both the Elko Mountain Village Project as well as across Lamoille Highway to higher elevation property in the vicinity of Errecart Boulevard and Northern Nevada Regional Hospital. RL

Mr. Limberg explained the owner approached the City of Elko with an interest in selling this property to the City. We felt it would be prudent to pick it up. The first step is to obtain an appraisal. He felt the appraisal would be fairly low.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to direct staff to obtain an appraisal on approximately 15 acres of land owned by Jerry Jones for a future tank site.**

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

- E. Review, consideration, and possible authorization for Staff to apply for various grants and donations for the construction of the Elko Sports Complex, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko is considering a bond to pay for a portion of the Elko Sports Complex, in an effort to provide the remaining funding for the project Staff has identified several potential organizations that may provide grant opportunities for the project. Staff is requesting authorization to apply to these organizations for the additional funding needed for the project. JD

Jeremy Draper, Development Manager, explained we have identified several foundations that could be potential donors. We would like to make the application to each of these donors so we could move forward with this project. They have a list of 40 or 50 donors. They have been building relations with some of the donors and the feedback has been positive.

John Carpenter wondered when we are going to get some information on this bond issue. How will this be funded and maintained? It seems to him that the donors want to know what is going on out here.

Councilwoman Simons asked if the two cents will make the payment.

Curtis Calder, City Manager, answered the bond is proposed at a maximum of \$8 million. Part of the \$8 million is a refinance of the California Trail Bond which if the interest rate is low enough to justify it, it would be just a little over \$1.5 million to pay that off. The term for the California Trail Bond would still remain with a payoff of ten years. Your net from the bond for the sports related functions (Sports Complex and Golf Course Irrigation) would be roughly \$6.5 million. The delta between what is bonded and what would be available for Phase 1 would be through large foundation donations. Those all have to happen in order for us to let a contract but they seem plausible at this point. If you want any specific information regarding the bond issue we have those documents available and we can make them available to you electronically or however you want to receive it.

Mr. Carpenter said we hear that the sports complex will be paid off with tournaments. He isn't against the project but we wants more information in order to make a good decision. He thanked council for getting him the warrants this morning rather than right before the meeting started.

Mr. Draper said the minimal goal for this fundraising efforts will be \$5 million. We would like to raise more if we can so we can get more phases of the project completed.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to authorize staff to file applications with various organizations in an effort to raise additional funds for the Elko Sports Complex. All successfully funded applications should be accepted by Council prior to acceptance of the funding.**

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

- F. Review, consideration, and possible approval to accept a \$292,000 grant from the Nevada Community Development Block Grant (CDBG) Program for the Redevelopment Agency Downtown Storefront Improvement Program, and matters related thereto. **FOR POSSIBLE ACTION**

In January of 2015, Council approved sponsoring a CDBG Grant for the Redevelopment Agency Downtown Storefront Improvement Program for a 50/50 matching grant program with property owners for storefront improvements within the Central Business District. The Redevelopment Agency took action at its meeting on July 22, 2014 regarding application by the City of Elko for the grant. The grant has been awarded in the amount of \$292,000. RM

Rick Magness, City Planner, explained this is similar to another item that RDA has worked with. We have great interest in the community and look for approval.

Councilman Schmidlein wondered why this would fall under prevailing wage.

Shanell Owen, City Clerk, answered this is a Davis/Bacon project which requires anything over \$2,000 to pay prevailing wages.

Councilman Keener asked about the date of the grant award, is that June 5<sup>th</sup>.

Mr. Magness answered yes. You will see the letters stating it was granted but it requires our acceptance. Then that starts that trigger.

Ms. Owen noted there are different time frames. Some start with the notice to proceed and some start from the notice of award.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to accept the \$292,000 grant award from CDBG for the Redevelopment Agency Downtown Storefront Improvement Program.**

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

- G. Review, consideration, and possible authorization for the City of Elko Street Department to utilize a joinder bid through the City of Tempe, Arizona for a Tymco 500X Street Sweeper, and matters related thereto. **FOR POSSIBLE ACTION**

Per NRS 332.195, the City is allowed to join or use contracts by other government agencies. The City Attorney has reviewed all the supplemental information and found it meets the requirements to utilize a joinder bid through the City of Tempe, Arizona. DS

Dennis Strickland, Public Works Director, explained these joinders provide us some time saving. When we budgeted for this earlier in the year we decided we were going to look outside the box and make sure the street sweeper is a smart purchase. The Tymco has a high dump feature that the others do not. It is about the same price as the Elgin we have bought in the past.

Councilman Schmidlein asked how many hours per year do you put on these.

Mr. Strickland answered for 6 months out of the year they run full-time Monday through Friday. Last year they swept a majority of the winter. There have been high maintenance issues with the sweepers. It seems that the Tymco sweeper has fewer maintenance issues than the Elgin.

Councilman Schmidlein asked how many years of use do we get from these units. (7-8)

Dave Stanton informed Council when the City of Elko purchases a piece of equipment through a contract entered into by a city in another state we become subject to the laws of that state for purposes of that contract. If we have a contract where we purchase a piece of equipment that is defective, worst case scenario you would have to go to court in that state to enforce the contract. He didn't see anything to worry about in this contract but some other contracts are referring to

laws in another state that might not be comparable to the laws of the State of Nevada. A thorough review of the contract would have to be made by an attorney from that other state.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to authorize staff to enter into a joinder contract with H & E Equipment for a Tymco 500X High Dump Street Sweeper with the City of Tempe, Arizona in an amount not to exceed \$237,000.**

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

#### **IV. UNFINISHED BUSINESS**

- A. Review, consideration, and possible acceptance of the design drawings for the Shared Use Pathway connecting Pinion Road with Errecart Boulevard along Lamoille Highway, and discussion of a strategy to equitably distribute the construction responsibilities for the project, and matters related thereto. **FOR POSSIBLE ACTION**

Council took action February 10, 2015 to complete the design of a shared use pathway along Lamoille Highway. Previous action by council placed the public improvement requirements for both sides of Lamoille Highway to be fulfilled by contributing to a portion of the construction of this project. A cost estimate is included in the packet as well as a breakdown of the adjoining parcels and the amount they would be required to contribute once they trigger the requirements for public improvements. Staff is recommending that once a property owner has triggered the requirements for the public improvements they complete their proportionate share of the project at a location along the pathway to be determined by Staff. JD

Jeremy Draper, Development Manager, explained this is a shared use path from Errecart Blvd. to Pinion Rd. It will be along the west side of Lamoille Hwy. Along there we have several properties that are either developed or not developed at this time. When those properties do become developed, that is one of the triggers of the required public improvements. We don't want to see the Hospital do their little piece and have it there in the middle of nowhere that no one can get to until there is a connection. He proposed a process where we meet with all of the developers and talk to them about how they can get the project done for us. He felt they would do all the mass grading first and then add the base material. There are some culverts that need to be extended and some slope stabilization. We will save the asphalt pavement until the end so we can do it at one time. Because this is NDOT right-of-way we have been talking to NDOT about some possible grants to pay for a portion of this pathway. Thirty-three percent of this frontage is developed, leaving 67% that is not developed. With the three properties that are currently developing, that will capture another 21% of it.

Councilman Schmidlein asked are you going to wait until all properties are developed before you start paving.

Mr. Draper answered he would like to see this done as fast as we can. In the meantime, if a developer triggers those requirements, we make them do the work. We have had a lot of interest in this area as of late.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to accept the design of a shared use pathway from Pinion Rd. to Errecart Blvd. as presented and authorize staff to work with the adjoining property owners to complete an equivalent portion of their project along the length of the project as determined by the Development Manager.**

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

## V. NEW BUSINESS

- A. Review and possible approval of a request by the Ladies Auxiliary to the Veterans of Foreign Wars Post 2350 for a monetary donation of \$250.00 to assist with the program to commemorate the 50<sup>th</sup> Anniversary of the Vietnam War, and matters related thereto. **FOR POSSIBLE ACTION**

In accordance with Public Law 110-181 SEC. 598; the 2008 National Defense Authorization Act authorized the Secretary of Defense to conduct a program to commemorate the 50<sup>th</sup> anniversary of the Vietnam War and in conducting the commemorative program, the Secretary shall coordinate, support and facilitate other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Vietnam War. SO

Lovia Larkin, President of the Ladies Auxiliary to the Veterans of Foreign Wars, thanked council for their support in the form of the Proclamation for the Vietnam Veterans Welcome Home Celebration. They have been working diligently to organize this event since August 2014. The day of celebration will hopefully include a parade and reception at the Museum. There will also be a dinner at Stockmen's. The Vietnam Veterans will have their dinner paid for but all others will be charged \$20 apiece. Everyone from the surrounding areas have been invited to join the celebration.

Mr. Calder said his budget has room in it for this donation request. If council chooses to make the donation it will come out of the City Manager's budget.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to grant the \$250 donation to the Ladies Auxiliary to the Veterans of Foreign Wars Post 2350 for use in commemorating the 50<sup>th</sup> Anniversary of the Vietnam War.**

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

- B. Review and possible approval of a request by the Ladies Auxiliary to the Veterans of Foreign Wars Post 2350 for the Vietnam Veterans Welcome Home Celebration

Parade to be held on September 26, 2015 from 11:00 a.m. to 12:00 p.m., and matters related thereto. **FOR POSSIBLE ACTION**

This one-time event parade is being requested to commemorate the 50<sup>th</sup> Anniversary of the Vietnam War. SO

Lovia Larken said she has contacted the DOD and there will be a flyover for the start of the parade by the Air Force.

Shanell Owen, City Clerk, explained they have all the information in the packet. We also have their insurance. This would be a one-time only event.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve the request from the Ladies Auxiliary for a one-time parade held on September 26, 2015 from 11:00 am to 12:00 pm.**

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

- C. Review, consideration, and possible approval of an Interlocal Agreement for Administration of the Senior Center Energy Efficiency Project between the City of Elko and the Elko Senior Center, and matters related thereto. **FOR POSSIBLE ACTION**

The Interlocal Agreement outlines the management and administration responsibilities for the Senior Center Efficiency Project. This is a Community Development Block Grant Project. The City of Elko sponsored the grant for the Elko Senior Center. SO

Ms. Owen went over a few key points in the agreement. The Agreement is a lengthy document with a lot of CDBG required documentation, exhibits and information. The Senior Citizen Center has reviewed and approved the agreement.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Interlocal Agreement between the City of Elko and the Elko Senior Center.**

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

- D. Review, consideration, and possible authorization for Staff to remove on-street parking on the north side of Silver Street between 11<sup>th</sup> Street & 12<sup>th</sup> Street; approximately 200 feet on the south side of Silver Street between 11<sup>th</sup> Street & 12<sup>th</sup> Street; approximately 200 feet on the north side of Silver Street between 5<sup>th</sup> Street and 6<sup>th</sup> Street; on the north side of Silver Street between 4<sup>th</sup> Street & 5<sup>th</sup> Street; approximately 300 feet along the south side of Silver Street between 4<sup>th</sup> Street & 5<sup>th</sup> Street; and along the west side of 12<sup>th</sup> Street from Court Street southerly to the alley, and matters related thereto. **FOR POSSIBLE ACTION**

Dedicated right turn lanes at these three locations significantly improve traffic circulation. DS

Dennis Strickland explained the map in the packet illustrated the proposal. He visited with all the affected business owners. This should help immensely.

Councilman Schmidlein asked if they are going to move the stop bar because everyone keeps encroaching the intersection at 12<sup>th</sup> and Idaho and the other two intersections.

Mr. Strickland answered that is what will happen. Our traffic engineer is going to ascertain where that turn radius should be.

Councilman Keener thought it looked like a good plan.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to authorize staff to remove on-street parking in the three locations referenced on Silver Street and Court Street.**

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

- E. Review, consideration, and possible approval of an Interlocal Agreement for Administration of the Downtown Storefront Improvement Program between the City of Elko and the City of Elko Redevelopment Agency, and matters related thereto. **FOR POSSIBLE ACTION**

The Interlocal Agreement outlines the management and administration responsibilities for the Downtown Storefront Improvement Program. This is a Community Development Block Grant Project. The City of Elko sponsored the grant for the City of Elko Redevelopment Agency. RM

Rick Magness, City Planner, explained this was considered earlier today by the RDA. He was looking for Council's approval.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the Interlocal Agreement between the City of Elko and the City of Elko Redevelopment Agency.**

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

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

- A. Ratification of the Police Chief issuing a 30-day Temporary Packaged Beer/Wine License, and issuing a Packaged Beer/Wine License, changing the current location of Cucina Fresca to 780 W. Silver Street #110, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Licensee Mandi Ratliff, previously completed a background check for her Packaged Beer and Wine License associated with her kitchenware and home

accessories business, dba Cucina Fresca. She has requested a change of address due to moving her business to a new location. BR

Chief Reed explained this is the one from two weeks ago that he made an error on the action sheet. This is strictly a change of location on this one.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to ratify the Police Chief's issuance of a 30-day Temporary Packaged Beer/Wine License and issue a Packaged Beer/Wine License, changing the current location of Cucina Fresca to 780 W. Silver Street #110, Elko, NV 89801.**

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

- B. Ratification of the Police Chief issuing a 60-day temporary Retail Liquor License and issuing a regular Retail Liquor License to Jose Monzon, Diego Zamudio, and Jonathan Bailey, dba Himiko Steak House and Sushi, located at 780 W. Silver Street, Suite 108A, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed explained this is a new one application for a new restaurant, Himiko Steak House and Sushi. Three different people are involved in management and ownership. Mr. Bailey was present. They have no issues on this one.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to ratify a 60-day Temporary Retail Liquor License and issue a regular Retail Liquor License to Jose Monson, Diego Zamudio and Jonathan Bailey, dba Himiko Steak House and Sushi, located at 780 W. Silver Street, Suite 108A, Elko, NV, 89801.**

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

## VIII. REPORTS

- A. Mayor and City Council

*Councilman Keener thought it was exciting to see the progress of the New Police Station. He asked about the power lines and Jeremy Draper answered they were completed already. He felt the RAC meetings wander and they take a very long time. He felt it would be helpful for Rick Magness, Scott Wilkinson and the RAC Chair to get together and look at scheduling the meetings when it is more convenient for business owners. Councilman Schmidtlein said he requested that about a year ago. It is difficult for him to attend those meetings at 1:00 pm. Councilman Rice felt there should just be joint meetings because it doesn't make sense to sit through the RAC meeting and attend the RDA meeting going over exactly the same stuff. He is grateful for the advice they are giving them.*

- B. City Manager

*Curtis Calder reported LASSO is holding their fundraiser to benefit the local Animal Shelter. That raffle for the motorcycle will be held on Monday, Labor Day. There are still some tickets available for \$20 apiece.*

C. Assistant City Manager

D. Utilities Director

*Ryan Limberg reported that WRF staff intent to apply this winter for reclassification of reuse water from Class C to Class B.*

E. Public Works

*Dennis Strickland reported on the Cedar Street public outreach meeting held last night. Preventative maintenance/micro slurry work is going on this week.*

F. Airport Director

G. City Attorney

H. Fire Chief

*Brian Burgess, Deputy Fire Chief, reported that the Chief is away in training. He passed out a copy of the Fire Watch Newsletter. (Exhibit "A") The firefighters are currently working the MDA "Fill the Boot" fundraiser.*

I. Police Chief

*Chief Reed reported the Firearm Automated Training System that has been on loan to us goes back next Monday. There is some availability for councilmembers that would like to participate.*

J. City Clerk

K. City Planner

L. Development Manager

*Jeremy Draper reported on the progress at the Police Station, the Tennis Courts and the Jennings Way project.*

M. Administrative Services Director

*Jonnye Jund, Accounting Manager, passed out a printout of supplemental budget transfers that were made for FY 2014-2015. (Exhibit "B")*

N. Parks and Recreation Director - Brian Mickels, Golf Superintendent National Certification

*James Wiley complimented Brian Mickels, Golf Superintendent, for achieving and maintaining his National Golf Course Superintendents Association of America Certification for the last 20 years.*

*Brian Mickels thanked council and the city that has allowed him to continue with his education. Without continuing education he would not have been able to keep up.*

O. Civil Engineer

P. Building Official

### **III. APPROPRIATIONS (Cont.)**

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

Councilwoman Simons asked about payments to New World.

Jonnye Jund, Accounting Manager, answered those are annual fees.

Councilman Keener asked about a “cone stencil” payment.

Dennis Strickland answered that was for the traffic cone and the stencil.

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

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

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

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

*The motion passed. (4-0 Councilman Keener abstained.)*

Councilman Keener asked how the Airport Project was going.

Curtis Calder, City Manager, answered the project is right on track and even a little ahead of schedule. Everything is going well and Aviation is on site daily since this is a 24 hour a day project.

Mayor Johnson asked about the airport billboards.

Mr. Calder answered they are scheduled to be up about the same time as the runway opening.

## **BREAK**

## **VII. PUBLIC HEARINGS**

A. Review, consideration, and possible action to adopt Resolution No. 27-15, a resolution of the Elko City Council adopting a change in zoning district boundaries from GI (General Industrial) to C (General Commercial), involving approximately 0.772 acres of property located generally on the southwest corner of the intersection of Railroad Street and 12th Street, filed by Petersen Holdings LLC and processed as Rezone No. 10-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on August 4, 2015, and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 10-15. The conditions of approval were normal City Code requirements. RM

Rick Magness, City Planner, explained this zone change is considering 2 properties. They will be zoned commercial and that will give it more compliance to the proposed use as an automated

car wash. The owner and the engineer were present in the audience. Planning Commission has recommended approval.

Councilwoman Simons said she drove past one of those car wash facilities in Utah and she is excited that we will get one too.

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to adopt Resolution No. 27-15.**

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

#### **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