

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

SS October 22, 2013

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, October 22, 2013.

This meeting was called to order by Mayor Chris Johnson.

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

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
Councilman Rich Perry
Councilwoman Mandy Simons

Council Absent: Councilman Robert Schmidlein

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Dawn Stout, Administrative Services Director
Shanell Owen, City Clerk
Dennis Strickland, Public Works Director
Lorraine Martinez, Accounting Supervisor
Matt Griego, Fire Chief
Jeremy Draper, Civil Engineer
Doug Gailey, Human Resources Manager
Jay Paxson, Environmental Coordinator
Rick Magness, City Planner
Ted Schnoor, Building Official
Don Zumwalt, Police Chief
Mark Gibbs, Airport Director
Dave Stanton, City Attorney
Diann Byington, Recording Secretary

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive

agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

Dale White asked when are we going to get a bigger council chambers.

**APPROVAL OF MINUTES October 8, 2013
FOR POSSIBLE ACTION**

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor “Go the Extra Mile”

Mayor Johnson read the proclamation. (Exhibit “A”)

II. PERSONNEL

- A. Administration of the Oath of Office for the position of Police Chief for Mr. Ben Reed, Jr.

Mayor Johnson spoke about Don Zumwalt and his efforts and accomplishments as Police Chief. He thanked him for his years of service.

Don Zumwalt said he has been honored to be the Police Chief. He loves the city and has had a great ride.

Mayor Johnson administered the Oath of Office for the position of Police Chief to Ben Reed, Jr. Ben Reed’s wife pinned his new badge onto his uniform.

Ben Reed thanked the Council for their support. He looked forward to working with the Police Department and other members of local law enforcement. He introduced family and friends present in the audience.

- B. Employee Introductions:

- 1.) Tammy Ralph, Police Records Technician I

Present and introduced.

I. PRESENTATIONS (Cont.)

- B. Elko County Update by Elko County Commissioner Glen Guttry

Glen Guttry, County Commissioner, explained he hasn’t been bringing updates lately because they haven’t met much lately. He gave an update on the jail expansion, the Fire District, road grindings donated to the shooting range restroom and parking areas and suggestions for a plan to

keep Thomas Canyon Campground open during federal shutdowns. He met with other commissions in surrounding areas about overcrowding of elk and deer and noxious weeds. It may be a tri-state agreement to create a hunting season for the tri-state area.

II. PERSONNEL (Cont.)

- C. Review and possible acceptance of a letter of resignation from Councilman Richard Perry, effective October 31, 2013, and matters related thereto. **FOR POSSIBLE ACTION**

A letter of resignation has been included in the agenda packet for review. CC

Councilman Perry explained serving has been an honor. He apologized for leaving his term early but timing is never perfect. He has an opportunity with the State of Nevada to be the Administrator for the Division of Minerals and he couldn't refuse. It isn't often that a rural Nevadan is chosen to run a state division. Natural Resource extraction is the economic engine of most rural Nevada counties and that is where he has spent most of his career. He will work to ensure that our state is an attractive place to explore and produce metals and minerals, oil and gas and geothermal energy. Elko is blessed with many fine citizens who donate their time and talents to make this a great community. It has been a pleasure working with city staff. He is proud to have served on a council that took on some pretty big issues head-on in the past two years. When he and Lisa get settled in Carson City he will send contact details. His new assignment will bring him back to Elko and he looks forward to seeing the progress of city building in Elko. Please contact him at the Division of Minerals in Carson City if he can be of assistance. It is tough to leave.

Mayor Johnson said thank you. He brought a bunch to this community. This is a good opportunity. It's the right move and we all wish him the very best.

Councilman Rice said thank you to Councilman Perry. He has appreciated all of his thoughtfulness and everything he has contributed.

Mayor Johnson said Councilman Schmidlein wanted to say thank you too.

Councilwoman Simons spoke about the first time she met Councilman Perry.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, that City Council accept the letter of resignation from Councilman Richard Perry effective October 31, 2013; and, convey our deep appreciation for everything he has done for our community over the years; and, our appreciation for the work that he will do for the state in the future; and, we officially wish him and his family all the best.**

The motion passed unanimously. (4-0)

- D. Review, consideration, and possible approval of a process and timeline to fill a vacancy on the Elko City Council, and matters related thereto. **FOR POSSIBLE ACTION**

Councilman Richard Perry is resigning from office, effective October 31, 2013. As such, the City Council must appoint a qualified individual to serve in the vacated position within 30 days of the vacancy.

A proposed "Notice of Vacancy" has been included in the agenda packet for review. If approved, applications will be due on November 19, 2013, and the City Council may make the appointment on November 26, 2013. SO

Shanell Owen, City Clerk, explained included in the packet a suggestion for the timeline, legal notices, etc. This is similar to what the city has done in the past when there was a vacancy on city council. We can adjust the timeframe. The last page is a list of potential questions you can ask. Those can be changed at your request.

Mayor Johnson said he liked the questions and felt they were enough.

Councilwoman Simons said she liked the questions too but she felt it has been in the newspaper and everyone already knows about it. Maybe we can appoint someone at the next meeting and shorten the timeframe.

Mayor Johnson asked do we have enough time.

Ms. Owen answered yes. The legal could be published Friday or Saturday. It depends on what council wants.

Councilman Rice noted we have three weeks until the next meeting.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the process as presented with the exception that the City Clerk will receive all completed applications no later than 5:00 pm Tuesday, November 5th with the rest of the procedure and questions being approved as well. All applications and questionnaires will be reviewed and an appointment may be made at the Elko City Council's regularly scheduled meeting on November 12th.**

The motion passed unanimously. (4-0)

- E. Review, consideration, and possible approval of the revised position description for Public Works Director, and matters related thereto. **FOR POSSIBLE ACTION**

The position description for Public Works Director has been revised and updated as a result of the Class/Comp Study and has been formatted as recommended by POOL/PACT. DG

Doug Gailey, Human Resources Manager, explained this is the latest in the position updates.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the position description as presented for the Public Works Director as presented this day, October 22, 2013.**

The motion passed unanimously. (4-0)

III. APPROPRIATIONS

- B. Review, consideration, and possible approval of a change order to the Idaho Street Landscaping, Irrigation, Electrical, and Maintenance Project, and matters related thereto. **FOR POSSIBLE ACTION**

During the construction of the Idaho Street Landscaping, Irrigation, Electrical and Maintenance Project, some unforeseen conditions were encountered. Documentation of the conditions has been provided by MKD Construction and verified by Summit Engineering. JD

Jeremy Draper, Civil Engineer, explained this is a follow up on action that was taken by the RDA. RDA agreed to pay for half and recommends that Council pay for half.

**** A motion was made by Councilman Perry, seconded by Councilwoman Simons, to approve Change Order No. 2 in the amount of \$45,506.86 with one half to be funded by RDA and one half to be funded by the Ad Valorem Capital Projects Fund.**

The motion passed unanimously. (4-0)

IV. NEW BUSINESS

- A. Consideration, discussion, and possible authorization for Staff to apply for a Playground Wood Fiber Surfacing Reimbursement Grant, and matters related thereto. **FOR POSSIBLE ACTION**

Staff was recently notified of a grant opportunity that will reimburse agencies up to \$750 per playground for re-surfacing efforts with engineered wood fiber. The funds are dispersed through the KaBOOM Playground Improvement Grant to help agencies off-set the costs of topping off and enhancing the surfacing. The City recently purchased \$3,800 worth of engineered wood fiber for re-surfacing purposes and is eligible for reimbursement through the application process. JW

Dawn Stout, Administrative Services Director, explained the minimum we would be reimbursed would be \$750.00 but we could potentially be reimbursed all the way up to \$3,800.00. It is a pretty good deal for the city. It is \$750.00 per property or per park.

Mayor Johnson asked is there any obligation to the city. (No) Is it a private grant? (yes)

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to authorize staff to apply for the Playground Wood Fiber Surfacing Reimbursement Grant from the KaBOOM Playground Improvement Grant Committee.**

The motion passed unanimously. (4-0)

- B. Review, discussion, and possible authorization of an amendment to the Great Basin College and City of Elko Affiliation Agreement, to extend the agreement from November 1, 2013 to November 1, 2016, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from Kris Miller, PhD, RN has been included in the agenda packet for your review. MG

Councilman Rice disclosed he is an employee of Great Basin College and it is in the best interests of the college and the city if he abstained from the vote.

Matt Griego, Fire Chief, explained this has been a partnership the city has had with Great Basin College. It has been mutually beneficial to both the department and Great Basin College to provide this clinical experience for the EMT students. He recommended approval.

Councilman Perry asked what does it consist of.

Chief Griego said EMT's going through college need to do some clinical time. With this agreement they can ride on the ambulance and do their clinical time with staff. It also gives them street experience.

**** A motion was made by Councilman Perry, seconded by Councilwoman Simons, to approve the three year extension to the Great Basin College and City of Elko Affiliation Agreement from November 1, 2013 through November 1, 2016.**

The motion passed. (3-0 Councilman Rice abstained.)

V. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 21-13, a resolution of the City Council granting \$25,000 to Vitality Unlimited for the purpose of assisting in the construction and development of the Winchester Court Affordable Housing Project, and matters related thereto. **FOR POSSIBLE ACTION**

During the October 8, 2013 City Council Meeting, Staff was directed to draft the above referenced resolution. A copy of Resolution No. 21-13 has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained it has been reviewed by legal counsel and recommended adoption.

**** A motion was made by Councilman Perry, seconded by Councilman Rice, to adopt Resolution No. 21-13**

The motion passed unanimously. (4-0)

- B. First Reading of Ordinance No. 776, an ordinance creating a new Chapter 8, Title 9 of the Elko City Code entitled “Post Construction Stormwater Run-off Control and Water Quality Management,” providing regulation of discharges to the Elko City stormwater conveyance systems or stormwater run-off from completed construction projects, and matters related thereto. **FOR POSSIBLE ACTION**

The Nevada Department of Environmental Protection issued a NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to the City of Elko on December 9, 2002. The permit was reissued on July 6, 2010. The permit regulates storm water discharges from the City of Elko incorporated boundaries. Condition V.I.E.1 of the permit requires the permittee to develop a post-construction stormwater management BMP program for new development and significant redevelopment (“NDSR”) projects that is suited for the unique hydrologic, hydrogeologic and regional conditions of the permittee’s locality. Condition V.I.E.3.a.v of the permit requires the permittee to develop and implement an ordinance or other regulatory mechanism to address urban stormwater runoff from NDSR projects. Condition V.I.E.4 of the permit requires the development of design standards to address the following criteria in NDSR projects: Peak Urban Runoff Discharge Rates, Site Design BMPs, and Source Control BMPs.

Staff has worked through the established Storm Water Advisory Committee and Legal Counsel to develop the proposed ordinance. Staff believes the proposed ordinance complies with the MS4 permit conditions. JP

Jay Paxson, Environmental Coordinator, explained this was a long time coming. This will be the last item we have to get approved by city council for the NDEP permit. There were many steps that needed to be taken and this is about a year late coming.

Councilman Perry said he has been involved with this for about the past year. This was first drafted by Kleinfelder. There were numerous modifications made to this. We acquainted ourselves to the whole concept of stormwater in the city and visited all the stormwater outflow structures that go into the Humboldt River. That was a real eye opener as to how this city drains. There is nothing onerous in here that will change the rules on construction in the city.

Mr. Paxson said the changes this brings about are with post-construction. This will give us the opportunity to use some teeth if we have issues with development or something that might cause a track-out into the roads during the wet season. That is what this is all about; to cover ourselves from post-construction mistakes.

Councilman Perry noted it is a component of our NDEP Stormwater Discharge.

John Carpenter said he doesn't know what this will actually do. Does every job need some sort of storage to catch the run-off? They have these in big cities and Elko may not be ready for this ordinance with this much detail. It looks like everything is controlled with some sort of management plan put together by people. Whatever you do you will have to apply for one of these permits and come up with a plan. He wanted to know more about it.

Delmo Andreozzi, Assistant City Manager, said these storm water permits have been done in phases. This particular permit references the MS4 which was a second phase of implementation. The first phase of implementation did capture the larger municipalities. We do have a permit and to be in compliance with our permit in stormwater our community was captured as part of the second phase. This is part of our requirement to comply with our permit.

John Carpenter asked if there is some way to get hold of this document so we can find out what it actually says.

Mayor Johnson thought is it on the web.

Ms. Owen said it is in the agenda packet.

Mr. Paxson said this is a condition of satisfying the permit requirements.

Mr. Andreozzi said in the board packet there is a section of the proposed code that tells you what triggers this and what it applies to.

Jeremy Draper, Civil Engineer said we implement a lot of the BMP's (Best Management Practices) that are talked about in this code with current subdivisions. The subdividers are used to these requirements. This is not anything more than we require right now.

Councilman Perry noted it is a site by site development plan depending on what is being disturbed.

**** A motion was made by Councilman Perry, seconded by Councilman Rice, to conduct the first reading of Ordinance No. 776 and direct staff to set the matter for public hearing, second reading and possible adoption.**

The motion passed unanimously. (4-0)

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Chief of Police issuing a 30-day temporary retail beer/wine liquor license and issue a regular retail beer/wine liquor license to John Antista, dba Roundtable Pizza, located at 2503 Mountain City Highway, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Zumwalt explained Roundtable Pizza is open again and in the same location. He recommended approval.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to ratify a 30-day temporary retail beer and wine liquor license and issue a regular retail beer and wine liquor license to John Antista dba Roundtable Pizza at 2503 Mountain City Highway in Elko, Nevada.**

The motion passed unanimously. (4-0)

After the motion and before the vote, Councilman Perry asked if this will be under the new requirements in the Liquor Code of a six month probationary period. (yes)

- B. Consideration and possible authorization to waive a Building Code Requirement for Stonecraft Jewelers, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from Mr. Chip Stone, owner of Stonecraft Jewelers has been included in the agenda packet for your review. CC

Chip Stone, owner of Stonecraft Jewelers, explained they want to relocate the store to the Mountain City Highway area. There is a challenge and he has talked to Ted Schnoor about it. The current code says he must have a drinking fountain in the store. The remodel has cost him thousands of dollars and the way the building was built he would have to cut concrete and do some extensive things to get a water fountain in there. He has always provided a water cooler in his store. He wants to have an exception to that water fountain made as long as he provides a water cooler.

Mayor Johnson noted Ted Schnoor provided some literature. (Exhibit "B") This is saying that this requirement is driven by occupancy.

Ted Schnoor, Building Official, said there are several places within a couple of different codes to where the drinking fountain is addressed. Right now it says we have to have a drinking fountain in a mercantile occupancy once the occupancy load exceeds 15 people. The plans received yesterday gave them an occupancy of 47. We are mandated by the state that we adopt the Uniform Plumbing Code (UPC). The UPC does not give us any leeway or exceptions regarding having a water cooler or bottled water to substitute for a drinking fountain at this time.

Mayor Johnson said he was told of another project that had the same concern. They fell into the same situation where code drove it due to occupancy. The argument is there with the added cost.

Mr. Stone said it will create a situation that he will not be able to conduct business.

Mayor Johnson thought that finding a way to meet code would be the job of an architect. The floor plan is difficult. Having City Council change the code can sometimes bring things forward we don't know about. This one seems straight forward on the surface but things can get complicated. Has your architect found a way to solve this? Or perhaps found another code that could make the drinking fountain requirement go away?

Mr. Stone answered this is as close as we have come to finding an option. There is concrete all the way around.

There was some discussion about restrooms and the possibility of putting a drinking fountain in the bathroom. Mr. Schnoor pointed out that is not allowed in code. There was more discussion about how occupancy is calculated.

Councilman Rice noted the requirement comes into play because there is some remodeling going on in the building. He felt the owner of the building should have part of the responsibility of this because they are granting permission to make the alterations.

John Carpenter thought this is an example of the city getting carried away with their regulations. There has to be a way to change these regulations. You want people to come in and improve the community. This doesn't make any sense. Putting a cooler there would be better than putting in a water fountain. If you don't watch what you are doing when you adopt these universal codes the city won't be the way it is supposed to be. If you don't have the leeway to change something like this then there is something absolutely wrong.

Mr. Schnoor noted he was still working on adopting new building codes and talked to the City Attorney and asked him to show him where it states that the City of Elko has to adopt the Uniform Plumbing Code (UPC). He had an answer in 15 minutes out of NRS. It doesn't say that we do not have the option to change the code to local jurisdiction specifications but when we did this in the cycle that we are on right now there was no change in the particular issue that we are talking about tonight.

Councilman Perry thought that there was an ability to go back and take the code and change specific things if there is a reason or justification. That takes time.

Mr. Calder said that is a legitimate response. Timing wise it will take much longer than Mr. Stone has. Legally that is the correct approach.

Councilman Perry asked if there was an ability to do a waiver.

Mr. Calder answered unless there is a provision for a waiver in the code then there would not be a waiver ability.

John Carpenter asked why can't you just change that code. Why don't you change that ordinance?

Audrey White, 1585 Lamoille Highway, said as a business owner in the City of Elko, they would never have been able to open up had this requirement been in code 43 years ago. It seems insane to argue over a water cooler and a water fountain.

John Carpenter said if you direct the staff to change the ordinance for the next meeting then you can do it the second meeting in November. Maybe that will give Chip Stone a chance to do the

deal. You brought this other one on the waste water for the first reading and now you are going to do a second reading at the next meeting. Do the same thing and change it. These things are completely ridiculous. Either that or have City Council pay to go up there and install the water cooler.

Mr. Schnoor said what we could do is change the amendments to the UPC or IBC to accept a water cooler in place of a drinking fountain.

**** A motion was made by Councilman Rice to uphold our current building code requirements for Stonecraft Jewelers in the matter of the water fountain.**

The motion died for lack of a second.

Councilman Perry said he wanted no action instead of a motion. He wanted city staff to take a hard look at it and hopefully find another option.

There was no action.

- C. Consideration of a request from Kelly L. Gates, President of Westwind Homes, regarding a Temporary Waiver for the installation of sidewalk at 275 Idaho Street, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from Kelly L. Gates has been included in the agenda packet for review.
CC

Kelly Gates, Westwind Homes, explained they leased 275 Idaho Street from the Railroad. Curb and gutter is already present at the location. At the time they were issued a conditional permit it was based on the code. The code was changed shortly afterwards and now a cement sidewalk is a requirement. A cement sidewalk would be a major expense and they have already expended a lot of money in renovations. He wanted a temporary waiver for the sidewalk. NDOT has their beautification project planned that may change the placement of the sidewalk, curb and gutter.

Delmo Andreozzi, Assistant City Manager, said there was a slight change to the code. It didn't have anything to do about the preferred material for sidewalks. We eliminated a deferral. The Council can waive or not waive this requirement. We feel on a staff level this would be a great infill project. It would be a nice gateway to the downtown area. There hasn't been a lot of activity in this area for a long time. When looking at the code we try to determine if something is "Grandfather Clause" or a legal non-conforming use. In the analysis of this particular parcel, when evaluating a legal non-conforming use, one of the things you look at is to determine if that building has been vacant for twelve consecutive months or not. If it has been vacated for less than twelve consecutive months it maintains its non-conforming use status. If it goes beyond that then that status goes away. At this location the building has been vacant well beyond a year. This area has curb and gutter but lacks sidewalk. Our code talks about when you reconstruct or construct sidewalk. It is specific in the code that it needs to be concrete. We are going to have an amazing project with NDOT in this area. It is our understanding that sidewalk will not be included on the south side of Idaho Street. Our code is designed to, over time, capture these

missing sections infrastructure. Staff did evaluate and looked at alternatives for sidewalks but decided it wasn't wise to do because there could be some unintended consequences that we are not aware of that may create some issues down the road.

Councilman Perry said this is state highway and it will be repaved next year. Part of the state's scope of work is not to put in curb, gutter and sidewalk on the south side of the highway. Are there any sidewalks on the south side of Idaho Street?

Jeremy Draper, Civil Engineer, used the overhead screen to point out what properties have sidewalk. NDOT will be reducing the roadway in the area to a three-lane road. We will lose an entire lane of asphalt surface through there. They will put some landscaping where the existing lane is now.

Dennis Strickland, Public Works Director, said this is a tough one. NDOT did offer the money to use for sidewalk. Eventually we will want sidewalk but it may not be the right time. It is tough for the developer too because he is at risk of installing the sidewalk and then needing it to be moved out. With this grant we focused on getting continuity on one side of the road. We weren't able to fund the other side of the road because it stretched us too thin.

Councilman Rice noted we are striving to get sidewalks in where sidewalks need to be. Mr. Andreozzi has pointed out this is one place for a sidewalk to go in. We are looking forward to the new construction by NDOT. He wanted staff to coordinate with Mr. Gates and NDOT so that the appropriate concrete placement is made.

Mr. Gates said he is not objecting to the sidewalk. If he puts the sidewalk in where the current curb and gutter is it would be fruitless.

Councilman Rice wondered if NDOT already has a design.

Mr. Gates answered that they do and he had copies of the design. The design will kill that outside land that those will be landscape boxes. Because there is no intent for sidewalk now the curb and gutter may most likely be moved out into the outside lane of traffic.

Councilman Rice thought Mr. Gates could get with NDOT and install the sidewalk in anticipation of the design.

**** A motion was made by Councilman Perry to direct staff to work with Westwind Homes and NDOT to determine the proper timing and design to install sidewalks at the property located at 275 Idaho Street. Sidewalks must be in place by the end of the NDOT reconstruction of Idaho Street which is currently planned.**

The motion failed for lack of a second.

After the motion, Councilwoman Simons asked if they will be given occupancy before that.

Councilman Perry answered absolutely. That shouldn't hold them back for occupancy.

Mr. Andreozzi said occupancy is our only way to ensure that work gets done. NDOT could lose their funding for the project.

Mr. Draper noted it's the location of the sidewalk and not the timing.

Councilman Rice said he felt Mr. Gates was a man of his word but the Certificate of Occupancy is the only thing we can use to enforce this.

Mr. Gates requested an annual conditional use permit so he can have occupancy that would be renewed each year until the sidewalk issue gets resolved.

Mayor Johnson asked if a conditional use permit could be an option.

Mr. Andreozzi answered this doesn't require a conditional use permit.

Mayor Johnson asked Mr. Gates if he wanted a conditional use permit of a certificate of occupancy.

Mr. Gates answered something like a temporary occupancy.

Mr. Calder said we don't issue temporary occupancy permits but he thought an agreement between the City and Westwind Homes may solve the problem. The agreement would say that once the location was determined and once the timing is determined that Westwind Homes agrees to install the sidewalk. In the event they do not install the sidewalk then they would be responsible for the cost of installing the sidewalk.

Mayor Johnson asked what the status of the NDOT project is.

Mr. Draper answered the bid results were in and they were in contract negotiations.

Mr. Andreozzi thought staff had the bidding documents and from those they could ascertain the appropriate location for the sidewalk to make sure it doesn't interfere with NDOT. He suggested a cashier's check or some other form of credit securing the work to be done.

Mr. Strickland said the contractor that bid the project did it counting on there being no sidewalk there. They may demo it all out. It will have an impact on NDOT's work. Until NDOT is done or close to done, then the sidewalk can go in. The contractor didn't bid this with sidewalk in his way for running irrigation or whatever other work he may need to do in there.

Mr. Andreozzi said we only have limited right-of-way in there too. His recommendation would be to secure the improvement with some form of bond, letter of credit or cashier's check.

**** A motion was made by Councilman Perry, seconded by Councilwoman Simons, to direct staff to work with Westwind Homes and NDOT to determine the proper timing and**

design to install sidewalks at the property located at 275 Idaho Street and for Westwind Homes to supply surety of some form to the City prior to Certificate of Occupancy.

The motion passed unanimously. (4-0)

VII. 6:00 P.M. PUBLIC HEARINGS

- A. Public Hearing for the purpose of obtaining the views of citizens regarding the type(s) of project(s) to submit for funding by the Community Development Block Grant (CDBG) Program in 2014, and matters related thereto. **FOR POSSIBLE ACTION**

The City may submit two grants for this funding cycle. During the public hearing, the City will ask for citizen views and respond to proposals and questions for the development of proposed activities. Council will prioritize the applications at a future public hearing. Grants are due to the CDBG office January 7, 2014, in Carson City. SO

Shanell Owen, City Clerk, explained she placed on Councils' desk the Public Hearing Notice published in the Elko Daily Free Press. She gave a presentation. (Exhibit "C")

Susan Martsolf, FISH, explained they received a Stop Hunger grant that did not include money to purchase a refrigerated truck to move food around. They have a thermal blanket they currently use to move food around. They need a refrigerated truck to do this to be safely. The truck is \$44,947.05; and then the box is \$23,734.00; and the tailgate with the tommy lift is \$3,500.00. The total was just over \$72,000.00 but she is asking for \$75,000.00 because prices fluctuate. They want to take food all the way out to Montello and Jackpot using the Stop Hunger grant and the truck.

Ms. Owen explained the city has sponsored CDBG grants for non-profit organizations in the past. The city would have to have a very good working relationship with the non-profit because of the administration of the grant.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to direct staff to continue with the grant application process.**

The motion passed unanimously. (4-0)

VIII. REPORTS

- A. Mayor and City Council

Councilman Perry said it has been great and thank you.

Councilman Rice said the more we can stay ahead of these ordinance problems the better. These matters come before us and the stories don't change and we spend a lot of time going over them. He thanked Councilman Perry for his service and friendship.

- B. City Manager
Curtis Calder noted we spend a lot of time on these issues and our hands are tied due to the code and even the City Charter. If Council wants to change the charter it has to go to the legislature. We are planning a farewell dinner for Councilman Perry on Monday November 4th. We haven't sent out a formal announcement but it may be dinner at the Star. Invites will go out this week.
- C. Assistant City Manager
Delmo Andreozzi received an email from Tricon and we are expecting a letter of commitment for paying for their portion of the curb, gutter and sidewalk. Nothing new from Gateway at this time but we continue to work with them.
- D. Utilities Director
- E. Public Works
Dennis Strickland congratulated Councilman Perry on his new job. The battery backup project last year is starting to show how often the power supply to the signals goes down. The auction is completed and they raised about \$41,000.00 this year. West Idaho is moving along very nicely. Q&D's work should be done within the next couple of weeks.
- F. Airport Director
Mark Gibbs reported his staff has expressed their regret in Councilman Perry's leaving.
- G. City Attorney
- H. Fire Chief
Matt Griego thanked Councilman Perry for his council and guidance and wished him the very best.
- I. Police Chief
*Don Zumwalt reported on the marijuana growing north of Wells. We have 1000 lbs. of marijuana that won't be smoked by kids and 1000 plants that were destroyed. He thanked council for their support while he worked for the city. He thanked staff too.
Mayor Johnson said there will be a party for Don Zumwalt on Wednesday the 30th at the college starting at 11:30am.*
- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

III. APPROPRIATIONS

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

Councilwoman Simons said they wanted to know what graffiti wipes were and why a medical re-write was charged to Vogue Laundry Cleaner for the airport.

Mr. Calder answered that is most likely a refill for the first aid cabinet.

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

The motion passed unanimously. (4-0)

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**

Lara Roman said she is concerned about pedestrian safety on Silver Street near the bowling alley area. When she was in front of council previously she cried about events in her life. Things are looking better and the baby is headed home. She apologized to the Chief for causing any heartache. In light of what happened yesterday (another school shooting in Sparks, Nevada), she expressed some concerns about raising children. We are raising a whole new type of person. She spoke about foster care and asked for support from the city to try to make some changes on the state level.

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

Mayor Chris Johnson

Shanell Owen, City Clerk