

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

SS October 24, 2017

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, October 24, 2017.

This meeting was called to order by Mayor Chris Johnson.

## ROLL CALL

**Mayor Present:** Chris J. Johnson

**Council Present:** Councilman John Rice *left at 5:25pm*  
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  
Candi Quilici, Accounting Manager  
Aubree Barnum, Human Resources Manager  
Cathy Laughlin, City Planner  
Ben Reed Jr., Police Chief  
Jeremy Draper, Development Manager  
Bob Thibault, Civil Engineer  
Jeff Ford, Building Official  
Matt Griego, Fire Chief  
James Foster, Airport Manager  
Dennis Strickland, Public Works Director  
Dave Stanton, City Attorney  
Diann Byington, Recording Secretary

## PLEDGE OF ALLEGIANCE

## COMMENTS BY THE GENERAL PUBLIC

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

*There were no public comments.*

*The minutes were approved by general consent.*

**I. PRESENTATIONS**

- A. A reading of a proclamation by the Mayor in recognition of Extra Mile Day, and matters related thereto. **INFORMATION ONLY – NO ACTION WILL BE TAKEN**

Mayor Johnson read the proclamation.

**II. PERSONNEL**

- A. Employee Introductions:
  - 1.) Tobey Hancock, Recreation Services Manager, Recreation Department  
*Present and introduced.*
  - 2.) Julie Holling, Payroll Technician, Finance Department  
*Present and introduced.*

**III. APPROPRIATIONS**

- D. Review, consideration, and possible issuance of final acceptance for the Sewer Manhole Rehabilitation Project 2017, and matters related thereto. **FOR POSSIBLE ACTION**

The project is complete. Staff is pleased with the work and recommends issuance of final acceptance.

There was one change order for the project in the amount of \$5,500.00. The project went faster than expected so construction management costs were reduced by \$5,500 thereby allowing additional manhole sealing in that amount. RL

Ryan Limberg, Utilities Director, explained said they got everything on the south side of the river. In future years we will look at the north side but the south side is where we saw more problems. The north side still looks fairly good.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to issue Final Acceptance for the Sewer Manhole Rehabilitation Project – 2017.**

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

**IV. NEW BUSINESS**

- A. Review, consideration, and possible action to direct Staff to initiate a business impact statement to increase the fees associated with Title 3 of the Elko City Code

entitled Zoning Regulations, and matters related thereto. **FOR POSSIBLE ACTION**

Staff thoroughly reviewed the current zoning application fees and compared them to various cities throughout Nevada, along with carefully reviewing the amount of staff time for each application. Since the last increase in fees in 2012, postage rates have increased 70% and the cost of advertising has increased over 200%. Fees have not been increased since 2012 and some fees have not been increased since 2000. The Planning Commission considered this request on October 3, 2017, and took action to request that Staff continue with the fee increase process by referring the matter to the Council. CL

Cathy Laughlin, City Planner, explained how expenses associated with applications have gone up and how they affect the budget. They looked at the cost of the applications and the time spent on each one. There are a lot of people involved in these applications. They are requesting a fee increase on many of the applications.

Councilman Schmidlein asked if she consulted any of the local developers about the expenses.

Ms. Laughlin answered no that is part of the business impact statement that will go out.

Councilwoman Simons noted that variances went up a lot. Is that in line with other cities you compared to?

Ms. Laughlin answered they looked at many of the other cities and we are far lower than the large cities but high compared to the smaller cities. Variances require a public hearing. NRS requires notice of public hearings by mail and by publishing in the newspaper. Those publications can get expensive. Some applications require more than one publication.

Councilman Rice thought many of the increases are significant but it has been 17 years since the last increase. Are they enough to carry us the next five years?

Ms. Laughlin answered yes. The increase will cover the budget for advertising.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Keener, to accept the Planning Commission's recommendation to continue with the fee increase process by initiating a Business Impact Statement to increase the fees associated with Title 3 of the Elko City Code entitled "Zoning Regulations."**

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

- B. Review, consideration, and possible authorization for the Arts and Culture Advisory Board to seek authorization from NV Energy to wrap utility boxes in art as a part of a 2018 Art Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the October 4, 2017 Arts and Culture Advisory Board meeting, the board took action to request authorization to pursue placing art on utility boxes located in different areas within the City. JD

Jeremy Draper, Development Manager, said they are requesting this be tabled to allow Catherine Wines to be able to attend the next meeting.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to table this item.**

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

- C. Review, consideration, and possible action to initiate an amendment to Title 3, Chapter 2 of the Elko City Code entitled Zoning Regulations adding a new Section 29 entitled “Marijuana Establishments and Medical Marijuana Establishments Prohibited,” and matters related thereto. **FOR POSSIBLE ACTION**

Mayor Johnson explained the process that will follow for this item. This is a first meeting to initiate the process, which is the proposed zoning ordinance that is in the packet. Next it will go to Planning Commission, which will probably be in December. Once they are completed with it then it will come back to City Council.

Dave Stanton, City Attorney, said today the council will decide to make a motion to initiate the process, sending it to Planning Commission. Then the Planning Commission holds a public hearing. At the end of that public hearing, Planning Commission will file a written report to council containing a recommendation. After that the matter goes to the City Council and the City Council has to decide whether or not to approve the amendment to change or repeal or amend the zone code regulations. At the same meeting after taking that specific action, City Council can have first reading of the ordinance. All of this can take place back to back. It is just a matter of following the steps outlined in the code.

Councilman Rice said he was surprised to see this on the agenda in this form, as an ordinance to prohibit. He knows it passed in the city by a slim margin. If you look at the precincts, there are seven of twelve precincts that voted in favor of recreational marijuana in the City of Elko. The popular vote is here. He felt, because the margin is so close, rather than an ordinance, we should have some workshops with the community to discuss the pros and cons about this.

Mayor Johnson felt this is the starting gate. This is a good discussion for this first meeting. Part of the discussion is how we want to form this process.

Councilman Rice said the Chief recommended some ways to have this conversation. It is a new conversation. There are different opinions on it. There are so many things to look at that we haven't. He was worried that we have already drafted an ordinance that will steer the conversation in one direction.

Mr. Stanton said it is within the council's power to table this for workshops.

Councilman Keener wanted to hear from the chief.

Mayor Johnson said we have a light crowd and he wanted to keep the discussion light since there will be plenty of time for the public to give their input.

Chief Reed said council heard from him before regarding the medical marijuana issue. The moratorium is due to expire in March. The biggest thing for himself is that he has taken an oath of office to uphold the laws, including federal laws. This is a federal offense. The discussion has played out in other areas. He has been given advice from other jurisdictions; they caution him to keep his comments focused. There are so many issues. We could be here for days arguing the laws and other issues. He would need direction as to what he will have his officers do in handling the situation.

Councilman Rice said it would be of value to us and the community to have broader discussions. This is just not a zoning issue. This is about whether or not marijuana is sold in the community.

Mayor Johnson said this is how other counties have done it. Is zoning the only course to address this? He has had that conversation with Mr. Stanton and Ms. Laughlin.

Mr. Stanton spoke about the zoning aspect of this. Under NRS 453D, which deals with marijuana establishments, the legislature specifically carved out an exception for local zoning and land use ordinances. The legislature felt the local entities could decide whether or not they want these establishments. We can allow it in our zone code or not. There are some marijuana activities that are allowed under state law that we cannot do anything about. There are some uses that are in a grey area right now such as smoking lounges. The AG was asked to write an opinion on the lounges and we don't know when that will happen. Right now we have authority to deal with it as a zoning matter.

Councilman Rice noted there was a 151 vote margin against Question 2 at the polls. We could act as a governing board to make this decision or we can let the market make the decision for us. There are only a certain number of dispensaries allowed per thousand. The market is going to put the dispensaries in Wendover and Jackpot. There may be two in Wendover. The market is in the border towns. Let the market make the decision. Marijuana sales in the state of Nevada in August was \$5 million. That would be \$60 million a year. Thirty per cent of that goes to the state and 3% of that 30% comes to communities to fund school districts and that sort of thing. He is concerned about medical marijuana users in our community that have to travel great distances to obtain it. We aren't being fair to them. That's why we need a broader discussion about this instead of just looking at an ordinance.

Councilman Keener was on a different page than Councilman Rice. We, as a board, need to enact ordinances that are compatible with the city's mission statement. The marijuana issue fails on several accounts. Elko is a mining town. Our livelihood is indirectly tied to the success of our robust mining sector. Drug use and mining are not compatible. Allowing marijuana establishments would ensure higher levels of consumption in Elko and make it more available to our children. He does not care about any potential financial windfall that might exist. The risk outweighs the promised benefits.

Councilman Schmidlein said he agreed with Councilman Keener. He has a tough time getting people to pass their UA's. The mines are firing people right and left for drug use. You bring

people into the community offering high paying jobs. No employer that has current drug testing policies is not going to stop. The mines will not change their stance on drugs. Indirectly everyone is related to affiliations with the mines. That is a huge portion of our entire county. Moving forward he will not be in favor of establishments for recreational marijuana. He doesn't care what tax price it will bring into the community. Our law enforcement people are going to need more money to have more patrols out there to protect the law. People can do it in their households but if they go to work at his shop they better be able to pass a UA. He feels differently about medical marijuana. If it is a drug, it's a drug. A physician gives them a medical marijuana card, then they should go to a pharmaceutical to get and obtain their marijuana.

Councilwoman Simons likes the idea of workshops if they had not already spent hours discussing everything they could about the issue. The money is not an argument because it is a completely made up story. If you read the reports the communities end up losing. If zoning is the way to go she is fine with that. She isn't seeing the benefit to the community. There is nothing about marijuana that seems will help the community.

Councilman Rice said he has been reading articles. There have been windfalls in other states. There have been special sessions on what to do with the extra revenues. It is designed to provide some benefits. He grew up in Wisconsin in the 1970's and he knew marijuana. This is a discussion that has been going on a long time. The State of Nevada has decided that this is the direction it wishes to go. He believes that we would be denying our community the same rights that are enjoyed by the rest of the state and it isn't fair.

Laura Oslund, PACE Coalition, 1645 Sewell Drive, explained she has some reports with her regarding the impact of legalized recreational marijuana on a community. The people selling marijuana are getting rich. For every dollar of revenue that comes in, it is costing society, including law enforcement, \$8-\$12. She offered the information that she brought. It is a negative impact on the communities. There are just a few people that benefit.

Councilman Keener commented that he didn't have time to read the entire study but he did look at the executive summary. One of the things that jumped out to him is that in Colorado, for their youth for past month marijuana usage, after it was legalized, was 55% higher than the national average.

Sean Fericks, representing the Libertarian Party, spoke in favor of medical and recreational marijuana by reading a statement and handed out an email (Exhibits "A" and "B").

Savannah, Elko Free Press, asked if anyone has spoken to the Indian Bands or Councils about this issue as they had a meeting this last Sunday trying to establish marijuana businesses.

Mayor Johnson said he had a brief discussion with the folks that have interest in a dispensary at the tribe. He has been watching and waiting for the outcome of their decision. He hopes the elders and the leaders of the tribe vote against it and not allow it.

Mike Magney spoke as a resident of Elko but disclosed that he is also a staff member of PACE Coalition. He had heard things that have caused him to pause. Starting with the idea that marijuana has medicinal properties; so does opium but do we allow for growing and using

opium? He didn't think it was logical to allow medical marijuana just because it may have some medicinal benefits. There is no comparison to the marijuana 40 years ago to marijuana today. One problem with medical marijuana is that there is no dosing. It cannot be prescribed legally by any doctor. You don't know what you are getting despite all the testing. Regarding the financial gains, there isn't anything that can show the actual financial gains because of the social costs.

Felix Ike, Elko Band Council and Te-Moak Tribal Council, explained they have been approached by some individuals regarding a dispensary on the reservation. He just left a meeting with the Elders Group and they are not in support of the request. They have too many questions. Sunday was the first time their council met with the group. They question some of the reports that were brought to council. The Elders read SB375. SB375 is very clear as to how a dispensary is to be obtained on a reservation. Number one is that it is very clear that Elko Band is not the tribe. Te-Moak is the tribe. Why are they approaching a separate entity, trying to make a deal with that entity, without first consulting the Tribal Council which is Te-Moak. They also have many questions about the management of the dispensary, the loan, and the transparency of the operation. He attended a County Meeting regarding dispensaries. He thought the county was issued four dispensaries and wondered if the reservations are included in that.

Mayor Johnson answered he did not know.

Councilman Rice said they are all well-educated on this matter. He wondered if it wouldn't be a bad idea, since we have some great resources in the community, to talk about why we should be cautious about it or prohibit it. There are some advocates from Cannabis Consulting here. He would still like to have a workshop with a pro and con list.

Councilman Keener said regardless of the outcome, at the end of the day it is still illegal at the federal government level. The feds can come in and roll everything back. It is bad for mining and he felt it will lead to greater blight in the community. He is not in favor of conducting workshops for this issue. We are elected officials and we are neighbors in our community. We were elected to make decisions for them. This is one of those times that we need to step up and vote our conscience on this issue.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to table this item.**

*The motion failed. (1-4 Mayor Johnson, Councilmen Schmidlein and Keener and Councilwoman Simons voted no.)*

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to initiate the zoning regulation amendment process in reference to the possible addition of new section to the City Code, 3-2-29, in accordance with Elko City Code Section 3-2-21.**

*The motion passed. (4-1 Councilman Rice voted no.)*

**Councilman Rice left at 5:25pm.**

- D. Review and possible approval of an Elko Regional Airport Advertising Policy for the advertising concessioner at the Elko Regional Airport and matters related thereto. **FOR POSSIBLE ACTION**

Lamar Airport Advertising is requesting The Elko Regional Airport to have a written policy as it relates to what is allowed and not allowed for advertising within the terminal building. This is a basic policy that outlines those guidelines for Lamar Airport Advertising to follow. JF

James Foster, Airport Manager, explained the way it is now the airport management would approve what type of advertising would be in the terminal. Lamar has been dealing with whether or not marijuana can be advertised in a terminal. They have other airports that they advertise in so they approached him with a basic policy that gives the concessionaire the ability to say no to certain things, marijuana being one of them.

Councilman Keener asked when he was looking at the rules, what if PACE wanted to do advocacy advertising against drugs. It didn't look like there was any allowance for that because it is limited to commercial transactions.

Mr. Foster said they have never been approached for advertising like that. It would be a case by case basis.

Councilman Keener asked if Dave Stanton, City Attorney, saw any problems with that.

Dave Stanton, City Attorney, answered yes. This policy is very specific. If a non-profit wanted to put up some advertising in the airport they cannot make the case. We can adopt this. We have to apply it once we adopt it. We have to apply it uniformly. We can't pick and choose who we are going to allow to advertise.

Curtis Calder, City Manager, said one of the things you have to deal with airports is that you have to deal with your federal grant assurances. All of the capital projects that occur out at the airport are federally funded through the AIP program and they are funded to the tune of, anywhere from 95-96%. The bulk of it is federal funding. You have to have a policy that is going to comply with the grant assurances. There are rules for airports as to how you are going to make money in the airport and where that money goes. Any dollars made at the airport do not come back to the city's general fund. They go back into the airport operating budget to help offset costs. The reason it is limited to commercial advertising is because we should not be using our airport advertising space for non-profits. We should be using those to generate revenues to help offset operating costs at the airport. It doesn't mean you can't put up a banner for the Trail Center or PACE. That doesn't fall under the advertising realm. We have an advertising contract with a third party advertising contractor and these are for specific advertising venues. Our goal is to make as much money as we can through those advertising locations in the airport to general revenue to offset the cost to the public.

Laura Oslund, PACE Coalition, said they pay for their advertising that you see; billboards and the newspaper. We wouldn't want it for free. We would not be selling anything. It would be revenue to the airport if we were to purchase advertising.

Mr. Calder said if PACE were to pay for advertising like everyone else, there would not be a problem.

Mr. Stanton said it would have to fit in the nature of the advertising or the scope of the policy. The policy is fine but we cannot make exemptions if they don't fit within the scope of the policy.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to accept the Elko Regional Airport Advertising Policy with an addition to Section 3 that would allow for advocacy advertising by non-profit organizations.**

*The motion was amended and restated below.*

After the motion and before the vote, Mr. Stanton clarified that the motion was to accept it and then there was going to be a...

Councilman Keener said an addition to Section 3, adding the provision for advocacy advertising by non-profit organizations.

Mr. Stanton said there would be a 3.F. that would say "Promoting advocacy by non-profit organizations." You can do that and then this will have to be re-written to incorporate that additional provision. That would mean any non-profit organization. They would all get equal time. It just has to be applied uniformly. You can't make a judgement call between non-profit organizations. You might like some of them better than others.

Councilwoman Simons liked the concept that the advertising would be encouraging people to spend more money in Elko and bring money back to the airport.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to accept the Elko Regional Airport Advertising Policy as written.**

*The motion passed unanimously. (4-0)*

**BREAK**

## **V. 5:30 P.M. PUBLIC HEARINGS**

- A. Review, consideration, and possible action to conditionally approve Preliminary Plat No. 4-17, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Tower Hill involving the proposed division of approximately 24.97 acres of property into 73 lots for residential development within an R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the preliminary plat on September 7, 2017, and took action to forward a recommendation to Council to conditionally approve Preliminary Plat No. 4-17. CL

Councilman Schmidlein disclosed that he has reviewed these drawings and provided Jordanelle a bid package for the utilities on this. At this time he does not have any pecuniary interest and participated in the discussion.

Jeremy Draper, Development Manager, said the engineer and the developer are in the audience. This was approved previously four years ago. It expired and they are starting the process over again. They are working on Unit 1 Phase 1. This was tabled at a previous meeting to get this revised and back in front of council. He recommended approval.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve Preliminary Plot No. 4-17 for the Tower Hill Subdivision, subject to the conditions as recommended by the Planning Commission.**

*The motion passed unanimously. (4-0)*

#### **IV. NEW BUSINESS (Cont.)**

- E. Review, consideration, and possible authorization of an amendment No. Thirteen (13) to Contract Dated January 14, 2014 between Jviation, Inc., and the City of Elko, Nevada, and matters related thereto. **FOR POSSIBLE ACTION**

This item is to amend the current contract between The City of Elko and Jviation, Inc. Jviation contract amendment #13 will cover fees associated with Airport Improvement project (AIP) 48, including engineering and design services. JF

James Foster, Airport Manager, explained previously Amendment 14 was brought to Council for the current project that is going on right now. This is for the design of the next project at the airport that was approved when we accepted the AIP48 grant.

Councilwoman Simons said Jviation has been great to work with and they have done a great job.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to accept Amendment No. 13 to the contract between Jviation and the City of Elko, Nevada.**

*The motion passed unanimously. (4-0)*

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

- B. Review and possible approval of Print ‘N Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

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

*The motion passed. (3-0 Councilman Keener abstained.)*

- C. Review and possible approval of Great Basin Engineering Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the Great Basin Engineering Warrants.**

*The motion passed. (3-0 Councilman Schmidlein abstained.)*

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

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

*The motion passed unanimously. (4-0)*

## **VI. REPORTS**

- A. Mayor and City Council
- B. City Manager

*Curtis Calder reported on an event that will be held in Washington DC on November 3<sup>rd</sup>, specific to local government elected officials. It is called the Nevada Local Elected Officials White House Convention. If someone was interested we could coordinate travel plans.*

- C. Assistant City Manager
- D. Utilities Director
- E. Public Works

*Mayor Johnson asked Dennis if all of the street projects were completed. Dennis Strickland answered they are still plugging away. They are patching daily. They are focusing on the main plow route to get it in shape before the snow flies. The culvert system is back in one piece and running.*

- F. Airport Manager

*James Foster said some of the smoke seen today was from the airport and not just the brush fire. They are doing annual maintenance by cleaning out ditches and burning off some of the islands in the airport, getting rid of the heavy sagebrush in there. They are on day 27 of 30 of the construction project. It is on schedule and should be done Thursday night. He just got notification that the annual certification inspection is due but they don't have an exact date just yet.*

- G. City Attorney
- H. Fire Chief

*Chief Griego said they are working with Annette Kerr, the County Emergency Manager, to update the Hazard Mitigation Plan. They will be burning in the old Police Station on Monday. There was a brush fire today before the meeting and they are investigating the cause.*

- I. Police Chief

*Chief Reed said they are conducting training in the old facility before it comes down. He went to the Annual Training for Nevada Sheriffs and Chiefs*

*Association last week. The E911 consultant is in town this week. Tomorrow they will be at Elko Central Dispatch.*

J. City Clerk

*Shanell Owen said the tablets need updates and asked to collect the tablets after the meeting.*

K. City Planner

*Cathy Laughlin said the 400 block alley looks great and thanked Dennis for getting it done last week. There will be a RAC meeting this week on Thursday.*

L. Development Manager

M. Administrative Services Director

N. Parks and Recreation Director

O. Civil Engineer

*Bob Thibault reported on the Centennial Tower project. They should start the footings of the tower next week. The main line conduit is in now. SatView is working on putting their line in the ground. NV Energy will follow after SatView. Councilman Schmidlein said it has been brought to his attention that there are some unattended trenches in the downtown area. Bob said he would keep an eye on it but there has been the orange construction fencing around the trenches. Curtis said the ribbon cutting will be at the Snowflake Festival on December 9th.*

P. Building Official

#### **COMMENTS BY THE GENERAL PUBLIC**

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

*There were no public comments.*

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

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Mayor Chris Johnson

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Shanell Owen, City Clerk

**The purpose of government is to defend the right to life, liberty, and property for individuals.**

This principle was asserted by our founding fathers, and it was enshrined in our founding documents. The American dream is not one of the nanny state. It is one of freedom. The proposed ordinance to prohibit cannabis dispensaries in Elko is incompatible with individual liberty.

**It has been argued** that the Elko County citizens consistently vote against allowing cannabis dispensaries. This is true. Elko citizens voted against cannabis in ballot questions in both 2000 and 2016. But there are two reasons that this is not an excuse for the violation of individual liberty.

First of all, we are not a pure democracy. The rights of the individual are not conditional upon the moral panic or approval of the majority. Indeed, our laws are specifically designed to protect the individual from the mob. Rosa Parks was right to assert her rights against majority opinion when she sat at the front of the bus. The majority was wrong to send the police to arrest “mixed-race” couple Richard and Mildred Loving in the middle of the night for the crime of being married. The majority has been wrong in the past, and the majority is wrong now. In America, we value individual liberty. Those elected officials who simply wish to vote with the biggest mob are in dereliction of their duty. Their guiding star ought to be defense of individual liberty, not voting anyway the wind blows.

Second, the vote spreads in 2000 and 2016 indicate a substantial trend. Just as consensus has shifted on Jim Crowe laws and “mixed-race” marriage, so too our society is awakening from our Reefer Madness, and moving toward a better understanding of Cannabis and individual liberties. In 2000, the vote spread against Cannabis was 22.16%. In 2016, it was only 7.06%. In a couple more years, drug war hawks will be in the distinct minority, even in our conservative city.

**It has been argued** that states that have legalized Cannabis have seen an uptick of emergency room visits for Cannabis overdose. This is also true, but on closer examination, it is no reason to infringe on the rights of our fellow human beings.

First of all, what were the outcomes of those emergency room visits? Did any overdoses result in death? Did any result in loss of limb or organ failure? If so, how many? For comparison, according to the Center for Disease Control, between 2006 and 2010, 17,600 lives were lost in America every year from excessive alcohol use. More than half of these deaths were due to binge drinking. From

traffic deaths to overdose to domestic violence to cancer and cirrhosis of the liver, cannabis is far more benign.

And even when we grant that hospital visits are a problem, does that validate the violation of individual rights? Alcohol is a dangerous and deadly drug responsible for tens of thousands of deaths per year. We once attempted to use the force of law to eliminate this evil scourge. How did that work out for us? Would any of us want to go back to the bootleg days? No. Liberty involves risk and responsibility. If we are willing to tolerate alcohol in society, certainly we should be willing to tolerate Cannabis.

According to the CDC, in 2015, over 15,000 people died from overdoses involving prescription opioids. We tolerate this tragedy because opioids help some people, and it ought to be the right of an individual to weigh the risks and benefits of opioid use, and then choose what is best for them. In 2015, 0 people died from Cannabis overdose. It makes no sense to ban Cannabis and tolerate opioids. We want to be free to choose the medical alternative that works for us, and the City Council is wrong to violate our rights.

**It has been said** that in states that legalize Cannabis, traffic deaths have gone up. This is true..., depending on which data set you review. Also, we ought to keep in mind that correlation does not necessarily equal cause. I was able to locate a Seattle Times article that shows that while traffic deaths are up nationwide, they are down slightly in Washington state. I also located a report that said that the total number of Colorado traffic accidents was lower in 2015 than in 2005. Should I use this data to prove that Cannabis legalization makes driving safer? Certainly not. From weather to population increase to cell phone usage, there are many factors that affect traffic deaths, and we ought to be skeptical of those that throw statistics in our face to prove a point. Statistics are often used by interested parties to convince the masses who are unable to discern between correlation and cause. Remember the phrase used by that wise old Nevada resident, Mark Twain, “There are three kinds of lies: lies, damned lies, and statistics.”

But there is a larger principle to pay attention to here. In some respects, a freer society is one with greater risks in some areas. According to the Center for Disease Control, there were 33,594 deaths due to firearms in the United States in 2014. Yet I imagine most of the Council members would defend the Second Amendment. Why? Because they believe in individual rights, and are willing to

tolerate a riskier society in order to enjoy their liberties. I simply ask you to be consistent in your defense of individual liberties.

I can list a great many regulations that would, at first glance, seem to lead us to a better society. We want more civil discourse! Ban swearing. We want fewer road fatalities! Ban motorcycles. We want healthier kids! Ban soft drinks. We want safer cities! Ban guns. We want an honest news media! Ban fake news and FaceBook memes. This is not America. This is not freedom. This is not what our fathers fought and died for. We don't want to live in a world wrapped in a safety coat of government bubble wrap!

Let's stop the Reefer Madness. Let's stop the misdirection. Let's stop the biased statistical analysis. Let's stop the nanny state. Let's stop the inconsistency.

It is time for personal responsibility. It is time for facts. It is time for reason. Give us our rights. Give us respect. And stop abusing our liberties.

**A RESOLUTION CONCERNING ELKO COUNTY ORDINANCE NO. 2017-04  
RECREATIONAL MARIJUANA**

WHEREAS, the purpose of government is to defend the natural rights of her individual citizens; and

WHEREAS, citizens have the natural right to trade goods and services among themselves; and

WHEREAS, our nation's birth was a justified rejection of, among other things, overbearing economic regulations and prohibitions on trade and goods; and

WHEREAS, the State of Nevada has legalized the production, transportation, sale, and consumption of Cannabis products; and

WHEREAS, the Cole Memo demonstrates that the federal government places a low priority on regulating the cannabis industry thereby mitigating the conflict between federal and state law; and  
(<https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>)

WHEREAS, Cannabis consumption causes fewer adverse health effects than alcohol or tobacco consumption; and (<https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>)(<https://www.cdc.gov/marijuana/health-effects.htm>)

WHEREAS, Cannabis is a safe and effective alternative to addictive opiates with virtually no risk of death by overdose; and (<https://www.cdc.gov/drugoverdose/data/overdose.html>)(<https://www.drugabuse.gov/related-topics/trends-statistics/overdose-death-rates>)

WHEREAS, legal Cannabis consumers are less likely to be involved in violent crime than legal alcohol consumers; and ([http://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2810%2961462-6/fulltext#article\\_upsell](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2810%2961462-6/fulltext#article_upsell))

WHEREAS, Nevada Cannabis dispensaries utilize more aggressive identification and security measures than alcohol, cigarette, and opiate distributors; and

WHEREAS, failure to provide a legal means of acquiring a desired good always results in a thriving and illegal black market, necessitating more law enforcement encounters, arrests, incarceration, and court costs; and

WHEREAS, the black market does not regulate against the sale of Cannabis to minors; and

WHEREAS, many other jurisdictions have legalized Cannabis production, distribution, processing, and sales with minimal adverse affects to the community; and

WHEREAS, the Elko County Commission has passed **COUNTY ORDINANCE NO. 2017-04** effectively promoting the black market and continuing a failed drug war in Elko County; now therefore

**THE ELKO NEVADA LIBERTARIAN PARTY RESOLVES:**

That the Elko County Commission has violated its purpose as a government body bound to defend the natural rights of her individual citizens to freely trade goods and services; and

That the Elko County Commission has wrongfully usurped authority over her citizens in a misguided attempt to protect them from their individual choices in the pursuit of happiness; and

That the Elko County Commission should correct its error by rescinding **COUNTY ORDINANCE NO. 2017-04.**

| nationbuilc name             | state | country | comment | created_at |
|------------------------------|-------|---------|---------|------------|
| 49894 Alexander DiBenedetto  |       | US      |         | 49:25.4    |
| 83402 Sean Fericks           |       | US      |         | 32:12.1    |
| 88027 Emily Crosby           | NV    | US      |         | 23:55.4    |
| 88028 Ashley Theurer         | NV    | US      |         | 27:04.5    |
| 88029 Kristen Fleming        | NV    | US      |         | 28:09.9    |
| 88031 Isabella Villalpando   | NV    | US      |         | 45:45.9    |
| 88032 Kaitlin Windley        | NV    | US      |         | 01:15.7    |
| 88034 Joy Wicks              | NV    | US      |         | 03:01.7    |
| 88035 Kerri Winebarger       | NV    | US      |         | 20:50.0    |
| 88036 Tim Christensen        | NV    | US      |         | 39:50.2    |
| 88037 Julie Meier            | CA    | US      |         | 00:10.7    |
| 88039 Jessica Rilling        |       | US      |         | 29:12.0    |
| 88040 Trevonte Dunbar        | NV    | US      |         | 32:54.5    |
| 88042 Levi Alexander         | NV    | US      |         | 34:46.3    |
| 88045 Alexandra Mason        | NV    | US      |         | 36:29.9    |
| 88046 Nick Rose              | NV    | US      |         | 39:55.3    |
| 88047 Juan Nunez             | NV    | US      |         | 54:49.1    |
| 88048 Ashley Ward            | NV    | US      |         | 06:34.7    |
| 88050 Danielle Adams         | NV    | US      |         | 01:20.9    |
| 88051 Khloe Cole             | NV    | US      |         | 05:44.5    |
| 88052 Alex Green             | NV    | US      |         | 23:30.7    |
| 88053 Dean Brown             | NV    | US      |         | 14:24.8    |
| 88054 Iva Macias             | KY    | US      |         | 31:21.3    |
| 88055 Matthew Cooper         | NV    | US      |         | 34:27.9    |
| 88056 Pam Gaines             | NV    | US      |         | 17:27.6    |
| 88059 Mikayla Marie Coleman  | NV    | US      |         | 34:50.0    |
| 88060 Alyssa Litchfield      | NY    | US      |         | 02:12.2    |
| 88061 Jordan Anthony         | NV    | US      |         | 16:38.5    |
| 88062 Michelle Strozzi       | VA    | US      |         | 43:12.1    |
| 88063 Dakota Gardner         | OH    | US      |         | 22:36.7    |
| 88064 Jessica S              | NV    | US      |         | 22:42.1    |
| 88065 Michael Nagel          | NV    | US      |         | 20:40.3    |
| 88066 Brittany Deleon        | NV    | US      |         | 06:25.0    |
| 88067 Beth Holmes            | NV    | US      |         | 24:11.0    |
| 88068 Juliana Ahrens-Grenier | NV    | US      |         | 31:25.9    |
| 88069 Alisha Hughes          | NV    | US      |         | 36:57.9    |
| 88070 Michael Sea            | NV    | US      |         | 11:33.8    |
| 88071 Tammy Lander           | NV    | US      |         | 14:06.3    |
| 88072 Jordan Tope            | NV    | US      |         | 16:38.5    |
| 88073 Carrie Sanders         | NV    | US      |         | 12:49.5    |
| 88074 Sarah Larson           | NV    | US      |         | 15:44.3    |
| 88075 John Fericks           | NV    | US      |         | 22:03.6    |
| 88076 Zackary Adkins         | NV    | US      |         | 49:58.3    |
| 88077 Leslie Gilliland       | NV    | US      |         | 53:44.4    |
| 88078 Angel'e Zach           | NV    | US      |         | 17:17.4    |
| 88079 Julio Lara             | NV    | US      |         | 42:36.7    |

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| 88081 Zachary Camden        | NV | US | 08:16.6 |
| 88082 Dawna Symes           | NV | US | 28:51.7 |
| 88083 Bruce Pattison        | NV | US | 55:36.9 |
| 88084 Shelbie Mossow        | NV | US | 10:27.6 |
| 88085 Cory Young            | NV | US | 13:54.8 |
| 88086 Shannon Ward          | NV | US | 02:09.6 |
| 88089 Jeremy Oehlert        | NV | US | 38:49.2 |
| 88090 Brooke McGibbon       | NV | US | 42:07.9 |
| 88091 Kyle Oliver           | LA | US | 46:04.2 |
| 88092 Paul Gregory          | NV | US | 48:56.7 |
| 88093 Meghan Fobes          | NV | US | 53:02.3 |
| 88094 Ron Abbott            | NV | US | 07:49.8 |
| 88096 Dalton stull          | NV | US | 17:07.1 |
| 88097 Justin Johnson        | LA | US | 20:15.3 |
| 88098 Sierra Bass           | NV | US | 21:40.3 |
| 88099 Thomas Elordi         | NV | US | 37:54.0 |
| 88100 Shiloh Cantley        | NV | US | 49:04.0 |
| 88102 Cory Bingenheimer     | NV | US | 13:46.5 |
| 88104 Donna Ingle           | NV | US | 22:49.9 |
| 88105 Brett Walcker         | NV | US | 25:03.2 |
| 88106 Austin Kramar         | NV | US | 31:53.3 |
| 88107 Jacob Smiley          |    | US | 12:11.9 |
| 88108 Bob Denham            | NV | US | 14:41.2 |
| 88111 Carla Platerio        | TX | US | 42:22.2 |
| 88112 Mary Jill Fericks     | NV | US | 42:46.3 |
| 88113 Tara Bail             | NV | US | 03:27.0 |
| 88114 Stephan Boyles        | NV | US | 56:53.0 |
| 88115 Joice Romaine         | NV | US | 13:26.3 |
| 88117 Mariah Adams          | NV | US | 54:48.4 |
| 88119 Brad Smith            | NV | US | 07:22.0 |
| 88120 yolanda harris        | NV | US | 38:05.8 |
| 32063 Brooke Whiited        | NV | US | 38:06.8 |
| 88121 Christopher Rodriguez | NV | US | 11:21.4 |
| 88122 Isaac Hernandez       | NV | US | 24:47.0 |
| 88124 dan beeler            | NV | US | 36:35.1 |
| 88125 Debi Adams            | NV | US | 38:25.0 |
| 88126 Dustin Shouse         | NV | US | 40:40.0 |
| 88129 Amber Romero          | NV | US | 08:12.2 |
| 88130 Benjamin Suyematsu    | NV | US | 21:24.9 |
| 88131 steven brown          | NV | US | 46:14.9 |
| 88132 Lisa Gentry           | NV | US | 49:34.0 |
| 88134 Cheyenne George       | TX | US | 02:23.9 |
| 88136 Roy Gates             | CA | US | 08:05.0 |
| 88138 Brian Mott            | NV | US | 28:46.0 |
| 88139 Elizabeth Silva       |    | US | 43:28.7 |
| 88140 Shelby Ogden          | NV | US | 55:02.3 |
| 88141 Melanie Dolberg       | NV | US | 02:51.1 |

|       |                       |    |    |         |
|-------|-----------------------|----|----|---------|
| 88143 | Audrey Royce          | NV | US | 17:07.9 |
| 88145 | Rebecca Zohar         | NV | US | 27:48.7 |
| 88146 | Robbi Thorn           | NV | US | 46:19.7 |
| 88148 | Gina Fericks          | NV | US | 51:32.9 |
| 88149 | Vanessa Mehserle      | NV | US | 32:17.5 |
| 88150 | April Blackhat        | NJ | US | 33:42.7 |
| 88151 | Apryl Burden          | NV | US | 20:00.3 |
| 88152 | John D Harmening      | NV | US | 14:20.4 |
| 88153 | Travis Johnson        | NV | US | 50:26.2 |
| 88154 | Alicia Kooi           | NV | US | 01:45.6 |
| 88155 | Andrew Dolberg        | NV | US | 30:12.1 |
| 88156 | Jennifer Ziolkowski   | NV | US | 47:33.4 |
| 88157 | Melissa Stevens       | FL | US | 54:58.0 |
| 88158 | Maria Trowbridge      | NV | US | 28:45.7 |
| 88160 | Karen Fowler          | MI | US | 30:40.3 |
| 88162 | Mason Nicholle Fowler | NV | US | 32:58.8 |
| 88163 | Zachary Davis         | NV | US | 34:59.3 |
| 88164 | Blanca Do             | NV | US | 01:27.4 |
| 88165 | Kelsey Deyoung        | NV | US | 31:22.6 |
| 88167 | Lexie Nielson         | NV | US | 37:11.1 |
| 88168 | Maranda Treece        | NV | US | 29:32.4 |
| 88169 | Jamie Stoddard        |    | US | 31:46.5 |
| 88170 | James Brown           | NV | US | 21:17.0 |
| 88171 | Zimirah Fire          | NV | US | 29:46.5 |
| 88173 | Kayla Jerome          | NV | US | 09:49.5 |
| 88174 | Nicollette Brown      | NV | US | 15:45.4 |
| 88175 | Kaleb Madson          | NV | US | 26:09.8 |
| 88176 | Kaylani Mason         | NV | US | 41:19.8 |
| 88177 | Michael Salvo         | GA | US | 07:54.3 |
| 88178 | John Vorwaller        | CO | US | 43:24.0 |
| 88179 | Alanna Hyde           | NV | US | 48:57.6 |
| 88180 | DessiRae Maroney      | CA | US | 55:34.3 |
| 88181 | Amy Hafner            | NV | US | 00:44.9 |
| 88182 | Noah Miller           | NV | US | 35:19.3 |
| 88184 | Asia May              |    | US | 32:58.0 |
| 88185 | Devon Marcille        | NV | US | 48:54.4 |
| 88186 | Kylie Bell            | NV | US | 53:50.1 |
| 88187 | James Patterson       | NV | US | 46:34.3 |
| 88191 | Karlee Sea            | NV | US | 03:37.4 |
| 88193 | Anita Zacharof        |    | AU | 12:33.3 |
| 88194 | Doug Eisenberg        | NV | US | 42:32.0 |
| 88195 | Tina Gleason          | NV | US | 48:54.1 |
| 88197 | christena lewis       |    | US | 53:22.7 |
| 88198 | Zackery Wood          | NV | US | 07:06.1 |
| 88199 | Pamela Dennis         | NV | US | 20:49.8 |
| 88201 | Scott Parsons         | NV | US | 27:01.0 |
| 88202 | Robert Sanders        | NV | US | 29:25.1 |

|                              |    |    |         |
|------------------------------|----|----|---------|
| 88203 Riley Holcomb          | NV | US | 45:27.1 |
| 88204 Keisha Uhl             | NV | US | 48:14.6 |
| 88205 John Pitman            | ID | US | 59:20.4 |
| 88206 Cynthia G-Devenport    | NV | US | 17:39.5 |
| 88207 Katy Baumgardner       | NV | US | 12:42.6 |
| 88208 David Garrett          | NV | US | 14:24.5 |
| 88209 Sue Lundy              | NV | US | 20:23.2 |
| 88210 Samantha Anderson      | NV | US | 32:28.9 |
| 88212 Kenneth Bordwell       | NV | US | 42:37.3 |
| 88213 Kade Martinez          |    | US | 44:56.3 |
| 88214 Richard Baumgardner    | NV | US | 55:54.0 |
| 88216 Monique Gollihar       | NV | US | 45:37.0 |
| 88217 Jacob Seitz-Sampson    | UT | US | 07:29.9 |
| 88218 Erik Roth              | ID | US | 28:51.5 |
| 88219 James Hof              | NV | US | 43:38.6 |
| 88220 Maria Deleon           | NV | US | 10:53.5 |
| 88221 Sasha Chute            | MN | US | 32:34.7 |
| 88222 Teri Hendricks         | MA | US | 44:09.5 |
| 88226 David Jr Blanco-Mendez | NV | US | 48:37.3 |
| 88227 Hannah Roberts         | ID | US | 28:46.9 |
| 88228 Steve Adams            | ID | US | 04:17.2 |
| 88232 Mariana Delgado        | MN | US | 05:10.7 |
| 88234 Thomas Mendoza         |    | US | 08:02.0 |
| 88235 Chelsea Boliccek       | NV | US | 40:32.5 |
| 88128 Donna Carey            | NV | US | 06:37.7 |
| 88239 Corina Felzien         | NV | US | 57:11.2 |
| 88240 Kaitlin Skeen          |    | US | 06:01.7 |
| 88241 Ian Montgomery         |    | US | 26:22.6 |
| 88242 Meredith Rader         | NV | US | 39:03.4 |
| 88244 Melissa Leon           |    | US | 20:54.9 |
| 88245 Shauna Carder          |    | US | 58:03.9 |
| 88246 Richard Pike           | NV | US | 10:13.4 |
| 88247 Jesse Peniska          |    | US | 25:58.2 |