

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

SS January 14, 2020

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, January 14, 2020.

This meeting was called to order by Mayor Reece Keener.

CALL TO ORDER

ROLL CALL

Mayor Present: Reece Keener

Council Present: Councilwoman Mandy Simons
 Councilman Robert Schmidlein
 Councilman Chip Stone
 Councilman Bill Hance

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Dale Johnson, Utilities Director
 Kelly Wooldridge, City Clerk
 Michele Rambo, Development Manager
 Candi Quilici, Accounting Manager
 Jan Baum, Financial Services Director
 Mike Haddenham, WRF Superintendent
 Dennis Strickland, Public Works Director
 Bob Thibault, Civil Engineer
 James Wiley, Parks and Recreation Director
 Cathy Laughlin, City Planner
 Jim Foster, Airport Manager
 Jeff Ford, Building Official
 Matt Griego, Fire Chief
 Jack Snyder, Deputy Fire Chief
 Dave Stanton, City Attorney
 Ty Trouten, Police Chief
 Diann Byington, Recording Secretary

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.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: December 10, 2019

Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Presentation of an appreciation plaque to former Planning Commissioner Ian Montgomery, and matters related thereto. **INFORMATION ITEM ONLY – NON-ACTION ITEM**

Mr. Montgomery was not present.

- B. Reading of a proclamation by the Mayor in recognition of the month of January as National Radon Action Month in Elko, Nevada, and matters related thereto. **INFORMATION ITEM ONLY – NON-ACTION ITEM**

Mayor Keener read the proclamation.

- C. Presentation and possible approval of a Syringe Services Program to be implemented and managed by Trac-B Harm Reduction Clinic, Las Vegas, Nevada, on City owned property located at 398 Hot Springs Road (Humanitarian Campground), and matters related thereto. **FOR POSSIBLE ACTION**

Trac-B Harm Reduction Clinic, Las Vegas, NV, wishes to establish a syringe service program at the Humanitarian Campground located at 398 Hot Springs Road. The property is owned by the City of Elko. Mr. Richard Cusolito has been trained by Trac-B has a Client Outreach Specialist and would manage the program for Trac-B. Mr. Cusolito resides within Elko County and has been involved with persons residing at the camp through his volunteer efforts through FISH and privately over a period of several years. SAW

Chelsi Cheatham, Trac-B, 6114 W. Charleston Blvd., Las Vegas, gave a presentation (Exhibit "A").

Rick Reich, Las Vegas, started the Harm Reduction with the purpose of getting people into treatment. He wanted to get people tested for HIV or Hep C and get them offered treatment. With the exchange program, they take the turned in needles, treat them and turn them into tiny pieces that can be thrown into the trash legally. He thought the program works pretty well in Clark County and the State of Nevada has encouraged them to push it out into other communities. Needles need to be disposed of safely. In the rural communities, the needles do not need to be treated and can be disposed of directly into the landfill after being ground up. He felt our community could benefit from a program like this. He offered to run this on a probationary basis to see if the community wants it and if it works.

Rich Cusolito has been working with the homeless community since before there was a humanitarian camp. Trac-B found him when they came to the community and put him through some State Certification Courses in Las Vegas. His job is to get people into rehab. He felt this program is important to help stop the spread of disease in the community.

Councilman Stone asked what would their response be to the public when they ask if this is really just enabling drug use.

Mr. Reich answered it is enabling, but it is enabling them to stop spreading disease and enabling them to enter into treatment. They have given out approximately 1.25 million syringes since they opened, and have collected roughly 750,000 syringes. That number has been steadily coming up.

Councilman Stone asked if they also hand out kits for sexually transmitted diseases.

Mr. Reich answered said they hand out condom kits and wound care kits. He is surprised by how much of the first aid supplies they hand out. He buys the supplies from Government Planet Auctions in bulk. They also give out Naloxone routinely and trains everyone on how to use it.

Councilwoman Simons asked if we are just talking about the needle exchange program here.

Mr. Cusolito answered he does give out wound kits that consist of bandaids and sterile wipes.

Scott Wilkinson, Assistant City Manager, stated the agenda item is just for syringe exchange at the humanitarian camp.

Councilwoman Simons asked about the funding source.

Mr. Reich answered some funding comes from federal, state and county grants. He pulls a salary and that is what he uses to buy the supplies. He is retired and does not need the salary. He does this to help people. He thinks the Federal Government will start funding programs like these someday.

Chief Trouten said this is legal under NRS 439.985-994. He found the CDC report everything was based on, but wondered what the numbers were without these programs. A lot of users do not seek help for themselves and end up being life-long addicts. He believes the program is valid and has some positive benefits. In Las Vegas, they have a storefront where people come to them for the exchange. He questioned if the campground is the appropriate place for this because the residents refuse pick up their trash and put it in receptacles.

Mayor Keener asked Scott Wilkinson what his thoughts were.

Mr. Wilkinson answered he had a recommended motion if the Council were to consider an approval of the program. He consulted with Dave Stanton, City Attorney. We believe that if they were to move forward with the program, they should develop a revocable permit between the City of Elko and the clinic that describes exactly how the program will be ran and the expectations.

Jeff Secord, 3324 Argent Ave., said the enabling thing bothers him. Can the syringes being supplied be identified? (No) What is the City liability for the needles? Are we liable if someone

gets hold of a syringe and then injects himself or herself with an illegal substance? Can the City be sued for their death?

Dave Stanton, City Attorney, answered if the City is acting in good faith, the legislature has given the City immunity.

Mayor Keener said he is willing to give this program a try. It could be a good resource for some individuals.

Councilwoman Simons said she didn't know much on this subject until this was on the agenda. Drug Court will send people through drug programs instead of jail. Over time, the programs have shown that they can save the public some money and people are getting the treatment they need. It looks like this program may fit into that. She was in favor of something that can save lives and public dollars.

Councilman Hance asked if this will be limited to residents at the camp or open to everyone.

Mr. Wilkinson said he envisions this only being available to those registered residents at the camp. If it needs to be clarified the agenda is about a program at that location. We can entertain allowing people to travel to the camp for the exchange but it would have to be at a certain time, perhaps one day a week. He wasn't comfortable with all that traffic going to the camp.

Councilman Schmidtlein asked if FISH would become the storefront for this program.

Mr. Wilkinson answered FISH was present but wasn't sure if they have had those discussions.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to direct staff to develop a Revocable Agreement for the establishment and management of a syringe service program to be located on City owned property at 398 Hot Springs Road, for the benefit of persons properly registered and residing at the Humanitarian Campground.**

The motion passed unanimously. (5-0)

II. PERSONNEL

A. Employee Introductions:

- 1.) Brenton Pepper, Patrol Officer, Police Department
Present and introduced.
- 2.) Katie Litchfield, Patrol Officer, Police Department
Present and introduced.
- 3.) Dakota Weins, Airport Maintenance Worker, Airport
Present and introduced.

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

Mayor Keener said Councilman Schmidlein has served honorably through all of 2019 and is interested in continuing in that capacity.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve Councilman Schmidlein as Mayor Pro Tempore.**

The motion passed unanimously. (5-0)

- C. Mayoral designation of City Council members to specific “Liaison” positions within the City of Elko, and matters related thereto. **NO ACTION BY COUNCIL REQUIRED**

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

Mayor Keener stated it is his understanding that everyone was satisfied with their positions, with the exception of Councilman Schmidlein who wants to be removed from the Fair Board. He asked Councilman Stone if he was interested.

Councilman Stone agreed to be the first on that board.

III. APPROPRIATIONS

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

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

The motion passed unanimously. (5-0)

- 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 Stone, to approve the Print 'N Copy warrants.**

The motion passed. (4-0 Mayor Keener abstained.)

- C. Review and possible approval of Ruby Mountain Lock & Safe Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the Ruby Mountain Lock & Safe warrants.**

The motion passed. (4-0 Councilman Hance abstained.)

- D. Review, consideration, and possible approval of a request from Elko Police Department to purchase a Ford Explorer in place of the Dodge Charger AWD Sedan, and matters related thereto. **FOR POSSIBLE ACTION**

During the November 12, 2019 Council Meeting, Council approved the Elko Police Department's request to purchase a Dodge Charger AWD Sedan at the estimated cost of fifty-four thousand, one hundred and twenty-four dollars and sixty-four cents (\$54,124.64). The Charger was to be utilized as a marked patrol unit.

It has since been discovered, the Dodge Charger AWD Sedan is no longer available for purchasing. In addition, two un-marked units have been removed from service, creating a shortage of un-marked units for detectives.

The estimated cost for the Ford Explorer is forty-five thousand, five hundred and seventy-two dollars and sixteen cents (\$45,572.16). This vehicle would be utilized as an unmarked detective unit. The purchasing change would save the City eight thousand, five hundred and fifty-two dollars and forty-eight cents (\$8,552.48). TT

Chief Trouten explained Dodge is re-tooling the Dodge Charger and it won't be available for another year. This purchase will save some money because they won't be putting in some of the aftermarket equipment that goes into the patrol units.

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to approve the Elko Police Department's request to purchase a Ford Explorer in place of the Dodge Charger AWD Sedan.**

The motion passed unanimously. (5-0)

- E. Consideration and possible acceptance of a grant awarded by the Walmart Corporation for support funds for the Community Risk Reduction Program in the amount of \$4,500, and matters related thereto. **FOR POSSIBLE ACTION**

City of Elko Fire Department Fire Marshal applied for a Grant through the Walmart Corporation last month (November) for the support funds for the Community Risk Reduction Program.

As of December 10, 2019, City of Elko Fire Department Prevention was awarded \$4,500 to continue the current project. There is no out of pocket expense for the City of Elko and purchases will be made to support the Community Risk Reduction. JH

Chief Griego explained this is an annual grant through Walmart's Community Funds, where they like to give back to the community. There is no match for it.

Mayor Keener wanted to make sure they are sending Walmart a thank you letter.

**** A motion was made by Councilman Stone, seconded by Councilman Schmidtlein, to accept the \$4,500 grant from Walmart Corporation for support funds for the Community Risk Reduction Program.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible final acceptance of the Elko Sports Complex Outfield Fencing Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the June 12, 2018 meeting, Council awarded the Sports Complex Outfield Fence Project to Lamoille Fencing in the amount of \$96,624.00. There were no Change Orders. This project was substantially completed on November 15, 2019. Final Punch List Items and Final Billing have since been completed. BT

Bob Thibault, Civil Engineer, explained the project has been completed and there were no change orders.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to approve Final Acceptance for the Elko Sports Complex Outfield Fencing Project, in the amount of \$96,624.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible final acceptance of the Elko Sports Complex Parking Lot Project, and matters related thereto. **FOR POSSIBLE ACTION**

At their July 24, 2018 meeting, Council awarded the Sports Complex Parking Lot project to Granite Construction in the amount of \$1,273,337.50. There were two monetary Change Orders during construction that resulted in a combined savings of \$45,902.55, and a few changes in bid item quantities that resulted in an additional savings of \$3,575.50, for a total savings of \$49,478.05. The final cost of the project

was \$1,223,859.45. This project was substantially completed on October 11, 2019. Final Punch List Items and Final Billing have since been completed. BT

Mr. Thibault explained this project had a couple of change orders but we ended up saving money overall. The change orders were included in the packet. Granite did a great job with the parking lot.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to accept final acceptance of the Elko Sports Complex Parking Lot by Granite Construction, in the amount of \$1,223,859.45.**

The motion passed unanimously. (5-0)

- H. Review, consideration, and possible final acceptance of the Elko Sports Complex Comfort Station Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the June 12, 2019 meeting, Council awarded the Sports Complex Comfort Station Project to Granite Construction in the amount of \$888,888.00. There were four monetary change orders during construction that resulted in a combined additional cost of \$31,429.00. The final cost of the project was \$920,317.00. This project was substantially completed on October 15, 2019. Final Punch List Items and Final Billing have since been completed. BT

Mr. Thibault explained this project had some challenges and some change orders. Overall, the change orders were a small percentage of the total. Granite and all of the subs did a good job.

**** A motion was made by Councilman Stone, seconded by Councilman Schmidtlein, to approve final acceptance of the Elko Sports Complex Comfort Station Project by Granite Construction, in the amount of \$920,317.**

The motion passed unanimously. (5-0)

- I. Review, consideration, and possible direction to Staff to solicit bids for the WRF East Primary Clarifier Recoating Project 2020, and matters related thereto. **FOR POSSIBLE ACTION**

This is a maintenance project budgeted for the current fiscal year's budget. The work consists of sandblasting and repainting all metal surfaces above and below the waterline of the clarifier with 3 or 4 coats of paint, respectively. Additionally, any damaged components noticed will be repaired during this time while the clarifier is drained of water. DJ

Dale Johnson, Utilities Director, explained they are asking to solicit bids on a maintenance project. He stated we do these re-coatings about every five years to protect the metal surfaces.

**** A motion was made by Councilman Schmidtlein, seconded by Councilwoman Simons, to direct staff to solicit bids for the East Primary Clarifier Recoating Project 2020.**

The motion passed unanimously. (5-0)

- J. Review, consideration, and possible action to award a bid for the City of Elko RBC Removal Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for this project on November 12, 2019. A Bid Tally Sheet is attached. DJ

Councilman Schmidtlein disclosed his partners in Canyon Construction are the owners of Great Basin Engineering Contractors and recused himself.

Mayor Keener said it looks like Great Basin was quite a bit lower than the other bidders. Was everything in order?

Mr. Johnson answered yes.

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to award the bid for the RBC Removal Project to Great Basin Engineering Contractors, in the amount of \$192,977.10.**

The motion passed. (4-0 Councilman Schmidtlein abstained.)

- K. Review, consideration, and possible action to award a bid for the City of Elko 18" Water Line Relocation Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for this project on November 21, 2019. A Bid Tally Sheet is attached. DJ

Mayor Keener noted there were four bids. All of the bids were reviewed and everything was in order.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to award the bid for the 18" Water Line Relocation Project to Ruby Dome Inc., in the amount of \$95,151.79.**

The motion passed unanimously. (5-0)

- L. Consideration and possible acceptance of a donation of a 2006 Pistonbully Groomer to SnoBowl, and matters related thereto. **FOR POSSIBLE ACTION**

Peterson Equipment from Hyde Park Utah donated a 2006 Pistonbully Groomer with a Mercedes Diesel Engine to SnoBowl. The groomer is estimated at current market price at \$50,000 - \$60,000. A new groomer costs approximately \$350,000. JW

James Wiley, Parks and Recreation Director, explained credit for this goes to Rocky Bush and his long-standing relationship with Peterson Equipment. They got this Pistonbully Groomer through a trade-in and asked us if we would want it. It is a huge gift to the SnoBowl. With two groomers we will be more efficient. His plan is to bring out the company owner at a future date and take a photo of him with it. Eventually we will get him in front of Council for a proper thank you.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Stone, to accept the donation of the 2006 Pistonbully Groom from Peterson Equipment.**

The motion passed unanimously. (5-0)

IV. UNFINISHED BUSINESS

- A. Status update on the Public Nuisance complaint regarding 403 Pine Street, and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Based upon City Council action on October 22, 2019, Staff is providing a status update with regard to 403 Pine Street. MR

Michele Rambo, Development Manager, explained the 60-day time period waiting for someone to purchase the property has passed without a buyer. The City can now go onto the property and look at abatement options. There is a contract with Lostra Engineering in place to perform a structural assessment. She is just waiting for the keys and access from the attorney to begin inspections.

V. NEW BUSINESS

- A. Review, consideration, and possible approval of an Access Agreement between the City of Elko and United States of America, by and through the U.S. Department of Veterans Affairs for a portion of property referred to as APN 001-01A-012, and matters related thereto. **FOR POSSIBLE ACTION**

The U.S. Department of Veterans Affairs is proposing a purchase of approximately 15 acres of city owned property. They are requesting permission with this access agreement to appraise the property, perform surveys, conduct engineering tests and studies, make test borings and carry out such other exploratory investigations as they determine necessary in order to do their due diligence investigations prior to purchasing. CL

Cathy Laughlin, City Planner, explained she and Mr. Calder met with the VA several weeks ago, and toured several city owned properties. This agreement gives them permission to enter onto the property to do their due diligence before coming back with a purchase offer on the property. They are only interested in about 15 acres of the parcel.

Curtis Calder, City Manager, said he has gotten a few calls over the last few days from other federal agencies. They were not aware the VA was looking at other properties. We aren't sure if the VA is looking at this parcel as an option B or if the other parcel they were looking at is off the table.

**** A motion was made by Councilman Stone, seconded by Councilman Schmidlein, to approve the Access Agreement between the City of Elko and the United States of America, by and through the U.S. Department of Veterans Affairs, for a portion of property referred to as APN: 001-01A-012.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to accept the 2020 Planning Commission Work Program, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered a draft 2020 Work Program at their meeting January 7, 2020. They took action to approve the Work Program and forward it to Council for acceptance. CL

Ms. Laughlin explained the proposed work program.

**** A motion was made by Councilman Hance, seconded by Councilman Schmidlein, to accept the 2020 Planning Commission Work Program.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible action to fill a vacancy on the Elko City Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

On December 10, 2019, Council accepted a letter of resignation from Planning Commission member Ian Montgomery. Staff conducted the standard recruitment process and has received 2 letters of interest to serve on the Planning Commission, copies of which are included in the Council packet. The new member will be appointed to fill the remainder of the four-year term, which will expire at the end of July 2020. CL

Ms. Laughlin explained both of the applicants were present in the audience and available for questions.

Giovanni Puccinelli said he applied for this because he felt it was time to start doing something for the community. He already serves on the Fair Board.

Ken Morgan has been a resident here for 30 years. He is interested in doing something with the city as a volunteer. He is an engineer at the mines and is semi-retired.

Councilman Schmidlein thanked both for coming forward. It is great to have multiple applicants.

Mayor Keener said this is a tough decision and suggested a coin toss. Heads for Mr. Puccinelli, tails for Mr. Morgan. The toss ended in heads and congratulations to Mr. Puccinelli.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to appoint Giovanni Puccinelli to fill the vacancy on the Planning Commission.**

The motion passed unanimously. (5-0)

PRIOR TO STAFF REPORTS, the City Attorney made the following comments:

Dave Stanton, City Attorney, asked that one item be reconsidered. That would be Item V.C. – the appointment to the Planning Commission. He put some thought into this and he felt the coin toss

was problematic. We have two options: Mr. Morgan can consent to the Council having made the decision that way on the record, or alternatively, he would ask that the Council reconsider that item and consider some of the different criteria and maybe hear more from each of the applicants.

Ken Morgan said he consents to the way Council handled that.

Council thanked him and Mayor Keener said that makes it easier for everyone.

- D. Review, consideration, and possible approval of the First Amendment to the Agreement to Install Improvements and Provide Maintenance Guaranty with Jordanelle Third Mortgage, LLC for Phase 2 of the Tower Hill Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

As required by Elko City Code 3-3-21, the City and Jordanelle Third Mortgage, LLC entered into an agreement to install improvements for Phase 2 of the Tower Hill Subdivision on March 26, 2019. Jordanelle Third Mortgage has completed the subdivision improvements for Phase 2 of the Tower Hill Subdivision, but due to required testing timelines, the engineer of record has not yet certified a portion of the sidewalk. Due to an upcoming deadline, the developer has chosen to post a performance guaranty in accordance with Elko City Code 3-3-22 and the performance agreement to cover the cost of the sidewalk still in need of certification. To accomplish this, Staff has determined that the City and the developer need to revise language in the agreement to install improvements to allow the posting of a performance guaranty for the remaining work. MR

Michele Rambo, Development Manager, explained this is the second time we have seen this type of amendment. The applicant is present in the audience and he is in agreement with the amount of the bond.

**** A motion was made by Councilman Stone, seconded by Councilman Schmidlein, to approve the First Amendment to the Agreement to Install Improvement and Provide Maintenance Guaranty for Phase 2 of the Tower Hills Subdivision.**

The motion passed unanimously. (5-0)

BREAK

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution No. 28-19, a resolution and order vacating a portion of Front Street Rights-of-Way approximately 1,926 sq. ft. abutting APN 001-422-002, which is located within the City of Elko, Nevada, to the abutting property owner Ellison Properties, filed and processed as Vacation No. 12-19, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of October 22, 2019, and directed Staff to continue with the vacation process by referring the

matter to the Planning Commission. The Planning Commission considered the vacation at its meeting December 3, 2019, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 12-19 with findings in support of its recommendation. CL

Cathy Laughlin, City Planner, explained the vacation request. A copy of the resolution was included in the packet.

Mayor Keener said Mr. Ellison contacted him regarding this some time ago. He has been maintaining the area for many years.

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to adopt Resolution No. 28-19, which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to adopt Resolution No. 31-19, a resolution and order vacating a portion of Commercial Street Rights-of-Way, approximately 50 feet in width by 2 feet in depth abutting APN 001-343-008, which is located within the City of Elko, Nevada, to the abutting property owner MPLDP LLC., filed and processed as Vacation No. 11-19 by City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Council made a motion to vacate a portion of Commercial Street Right-of-Way at its regular meeting of September 24, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of December 4, 2019, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 11-19 with findings in support of its recommendation. CL

Ms. Laughlin explained some months ago she brought vacations and resolutions for all of the properties along Commercial Street between 5th and 6th, with the exception of this one property because it did not have an encroachment into the right-of-way. With the motion, you directed staff to reach out to the property owner to see if they are interested in the vacation to keep the right-of-way to be continuous from 5th to 6th. The property owner stated they wanted to be included in the vacation of the block.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Stone, to adopt Resolution No. 31-19, which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

V. NEW BUSINESS (Cont.)

- E. Review, consideration, and possible approval of a request from Bernard Douglas Elvin III, dba Star Meat Services for concession space at the Elko City Main Park, and matters related thereto. **FOR POSSIBLE ACTION**

We have two concessionaires no longer using their space at the park. They are Williams Barbeque and Ruby Mountain Hot Dogs. Mr. Elvin II is requesting to use park space 4 to sell hot dogs and lemonade. He has been issued an Elko City Business License. KW

Kelly Wooldridge, City Clerk, explained this is our regular concessionaire agreement. Mr. Elvin was present to answer any questions.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to approve the request from Bernard Douglas Elvin III, dba Star Meat Services, for concession space No. 4 at the City Park.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible approval of a Hangar (C4, C5, D1, and D2) Lease Agreement with Tree Street Investment Group, Airplane Series, LLC (Matthew Stramel/Manager), and matters related thereto. **FOR POSSIBLE ACTION**

Tree Street Investment Group, Airplane Series, LLC (Matthew Stramel/Manager) recently purchased Hangars C4, C5, D1, and D2 from Ann Barron and Ron Privasky and a new Lease Agreement needs to be completed with Tree Street Investment Group, Airplane Series, LLC (Matthew Stramel/Manager). Additionally, Airport Ground Leases of less than one-half an acre are no longer subject to appraisal/auction process for cities whose population is less than 25,000 (NRS 496.80). JF

Jim Foster, Airport Manager, explained this is the standard T-Hangar agreement.

**** A motion was made by Councilman Stone, seconded by Councilman Schmidtlein, to approve Hangar (C4, C5, D1 and D2) Lease Agreement with Tree Street Investment Group, Airplane Series, LLC (Matthew Stramel/Manager).**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible approval of a Hangar (G7) Lease Agreement with Richard Evans, and matters related thereto. **FOR POSSIBLE ACTION**

Richard Evans recently purchased Hangar G7 from the Marvin Epstein Trust, and a new Lease Agreement needs to be completed with Richard Evans. Additionally, Airport Ground Leases of less than one-half an acre are no longer subject to appraisal/auction process for cities whose population is less than 25,000 (NRS 496.80). JF

Mr. Foster explained the trust has been trying to sell the hangar and airplane since Mr. Epstein passed away. They finally found a buyer for both.

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve the Hangar (G7) Lease Agreement with Richard Evans.**

The motion passed unanimously. (5-0)

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Police Chief issuing a 114-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Greg Chavez, Emily Andersen, Alberto Parra, Cory Vorwaller, and Sydnie Chavez, DBA The Stage Door Elko, LLC., located at 303 3rd Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Trouten explained this has taken some time to get to Council because of all the necessary background checks. Everything is good and ready to go. He recommended approval.

Mayor Keener stated with a liquor license comes a great deal of responsibility. He was sure the Chief explained it all to them. He hopes they operate a very successful business down there.

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to ratify the Police Chief issuing a 114-day temporary retail liquor license and issue a Regular Retail Liquor License to Greg Chavez, Emily Anderson, Alberto Parra, Cory Vorwaller, and Sydnie Chavez, dba The Stage Door Elko, LLC, located at 303 3rd Street, Elko, Nevada, 89801.**

The motion passed unanimously. (5-0)

V. NEW BUSINESS (Cont.)

- K. Review, discussion, and consideration of amending City of Elko Telecommunications Franchise Fees pursuant to Elko City Code Title 8, Chapter 12, and matters related thereto. **FOR POSSIBLE ACTION**

In conjunction with the Governor's Office of Science, Innovation, and Technology (OSIT), the City of Elko has been actively involved in regional broadband development efforts. As a result, existing City of Elko Telecommunications Franchise Fees have been identified as a potential barrier to future broadband development within the community.

Telecommunications Franchise Fees are currently 2% of gross revenue, and generate approximately \$100,000 per year. While a reduction or suspension in the Franchise Fee will reduce annual revenue to the City, the economic development impact from a large broadband buildout would most likely offset most, if not all of the loss in revenue.

City Staff is requesting direction regarding the amendment (and duration) of existing fees. Any fee amendments must be brought back to the City Council and approved through resolution. CC

Curtis Calder, City Manager, explained this discussion is assuming we will not change City Code, just the fee. If we were looking to change just the fee, we can handle that in resolution. We are looking at just changing the franchise fee for telecommunications only. This would include the telephone providers, broadband providers and anyone else that would fall under that category. We would also need to decide when the change will be effective. Staff would prefer that the change take place July 1 so the new fees can be included in budget.

Mayor Keener said he has been involved for some time in broadband development in the area. The Governor's Office of Science Innovation and Technology has spent a lot of time working with vendors in the area. We are finally getting interest in this market. Nevada Gold Mines has been very engaged in this effort too. If they are going to make an investment, Mark Bristo said they want the City to have some skin in the game. By skin in the game, we need to have some investment in it. The City can participate in this by rolling back the franchise fees. He is confident that the City will realize the amount of lost revenue with the full build-out of broadband infrastructure.

Councilman Hance asked where is the business impact statement that says the franchise fees are holding back development. He didn't think anything has been done officially. Frontier is a regulated utility and the franchise fee is passed to the customer and included in the bills. By doing this we are putting regulated utilities against private enterprise.

Dave Stanton, City Attorney, said the definition of a telecommunications provider is different in the City Code than it is in the NRS. They are not identical definitions.

Councilman Hance said the non-regulated utilities pays the franchise fees where a regulated utility makes the users pay it. How do we exempt a non-regulated utility using the same infrastructure, vs a regulated utility passing the cost through? He doesn't understand why we have a problem getting competition in this market. This is one of the highest markets for wage in the State of Nevada, yet we can't get providers to come in and run some cable down the alley.

Will Moschetti, 312 Oak Street, said it is hard for him to believe that 2% is a disincentive to a provider. He doesn't think the fees are the issue. We would all be willing to pay an extra \$1 for real internet.

Joe Shelton, Owner of White Cloud Communications, said they have made a large investment in the community and would like to have any assistance to make this happen. They cannot include the franchise fees on the invoice like some competitors can. They appreciate the assistance to make this happen.

Jasen Herr, Operations director for Safelink Internet, stated they are looking to bring in fiber to every house, home and business in Elko and Spring Creek. They cannot add the franchise fee onto their invoices. Anything the City can do to help with the build out will be appreciated.

Mr. Calder said the City has not conducted a business impact statement like we would do if we were raising rates. The Governor's Office of Information Science Technology stated the franchise fee posed a barrier.

Councilman Hance asked for comparisons to other cities. The City does have oversite costs in managing these utilities.

Mr. Calder added that not everybody is at 2%. Frontier was renegotiated recently. The number projected here was based on last fiscal year but we anticipate this going down due to Frontier experiencing heavy losses.

Mayor Keener noted the White Cloud franchise agreement is at 5%.

Councilman Hance thought the fee should not be suspended entirely but reduced to the same amount for everyone. All providers need to be treated the same.

Mayor Keener wanted to look at this as economic development funding. White Cloud has already spent hundreds upon hundreds of thousands of dollars doing engineering studies. Anything we can do to help the process along will be welcome. Nevada Gold Mines has gone to the County and asked for concessions too. They want this for the community.

Councilman Schmidtlein said we need to come out of the dark ages and take a risk. He was in favor of reducing the fee.

Councilwoman Simons said the declining revenue will continue to decline. She was sure many people will say that we need to do what it takes to get this done.

Councilman Stone said it has declined and it will only get worse. We need to listen to these folks that are asking for help.

Mr. Calder asked that the percentage to be stated in the motion, and for how many years they want to do it.

Mayor Keener said he was thinking of a suspension of 5 years and then reevaluate it.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to reduce the franchise fees to 0% for a five-year period of time, starting July 1, 2020 to go through until June 30, 2025, for the telecommunication franchise fees only.**

The motion passed unanimously. (5-0)

- H. Review and possible approval of the First Amendment to the Nonexclusive Franchise Agreement between the City of Elko and White Cloud Communications Incorporated, amending Section 1.2 of the agreement, granting a revocable license to pull communication cable in underground conduit owned by the City of Elko and located within City Rights-of-Way, and matters related thereto. **FOR POSSIBLE ACTION**

The City Council approved a Nonexclusive Franchise Agreement between the City and White Cloud Communications Incorporated at its meeting on December 10, 2019. White Cloud Communications Incorporated wishes to utilize City owned conduit within City Rights-of-Ways to build out communication infrastructure. The

City of Elko code requires the installation of conduit under certain circumstances to facilitate the build out of communication infrastructure within the community. The proposed amendment grants a revocable permit under the Nonexclusive Franchise Agreement for the purposes of installing telecommunication cable in City owned conduit. SAW

Scott Wilkinson, Assistant City Manager, explained he provided a revised First Amendment on the dais (Exhibit "B"). Our code requires conduit to be installed in the ground, or whoever is doing the work in the right-of-ways, on any project that involves 100 feet or more. We have some empty conduit already in the ground, and we did this already on Cedar Street. When the franchise agreement was approved, he informed Council that they would be looking at the possibility of a revocable permit. White Cloud has requested to use some conduit that is in the ground. If this were to be approved by City Council, the next step will be to call the other providers to see if they would also like to include this option in their franchise agreement. He will be looking at amending those agreements.

Joe Shelton, White Cloud Communications, said he is fine with how it was written.

Mayor Keener asked there is the City occupied conduit, and then one that is empty. There were no locators put in. Were you able to identify where that conduit is at?

Mr. Shelton answered they have done some work but will have to do more work to find where it is. They will put locators in.

Councilwoman Simons asked when they will start providing service.

Mr. Shelton answered as quickly as they can. They will begin immediately.

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to approve the First Amendment to the Non-Exclusive Franchise Agreement between the City of Elko and White Cloud Communications Incorporated, amending Section 1.2 of the agreement, granting a revocable license to pull communication cable in underground conduit owned by the City of Elko and located within City right-of-ways.**

The motion passed unanimously. (5-0)

- I. Review, consideration, and possible approval to advertise a request for proposals to operate the Food/Beverage Concession area at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The Airport would like to advertise to the public for proposals to operate the Food & Beverage Concession in the terminal. Any new contract will be negotiated with the successful bidder and brought before City Council for final approval. JF

Jim Foster, Airport Manager, explained they are requesting approval to go to advertise. We want to get someone into that restaurant. They have reached out to some individuals that may have an interest. We need to go out to public bid for this rather than just negotiate a concessionaire.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Hance, to authorize staff to solicit bids and negotiate a contract for the Food and Beverage Concession at the Elko Regional Airport. A final Food and Beverage Agreement will be brought back to the City Council for final approval.**

The motion passed unanimously. (5-0)

VI. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No 1-20, Resolution and Order providing for the Elko City General Election to be held November 3, 2020, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko City Council will have two Councilmember positions available for the election to be held November 3, 2020. The City Election shall be governed by and conducted in accordance with the Elko City Charter, Title 1 Chapter 5 of the Elko City Code, and all applicable laws of Nevada. KW

Kelly Wooldridge, City Clerk, explained we will have two positions open on Council. Legal Counsel has reviewed this and it was pointed out to her that City Hall does not need to stay open until 7:00 pm anymore for voter registration. We can close at 5:00 pm or we can close at 7:00 pm.

Mayor Keener thought it should be consistent with what the County Clerk is doing.

Ms. Wooldridge said they close at 5:00 pm and she will change that.

**** A motion was made by Councilman Stone, seconded by Councilman Schmidtlein, to adopt Resolution No. 1-20, with the 5:00 pm change.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval of Resolution No. 2-20, a Resolution amending various fees related to Ruby View Golf Course pursuant to Elko City Code, Title 8, Chapter 13, Section 3, and matters related thereto. **FOR POSSIBLE ACTION**

The Golf Course Financial Advisory Committee took action to recommend amending various fees at Ruby View Golf Course on December 16, 2019. A draft resolution has been included in the agenda packet for review. JW

James Wiley, Parks and Recreation Director, explained the Golf Course Financial Committee met on December 16, 2019 and discussed the fees. They have forwarded the revised fees on to Council for approval. They started out the meeting going over financial statistics. There was some advice given to possibly leave the rates the same. He went over the proposed new rates.

Councilman Schmidtlein said we have to go with the recommendation from the Advisory Board. We don't want to raise the rates too high.

Dennis Strickland, resident golfer, said the rates are not a problem up there. He has been playing golf there for many years. He loves that golf course. He doesn't feel welcomed or respected up there anymore. He may not buy a pass this year and golf is his passion. Revenue is going up over the hill and that is because of the way that golf course is managed.

Will Moschetti, Golf Course Financial Advisory Committee, said the fees are very conservative. We cannot operate the golf course as an enterprise fund. He recommended approval of the new fees.

Mr. Wiley said the resolution will not take effect until April 1.

**** A motion was made by Councilman Hance, seconded by Councilman Schmidlein, to adopt Resolution No. 2-20, amending fees charged for Ruby View Golf Course.**

The motion passed unanimously. (5-0)

VII. PETITIONS, APPEALS, AND COMMUNICATIONS (Cont.)

- B. Review, consideration, and possible approval of a request from Mr. Steve Elliot for reimbursement of water damage related expenses due to a water leak on Mr. Elliot's property, and matters related thereto. **FOR POSSIBLE ACTION**

On September 12, 2019, Mr. Steven Elliot filed a claim with the City Clerk regarding a water leak that occurred on his property on August 9, 2019, causing damage to his basement. There was no visible evidence of a leak on Mr. Elliot's property other than water entering his residence. Water Department Staff investigated the leak, performed pressure tests on the home and isolated the customer's valve. Staff found there was no leak between the City Shutoff Valve and residence.

With no visible signs of water coming to the surface, Staff started digging on Mr. Elliot's property between the City Isolation Valve and the City Main in order to prevent further damage to Mr. Elliot's residence. A leak was discovered between the City Main and the City Shutoff for Mr. Elliot's residence. Staff repaired the line and replaced the Meter Pit. A claim was filed with Alternative Service Concept, the City's Third Party Insurance Administrator. This claim was denied by ASC on October 24, 2019 stating, "Based on our investigation of the facts, we have determined the City of Elko is not negligent, and is therefore not liable for any damages resulting from this water leak." Mr. Elliot requested to bring this claim to City Council on December 27, 2019. KW

Kelly Wooldridge, City Clerk, explained Mr. Elliot was present, as well as, Dale Johnson, Utilities Director, to answer any questions.

Mayor Keener asked if the leak was on the property owner's side.

Dale Johnson, Utilities Director, answered it was on the City side on the owners property, between the City main and the meter pit.

Mayor Keener asked why the claim was denied.

Ms. Wooldridge answered it has been her experience since she started working for the City that a majority of these claims are denied. She did some research. These have come to Council before and Council has approved payment to the property owner.

Councilman Schmidlein asked when he called the City and the Water Department responded immediately.

Mr. Johnson answered that was correct. The water was running into the basement and into a sump pump. There was some damage to some sheetrock and other things.

Councilman Schmidlein said in the past we had this in front of Council with Double Dice. We made some decisions regarding that. These are on a case-by-case basis. He is 100% behind supporting reimbursement on work and parts. He wasn't sure we need to reimburse the lost wages. We responded immediately to do the repair.

Steve Elliot, 3457 Valley Ridge Ave., explained he was called at work and had to be brought home. His wife found the leak early. He looked at the sprinkler system but then opened the main valve box and found it full of water. He called the City and they responded. When they were working, he noticed large rocks being pulled out. He also noted the valve should have been put in closer to the sidewalk. The Building Inspector that signed off on the house made mistakes. He was told to file a claim on his homeowners insurance but refused to do so. He lost a lot of money going home that day and staying home the next day.

Mayor Keener thought he was on board with the reimbursement. He cannot see justification for the wages. That is why we get paid time off.

Mr. Elliot said he had a problem with the building inspector and allowing that to pass when the house was built.

Mayor Keener said we cannot answer for something that happened over 20 years ago. We have to deal with the facts that are in front of us right now. We have a claim item here for total repairs of \$1,777.47.

Dave Stanton, City Attorney, said if Council is going to pay on this claim, he asked that it be in exchange for a Release and Hold Harmless.

**** A motion was made by Mayor Keener, seconded by Councilman Schmidlein, for, with respect to Mr. Elliot's claim, reimbursement in total of \$2,000 with a Release and Hold Harmless agreement signed off.**

The motion passed unanimously. (5-0)

V. NEW BUSINESS (Cont.)

- J. Review, discussion, and consideration to initiate the purchase of the former Great Basin Surgical Center, located at 855 Golf Course Road, for the purpose of future City of Elko office space, and matters related thereto. **FOR POSSIBLE ACTION**

Currently, Elko City Hall and the adjacent annex buildings are at capacity. Additional office space and document storage areas are needed to accommodate current (and future) staffing levels.

The former Great Basin Surgical Center, located at 855 Golf Course Road, is currently listed for sale at \$850,000. The facility was purpose built in 1997 and is approximately 9,000 square feet.

Recently, it was communicated to City Staff that the owners would be willing to sell the facility to the City of Elko for \$450,000. City Staff has toured the facility and believes it could accommodate the entire Community Development function of the City (Building, Planning, Engineering, and Utilities), as well as accommodate possible non-profit leases (i.e., Nevada Health Centers). Significant renovations and tenant improvements would be required to convert the building from a medical facility to a general office facility. Although renovations could be phased over time, preliminary estimates exceed \$500,000.

Additionally, parking is not included in the parcel and is currently owned by Nevada Health Centers. If the City wishes to initiate the purchase, Staff recommends negotiating a transfer of the parking lot in exchange for excess, leasable office space within the facility.

The City of Elko's Ad Valorem Capital Projects Fund can be used for the purchase of property and/or the renovation of facilities. As of June 30, 2019, the balance of the fund was \$1,331,089 (audited). CC

Curtis Calder, City Manager, explained he has some new information. He heard from Nevada Health Centers just before the meeting. They are very interested in the facility. They cannot enter into a lease agreement with the City because they cannot get private donations to help fund the renovations for it. In order to participate in some sort of a joint effort, they would need to own a part of the facility, such as a condominium arrangement. This would complicate the situation. We can look into this further and get better estimates. If the City stepped away from this, they would look at purchasing the building themselves. Jeff Ford and Cathy Laughlin toured the building and may have some input. We can table this item if Council would like to consider this further.

Councilman Hance asked how did that get orphaned into the property like it did? There doesn't appear to be access.

Cathy Laughlin, City Planner, said they did some research into this when Nevada Health Centers was renovating. There was an access and shared parking agreement. They do have parking and access through the agreement.

Jeff Ford, Building Official, said it is a solid building.

Mayor Keener said if there is a medical purpose for the building, that would be the highest and best use of that building because it has all the specialty plumbing and such needed for a medical building. There would be no interest on our behalf as long as Nevada Health Centers is interested in acquiring it.

NO ACTION

IX. REPORTS

A. Mayor and City Council

Mayor Keener said Happy 2020 to everyone. There was a request for nominations for Senior Citizen of the Year from RSVP and he wondered if that was distributed to staff. He asked Curtis Calder to follow-up on that so we may nominate someone from this area. He thanked Kelly Wooldridge for the candidate filings reminder, which are due tomorrow. He will have face time with the CEO of NV Energy when he is in town for Cowboy Poetry and asked staff to let him know if there was anything he needed to bring to his attention. We have Police Department awards tomorrow at the college at 6:00 p.m.

Councilman Hance mentioned the Polar Plunge coming up March 7. He thought it would be held at the pool again.

B. City Manager – Strategic Planning Session

Curtis Calder said they thought tonight would be the start of the planning session, but because of the long agenda they decided to pick another date. He asked if they prefer to do it before a regular meeting or hold a special meeting?

Councilwoman Simons answered 3:00 pm is super hard. An off meeting Tuesday would be better.

Mr. Calder said Kim Wilkinson will email everyone and plan a meeting. Sales tax came in and we are within ½ % of our budget. We budgeted based on what we would get.

C. Assistant City Manager

Scott Wilkinson reported last year the warming shelter had high attendance, at times there was 18-20 people. The first few days we opened this year we had double-digit attendance but the last few times we have had very low attendance. Some individual check in for the free meal and check out just afterwards. He wasn't sure what is going on with that but they will continue to open the shelter.

D. Utilities Director

Councilman Hance asked regarding the line at 10th and Silver, how far did they go up the pipe this time.

Dale Johnson answered there was 8 feet of 8-inch line replaced.

E. Public Works

Mayor Keener asked if the street light situation has improved.

Dennis Strickland answered they turned in 44 lights and they have already been repaired.

Councilman Stone said great job on the snow removal and he appreciated the pretreatment.

Mr. Strickland said it is too bad the airport cannot use it on the airfield. It has helped out a lot.

F. Airport Manager

Jim Foster said there was a flight cancellation this morning due to a mechanical issue. They were there early this morning and the snow hit hard. The accumulation this year hasn't been the issue, it's the freezing temperatures. Yesterday's storm caused a delay. Those were the only two issues we have had all winter. The new guy has been on the job for about a week. They are still planning on the trip to St. George in the first part of February. They are gearing up for their Part 139 inspection next month. Jeff and Carol at the Airport have stepped up since they have been down a person. The Street Department came and pretreated their roads without asking and that has really helped them out.

G. City Attorney

Dave Stanton spoke about using a deck of cards to make decisions during Council Meetings and why it should not be used.

H. Fire Chief

I. Police Chief

J. City Clerk

K. City Planner

Mayor Keener asked about the NV Energy grant for undergrounding utilities.

Cathy Laughlin answered yes. She and Bob met with NV Energy last week and looked at an alternate route for some lines. They are in the design process now. They didn't say we received the grant but she can't imagine them designing it if we didn't get it or at least in the running for it.

L. Development Manager

M. Financial Services Director

Jan Baum reported there is an IT candidate that will be coming in from California to visit at the end of the month. They just did an update/upgrade to New World on Friday that went smoothly. Last week our main internet was down but there was a back-up we used to we didn't feel it.

N. Parks and Recreation Director

James Wiley reported the Snobowl has been open the last two weekends thanks to the snow. There is a Parks and Recreation Advisory Board meeting scheduled for Thursday. They will be discussing the possibility of a dog park.

Mayor Keener asked that Councilwoman Simons go to the meeting. She said she can't be there. Councilman Stone said he can go.

O. Civil Engineer

P. Building Official

Jeff Ford reported the hotel is finally open for business and Komatsu is almost 100% done.

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 Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk

"Users of Syringe
Services Programs
were 3x more likely
to stop injecting drugs."

- Morbidity and Mortality Weekly Report
August 2nd, 2019



Prevention (CDC), have studied SSPs for more than 30 years and found that comprehensive SSPs benefit communities.



SSPs **save lives** by lowering the likelihood of deaths from overdoses.



Providing testing, counseling, and sterile injection supplies helps prevent outbreaks of other diseases. For example, SSPs are associated with a **50% decline** in the risk of HIV transmission.



Users of SSPs were **three times more likely** to stop injecting drugs.



Law enforcement benefits from reduced risk of needlesticks, **no increase in crime**, and the ability to



When two similar cities were compared, the one with an SSP had **86% fewer syringes** in places like

9 out of 10
people who share injection needles
test **positive** for HIV/AIDS.



**BE THE ONE
WHO DOESN'T.**

Visit the HIV Alliance for more information on safe injection.
1966 Garden Avenue | Eugene Oregon, 97403

Frequently Asked Questions

Source: <https://www.cdc.gov/ssp/syringe-services-programs-faq.html>

Are syringe services programs legal?

YES!

- The Federal Consolidated Appropriations Act of 2016 includes language to support certain components of SSPs, except for provision of needles, and syringes.
- Decisions about use of SSPs are made at the state and local levels.

Are syringe services programs legal in Nevada?

YES!

- Sterile Hypodermic Devices Access Bill (SB 410 - 2013)

Nevada Senate Bill 410

Signed by Governor Sandoval and effective as of 7/1/2013, SB410 declares that the purpose of this act is to enable the use of sterile hypodermic devices and other related material for use among people who inject drugs for the purpose of reducing the intravenous transmission of diseases, including:

- 1. Availability and access of sterile hypodermic devices by encouraging distribution of such devices by various means.**
- 2. Providing sterile hypodermic devices programs that protect the human rights of people who utilize such programs.**
- 3. Guaranteeing that sterile hypodermic devices and other sterile injection supplies are not deemed illegal.**
- 4. Ensure that sterile hypodermic device programs operate in harmony with law enforcement activities.**

What is a Syringe Services Program (SSP)?

- Access to sterile injecting equipment *and disposal*
- Risk reduction education
- Opportunity to engage in care
 - Access to primary care: more likely to connect with primary care
 - Testing/screening services for HCV and HIV
 - Patient navigation and case management to address co-morbidities
 - Naloxone distribution and education
 - Infection prevention education and wound care
 - HAV/HBV vaccination
 - Access to mental health care, social services



**FIRST AMENDMENT TO NONEXCLUSIVE FRANCHISE AGREEMENT
FOR PURPOSE OF CONVEYING DATA COMMUNICATIONS OVER, UNDER, IN,
ALONG AND ACROSS PUBLIC ROADS OF THE CITY**

Between

THE CITY OF ELKO, NEVADA

and

**WHITE CLOUD COMMUNICATIONS INCORPORATED
an Idaho Corporation**

_____, 2020

Exhibit B

**FIRST AMENDMENT TO FRANCHISE AGREEMENT BETWEEN THE CITY OF
ELKO AND WHITE CLOUD COMMUNICATIONS INCORPORATED**

THIS FIRST AMENDMENT TO THE FRANCHISE AGREEMENT (hereinafter "First Amendment") is entered into as of the ____ day of _____, 2020 by and between the City of Elko, Nevada, a municipal corporation and political subdivision of the State of Nevada (hereinafter the "City"), and White Cloud Communications Incorporated, an Idaho Corporation, with offices at 633 Main Avenue East, Twin Falls, Idaho 83301 (hereinafter the "Grantee").

WITNESSETH:

WHEREAS, on December 10, 2019, the City and Grantee entered into a Nonexclusive Franchise Agreement for Purpose of Conveying Data Communications Over, Under, In, Along and Across Public Roads of the City (hereinafter the "Franchise Agreement");

WHEREAS, the Franchise Agreement permits the Grantee to provide telecommunication services ("Telecommunication Services") within the City and in connection therewith to establish a telecommunication services network in, under, along, over, and across present and future rights-of-way and other property of the City, consisting of telecommunication services lines, conduit, fiber, cables, manholes, handholes, and all other necessary appurtenances ("System" or "Telecommunication Services Network");

WHEREAS, the City owns conduit buried underground in rights-of-way that is suitable for the Grantee's fiber optic cable;

WHEREAS, the Grantee desires to pull cable in the City's buried conduit in connection with the establishment and operation of its telecommunication services network without the requirement for additional licenses or permits;

WHEREAS, the City desires to grant a revocable license to the Grantee to pull fiber optic cable in the City's buried conduit so long as there is sufficient capacity;

NOW THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, and for other good and valuable consideration, the City and the Grantee agree as follows:

1. Title of the Franchise Agreement shall be amended to read as follows:

**FRANCHISE AGREEMENT BETWEEN THE CITY OF ELKO AND
WHITE CLOUD COMMUNICATIONS INCORPORATED, AN IDAHO
CORPORATION**

2. Section 1.2 (Grant of Franchise) of the Franchise Agreement shall be amended to read as follows:

1.2 Grant of Franchise and License. The Telecommunication Services Franchise ("Franchise") granted hereunder shall, subject to the terms and conditions of this Agreement, confer upon the Grantee the nonexclusive authorization and special privilege to install, operate, repair, maintain, remove, upgrade, and replace its Telecommunication Services Network on, over, and under the present and future City-owned utility easements, streets, roads and public right-of-way within the political boundaries of the City (hereinafter collectively referred to as the "City's Rights-of-Way") in order to provide Telecommunication Services. As part of the foregoing franchise, the Grantee is hereby given a revocable license to pull fiber optic cable in underground conduit owned by the City within City rights-of-way, so long as (i) the conduit is not occupied by City-owned fiber and (ii) the conduit is no less than one and one half (1 ½) inches in diameter, subject to the City's prior approval; provided, the foregoing license shall only be given if the conduit that has sufficient capacity; further provided, the foregoing license is revocable by the City for any reason upon ninety (90) days' prior written notice to the Grantee. Notwithstanding any other provision contained herein, the revocable permit given hereby shall be automatically revoked if the Grantee fails to provide telecommunications services to at least one person or area in the City within ninety (90) days of installation of the fiber in the City-owned conduit

2. Except as modified by this First Amendment, the Franchise Agreement shall remain in full force and effect, and the Franchise Agreement, as modified by this First Amendment, is hereby ratified and confirmed by the parties. In the event of a conflict between the terms of this First Amendment and the terms of the Franchise Agreement, the terms of this First Amendment shall control. Defined terms used in this First Amendment which are not defined herein shall have the meanings set forth in the Franchise Agreement. This instrument may be executed in counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument.

CITY OF ELKO:

By: _____
REECE KEENER
MAYOR

ATTEST:

By: _____
KELLY WOOLDRIDGE
CITY CLERK

GRANTEE:

**WHITE CLOUD COMMUNICATIONS
INCORPORATED**

By: _____

Its: _____