

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

SS January 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, January 24, 2017.

This meeting was called to order by Mayor Chris Johnson.

ROLL CALL

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
Councilwoman Mandy Simons

Council Absent: 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
Aubree Barnum, Human Resources Manager
Jonnye Jund, Accounting Manager
Jeremy Draper, Development Manager
Cathy Laughlin, City Planner
James Wiley, Parks and Recreation Director
Dennis Strickland, Public Works Director
Dave Stanton, City Attorney
Matt Griego, Fire Chief
Ben Reed Jr., Police Chief
Bob Thibault, Civil Engineer
Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: January 10, 2017 Regular Session
December 13, 2016 Special Session

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

The motion passed unanimously. (3-0)

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this

item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

Mayor Johnson read a Proclamation in Recognition and Appreciation of Glen Guttry's Public Service.

Glen Guttry said it has been a pleasure serving Elko County. He appreciated the recognition.

Jeff Williams said he has had the opportunity of serving with Glen Guttry for several years. He has never known a more honorable man than he is. He is a superb person and a great friend. Thank you.

I. PRESENTATIONS

- A. A presentation of an Appreciation Plaque to California Trails Advisory Board Jeff Williams, and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Mayor Johnson presented a plaque to Jeff Williams for his work done on the California Trails Advisory Board.

Jeff Williams said he will be thinking about the people of Elko County during his absence. Elko has some of the choicest people in all capacities. It has been an honor to serve.

Jan Peterson thanked the Williams for their passion and continued support since the inception of the Trail Center. They will be missed greatly and look forward to their return.

- B. A reading of a proclamation by the Mayor in recognition of "Beef Month," and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Mayor Johnson read the proclamation and presented a copy of it to a representative of the Cattlewomen of Elko County. She presented the Mayor with a Tri-Tip roast.

III. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 8-16 for the Aspen Heights subdivision, filed by Scott Reutner Properties, LLC, for the proposed division of approximately 2.5 acres into 9 lots for residential development within an R (Single Family and Multiple Family Residential) Zoning District located generally on the south side of Celtic Way approximately 120 feet west of Shadow Ridge Drive, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item on January 3, 2017 and took action to forward a recommendation to City Council to conditionally approve the Final Plat 8-16. CL

Cathy Laughlin, City Planner, explained the Planning Commission considered this item and forwarded a recommendation to City Council to conditionally approve the final plat. There are conditions listed in the staff report. She recommended conditional approval.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to conditionally approve Final Plat No. 8-16 for the Aspen Heights subdivision subject to the conditions as recommended by the Planning Commission.**

The motion passed unanimously. (3-0)

IV. NEW BUSINESS

- A. Review, consideration, and possible approval of a Memorandum of Agreement (MOA) between the United States Army Corps of Engineers, Sacramento District and the Nevada State Historic Preservation Officer with the City as a an invited signatory regarding the proposed sports complex, and matters related thereto.
FOR POSSIBLE ACTION

The United States Army Corps of Engineers, Sacramento District and the Nevada State Historic Preservation Officer have developed a Memorandum of Agreement (MOA) between the two agencies addressing the identified historical site 26EK1713 and additional cultural resource documentation for the proposed sports complex project. The MOA will be signed by the City of Elko as an Invited Signatory. The primary Signatories are the Corps and SHPO but there are stipulations that will be directed to the City. The City is required to comply with an approved Historic Properties Treatment Plan (HPTP). The HPTP is currently under review for a final approval. SAW

James Wiley, Parks and Recreation Director, explained this is a component of our 404 Permit that we have been trying to secure for some time. In the packet is a draft copy of the agreement. There is also a copy of the Historical Treatment Plan. That is the plan that has all the criteria that we will have to adhere to as we work on the site. We sent this to Dave Stanton for review and he has provided a copy of the agreement with his notes. The City of Elko is an invited participant on this. We do not have to participate but there are some potential advantages if we participate. He is looking for an approval from council. We are taking this approach in order to save time. We want to bid the project late winter or spring. SHPO has identified remnants from Elko's past on this site. According to the treatment plan we would need to go through a number of criteria where we analyze any items and how they relate to the history of the area. Dave Stanton was present to answer questions.

Dave Stanton, City Attorney, said the agreement isn't perfect. There are some things that need to be cleared up in it. A conditional approval would be good so we can move ahead on this and make some changes.

Councilman Rice asked if this is about documenting the site and not preserving it.

Mr. Wiley answered that is exactly right. The items in question down there are in a state that preserving them is not feasible. The hot hole is a different issue. Our plan is to preserve that and maybe enhance it at some later time.

Councilman Rice felt that area is part of Elko's past but we don't know much about it. This may provide an opportunity to learn more about our community and culture. He felt this is the direction we need to go.

Scott Wilkinson, Assistant City Manager, said they submitted suggested changes to SHPO on Monday.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to conditionally approve the Memorandum of Agreement between the United States Army Corps of Engineers, Sacramento District, and the Nevada State Historic Preservation Office, with the City of Elko as an invited signatory regarding the proposed Sports Complex, conditioned on staff approval of the final revisions to the HPTP and authorize the City Manager to sign the MOA barring any substantive changes to the document when it is returned to us.**

The motion passed unanimously. (3-0)

V. RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance No. 816, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located southwest of the intersection of P and H Drive and West Idaho Street in Section 30, T. 34 N., R. 55 E., MDM, Elko County, Nevada, consisting of 5.01 acres, more or less, filed by Elko Inc. on behalf of Coach USA Inc. and processed as Annexation No. 1-16, and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

City Council accepted the petition for the subject annexation on December 13, 2016, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation on January 3, 2017 and took action to forward a recommendation of approval with findings back to the City Council. CL

Cathy Laughlin, City Planner, explained part of our annexation process is to confirm that we can serve the parcel with utilities. We do have water service there and Bob Thibault has been working on the design of the sewer. The parcel is 4.79 acres but the annexation is for 5.01 acres (half of the P&H Drive). By doing that we will now be able to allow some other adjacent properties to annex as well. She recommended approval on this.

Mayor Johnson asked about the street.

Scott Wilkinson, Assistant City Manager, answered we typically annex property “as-is.” If they expand their facility then they have to start complying with City Standards at that time. One condition of the Planning Commission is that they file for a rezone.

Mayor Johnson asked if this is just Coach USA. (Yes) Are P&H still in the county? (Yes) He was worried about adopting an old street.

Mr. Wilkinson answered that the only liability we would take on would be a small portion of P&H Drive. West Idaho is a city street.

Bob Thibault, Civil Engineer, said it was his understanding when properties annex in, the road is annexed to the center line but the county retains jurisdiction until the other side is annexed.

Mr. Wilkinson said the county may view that differently. Coach USA is planning on expanding their facility. The city has always intended on pursuing an annexation of these properties. We reached out to them.

Rick Nielson, Las Vegas, NV said they have full intention of tying into the water immediately. The sewer will not be ready for us in time so they will have to redo the system that is in place.

Dave Stanton, City Attorney, clarified in a case like this, if the annexation abuts a county road, we take the road up to the center of the road. The statute says that if the city wants to annex the other side of the road, the city can do that and then it becomes a city street.

Jeremy Draper, Development Manager, said the property owner across the road is willing to annex. We will get the other half of the road at that time.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to conduct the First Reading of Ordinance No. 816 and direct staff to set the matter for Public Hearing, Second Reading and Possible Adoption.**

The motion passed unanimously. (3-0)

- B. Review, consideration, and possible action to adopt Resolution No. 07-17, a resolution of the Elko City Council donating the Old Police Station Back-Up Generator and Related Accessories to the City of Winnemucca Police Department, and matters related thereto. **FOR POSSIBLE ACTION**

On January 10, 2017, the City Council voted to donate the above referenced back-up generator and related accessories to the City of Winnemucca Police Department. As such, Staff was directed to bring back the enclosed Resolution for the City Council’s consideration. CC

Curtis Calder, City Manager, said we talked about this at the last meeting and we drafted the resolution. If adopted, the City of Winnemucca will pick up the generator.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 07-17.**

The motion passed unanimously. (3-0)

VII. REPORTS

A. Mayor and City Council

B. City Manager

Curtis Calder gave a legislative update. We are responding to fiscal notes. There is a meeting tomorrow at 1:30 on the bill draft request and we will be requesting letters of support that can be presented at a future hearing. We are looking at Feb 28 as the local government day at the legislature where the cities and counties come down. There is a League of Cities meeting on Monday. Our lobbyist will be here tomorrow and we will be meeting with her about our bill and some other things. We have been dealing with snow removal at the airport and we have been successful in keeping the planes going. We are in the process of closing out the AIP grant 45. We have our Airport recruitments ongoing and hoping to fill them in February.

C. Assistant City Manager

D. Utilities Director

E. Public Works

Dennis Strickland reported there is a lot of snow in town and in some areas there isn't any more room for it anymore. We have just about expended our overtime budget. We are close to the budget with the snow removal and salt.

F. Airport Director

G. City Attorney

H. Fire Chief

Matt Griego handed out a copy of the January newsletter (Exhibit "A"). We made an offer to Jack Snyder in Sacramento for the Deputy Fire Chief position and he accepted it. We also made an offer for the Volunteer Coordinator that was accepted.

I. Police Chief

J. City Clerk

K. City Planner

L. Development Manager

Jeremy Draper reported on the Centennial Boot Project. They have 26 boots in Elko and 24 artists that have expressed an interest in painting the boots. The sponsors will select who they want to work on their boots. It has been a successful project.

M. Administrative Services Director

N. Parks and Recreation Director

O. Civil Engineer

P. Building Official

II. APPROPRIATIONS

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

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

The motion passed unanimously. (3-0)

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

There were no Print ‘N Copy warrants.

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution No. 01-17, a resolution of the Elko City Council adopting a change in zoning district boundaries from GI (General Industrial) to R (Single Family and Multiple Family Residential) for approximately 0.115 acres of property located generally north side of River Street, approximately 147 feet west of 10th Street, filed by PN’P Investments LLC and processed as Rezone No. 7-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on January 3, 2017 and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 7-16. CL

Cathy Laughlin, City Planner, explained many of our properties in this area are residential use and they are zoned either GI or LI. This is just another one of those situations where we have an industrial zoned property that is residential use. We do have a few conditions that are listed in the Resolution and the memos. She recommended conditional approval.

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to adopt Resolution No. 01-17, which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (3-0)

- B. Title: Review, consideration, and possible action to adopt Resolution No. 02-17, a resolution of the Elko City Council adopting a change in zoning district boundaries from R (Single Family and Multiple Family Residential) to PUD (Planned Unit Development) for approximately 1,900 square feet of property located generally south corner of APN 001-633-005 and 001-633-006, filed by Chap Enterprises, LLC and processed as Rezone No. 8-16, and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Laughlin explained we have had a few applications for this particular area. We had a vacation of the access easement that comes off Clarkson. We then processed a rezone to go along with the boundary line adjustment that is in the process. This was a land swap between the two property owners. Zoning needs to go with the new boundary lines.

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 02-17, which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (3-0)

- C. Review, consideration, and possible action to adopt Resolution No. 03-17, a resolution of the Elko City Council adopting a change in zoning district boundaries from PUD (Planned Unit Development) to R (Single Family and Multiple Family Residential) for approximately 3,059 square feet of property located generally north corner of APN 001-870-000, filed by Parrado Partners LP and processed as Rezone No. 9-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on January 3, 2017 and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 9-16. CL

Ms. Laughlin explained this is the same property but it is the other side of it.

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 03-17, which has conditions as recommended by the Planning Commission.**

The motion passed unanimously. (3-0)

- D. Review, consideration, and possible action to adopt Resolution No. 04-17, a resolution of the Elko City Council adopting a change in zoning district boundaries from R1 (Single Family Residential) to RS (Residential Suburban) approximately 93.52 acres of property located generally north of Jennings Way and south of Statice Street, filed by The Pointe at Ruby View, LLC and processed as Rezone No. 10-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on January 3, 2017 and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 10-16. CL

Ms. Laughlin explained you can see the R1 area that is 93+ acres. The proposal here is for a subdivision of 87 lots. This would be a change in zoning from the R1 to RS as they would be larger parcels. The smallest is .60 acres and they go up from there. We feel this is a good transitional zoning between Jennings and Kittridge Canyon subdivisions. The Planning Commission did recommend approval and adoption of the resolution. The applicant is here to answer questions.

Mayor Johnson called for public comment.

Jim Allen lives on Statice and Seminal. Is there going to be access into this subdivision from Statice?

Jeremy Draper, Development Manager, answered on the preliminary plat the access will come through Jennings and there will be an emergency access off of Statice mainly for fire personnel.

Mr. Allen asked if they will bring in natural gas.

Mr. Draper answered yes and water service.

Mr. Allen asked if any of that will be available for people that live on Statice.

Mr. Draper answered you could talk to Southwest Gas to see if they will make it available to you. As far as the water goes, that may not be available until county property is annexed into the city.

Mr. Allen asked if Statice Road will be improved.

Mr. Draper answered Statice is a county road and they are still deciding what improvements to Statice Road will be required. Planning Commission had requested that we do a financial analysis for this as we switch from R1 to RS zoning. There is a memo in the packet that provides that information to you. We looked at long-term costs to the city as far as maintenance in the RS zone vs. the R zone. Surprisingly, the RS does better to pay for itself over a 30 year period. That is based on property tax that is collected on other developments.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 04-17, which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (3-0)

- E. Review, consideration, and possible action to adopt Resolution No. 05-17, a resolution and order vacating a portion of the access easement currently used by Country River Village A #1 Common Area, approximately 225 feet in width by 15 feet in depth, which is located within the City of Elko, Nevada, APN 001-633-005 & 006, filed and processed as Vacation No. 2-16 filed by Parrado Partners LP, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of December 13, 2016, 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 January 3, 2017, and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 2-16 with findings in support of its recommendation. CL

Ms. Laughlin explained this is the same property. This is the final process of the vacation of the access easement. We are just vacating the access easement. The utility easements will remain in place.

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve Resolution No. 05-17, which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (3-0)

- F. Review, consideration, and possible action to adopt Resolution No. 06-17, a resolution and order vacating a portion of Eighth Street adjacent to APN 001-352-006, consisting of an area approximately 100 feet in width by 17 feet in depth, which is located within the City of Elko, Nevada, filed and processed as Vacation No. 3-16 filed by Kidwell Center LLC, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of December 13, 2016, 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 January 3, 2017, and took action to forward a recommendation to City Council to deny Vacation No. 3-16 with findings in support of its recommendation. The Redevelopment Agency considered the vacation at its regular meeting January 10, 2017 and took action to forward a recommendation to City Council to deny Vacation No. 3-16. CL

Ms. Laughlin explained we've had extensive discussions with Craig Kidwell regarding this. The concern that Mr. Kidwell has is that he would like to have that property vacated so he can maintain the area. It is public parking. It should be maintained as public parking. He did state that if the vacation is approved that he would put in a deed restriction to allow it to remain as public parking. The deed restriction can be put on there but City Council can have it removed at any time. We do have a lack of parking in the downtown area. Mr. Kidwell does have onsite parking in the rear of the building. The key to this vacation is the Redevelopment Plan. We took this to the Redevelopment Agency for that reason. The plan clearly states that we should maintain as much public parking as we can and we should allow for side streets to be converted into angled public parking. By vacating we cannot guarantee that it would be maintained because it would be the property of Mr. Kidwell. We also could lose that as public parking. With the park expansion going in across the street, we feel we should maintain as much public parking as we can. We recommend denial of the vacation. Planning Commission and the Redevelopment Agency also recommended denial.

Mayor Johnson called for public comment.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to deny adopting Resolution No. 06-17.**

The motion passed unanimously. (3-0)

After the motion and before the vote, Mayor Johnson stated he doesn't agree with the denial but will vote for the motion to keep things moving forward. There are advantages to the city if we were to approve this application. It makes sense that it should belong to that property.

Councilwoman Simons worried that we would set a precedence but will everyone in this situation want the same.

Mr. Rice felt it was more convenient for their customers to park there. There is a sign up there that says this is private parking. He understands why they might want it but he felt we should keep it in the city's hands.

Mayor Johnson said vacating the property would be one less piece of property that the tax payers are responsible for.

Scott Wilkinson, Assistant City Manager, said they would talk to Mr. Kidwell if he wanted to come down and discuss doing maintenance on it. If we are successful in the redevelopment of the downtown area we are going to need the parking. This can even be an important parking area with the expansion of the park.

Councilwoman Simons said she was going to stay with a no.

Councilman Rice agreed that we do need to hold on to it.

Council voted on the motion.

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**

Curtis Calder reminded council that there is a three week break between this meeting and the next council meeting.

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

Mayor Chris Johnson

Shanell Owen, City Clerk