

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

SS February 11, 2021

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 4:00 p.m., Thursday, February 11, 2021. Due to the restrictions found in the State of Nevada Emergency Directive 006, the meeting was held in the Ruby Room of the Elko Convention and Visitors Authority, 700 Moren Way, Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. He stated the agenda for this meeting has been posted for this date and time in accordance with State of Nevada Emergency Directive 006. The public can participate in person, by phone, tablet, laptop, or computer by registering with the GoTo Meeting link provided in the agenda. Questions can be sent to cityclerk@elkocitynv.gov.

CALL TO ORDER

ROLL CALL

Mayor Present: Reece Keener

Council Present: Councilman Chip Stone
Councilman Bill Hance *arrived at 4:11 pm*
Councilman Clair Morris

Council Absent: Councilwoman Simons

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

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

Will Moschetti, 312 Oak, said he has gotten several phone calls regarding the Duncan Golf Management Agreement and the City being in the bar business. He wondered who was going to have the liquor license. The City or Duncan Golf?

Mayor Keener said that subject has been vetted and researched and the legality of it has been confirmed.

Curtis Calder, City Manager, explained the City Attorney and the Duncan Golf attorney has done some research on the issue. Under the arrangement that we have, it is legal the way the contract was written. The liquor license is under Duncan Golf Management.

Mr. Moschetti didn't think that was right and everyone that has called him agrees with him.

APPROVAL OF MINUTES: January 26, 2021 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor in recognition of the month of February as Elko County CattleWomen "Beef Month", and matters related thereto. **INFORMATION ONLY – NO ACTION WILL BE TAKEN**

Mayor Keener read the proclamation and presented a copy of it to the Elko County Cattlewomen's Association.

Charly Seal, Elko County Cattlewomen's Association, presented the Mayor with a Tri-Tip roast.

- B. Presentation of a Certificate of Appreciation for Andrew Storla, Water/Sewer Operator III, in recognition of his military service with the 100th Quartermaster Water Purification & Distribution Company, Nevada Army National Guard, and matters related thereto. **INFORMATION ONLY – NO ACTION WILL BE TAKEN**

Mayor Keener introduced Andrew Storla and invited him up to speak.

Andrew Storla spoke about his recent deployment.

Mayor Keener read the Certificate of Appreciation and presented it to Mr. Storla.

- C. Northeastern Nevada Regional Hospital (NNRH) Update by CEO Steve Simpson, and matters related thereto. **INFORMATION ONLY – NO ACTION WILL BE TAKEN**

Steve Simpson, NNRH, gave an update on the hospital as it relates to COVID. This last quarter has been a challenge but they seem to be coming out of the struggle. He is proud of the staff and how they took care of patients in their time of need. The COVID positivity rate in the County is right around 11%. Initially, our goal was to be around 4% but we were upwards to 40% at the peak. We are celebrating the 11% right now. Currently in the hospital, they have 4 COVID positive patients and that is easily manageable. If the patients need a higher level of care we are able to send them to other facilities. As of last Wednesday, they changed their visitor policy to allow for one visitor. Having someone there promotes healing and helps the staff. At the hospital, they have distributed 3,605 vaccines. Of those 2,973 have been first doses and 632 have been second doses. We have 890 scheduled over the next two weeks to come through the hospital. Countywide, 5,886 total vaccines; 5,015 first doses and 851 second doses. He also gave Council an update on their physician recruitment. They are bringing more medical professionals to Elko. We are a safe place and no one should put off getting medical treatment if they need it.

Mayor Keener asked if it was more difficult to recruit during the pandemic or has it opened up some opportunities that might not have existed previously.

Mr. Simpson answered it has been a bit of both. We have been fortunate to be successful in bringing in new providers. He was nervous in 2020 that they would not be able to recruit during the pandemic but they have been successful.

Councilman Stone asked if they were able to get the PPE necessary and what is needed?

Mr. Simpson answered yes. That was a dynamic for visitation because we didn't have PPE to give to the visitors. Most people have their own PPE they are bringing in. They are able to get supply and PPE is no longer an issue.

Mayor Keener asked about wasted vaccine.

Mr. Simpson answered he did not know about much waste at the hospital. Getting our vaccine allotment has been a challenge but we have been figuring it out.

II. CONSENT AGENDA

- A. Review, consideration, and possible approval for the Elko Police Department to accept a \$1,000.00 donation from Home Depot, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the consent agenda.**

The motion passed unanimously. (4-0)

III. PERSONNEL

A. Employee Introductions:

- 1.) Trey Bauders, Patrol Officer, Police Department

Present and introduced.

IV. APPROPRIATIONS

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

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the general warrants in the amount of \$347,353.05.**

The motion passed unanimously. (40-0)

B. Review and possible approval of Print n' Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Print 'N Copy warrants in the amount of \$57.66.**

The motion passed. (3-0 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 Councilman Stone, seconded by Councilman Morris, to approve the Ruby Mountain Lock & Safe warrants in the amount of \$15.00.**

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

D. Review and possible ratification of General Hand-Cut Checks, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Stone, seconded by Councilman Hance, to approve the General Hand-Cut Checks in the amount of \$138,331.81.**

The motion passed unanimously. (4-0)

E. Review, consideration, and possible approval for the Fire Department to apply for the 2021 FEMA Assistance to Firefighters Grant, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department would like to apply for the 2021 FEMA Assistance to Firefighters Grant. This grant would be used to purchase mobile

radios and mobile repeaters. Total amount of the grant would be approximately \$45,505.00 with a 10% match. JS

Jack Snyder, Deputy Fire Chief, explained the grant. This will replace old repeaters and will enhance their communications no matter where they respond to. We are looking at three to go on the command vehicles and one on Engine 1.

**** A motion was made by Councilman Stone, seconded by Councilman Hance, to recommend approval for the Fire Department to apply for the 2021 FEMA Assistance to Firefighters Grant in the amount of \$45,505.**

Motion passed unanimously. (4-0)

V. NEW BUSINESS

- B. Review, consideration, and possible approval of an agreement with the Butch Smales Family Revocable Living Trust to mutually rescind the sale of APN 001-013-018, located generally east of Sewell Drive, south of Walnut Street and north of West Sage Street, and matters related thereto. **FOR POSSIBLE ACTION**

On August 25, 2020, City Council held a public auction for the sale of approximately 3,073 square feet of City owned property. During the title process, it was determined that approximately 430 square feet of APN 001-013-018 is not owned by the City of Elko. The City now seeks to enter into an agreement with Butch Smales Family Revocable Living Trust to rescind the transaction. CL

Cathy Laughlin, City Planner, explained they discovered there was approximately 430 sq. ft. that was still owned by Meyer Construction Company. The rest of the parcel was dedicated to the City of Elko. This small triangle was left off. We spent months trying to find an heir to the construction company but that didn't work. They talked to the Smales and they are willing to rescind the sale of the entire parcel as it was sold to them in auction.

Mayor Keener asked if the remnant piece had an APN number.

Ms. Laughlin answered it was all included in our parcel according to the Assessor. Now she was sure the Assessor will correct their mapping. We will turn around and sell that. The triangle that is owned by Meyer Construction Company (that has been out of business for 30 years) will be in a tax lien sale.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to approve an agreement with the Butch Smales Family Revocable Living Trust to mutually rescind the sale of APN 001-013-018 and authorize the Mayor to sign the agreement on behalf of the City.**

The motion passed unanimously. (4-0)

- A. Review, consideration, and possible authorization for Staff to obtain a new appraisal for APN 001-013-018, located generally east of Sewell Drive, south of Walnut Street and north of West Sage Street, consisting of a 2,643 square foot parcel, and to thereafter commence the process of advertising the property for sale

pursuant to NRS 268.059 and 268.062, and matters related thereto. **FOR POSSIBLE ACTION**

On August 25, 2020, City Council held a public auction for the sale of approximately 3,073 square feet of City owned property known as APN 001-013-018. The Butch Smales Family Revocable Living Trust was the successful bidder. During the title investigation process, it was determined that approximately 430 square feet of APN 001-013-018 is not owned by the City of Elko. The City is currently working with the Butch Smales Family Revocable Living Trust on an agreement for the rescission of the previous transaction. The City then intends to sell the remainder of the parcel owned by the City in the manner authorized under Nevada law. CL

Ms. Laughlin said the new appraisal cost will be on the City of Elko since it was our error selling the property when we didn't have clear title to it. We will send it out to appraisers for a fee and we will pick an appraisal from there. She will then bring it back to Council to accept the fair market value based on the appraisal. Smales paid for the first appraisal because they were the successful bidder the first time. If someone other than the Smales is the successful bidder in the second auction, the appraisal cost will be reimbursed to the Smales. The City will still pay the cost of the second appraisal.

**** A motion was made by Councilman Hance seconded by Councilman Stone, that upon execution of an agreement with the Butch Smales Family Revocable Living Trust rescinding the previous transaction, to direct staff to obtain a new appraisal for APN 001-013-018, consisting of a 2,643 sq. ft. parcel and thereafter, commence the process of advertising the sale of the remainder of the parcel owned by the City pursuant to NRS 268.059 and 268.062.**

The motion passed unanimously. (4-0)

- C. Review, consideration, and possible action to accept the 2020 Annual Report of Planning Commission Activities, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an Annual Report of its activities to Council. On February 2, 2021, the Planning Commission took action to approve the 2020 Annual Report of Planning Commission Activities and forward it to the Council. CL

Ms. Laughlin explained the 2020 Annual Report (included in the packet). The numbers are down due to COVID and the pandemic. The office was closed to the public. There was a significant reduction in applications. She went over the other projects the Planning Commission is working on.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to accept the 2020 Annual Report of the Planning Commission activities.**

The motion passed unanimously. (4-0)

VI. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 07-21, a resolution of the City Council approving the lease of real property less than 25,000 square feet, and matters related thereto. **FOR POSSIBLE ACTION**

Plaza Forty, LLC previously held a Lease Agreement to use City of Elko property located at Well Site #12, adjacent to 1900 Idaho Street, for parking. The agreement expired November 12, 2018, but Plaza Forty, LLC has continued paying the monthly lease. Plaza Forty, LLC desires to continue utilizing the City property for parking. NRS 268.064 provides that the governing body may lease the property without an appraisal or public offering if the property is less than 25,000 square feet and a Resolution has been adopted finding that the proposed lease is in the best interest of the City. Resolution No. 07-21 begins the process for the continued lease.
MR

Michele Rambo, Development Manager, explained where the property is located. They are using this lease space for additional parking. This resolution is the first step in a multiple step process. The next process will be a public hearing notice.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to adopt Resolution No. 07-21.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible approval of Resolution No. 08-21, a resolution authorizing the expenditure of funds by the Redevelopment Agency from its Special Revenue Fund in the amount of \$675,000, for the work proposed for the 4th, 5th, and 6th Street Block Ends Project, and matters related thereto. **FOR POSSIBLE ACTION**

RDA approved the Block Ends Project as Project 3 of Phase 1 at their February 14, 2017 meeting. As per the Redevelopment Plan, Council must give consent on the expenditures. CL

Cathy Laughlin, City Planner, explained the NRS allows the agency to make decisions regarding spending money but they don't allow them to write the check.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve Resolution No. 08-21.**

The motion passed unanimously. (4-0)

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible approval of issuing a revised Retail Liquor License to Gold Bar / Sartini Gaming, LLC, modifying the current Retail Liquor License to remove Sean Higgins and add Phyllis Gilland and Stephen Arcana, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Trouten explained this was the removal of one person off the license and add two others. They have passed the background. He recommended approval.

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to approve the issuance of a revised Retail Liquor License to Gold Bar/Sartini Gaming, LLC, modifying the current Retail Liquor License to remove Sean Higgins and add Phyllis Gilland and Stephan Arcana**

The motion passed unanimously. (4-0)

- B. Discussion of the rules on placement of sheds within the City of Elko, the Variance process, and the associated Variance fees, and matters related thereto. **FOR POSSIBLE ACTION**

The property owners of 2034 Eagle Ridge Loop built a shed in the exterior side yard of their lot without permits and after being informed that a shed would not be allowed in that location. City Code Section 3-2-5(B)(6) requires that accessory structures comply with the same setbacks as the primary structure and Section 2-1-4(G)(1)(a)(1)(A) requires a building permit for accessory structures of any size within residential areas. The Development Manager, acting as the City's Code Enforcement Officer, sent out two violation letters to the property owners. This discussion was requested by the property owners as a result of those letters. MR

Mayor Keener said we received a note from the petitioner wishing to table this item.

Michele Rambo, Development Manager, said we received a request to table this item and staff is looking into City Code to address the issue. Cathy Laughlin and she are looking at requirements from other cities.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to table this item.**

The motion passed unanimously. (4-0)

VIII. REPORTS

- A. Mayor and City Council
Mayor Keener traveled out to Carlin to attend the ribbon cutting of the Battle Born Nevada Youth Challenge Academy. He thanked DJ Smith for taking the time to set up for the meeting.
- B. City Manager
Curtis Calder reported the bill draft presented at the last meeting was accepted. The number is BDR928 and is sponsored by Assemblyman Ellison. Our budget process is underway. We will start having budget presentations in March. The Governor was giving an update on COVID and there will be some changes coming. We will go through the directive and post some of the information tomorrow afternoon.
- C. Assistant City Manager
- D. Utilities Director

- E. Public Works
- F. Airport Manager
Mayor Keener asked Jim Foster if the loads have stabilized and if we are seeing any growth.
Jim Foster answered we dropped in January to about 800. Usually in January we do see a drop. We don't have February numbers yet.
- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk
Kelly Wooldridge reported the new document management software is up and running. Agenda management is on computers but we are just playing around with it until we get more formal training. She hopes we start using it March.
- K. City Planner
Mayor Keener said he heard a bid came in today and there was some issue with the bid.
Cathy Laughlin answered it was the Block Ends project that opened yesterday. There were 6 bids submitted. Five were over budget. One was within budget but deemed unresponsive as it was missing the boycott Israel form. This item will be on the agenda for the RDA's February 23rd meeting.
- L. Development Manager
- M. Financial Services Director
Mayor Keener noted we do our budgets conservatively but a local car dealer made comment of some shipping shortages that are COVID related that could possibly impact our consolidated sales tax. Also with real estate, there is no inventory out there and their sales may slow down.
- N. Parks and Recreation Director
James Wiley stated this year we have had a lack of snow. The lift has been down and they sent off a component of the lift to Detroit, Michigan to get repaired. If there was a year to have something go down, it was this year with the lack of snow. Sports Leagues are submitting COVID Mitigation Plans to the State. We are well on the way with Little League Baseball and soccer and it looks like will have sports this spring. We are planning some smaller events and hope to get them approved. The pool is moving into being able to offer some more services and classes. He hopes to open up more recreation opportunities in the future.
Mayor Keener asked if Duncan Golf Management has the keys to the golf course yet.
Mr. Wiley answered yes. They have been out there and conducted several interviews. IT has been up there assisting with some IT needs. There should be no problems being ready March 1st.
- O. Civil Engineer
- P. Building Official
Jeff Ford reported he has been asked what is going on at the old Floyd's. The new medical facility has started back up with a new plan and tomorrow will be their first inspection. There was an article in the paper a few weeks back about it.

Mayor Keener said they purchased the real estate and that went through at the end of 2020.

Councilman Stone said the LDS Church is looking for large projects to help the community. They want to dive in and help. He offered to get him the contact information.

COMMENTS BY THE GENERAL PUBLIC

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There were no public comments.

There being no further business, Mayor Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk