

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

SS February 22, 2022

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 PM, Tuesday, February 22, 2022. The meeting was held in the council chambers, 1751 College Ave., Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. 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.

I. CALL TO ORDER

The Agenda for this meeting of the City of Elko City Council has been properly posted for this date and time in accordance with NRS requirements.

II ROLL CALL

Present:

Reece Keener, Mayor
Mandy Simons, Councilwoman
Chip Stone, Councilman
Clair Morris, Councilman
Giovanni Puccinelli, Councilman

City Staff Present:

Diann Byington, Recording Secretary
Jan Baum, Financial Services Director
Curtis Calder, City Manager
Jeff Ford, Building Official
Jim Foster, Airport Manager
Cathy Laughlin, City Planner
Candi Quilici, Accounting Manager
Michele Rambo, Development Manager
Susie Shurtz, Human Resources Manager
Jack Snyder, Fire Chief
Dave Stanton, City Attorney
Dennis Strickland, Public Works Director
Bob Thibault, Civil Engineer
Ty Trouten, Police Chief
Scott Wilkinson, Assistant City Manager
James Wiley, Parks and Recreation Director
Dale Johnson, Utilities Director

III. **PLEDGE OF ALLEGIANCE**

IV. **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 Keener recognized the Scouts from Troup 91 present in chambers and welcomed to City Council Meeting.

V. **APPROVAL OF MINUTES**

V.A. APPROVAL OF MINUTES for February 8, 2022

The minutes were approved by general consent.

VI. **PRESENTATION**

VI.A. Presentation of an appreciation plaque to former Planning Commissioner John Anderson for his 13 years and 3 months of service, and matters related thereto. **INFORMATION ITEM ONLY – NON ACTION ITEM**

Mayor Keener thanked John Anderson for all of his hard work. He is an asset to the community. He asked for a round of applause. We will get this plaque delivered to him shortly.

VI.B. Presentation by Robert Thran, Associate Engineer, Nevada Department of Transportation (NDOT) Pertaining to an Overnight I-80 Closure Currently Scheduled for June 2022. The I-80 Closure is Necessary to Demo and Replace the Bridge Over I-80 at Emigrant Pass, and matters related thereto. **INFORMATION ONLY - NO ACTION WILL BE TAKEN**

Robert Thran, NDOT, gave a presentation (included in the packet).

VI.C. Presentation by Duncan Golf Management on the 2021 Ruby View Golf Course Year-In-Review, and matters related thereto. **INFORMATION ONLY - NON ACTION ITEM**

Scott Wackowski with Duncan Golf Management will present the 2021 Ruby View Golf Course Year-In-Review. JB

Scott Wackowski, Duncan Golf Management, gave a presentation (included in the packet).

VII. PERSONNEL

VII.A. Employee Introductions

1.) Michelle Harden, Part-Time Animal Control Officer

Present and introduced.

VII.B. Review, consideration, and possible approval to reclassify William Brad Burnham, Facilities Maintenance Technician, to Electrician, and matters related thereto. **FOR POSSIBLE ACTION.**

William Brad Burnham, Facilities Maintenance Technician in the Facilities Department, has worked at the City of Elko since April 2020. Staff requests that Mr. Burnham be reclassified to Electrician (Grade 13 of OE3 Hourly Wage Schedule) which more accurately reflects the duties he currently performs. Over time, Mr. Burnham's responsibilities have expanded to include the job duties of Electrician.

Susie Shurtz, Human Resources Manager, explained the Facilities Department previously attempted to recruit for an Electrician but were not successful at that time. We decided to change it to a Facilities Maintenance position. We hired Brad as Facilities Maintenance but since then he had attended several training courses and now performs the duties of an electrician.

Dennis Strickland, Public Works Director, said Brad is deserving to receive this re-classification. He hears a lot of good things about Mr. Burnham from all departments.

**** A motion was made by Council Member Stone, seconded by Council Member Morris to approve the position reclassification as presented.**

The motion passed unanimously. (5-0)

Mayor Keener said they were missing the payables in appropriations. He asked if someone went through them and if they could send the payments and ratify the payables at the next meeting.

Dave Stanton, City Attorney, said if they are not on the agenda you cannot take action on them. If you want to pay them now and ratify the decision at another meeting, we have not done anything like this before.

Jan Baum, Financial Services Director, stated anything that would need council approval would be pulled.

Mr. Stanton answered if you are pulling things that need Council approval, we can do that and ratify it at a later meeting.

VIII. APPROPRIATION

VIII.A. Title: Review, consideration, and possible action to award a bid for the WRF West Primary Clarifier Recoating & Repairs Project 2021, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for the WRF West Primary Clarifier Recoating & Repairs Project 2021 on September 14, 2021. Bids were received on February 14, 2022 and opened at 3:00 pm. We received two compliant bids with MMI being low bid in the amount of \$140,100.00. DJ

Dale Johnson, Utilities Director, explained we received two bids with no errors. MMI was the low bid and he recommended award to them.

**** A motion was made by Council Member Simons, seconded by Council Member Puccinelli to award a bid for the WRF West Primary Clarifier Recoating and Reparis Project 2021 in the amount of \$140,100 to MMI.**

The motion passed unanimously. (5-0)

VIII.B. Review, consideration, and possible award of a contract for Federal Aviation Administration Grant # AIP 3-32-0005-059-2022 Acquire ARFF Vehicle (Class 4 - 1,500 Gallon) and Acquire ARFF Ancillary Equipment to Jviation, Inc., and matters related thereto. **FOR POSSIBLE ACTION**

On October 22, 2021, City Council authorized Staff to solicit Statement of Qualifications to acquire ARFF Truck and Ancillary Equipment. The Request for Qualifications was issued on December 16, 2021. On January 20th 2022, bid proposals were opened. Two (2) proposals were received. Two Engineer's and Jviation, Inc. submitted proposals for review. After review of the proposals Staff recommends awarding a contract to Jviation, Inc. for the purpose of acquiring ARFF Equipment for the Elko Regional Airport. After successful contract negotiations, Staff will bring the contract back to council for final approval. As a reminder, FAA grant award allocations are funded based on bids. JF

Jim Foster, Airport Manager, explained we are looking at getting the contract out to Jviation. This was not in our master contract with Jviation so the FAA requested us to solicit statements of qualifications and rank them according to what was in the RFQ.

Mayor Keener said we had some scouts here and asked if he would explain what ARFF was.

Mr. Foster explained ARFF is Airport Rescue Fire Fighting. We are a commercial service airport and we are required to provide firefighting services. We use specialized trucks for responding to emergencies that happen on the airport.

**** A motion was made by Council Member Morris, seconded by Council Member Puccinelli to approve Jviation, Inc. as the firm selected to provide services for Airport Improvement Program (AIP 59) Acquire ARFF Vehicle and Ancillary Equipment.**

The motion passed unanimously. (5-0)

IX. UNFINISHED BUSINESS

IX.A. Review and possible approval for disbursing American Rescue Plan Act (ARPA) funds to Elko County Recreation Board based on the Department of the Treasury lost revenue calculation and City Code Recreation Fund Transient Lodging distribution formula, and matters related thereto. **FOR POSSIBLE ACTION**

The American Rescue Plan Act of 2021 (ARPA) was established to help states and localities address the economic and health consequences of the COVID-19 public health emergency and its economic impacts through four categories. One of the four categories states “For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.” Staff used the United States Department of Treasury lost revenue calculation to determine the lost revenue specifically attributable to the transient lodging tax revenue for the 12 months ending December 31, 2020. Based on this calculation staff determined the lost revenue impact on the local tourism organizations that receive transient tax from the Recreation Fund per the City Code formula. The disbursement to the Elko County Recreation Board was tabled at the January 25, 2022 meeting awaiting legal opinion regarding City Council members violating the Ethics in Government Act by voting to disburse ARPA fund to other public entities in which they are board members:

Elko County Recreation Board \$ 51,454.73
JB

Jan Baum, Financial Services Director, explained Mr. Stanton gave his opinion and he did not believe it was a violation of the Ethics in Government Act for the Council to vote to award this funding.

Dave Stanton, City Attorney, said there is no violation and it does not appear to affect any of the council members. He could not find anything that prohibited it.

Mayor Keener noted that each entity in Elko County has its own pot of money, and since these funds are originating from the City of Elko ARPA funding, he would like for the motion to read these funds are to be deposited into the City of Elko's account within the Elko County Recreation Board.

Ms. Baum said she could talk to that board and make sure it was earmarked for the City of Elko.

**** A motion was made by Council Member Simons, seconded by Council Member Stone to approve disbursing \$51,454.73 in American Rescue Plan Act (ARPA) funds to the Elko County Recreation Board City of Elko account as outlined by staff based on the Department of the**

Treasury lost revenue calculation and City Code Recreation Fund Transient Lodging distribution formula.

The motion passed unanimously. (5-0)

IX.B. Review, consideration, and possible action of a special event application from St. Joseph's Catholic Church for an Easter Egg Drop Off, and matters related thereto. **FOR POSSIBLE ACTION**

This item was tabled at the February 8, 2022 Council Meeting. St. Josephs Catholic Church is requesting to use a City Park for a Special Event in which a helicopter operated by El Aero will drop plastic eggs into the Park for Easter. Jim Foster, Airport Director was referred to 14 CFR 91.15 which states: "No pilot in command of a civil aircraft may allow any object to be dropped from that aircraft in flight that creates a hazard to persons or property. However, this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property." Mr. Foster was also notified that if they use the main City Park, they may need to contact RenoFlzDo to file a congested area plan due to the trees. The event organizers are wiling to use any park. CC

Curtis Calder, City Manager, said we tabled this item in order to obtain more information. Mr. Wiley will let us know what parks will be available that day.

James Wiley, Parks and Recreation Director, said we have been working with this group for a while. We are against using areas 1 through 8 where we have a majority of the tree canopy. We were recommending area 10, which is directly across the street from City Hall. That area is available for rent and they have discussed that with the applicant. Another option would be to use the Herrera Softball Field complex. That area would be a bit more expensive to rent but it would be a good area to do this. A third area would be the football fields that are closer to I-80 but the same price to use. He does not have a schedule out for Mountain View Park but he belived that field will be occupied on that date. The Sports Complex will be getting a major sod overhaul and will not be available.

Mr. Calder said the insurance pool was not excited about this event but they did not say they would not insure it.

Dave Stanton, City Attorney, added insurance would start at \$1 million. He recommended entering into a contract with the applicant and El Aero. He also recommended that anyone attending the event sign a release.

Mario Garcia, 2056 Sierra Drive, brought a presentation and asked that it be put on the overhead screen (Exhibit "A").

Mayor Keener did some research and it looks like they do these events all over the US. The helicopters fly over the City on a regular basis. We should at least give it a try and see how it goes. It looks like a great event.

Councilman Stone said he fully supported this event.

Councilman Puccinelli asked about how many drops they would have to do since they will split it up for the different age groups.

Mr. Garcia said the drop zone was separated into the different age groups. There will be only one drop.

Councilman Stone asked what field they would like to use.

Mr. Garcia answered they would like to use the field by the football fields.

Councilman Puccinelli liked the idea.

Councilman Morris liked the idea. He is gun shy when the insurance pool is worried about events like this. There is some liability to the City if something bad happens.

Councilwoman Simons thought we could work this all out. If they take all precautions and get the insurance and they take on the responsibility, it can be worked out. It sounds fun.

Mr. Stanton suggested making it subject to an agreement between the City of Elko, the organizer and El Aero and have that come back to the City for approval.

Mayor Keener called for public comments.

Chloe "Alex" Davies, 1050 Connolly Drive #22, said she felt this would be a great event for kids because kids are glued to their phones, tablets and whatever. Getting them outside and getting exercise is good. It will create great memories.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to allow St. Joseph Catholic Church to do the Egg Drop by helicopter at the football field or a location approved by Elko Parks and Recreation. They must have a contract with the City of Elko, releasing them of all liabilities, along with El Aero and the event organizer and a signature release by a responsible adult for anyone that is the vicinity of the event and the drop zone area. The contract will come back to City Council for approval.**

The motion passed unanimously. (5-0)

St. Joseph's Catholic Church Easter Egg Drop Off (Exhibit "A")

X. NEW BUSINESS

X.A. Review and possible approval for disbursing American Rescue Plan Act (ARPA) lost revenue funds to the Boys and Girls Clubs of Elko, Inc., Committee Against Domestic Violence (CADV), Cowboy Arts & Gear Museum, Family Resource Center, Horizon Hospice, Igloo Recreation Center, Inc., and matters related thereto. **FOR POSSIBLE ACTION**

The American Rescue Plan Act of 2021 (ARPA) was established to help states and localities address the economic and health consequences of the COVID-19 public health emergency and its economic impacts through four categories. One of the four categories states “For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.” The ARPA Final rule allowed NEU’s to take a standard Lost Revenue allowance up to \$10 million total for the entire period of performance. This revenue allowance can be used for any governmental services. City staff recommends using a portion of the lost revenue allowance for community donations. The community donations recommended to council are as follows:

Boys and Girls Club of Elko, Inc.	\$ 400,000.00
Committee Against Domestic Violence	10,000.00
Cowboy Arts & Gear Museum	44,494.00
Family Resource Center	300,000.00
Horizon Hospice	100,000.00
Igloo Recreation Center, Inc.	40,000.00
Elko County Fair Board	258,836.21
	\$ 1,153,330.21

JB

Jan Baum, Financial Services Director, explained every one of these organizations submitted an ARPA grant application. Some of the applications were for more than we are awarding. She went over each of the grant awards. We made sure these requests met ARPA requirements.

Mayor Keener appreciated Jan's time working on this. He called for public comments. He noted that Lori Gilbert was present and welcomed her to the meeting.

Councilman Morris was really glad to see some of these on here for the children.

Mayor Keener was glad that some of the requirements were relaxed and it made it much simpler.

Curtis Calder, City Manager, said the change was between the interim rule and the final rule.

Mayor Keener noted that as a City we do annual donations. Has she thought if these will be in the budgets this year because of these donations.

Ms. Baum answered they will be in the budget. We have already received requests.

**** A motion was made by Council Member Stone, seconded by Council Member Morris to approve disbursing American Rescue Plan Act (ARPA) funds as follows: Boys and Girls Club of Elko, Inc. \$ 400,000.00; Committee Against Domestic Violence \$10,000.00; Cowboy Arts & Gear Museum \$44,494.00; Family Resource Center 300,000.00; Horizon Hospice 100,000.00; and, Igloo Recreation Center, Inc. 40,000.00, for a total of \$894,494.**

The motion passed unanimously. (5-0)

**** A motion was made by Council Member Stone, seconded by Council Member Morris to Approve disbursing American Rescue Plan Act (ARPA) funding to Elko County Fair Board in the amount of \$258,836.21.**

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

X.B. Review, consideration, and possible approval of a Deed of Dedication for a Public Utility Easement, on City owned property, between APN 001-590-010 and APN 001-590-017, and matters related thereto. **FOR POSSIBLE ACTION**

City Staff has discovered that this narrow strip of land has various public utilities in it, but no record of a public utility easement can be found. The area is encumbered by a drainage easement, and is believed to be a City owned parcel. BT

Bob Thibault, Civil Engineer, said he brought this to the attention to the County Assessor who has assigned the parcel an APN number. A corrected Deed of Dedication with the new APN number was left on the dais for Council (Exhibit "B"). He recommended approval.

Amended Deed of Dedication (Exhibit "B")

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to approve the Deed of Dedication for a Public Utility for APN 001-590-023.**

The motion passed unanimously. (5-0)

X.C. Review, consideration, and possible action to select auditing firm for annual independent auditing services for Fiscal Years beginning July 1, 2021, and ending June 30, 2026 per responses to Request for Qualifications, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit Requests for Qualifications (RFQ) from accounting firms to provide independent auditing services, and to prepare the annual audit for the City of Elko for Fiscal Years beginning July 1, 2021 and ending June 30, 2026. RFQ's were received on or before January 31, 2022, and opened after 3:00 p.m. on that date. A total of two (2) RFQ's were received and reviewed by the audit firm selection committee: Eide Bailly LLP and Hinton Burdick CPA's & Advisors. The auditing committee evaluated both proposals based on technical qualifications and price. Both firms met the technical requirements. Pricing for the auditing services were as follows:

Firm Name: Eide Bailly, LLP Hinton Burdick CPA's & Advisors Fiscal Year:
2022 \$85,000 \$59,700
2023 \$88,000 \$61,425
2024 \$91,000 \$63,300

2025 \$94,000 \$65,225
2026 \$97,000 \$67,200

Based on review of technical requirements, pricing and prior experience the auditing committee recommends awarding the City of Elko annual independent auditing services to Hinton Burdick CPA's and Advisors. JB

Jan Baum, Financial Services Director, explained we received 2 proposals. We called some references and we have some prior experience with both of these firms. The audit committee unanimously recommended Hinton Burdick.

Mayor Keener called for public comment without a response.

**** A motion was made by Council Member Stone, seconded by Council Member Simons to award the services to provide independent auditing services and to prepare the annual audit for the City of Elko for Fiscal Years beginning July 2, 2021 and ending June 30, 2026 to Hinton Burdick CPS's and Advisors.**

The motion passed unanimously. (5-0)

X.D. Review, consideration, and possible approval to apply to NDEP to be placed on the priority list for Bipartisan Infrastructure Law (BIL) funding for Drinking Water and Clean Water Revolving Funds, and matters related thereto. **FOR POSSIBLE ACTION**

The Office of Financial Assistance (OFA) is working closely with EPA to provide funds that will benefit water or wastewater systems for infrastructure needs. The State Revolving Fund programs will administer these funds based on a priority list administered by NDEP. The City Water and Sewer Departments would like to apply to be placed on the priority lists for this funding to help offset the costs of the new Revised Lead and Copper Rule, Tank Rehabilitations, Well Rehabs, and Wastewater related projects where there is a need for improved infrastructure within the city. After being placed on the priority list staff will bring projects back to City Council for approval to apply for funding.

Dale Johnson explained what they were requesting. We don't have a project list yet. The lead and copper rule is a big one that was just revised in December of last year. We have new rules to contend with and need to remove lead service lines and stuff like that. We can also use the funding for well rehab, waste water projects, and possibly geothermal lines.

Mayor Keener said he had never heard of us having any lead piping within the City water infrastructure.

Mr. Johnson said we do have quite a bit. We are looking at alternatives to replacing the piping.

**** A motion was made by Council Member Morris, seconded by Council Member Puccinelli for staff to apply to NDEP to be placed on the priority list for Bipartisan Infrastructure Law (BIL) funding for Drinking Water and Clean Water Revolving Funds.**

The motion passed unanimously. (5-0)

XI. REPORTS

XI.D. Utility Director - Water Rights Presentation (Exhibit)

Dale Johnson gave a presentation (included in packet).

Mayor Keener was curious who is paying for all of this monitoring going on.

Mr. Johnson answered he was sure the USGS and DRA had grant funding.

Mayor Keener stated he remember Ryan Limberg talking about this for some time before he retired. It will be interesting to see how these workshops work out.

Scott Wilkinson, Assistant City Manager, stated we have enough water rights based on our Master Planning acreage that has been annexed into the City. That assumes the water is in the ground for pumping. When we annex property, we have to figure out how to serve that property. We are upside down on water demand right now. We have a lot of vacant property we need to address.

XI.A. Mayor and City Council

Mayor reported a nice awards banquet Saturday night for Elko Fire Department. Governor Sisolak will be speaking tomorrow on the State of the State. He was sure staff will be tuned into that.

XI.B. City Manager

Curtis Calder reported we got our letter submitted to the Department of Taxation Friday afternoon, for our \$0.20 proposed tax increase. He understood that Carlin also put in for 0.20 cents. Possibly Wells too. We are continuing our internal budget process. We will meet tomorrow on captial equipment. March 8 Airplanners is planning on being in town and working on some community based meetings on air service development. They will be giving a presentation at Council Meeting.

XI.C. Assistant City Manager

Scott Wilkinson reported we received 3 appraisal proposals that were sent on to Union Pacific. We are hoping to hear back from UP on their preferance and then bring it to Council. UP wants all the property, except for one building on VFW Drive, to be appraised as vacant property.

XI.D. Utilities Director

Dale Johnson reported regarding the infrastructure money, NDEP is receiving \$90 million a year for the next five years.

XI.E. Public Works

No report.

XI.F. Airport Manager

No report.

XI.G. City Attorney

No report.

XI.H. Fire Chief

Chief Snyder thanked the Mayor and Councilman Stone for attending the awards ceremony. Deputy Fire Chief Johnston has started as of Sunday..

XI.I. Police Chief

No report.

XI.J. City Clerk

Absent.

XI.K. City Planner

No report.

XI.L. Development Manager

No report.

XI.M. Financial Services Director

Jan Baum reported the next budget meeting, we will have our initial workshop.

XI.N. Parks and Recreation Director

James Wiley reported he just got back from vacation. We are getting some snow storms so he will go to SnoBowl tomorrow to see if there is anything we can do up there. If so, we will open on Saturday. We have a project coming up where we will be setting sod at the Sports Complex. We are hoping for good weather for that. Adult basketball league started last night.

XI.O. Civil Engineer

No report.

XI.P. Building Official

No report.

XII. COMMENTS BY THE GENERAL PUBLIC

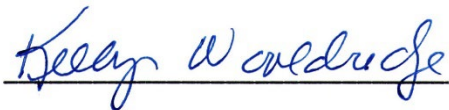
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Leslie Creel, 602 Ellens Way, Elko Trail System Initiative, spoke about the group and what they were formed for. They have been working on the Lamoille Summit Trail System and finally got the funding to do the NEPA. This could create a trail system and get a connection to the City of Elko and Spring Creek trail.

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



Mayor Reece Keener



Kelly Wooldridge, City Clerk