

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

SS April 14, 2020

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 4:00 p.m., Tuesday, April 14, 2020. Due to the COVID-19 pandemic the meeting was held via GoTo Webinar.

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 by phone, tablet, lap top, or computer by registering with the Goto Webinar link provided in the agenda. Questions can be sent to cityclerk@elkocitynv.gov.

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
Candi Quilici, Accounting Manager
Jan Baum, Financial Services Director
Dennis Strickland, Public Works Director
Bob Thibault, Civil Engineer
James Wiley, Parks and Recreation Director
Cathy Laughlin, City Planner
Jim Foster, Airport Manager
Matt Griego, Fire Chief
Dave Stanton, City Attorney
Ty Trouten, Police Chief

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. Comments may be made through GoToWebinar.com or by emailing kwooldridge@elkocitynv.gov. **ACTION WILL NOT BE TAKEN**

Kelly Wooldridge, City Clerk announced to the public that if they are having trouble participating on the GoTo Webinar they can call 775-777-7126 to make any public comments.

Mr. Felix Ike, 1949 Circle Way, Elko, stated he has been a resident since 1947 and is a member of the Te-Moak Tribe. He would like to thank the City of Elko leaders for allowing him to talk. He stated we are very disappointed to find out the dispensary is opening this weekend, as no one in the community was made aware. Regardless of what Chairman Gonzales and Vice Chair Arevelo stated in their letter to the editor, this was not good communication or consultation. The other issue is law enforcement. There are not protocols. Non-tribal members cannot be prosecuted in the tribal court area. The tribe may draft and submit an ordinance for review to the Secretary of the Interior. Nobody knows how the federal law enforcement will handle the opening of the cannabis shop. Substance abuse is an epidemic on the Elko Indian Colony. There is no family on the Colony that has been untouched by this issue. The most serious crimes on the Colony are drug related to include homicide and arson. The sad reality is most of these addictions start when the tribal members are young. As an example last summer almost half of the applicants to the Nevada Gold Youth Employment Program were disqualified because they tested positive for drugs. In Tribal Council meetings the drug and alcohol programs have a lack of funding and are overwhelmed with members in need. As an enrolled member, I am disgusted the Chairmans would attempt to use cannabis enterprise as referring to tribal cultural practices. These individuals cannot speak on traditional Shoshone practices. Many of the tribal elders were very upset the word Newe was used in the name of this enterprise. This is a Shoshone word. It implies we are in support of marijuana and we are not. There is nobody sitting on the Council that speaks Shoshone. This is cultural exploitation. Marijuana is not a part of our culture or religious beliefs. A preliminary injunction to halt the shop was denied but a full hearing will be held May 28, 2020 to review the minutes of the tribal court. They have worked with the Pace Coalition and sent a letter to the Governor. Mr. Ike indicated the article in the Free Press was incorrect when they stated the Elko Band is separate from the Tribal Council. He stated this is false that the Tribal Council is over the Elko Band.

Mayor Keener thanked him for the update and stated he is surprised they are opening up during a global pandemic. He encouraged Mr. Ike to continue his activism on this issue.

APPROVAL OF MINUTES: March 18, 2020 **Regular Session**

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Review and possible approval of the Fiscal Year 2020/2021 Tentative Budget, inclusive of all funds, and matters related thereto. **FOR POSSIBLE ACTION**

Staff will provide a revised budget presentation and will be requesting tentative budget approval. JB

Curtis Calder, City Manager, stated that since March 10, 2020, when the budget was first presented, there have been significant changes due to the COVID-19 emergency. This budget is based on the best information we have to date; that the shutdown will be over April, 30, 2020. This is truly a tentative budget and there may be significant changes in this budget when it is final in May.

Jan Baum, Finance Director, reviewed the power point presentation.

Councilmember Mandy Simons asked about removing the request for the 2% room tax increase.

Ms. Baum replied that right now, the hotels are taking a substantial hit in revenue and we didn't feel that right now is the time to increase this. The 2% was intended for a new pool and that is off the table for now.

Councilmember Chip Stone asked about the \$450,000 pool repair.

Ms. Baum stated this is the roof repair and the plaster re-coating.

Councilmember Mandy Simons asked who we have received letters from for donations.

Ms. Baum stated we have letters from the Senior Center, the Nevada Rural RSVP, Elko Area Transit, Nevada Outdoor School, and the Elko High School Homecoming.

Councilmember Simons asked if the Elko Area Transit goes under the County, will that affect this request.

Ms. Baum stated she will look into this and report back for the final budget.

Dennis Strickland, Public Works Director, stated that he sits on RTC and believes Elko Area Transit will still need this funding even if they go under the County.

Councilmember Simons wants the City to focus on the groups that have submitted letters and not assume those that did not send in a letter still need the funding.

Curtis Calder, City Manager, recommended we leave this as it is for tentative budget.

Mayor Keener asked Ms. Baum to review all of the list. He asked that staff reach out to entities we have not received letters from.

Councilman Schmidlein asked about the redevelopment fund. He stated several people have applied for the storefront program and would like to know if this can be increased since there are more candidates than grant money. He does not want to discourage development.

Scott Wilkinson, Assistant City Manager, stated the RDA has taken the action to limit the program at \$50,000. They have taken action in the past to expend more, so when the RDA meets they could make that decision.

Mayor Keener asked about the implications of putting off the pool roof for another year.

Curtis Calder, City Manager, stated if the pool is going to be open, the roof needs to be reconstructed and is critical.

Mayor Keener asked about the plastering project.

Mr. Calder stated this is not as critical but unless City Council is looking at closing the pool indefinitely, these two projects need to occur.

Mayor Keener would like to keep the repairs in the budget for now.

**** A motion was made by Councilmember Robert Schmidlein, seconded by Councilmember Chip Stone, to approve the fiscal year 2020/21 tentative budget and remove or eliminate from the budget the public drop off area transfer station, the wheel loader, the waste compacter, and the water truck from the land fill fund.**

The motion passed unanimously (5-0)

II. APPROPRIATIONS

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

**** A motion was made by Councilmember Chip Stone, seconded by Councilmember Bill Hance, to approve the warrants.**

The motion passed unanimously (5-0)

- B. Review, consideration, and possible authorization for Staff to solicit bids for the Public Works Department Preventive Maintenance Project 2020, to apply Micro Slurry Seal to select City Streets, and matters related thereto. **FOR POSSIBLE ACTION**

Micro Slurry Seal is a preventive maintenance treatment, which will be applied to approximately 61,408 lf. of selected city streets, plus the parking corridor between 7th Street and 8th Street, which were identified and adopted as part of the City of Elko Street Inventory. This work will be completed after July 1, 2020. DS

Dennis Strickland, Public Works Director, reminded Council that \$350,000 of this funding is from the Elko County Infrastructure tax that can only be used for road construction. The other \$200,000 will come from the services and supplies budget in the Street Department. He is in favor of protecting what we have rather than putting new roadway down. We will be conservative and

mindful of the budget moving forward to fund this work as it is important. This will extend the service life of the roads.

Mayor Keener asked if we anticipate having more than one bidder, Sierra Nevada Construction.

Mr. Strickland stated we usually have two or three contractors bid this work and he expects more bidders due to low oil prices. We also have a caveat in the contract that will allow us to increase or decrease the amount by 25% which is \$120,000 we could eliminate if we needed to.

**** A motion was made by Councilmember Robert Schmidlein, seconded by Councilmember Mandy Simons, to solicit bids for the Public Works Street Maintenance Program for 2020.**

The motion passed unanimously (5-0).

- C. Review, consideration, and possible issuance of final acceptance for the WRF RBC Removal Project, and matters related thereto. **FOR POSSIBLE ACTION**

Great Basin Engineering Contractors has completed the work. Staff recommends the issuance of final acceptance. There was one change order for \$786.00 for the repair of WRF RBC SCADA line. DJ

Councilmember Robert Schmidlein abstained from the discussion due to a conflict with his partners in Canyon Construction owning Great Basin Engineering Contractors.

Dale Johnson, Utilities Director, stated we are asking for final acceptance for the RBC project at the WRF.

Mayor Keener asked if everything was completed to the City's satisfactions.

Mr. Johnson replied that is correct.

**** A motion was made by Councilmember Chip Stone, seconded by Councilmember Mandy Simons, to issue final acceptance of the WRF RBC Removal Project.**

The motion passed (4-0 Councilmember Robert Schmidlein abstained.)

- D. Review, consideration, and possible issuance of final acceptance for the 18" Water Line Relocation Project, and matters related thereto. **FOR POSSIBLE ACTION**

Ruby Dome, Inc. has completed the work. Staff recommends the issuance of final acceptance. There was one change order for \$4,693.00 for additional excavation and pumping costs. DJ

Dale Johnson, Water Director, stated we are asking for final acceptance for this project. It was completed to the City's satisfaction.

**** A motion was made by Councilmember Chip Stone, seconded by Councilmember Mandy Simons, to issue final acceptance of the Ruby Dome 18” Waterline Project with the one change order.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible approval of a Professional Services Agreement with ZGA Architects for Construction Administration of the new Combined Water/Sewer/WRF Shop, and matters related thereto. **FOR POSSIBLE ACTION**

At the March 10, 2020 meeting, Council awarded the bid to MGM Construction for the Water and Water Reclamation Facility (WRF) Shop. This PSA includes services and fees for the Design Team’s Construction Administration (CA) during the 14-month construction schedule. DJ

Dale Johnson, Utilities Director, stated we are asking for construction administration for the new WRF facility in the amount of \$183,000 for oversight of the construction.

Mayor Keener asked if ZGA has previously done projects for the City.

Mr. Johnson stated they designed the shop.

Mr. Calder, City Manager, stated he is unaware if they have done other projects but they were the successful bidder for the shop project.

Councilmember Robert Schmidlein asked if we are hiring somebody to do quality assurance and compliance above and beyond this agreement.

Mr. Johnson stated Summit will be doing the quality assurance and compliance to include structural steel inspections and compaction testing etc.

**** A motion was made by Councilmember Bill Hance, seconded by Councilmember Mandy Simons, to approve the Professional Services Agreement, in the amount of \$183,000, for Construction Administration to ZGA Architects.**

Mayor Keener called for public comment without a response.

The motion passed unanimously. (5-0)

- F. Consideration and possible authorization for Staff to solicit bids for Airport Improvement Project No. 3-32-0005-051 (AIP 51), Snow Removal Equipment (SRE), and matters related thereto. **FOR POSSIBLE ACTION**

Council previously authorized Staff to apply for FAA Grant Application #AIP 51 on January 28, 2020. The project consists of acquiring new Snow Removal Equipment (SRE), i.e., truck, plow, and sander. The purpose of the project is to replace old equipment that has exceeded its useful life with newer equipment. The

project will benefit the Airport by supporting or improving operational levels by providing SRE that will replace less-reliable and difficult-to-maintain equipment. This project is estimated to cost a total of \$ 472,812.5. It is anticipated that this grant will be fully funded without match. In addition, the FAA will issue this grant based on bids. JF

Jim Foster, Airport Manager, stated the date on this is a little different. March 12, 2019 was changed to January 8, 2020. He found out this morning the application will be fully funded from the FAA with no match from the City to purchase the equipment.

Councilmember Mandy Simons asked why they are not requiring the match.

Mr. Foster explained this is part of the new CARES Act enacted recently by Congress. One of the provisions of the act is the 2020 grant applications will not have an associated match. Mr. Foster stated this will save us approximately \$27,000.00.

**** A motion was made by Councilmember Mandy Simons, seconded by Councilmember Chip Stone, to authorize staff to solicit bids for Airport Improvement Project 3-32-0005-051(AIP 51).**

The motion passed unanimously (5-0)

III. NEW BUSINESS

- A. Review, consideration, and possible approval of the First Amendment to the Agreement to Install Improvements and Provide Maintenance Guaranty with Parrado Partners, LP for Phase 3 of the Great Basin Estates Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

As required by Elko City Code 3-3-21, the City and Parrado Partners, LP entered into an agreement to install improvements for Phase 3 of the Great Basin Estates Subdivision on June 25, 2019. Parrado Partners, LP has completed the majority of the improvements with the exception of the final repairs required after an inspection on December 19, 2019. The developer is now requesting to post a performance guaranty in accordance with Elko City Code 3-3-22 and the approved performance agreement to cover the cost of the repairs. 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. SAW

Scott Wilkinson, Assistant City Manager, stated there are some pavement issues with the sealcoat that the contractor will manage. We are in agreement the bonding amount should be \$20,599.00 in addition to the 10% maintenance bond. If this is approved, the effective date should be changed to the date the parties sign the agreement.

Mayor Keener asked if the amount stipulated in the performance agreement is correct.

Mr. Wilkinson stated the performance agreement includes the 10% maintenance amount so the total amount in the agreement is \$100,295.83. Once the sealcoat is done we can release the \$20,599.00 and upon the final acceptance by the City Council we can release the remainder of the 10% contingency \$77,936.93.

Mayor Keener called for public comment without a response.

Councilmember Robert Schmidlein asked if Parrado Partners, LP are okay with this agreement.

Mr. Wilkinson stated yes, Mr. Capps was in agreement.

**** A motion was made by Councilmember Mandy Simons, seconded by Councilmember Bill Hance, to approve the First Amendment to the Agreement to Install Improvements and Provide Maintenance Guaranty with Parrado Partners, LP for Phase 3 of the Great Basin Estates Subdivision on condition the effective date is changed to when all parties sign the agreement.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval to utilize targeted grazing as a means of managing noxious and invasive plant species within the Humboldt River Area Recreation Project (HARP), and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko is currently under contract for targeted grazing services on various designated park properties including SnoBowl, and drainage off of Copper Street. Additionally, Staff is seeking authorization to utilize grazing as part of program to manage noxious and invasive plant species along the Humboldt River Corridor within the designated HARP boundaries. JW

James Wiley, Parks and Recreation Director, was not available due to technical difficulties.

Mayor Keener stated we have had the grazing goats before at the SnoBowl.

Curtis Calder, City Manager, stated we do need authorization for this because it is in the HARP boundary in the Humboldt River corridor.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilmember Mandy Simons, seconded by Councilmember Bill Hance, to include the Humboldt River Area Recreation Project as a part of the City of Elko's targeted grazing program as a means of managing noxious and invasive plant species.**

The motion passed unanimously (5-0)

- C. Review, consideration, and possible authorization to allow the City of Elko's contracted goat herder to camp overnight along the HARP Trail for the purpose of

providing security and oversight, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko is currently under contract with Old School Rodeo for grazing services for the management of noxious and invasive plant species. The contractor is requesting permission to camp overnight along the HARP Trail to provide security and oversight for his herd. JW

James Wiley, Parks and Recreation Director, stated that along the river there is a lot of public interaction and it is necessary for the goat herder to stay with the goats.

Mayor Keener asked if it is a tent or an RV. Due to technical difficulties Mr. Wiley could not answer. Mayor Keener added the City should give the goat herder a sign stating this camping is authorized by the City as the last time we allowed camping on the river it created a lot of controversy.

Curtis Calder, City Manager, stated adding signage will not be a problem.

**** A motion was made by Councilmember Chip Stone, seconded by Councilmember Bill Hance, to allow the contracted goat herder to camp overnight along the HARP Trail for the purpose of providing security and oversight of the herd, as well as, adding the City will provide a sign approving the camping.**

The motion passed unanimously (5-0)

- D. Review, consideration, and possible final acceptance of AIP 46 Master Plan Update and accept final completion of the contracts associated with this grant at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

On February 10, 2016, Elko City Council awarded the bid for AIP 46 Master Plan Update to Jviation, Inc. The airport layout plan has been an issue and will be finalized within the next few weeks. Staff and the FAA are asking to close out this out knowing that the final ALP will be accepted by the FAA at a later Date. Jviation, FAA and staff have been working on a Modification to Standard to complete the ALP. Final draw down and all payments have been completed. Total price for this grant was \$511,425.00. JF

Jim Foster, Airport Manager, stated we are coming to the end of the grant cycle. One of the sticking points has been the ALP, which is being reviewed with the FAA right now. The FAA has asked us to begin the closing process knowing the final hurdle for this is the ALP. There are some things at the end of the runway the FAA is looking into and we have asked for a modification of standards. This request has been with the FAA for over 30 days. The final meeting on it was supposed to have been yesterday but we have not received the outcome. The master plan has tentatively been approved.

**** A motion was made by Councilmember Bill Hance, seconded by Councilmember Mandy Simons, to approve final acceptance of AIP 46 and allow staff to begin the close out process.**

The motion passed unanimously (5-0)

- E. Amendment No. Two (2) to Contract Dated February 26, 2019 Between Jviation, INC and The City of Elko, Nevada, and matters related thereto. **FOR POSSIBLE ACTION**

This item is to amend the current contract between The City of Elko and Jviation, Inc. Jviation contract amendment #2 will cover fees associated with Airport Improvement project AIP 51 acquire snow removal equipment. JF

Jim Foster, Airport Manager, stated this is just an amendment to the standard contract and master agreement for Jviation to acquire snow removal equipment under AIP-51. This also will not have a match.

**** A motion was made by Councilmember Bill Hance, seconded by Councilmember Mandy Simons, to accept Amendment Number Two (2) to the contract between the City of Elko and Jviation to acquire snow removal equipment.**

The motion passed unanimously (5-0)

VI. 5:30 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 850, an ordinance amending Title 8, Chapter 18 of the Elko City Code entitled “Public Improvement Standards”, and matters related thereto. **FOR POSSIBLE ACTION**

First reading of Ordinance No. 850 was conducted on March 10, 2020. SAW

Councilmember Mandy Simons had technical difficulties.

Scott Wilkinson, Assistant City Manager, stated this is second reading of Ordinance No. 850 and will allow us to create a detail that we can allow for micro-trenching within the City of Elko.

Mayor Keener called for public comment and asked the clerk to repeat the email address for comments cityclerk@elkocitynv.gov. No comments were received.

**** A motion was made by Councilmember Robert Schmidlein, seconded by Councilmember Chip Stone, to approve second reading and adoption of Ordinance No. 850.**

The motion passed (4-0 Councilmember Mandy Simons abstained.)

III. NEW BUSINESS

- F. Review and possible approval of the Rental Car Concessionaire Deferral Policy, and matters related thereto. **FOR POSSIBLE ACTION**

Staff will provide the Rental Car Concessionaire Deferral Policy for City Council consideration. JB

Jan Baum, Finance Director, stated we had requests from concessionaires of the car rentals at the airport asking if we could defer March, April, and May facility charges and fees. This policy will allow a deferment of 90 days after the due date, a \$25 fee for administration and a little interest to keep us in compliance with the FAA. It will be between \$30,000-\$38,000 if all of the rental agencies ask to defer.

Mayor Keener asked if this was factored into the tentative budget.

Ms. Baum replied that one of the reasons we are asking the concessionaires to still report the fees is because this is an enterprise fund so we will recognize the revenue in March, April and May and report a receivable. The deferred revenue will be recognized in 2020.

Mayor Keener called for public comment.

Councilmember Stone asked if there have been any problems with them paying these fees in the past.

Ms. Baum stated no, and the original request came from Enterprise Rental Company.

**** A motion was made by Councilmember Chip Stone, seconded by Councilmember Bill Hance, to approve the Rental Car Concessionaire Deferral Policy.**

The motion passed unanimously (5-0)

IV. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 08-20, a Resolution Adopting a Hazard Mitigation Plan, and matters related thereto. **FOR POSSIBLE ACTION**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended by the Disaster Mitigation Act of 2000, provides the legal basis for state, local, tribal, and territory governments to undertake risk-based approaches to reducing natural hazard risks through mitigation planning. Also, the Stafford Act requires state, local, tribal, and territorial governments to develop and adopt FEMA-approved hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance, including funding for mitigation projects. Jurisdictions must update their hazard mitigation plans and re-submit them for FEMA approval every five years to maintain eligibility. The Elko County Office of Emergency Management prepared a Multi-Jurisdictional Hazard Mitigation Plan (HMP) encompassing Elko County and the Cities of Elko, Carlin, Wells and West Wendover that was adopted in 2008, then updated in 2013 and 2019. However, the 2013 update was not adopted by the Elko City Council. Adoption of the 2019 HMP Update does not obligate the City of Elko to pursue disaster assistance, grants or

any other type of funding, and implementation and management of the 2019 HMP Update will be left to the discretion of the Elko City Council. MG

Matt Griego, Fire Chief, stated the City worked closely with the County to amend the hazardous mitigation plan and change some of the language. We are just asking for the City to ratify it. The County has already ratified it. Once this is done, it can be submitted to FEMA and will make all of the participants eligible for grants and mitigation projects.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilmember Mandy Simons, seconded by Councilmember Bill Hance, to adopt Resolution 8-20, a resolution adopting a hazardous mitigation plan.**

The motion passed unanimously (5-0)

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition requesting the sale of City owned property pursuant to NRS 268.062, approximately 3,073 sq. ft. parcel, referred to as APN 001-013-018, located generally east of Sewell Drive, south of Walnut Street and north of West Sage Street, at public auction, and authorize Staff to obtain the required appraisal, and matters related thereto. **FOR POSSIBLE ACTION**

Two adjacent neighbors have petitioned the City of Elko to sell a city owned parcel formerly Well 16 parcel. If Council accepts the petition, an appraisal will be obtained and Council will hold a meeting on the fair market value of the property and adopt a resolution declaring its intention to sell the property at public auction. SAW

Scott Wilkinson, Assistant City Manager, stated he has updated the recommended motion and provided it to Council today. We need to make this contingent on the revision of the City of Elko Land Inventory and identify the property as disposal rather than reserved for a City facility such as utilities. We abandoned this well recently. In the Planning Commission meeting next month, we can get the land inventory on the agenda. We can then get it back to the Council in May to process the petition to sell this property.

Mayor Keener asked if there is access other than the alley.

Mr. Wilkinson stated the only access is off the alley. He stated it would make sense for one of those properties next to it to buy it but it has to go to auction.

Mayor Keener asked if this was purchased by a third party could a house be developed on the property.

Mr. Wilkinson stated this certainly is a possibility but the access would be limited off the alley. If we choose not to dispose of it, it is a vacant piece of property the City would have to maintain. The neighbors do encroach on the property sometimes.

Mayor Keener stated it makes sense to dispose of it at this time. He called for public comment. Mr. Mike Smales, 229 Pine Street, Elko, stated this well site has been in our back yard for 56 years and we are looking forward to improvements and interested in purchasing the property.

Mayor Keener confirmed the address as Pine Street.

Mr. Smales indicated the property in question is his parents' house. They are lifelong citizens of Elko.

**** A motion was made by Councilmember Robert Schmidlein, seconded by Councilmember Chip Stone, to accept the petition to sell APN 001-013-018 pursuant to NRS 268.062 at public auction and authorize staff to obtain the required appraisal contingent to the revision of the City of Elko Land Inventory identifying the property available for disposal rather than reserved for a City facility/utility.**

The motion passed unanimously (5-0).

- B. Review, consideration, and possible action to accept a petition requesting the lease of City owned property pursuant to NRS 268.062, approximately 8.69 acres, identified as APN 006-09G-027, at public auction, and authorize Staff to obtain the required appraisal, and matters related thereto. **FOR POSSIBLE ACTION**

ESM2, LLC has petitioned the City of Elko to lease a city parcel identified as APN 006-09G-027. If Council accepts the petition, an appraisal will be obtained and Council will hold a meeting on the fair market value of the property and adopt a resolution declaring its intention to lease the property at public auction. SAW

Councilmember Robert Schmidlein abstained from this item due to a conflict. His partners in Canyon Construction own ESM2, LLC.

Scott Wilkinson, Assistant City Manager, stated staff has a recommended motion to move forward with this lease on the condition the lease and the resolution identify the restricted access to State Route 535 also known as West Idaho Street. An appraiser could take this into consideration and if any other party besides the petitioner were interested in the property they would know the limitations with access. This is a flag shaped lot and the parcel image gives the impression there is a driveway to the State Route.

Mayor Keener asked if this is no longer a legal access at the West end of this parcel.

Mr. Wilkinson stated that according to NDOT there is no legal access there.

Mayor Keener called for public comment.

Ms. Pamela Lattin indicated the land has little value if there is no access and this property is landlocked.

Mayor Keener stated having heard this item once before that we understand the issues. It makes sense to him what was laid out in the presentation.

Councilmember Hance stated he does not believe NDOT can take away the access since the property has been deeded. This cannot be done arbitrarily.

Mr. Wilkinson stated if the Council is not in agreement with moving forward with the restricted access in the resolution and lease they certainly could reconsider the recommended motion and we can lease the property without the restriction. This would give us time to try to resolve this with NDOT.

Mayor Keener stated we are under a time restriction and waiting for NDOT to come up with a decision would take us into late summer or early fall and the lease will have been expired. The way it is worded we could utilize the access points to the East of the property.

Mr. Wilkinson replied that whomever leases the property will have to arrange the access. For example, if Nevada Gold who is adjacent to property were to lease the property as expanded parking area and they were to consider participating in the public auction, they could access the property from their driveway. It would allow the use of the property. Other than that, it is limited. If somebody were to obtain the lease they would have to work with the other property owners to gain access to the property.

Mayor Keener asked if NDOT put it in writing banning the access point.

Mr. Wilkinson stated they have sent two separate emails stating it is a safety concern and illegal access. They requested the City resolve this issue as the property owner.

Mayor Keener stated he is good with the suggest motion. He has concerns the lease expires in the end of June and we would wait longer than until the end of June if we have to wait on NDOT.

Councilmember Hance stated he agreed but does not want NDOT to arbitrarily say the access has been there since the property was acquired but now it is no longer legal and the City must improve it. He thinks NDOT needs to look at it and tell us what we need to do to get access. He does not want the City to limit themselves with getting things squared with NDOT.

Mayor Keener stated it should be incumbent on the appraiser to understanding the access issues and resolving this during the appraisal process.

Curtis Calder, City Manager, stated this should be taken into consideration on the pricing.

**** A motion was made by Councilmember Chip Stone, seconded by Councilmember Mandy Simons, to accept the petition to sell APN 006-09G-027 pursuant to NRS 268.062 at public auction, authorize Staff to obtain the required appraisal, direct staff to consult with the FAA on any required approvals for leasing the property and condition the resolution and lease with restricted access to State Route 535 also known as West Idaho Street.**

The motion passed (4-0 Councilman Robert Schmidlein abstained).

Later in the meeting Mayor Keener was advised by Mr. Wilkinson there was a problem with this motion and it needed to be redone. This item was reopened.

Councilman Schmidlein recused himself.

**** A motion was made by Councilmember Simons, seconded by Councilmember Bill Hance, to reconsider agenda item 5B.**

The motion passed (4-0 Robert Schmidlein abstained.)

Mayor Keener asked if anyone had gotten in touch with Mrs. Lattin regarding re-opening the item.

Mr. Wilkinson stated he sent an e-mail and left a voice message. He also stated there was an error on the motion. The motion stated to accept the petition to sell, where the intent is to lease the property.

**** A motion was made by Councilmember Chip Stone, seconded by Councilmember Mandy Simons, to accept the petition to lease APN 006-09G-027 pursuant to NRS 268.062 at public auction, authorize Staff to obtain the required appraisal, direct staff to consult with the FAA on any required approvals for leasing the property and condition the resolution and lease with restricted access to State Route 535 also known as West Idaho Street.**

Councilman Hance asked if we are going to have a public auction for the lease of the property by getting it appraised, starting from the price on the appraisal and going to auction.

Mayor Keener replied yes.

Kelly Wooldridge, City Clerk let the Council know she spoke to Mrs. Lattin and she was okay with changing the words from sell to lease.

The motion passed (4-0 Robert Schmidlein abstained.)

B. Review, consideration, and possible action regarding multiple requests for financial relief for lodging businesses, specific to water/sewer bills and/or transient lodging tax, and matters related thereto. **FOR POSSIBLE ACTION**

Due to the COVID 19 Government 30-Day shutdown, many lodging businesses have experienced reduced occupancy. Numerous letters have been submitted for City Council review and consideration. SAW

Mayor Keener stated that in the packet there are letters from at least one dozen hoteliers describing their business situation running at about 30% lower than previously.

Curtis Calder, City Manager, stated this is not unexpected they are asking for relief. He does not think there is flexibility with transient lodging tax, as the hotelier is the pass through taking the money on behalf of the city from the customer. Lower occupancy results in lower transient lodging taxes due. As to the water request, he stated most of the hoteliers are flat rate customers so they have to pay the same rate no matter what the occupancy numbers. This issue was reviewed with the City Attorney who indicated the water fund is an enterprise fund and does not allow for the waiver of fees and we would need to change the code. Perhaps we could do a policy to defer the fees.

David Stanton, City Attorney stated transient lodging tax is statutory and there is not a lot of wiggle room in what we can do. Also, keep in mind that other entities receive this funding, for example the ECVA. In terms of the water code, the requirements in code are mandatory. There is a requirement for delinquency and to send notices. There is a timeline set out in the code. The Elko City Charter contains provision that permit City Council to modify code in the event of an emergency and this is one. If the City Council were so inclined to grant relief to a class of businesses, there is a mechanism to write an ordinance. It would probably not be a waiver in fees entirely, rather a waiver in the timeline on taking action on delinquent fees. He stated even though the request from hotels and motels, the Council has to have a rationale for granting relief. Hotels and Motels do fall into an identifiable class of businesses that may be entitled to relief exclusively and the Council would need to make findings of this. Otherwise, other businesses are similarly effected we may want to consider even though they did not write letters. The rationale for this equal protection.

Mayor Keener stated the hoteliers are being hit particularly hard as a part of the tourism industry. The SBA has a number of different aide rescue programs designed to help businesses. He is concerned that if we open it up we need to entertain all sorts of other deferral requests from other industries.

Mayor Keener called for public comment.

Pranav Bhatka, Travelers Motel, stated he knows a lot of the transient tax goes to other projects. He stated he is paying almost \$1500 a month and has ten rooms out of 48 occupied. He is barely surviving. He has applied for SBA but stated it will be three to four months to get funding. He stated there are other hoteliers with only one or two occupants.

Mayor Keener thanked him for the comment.

Katie Neddenrip, ECVA stated she has followed the logic of the legal counsel with regard to transient lodging tax which is a 100% pass through and it goes to a lot of organizations, the ECVA included. ECVA is also suffering from a lack of occupancy so any changes or deferral of transient lodging tax would have a significant impact. We have fourteen employees so anything she can do to salvage any portion of revenue she will fight for it at this time.

Mr. Pete Patel, the Budget Inn, stated the reason behind this is our industry has been hit very hard. Our flat rate is very high and we have no other way to get other funds to stay in business. We are asking this be temporary.

Mayor Keener asked Mr. Stanton about the requests and the City's mechanism or authority to do this. Mr. Stanton said the only way is to enact some sort of emergency ordinance.

Mayor Keener stated realistically we are looking at deferrals. He stated they are looking 2-3 months out for the SBA aid package. He asked Mr. Stanton that if we did go this direction would it be prudent to include other classes of businesses.

Mr. Stanton stated this is correct. He stated that in order to make a decision like this there has to be a rational reason to give to one class of business over another class of business in an identical situation.

Councilman Hance stated he has concern for any business that has been shut down that have had to completely close their doors. We need to look at relief across the board because other businesses have no income at all. There does not seem to be an easy way around this.

Councilwoman Mandy Simons asked if all businesses are on a flat rate.

Councilman Schmedtlein responded that a lot of the bigger/newer hotels are on meters which is why they didn't come forward with complaints. Most of the complaints sent to us are the flat rate users.

Councilwoman Simons feels we need to make flat rate a part of the criteria.

Councilman Stone stated three months to get the SBA loan seems like a long time. He stated he wasn't told three months for his businesses. We need to be fair across the board.

Councilwoman Simons stated she does not think a decision can be made tonight. We need to ask legal to go back and look at it and bring us an emergency ordinance.

Councilman Stone stated we are into this four weeks now and we need more data to measure the effects of this crisis.

Mayor Keener stated we need to direct staff to put together some type of application businesses could apply for a deferral.

Mr. Calder stated there are a couple of ways we could stretch the policy or devise the policy similar to the airport concessionaire, or by occupancy reports. We would need to work with legal and bring something back to Council in two weeks.

Mayor Keener stated in two weeks we should have a better idea about the money from the SBA program.

Dave Stanton stated we could look at the Paycheck Protection (SBA) program and take a cue from the process they have developed for participation. He stated that unlike the Airport Deferral, which is a contract, the City Council has the authority to waive a contract requirement. This would

actually have to be an emergency ordinance. You don't have to do a first and second meeting when it is an emergency ordinance according to Charter.

Mayor Keener feels this is a good way to proceed on this.

Councilman Schmedtlein stated he agrees and recommends City staff bring something back to us at the next meeting. He stated not to do any water shut-off.

Mr. Stanton replied we do not have the authority to do that.

Mr. Calder reminded Council that in the Emergency meeting on March 18, 2020 we gave a 45 day extension on water shut off.

**** A motion was made by Councilmember Simons, seconded by Councilmember Schmedtlein, to direct staff to work with legal counsel to develop an emergency ordinance and bring it back to Council at the next meeting.**

Mayor Keener called for any further public comment without a response.

The motion pass unanimously (5-0)

VII. REPORTS

A. Mayor and City Council

Mayor Keener thanked everyone for their assistance with the virtual meeting process. We will work on the audio for future meetings. He thanked Kim Wilkinson for assistance with the agenda packet binders. He went on to State all of the Council members have been speaking with various constituents about concerns. He spoke to Senator Goicoechea over the weekend. He asked Mayor Keener on behalf of the City to devise a re-opening plan. There are fears the shutdown will go into May. He will be asking for a regional plan that will not be 100% capacity but will get businesses re-opened. The plans will be submitted to the Governor within the next week.

Councilman Chip Stone stated a lot of people have contacted him and discussed a safe way to re-open. He stated Elko is doing well and getting through this together.

B. City Manager

Mr. Calder stated we are still operating at about 2/3 capacity. We have people coming in intermittently to deal with things like payroll, building permits, financial things, and some maintenance issues. This is stressful for the citizens as well as the employees. It appears the public is cooperating with the shutdowns as we don't have the time to police it. No employees have been diagnosed with COVID-19. We just hope by April 30, 2020 we are able to come back to some sense of normalcy.

C. Assistant City Manager

D. Utilities Director

E. Public Works

F. Airport Manager

Jim Foster noted the numbers for March are down about 50% and we are down to one flight a day so numbers will drop significantly. The CARES Act allocated \$10 million to airports around the Country. Today they released how they will distribute funding and Elko is eligible to receive assistance for non-construction expenses. It is based on previous year's enplanements. They want all of the money allocated by April 21, 2020. We will be coming back for acceptance of an additional grant.

Mayor Keener asked about donating a banner for some safety signs at the airport regarding the CDC guidelines.

Mr. Foster stated the only signage we have right now is what the TSA and SkyWest has put out. He will send this information to Mayor Keener.

G. City Attorney

H. Fire Chief

Chief Griego gave an update on COVID-19 Emergency Management stating we are working with the County and public health to ensure testing is getting out. We will have some rapid testing coming to the area, as well as testing for antibodies. Dr. Putnam is getting an Abbot rapid tester so we can test locally and not have to send tests to Carson City. There are still plenty of tests in the community. The hospital is testing about 30 a day. There has not been a large increase in Elko County. They are working on protocols to keep first responders safe, although there has been a net decrease in emergency calls for service. Both the volunteer and faith based organizations are working to ensure we are getting food out to those who need it. Law enforcement is working hard to make sure their responders are safe and they prescreen a lot of the calls fire responds to. The Sherriff is working to ensure the jail is safe and new prisoners are isolated before being put into the general population. The gold mines have donated money for foods and transportation to pick up food for FISH to distribute. We are well into the response phase and it is time to start moving into the recovery phase to come up with a plan to start short-term recovery. Making sure businesses are aware of resources, what housing is available and continuing with food. Unlike most natural disasters, the biggest challenge moving forward will be the economic recovery.

Councilman Stone asked about the vandalism done to the Senior Center Food delivery vehicle and if they have been able to get the food out the seniors. Chief Griego stated he will look into it. We received delivery of Brush Three so both brush rigs will be ready to go for wildland fire season. Pictures of the new vehicle were displayed.

I. Police Chief

Chief Trouten stated we were called into do the officer involved shooting in Winnemucca. This has been completed. We have had some extensions for grant submissions so we will have some grants for approval at next City Council. He does not have any information about the vandalism to the Meals on Wheels truck but will look into it.

Mayor Keener stated a citizen called asking why the school resource officers are patrolling. When school is out, the Officers that are members of the Elko Police Department will be back out on the street.

Chief Trouten stated it has been nice having them back to cover.

- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Financial Services Director
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

Mayor Keener stated great job to the citizens of Elko. We have followed guidelines and we have a low number of cases.

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

Mayor Reece Keener

Kelly Wooldridge, City Clerk