

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

SS May 23, 2017

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, May 23, 2017.

This meeting was called to order by Mayor Chris Johnson.

ROLL CALL

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
 Councilwoman Mandy Simons
 Councilman Robert Schmidtlein
 Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Ryan Limberg, Utilities Director
 Shanell Owen, City Clerk
 Jonnye Jund, Administrative Services Director
 Jeremy Draper, Development Manager
 Cathy Laughlin, City Planner
 James Wiley, Parks and Recreation Director
 Mike Haddenham, WRF Superintendent
 Ben Reed Jr., Police Chief
 Dennis Strickland, Public Works Director
 Bob Thibault, Civil Engineer
 Ted Schnoor, Building Official
 Matt Griego, Fire Chief
 John Holmes, Fire Marshal
 Mike Hess, Landfill Superintendent
 Dave Stanton, City Attorney
 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**

There were no public comments.

The minutes were approved by general consent.

I. PRESENTATIONS

- B. Presentation by Flag View Intermediate Student, Danika Solis, to discuss her idea of bringing a Family Fun Center to Elko, and matters related thereto. **NON-ACTION ITEM – INFORMATION ONLY**

Danika Solis spoke about a family fun center that is needed in Elko and gave a presentation (Exhibit “A”).

Councilwoman Simons said she has heard from some people that would love to get something like this started up. Hopefully someday we may have something like this. It’s a good idea.

Councilman Rice thanked Ms. Solis for bringing this up to Council’s attention. It is not a bad idea.

II. PERSONNEL

- A. Employee Introductions:

- 1.) Mr. Gavin Demaline, Landfill Equipment Operator

Present and introduced.

- 2.) Ms. Grace Davis, Recreation Coordinator, Recreation Department

Present and introduced.

III. APPROPRIATIONS

- D. Review, consideration, and possible authorization for the Arts and Cultural Advisory Board to purchase a Centennial Boot, and matters related thereto. **FOR POSSIBLE ACTION**

Jeremy Draper, Development Manager, explained this was brought up at the last Arts and Culture Advisory Board meeting. We have 26 boots out there. We also have an order for another 17. This would make it 43 if approved. We have had a good response for this. The Arts and Culture Board felt it was appropriate for the City to have a boot.

Catherine Wines, Arts and Culture Advisory Board, thought this was a good idea. This boot would be placed at City Hall. Mr. Draper said we just ordered 17 more and this would make it 43. That would be 60 boots total. That is \$66,000 of private investment in the arts. As a community we need to congratulate ourselves.

Councilman Keener thought it was a great program and it leaves a favorable impression, especially for those visiting.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve a \$1,000 expenditure out of the Arts and Culture Advisory fund to pay for a boot to be placed at City Hall.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Councilwoman Simons asked if the artist was being donated too.

Ms. Wines answered she believed the art will be donated by the Board. That is their intention.

Council voted on the motion.

- E. Review, consideration, and possible award of a bid for the Effluent Reuse and Sanitary Sewer to the Elko Sports Complex Project, and matters related thereto.
FOR POSSIBLE ACTION

Council approved soliciting bids at the April 11, 2017 City Council meeting. Bids were opened on May 8, 2017. A Bid Tally Sheet will be provided. RL

Ryan Limberg, Utilities Director, said the bid tally sheet was in the packet. Since the last meeting we have an update on the Army Corps 404 Permit. The news is favorable. With that he recommended award to Ruby Dome Construction Inc., the low bidder on the project, but also include in there a condition that we may need to do a deductive change order for both the river crossing work, as well as, the railroad track bore, in the event we do not receive that permit in the next month.

Scott Wilkinson, Assistant City Manager, said we did receive an email from the Army Corps today. They sent out the memorandum of agreement and the historic property treatment plan. Nevada SHPO said they are prepared to sign the agreement. A permit would be on the order of a couple of weeks after they receive the executed memorandum of agreement. We are very close to receiving the permit.

Mr. Limberg added he spoke to the low bid contractor and they were okay with the approach of a deductive change order in the event we did not get the permit in time.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to award the bid for the Effluent Reuse and Sanitary Sewer to the Elko Sports Complex Project to Ruby Dome, in the amount of \$984,765, with the condition that there may be a deductive change order for the river crossing and railroad track bore if no permit is received in time.**

The motion passed unanimously. (5-0)

V. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 14-17, a resolution providing for the addition of White Pine County and the City of Ely as members of the Northeastern Nevada Regional Development Authority via

adoption of an amended inter-local cooperative agreement and authorizing membership thereby, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the proposed resolution has been included in the agenda packet for review. CC

Pam Borda, NNRDA, explained we have seen a few changes like this over the years. Ely, White Pine and Eureka County joined several months ago. Humboldt County is in the process of joining. That would complete us becoming the RDA that the state wanted us to become. Hopefully this will impact the members positively. We have been given additional funds associated with the additional memberships and we have hired one new person and looking to hire another one. This gives us more bandwidth to go after and generate leads. We are already seeing the fruits of some of that right now. This makes our RDA the third largest one in the state. We have 41% of the state geographically.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to adopt Resolution No. 14-17.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS

- B. Review, consideration, and possible approval to sell a portion of APN 001-610-075, approximately 5,676 sq. ft., pursuant to NRS 268.061 or NRS 268.062, city owned property located adjacent to the entrance of Mountain View Park, and authorization to Staff to obtain the required appraisal, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has received a request from Gary and Bernice Kimber to purchase a narrow strip of city owned property adjacent to their residence located on 309 Chris Avenue. The property lies at the lower entrance to Mountain View Park and currently is undeveloped. The Parks and Recreation Board reviewed this request at their April 20, 2017 meeting and recommended the City Council approve the land sale with a condition that the funds received go towards improvements at Mountain View Park. The City of Elko Land Inventory was updated May 9, 2017 to list a portion of this APN for disposal.

NRS 268.061 1. (e) allows the governing body to sell property owned by the City to any person(s) who owns property adjacent to such property without offering it to the public if the governing body determines, by resolution, that the sale will be in the best interest of the City, and the property is a parcel that is too small to establish an economically viable use by anyone else. NRS 268.062 allows for the sale of any real property at auction after adopting a resolution declaring its intention to sell the property at auction. CL

Cathy Laughlin, City Planner, explained we received a letter and application from the Kimbers. At the time she spoke with Mr. Wiley and discussed if there was a need for this parcel for the park and park entry. It was taken and presented to The Parks and Recreation Advisory Board and their recommendation is to sell. She reached out to Mr. Kimber and he had High Desert

Engineering do a survey on that property. If it is determined that it could be sold under NRS 268.061, which would mean that Council determines that it would not be economically viable to anyone else, then Mr. Kimber would be responsible for the appraisal and all other costs. It needs to be determined by council how it would be sold.

Councilman Keener said at the widest part of the parcel, it slopes down. Do the residents there have a view out the back and would there be any deed restrictions prohibiting building accessory buildings on there?

Ms. Laughlin answered by demonstrating on the overhead screen where the property line would be if this is sold to Mr. Kimber.

Gary Kimber, applicant, said the property owners on the west are relatively higher. This property slopes down towards his property. He doesn't intend to put any buildings out there. He wants to clean that area up, get the weeds removed and make it pretty.

Mayor Johnson asked if there is a two-step process.

Ms. Laughlin answered yes. The determination needs to be made as to how the property will be sold; under which NRS. The next step would be that we go out for an appraisal, council would accept the appraisal, and then the sale.

Councilman Keener thought he would like it to be sold to the adjacent homeowner.

Councilwoman Simons couldn't imagine what economic use it would have.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to authorize staff to obtain the required appraisal for the proposed sale of a portion of APN 001-610-075, approximately 5676 sq. ft., pursuant to NRS 268.061, based on the findings that the area for proposed sale is adjacent to the Kimber's property, and the proposed sale is in the best interest of the City. The proposed area to be sold is too small to establish an economic viable use by anyone else and the Kimbers are responsible for all costs related to the sale of the property if determined to sell pursuant to NRS 268.061. The proposed sale is subject to the Council accepting the appraisal.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible action to approve a request for water service from the State of Nevada School of Industry to a portion of APN 006-10C-002, and matters related thereto. **FOR POSSIBLE ACTION**

This parcel is presently located in the County. The State of Nevada is presently involved in negotiations with a private landowner to exchange a portion of this parcel for two private parcels of land presently located within City limits. Should that exchange occur, the new owner would then like to annex the newly created parcel into the City. In order to subdivide the parcel currently located in the County to enable the land exchange to occur, the owner needs to provide the County with water rights (a minimum of 2 Acre Feet) or provide a letter from the

City of Elko committing to serve the newly created parcel. Thereafter, the parcel could be subdivided and subsequently annexed into the City. RL

Ryan Limberg, Utilities Director, explained Mr. Luke Fitzgerald was present. Mr. Fitzgerald has the two parcels to the north. He is working on exchanging those two parcels for one parcel from the state. In order to parcel that property, he needs a will-serve letter from the city. The minimum is 2 acre feet. The intent is to have the larger piece of property parceled off, annexed into the city and develop it.

Luke Fitzgerald, 207 Brookwood Dr., offered to answer any questions.

Mayor Johnson asked if we want to do anymore regarding the water rights.

Mr. Limberg answered there are a couple of options. The state has water rights at the NYTC. They could transfer that 2 acre feet to that parcel but there will be a delay in that process. Mr. Fitzgerald wants to move quickly. He wants to annex into the city and receive water from the city. It is an option that council could consider requesting water rights for that parcel to serve that parcel.

Scott Wilkinson, Assistant City Manager, reminded council that several years ago the city reached out to the state to see if we could acquire 100 acres of this property but it just didn't work out. This is another way to get to that point.

Councilman Keener asked if we want this conditioned upon annexing into the city.

Mr. Limberg answered that would not work with the county at this time. This risk of 2 acre feet is minimal and worth the risk. He thought we could avoid that condition.

Mr. Wilkinson said the issue is we can't annex a portion of the property. We have to have a separate parcel in order to affect an annexation. We felt this might be a way to approach it. The risk to the city is 2 acre feet which would support one building on 60 acres.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to approve the request for water service for APN 006-10C-002 for 2 acre feet.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Mayor Johnson asked if this parcel would have water service without having to annex.

Mr. Limberg answered that the risk would be 2 acre feet. The odds of that happening would be extremely low.

Council voted on the motion.

- D. Review, consideration, and possible approval of a request from Michael R. Smith for extension of City water service to serve parcel 032-001-017, presently located

in the County on Last Chance Road, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Smith's request letter states in the first sentence he would like the City Utilities Department to extend a fire protection line to his parcel presently located in the County. The distance is approximately 1000 feet. Mr. Smith's request letter further states he is willing to pay for this extension at no cost to the City. RL

Mr. Limberg explained his memo included in the packet. Mr. Smith was present to explain his position. There is a high likelihood that the property owners out there would not want to annex into the city. This area has not been identified in the Master Plan as a location for future expansion of service or development. He fails to see a benefit to the City of Elko to approve this request.

Mike Smith said the advantage to putting that out there now is future growth. When you get around to annexing an industrial park into the city you won't have to do much work. Even if you put the fire hydrant out there you have storage water for fires that are out in burner basin. Your firefighting response is dramatically reduced. Remington Construction will put a building up and they will need to put a fire hydrant out there. He is willing to pay for the entire thing, including the engineering. It won't cost the city anything. There will be annexation in that area.

Councilwoman Simons asked if that is not in the Master Plan to be annexed.

Mr. Limberg answered that area is not in the Master Plan or the Development Report as having annexation potential. You get a free waterline but you have the ongoing maintenance of that line. You will have to provide fire flow water to that location. Fire flow water doesn't result in any rates back to the city. We get our rates from connection fees and connections.

Councilman Rice said the pro argument is a good one. If in the future this was annexed and developed, the developer would be responsible for that infrastructure.

Mr. Wilkinson said the problem with that is that these lots are owned by several property owners and they already have a county road.

Mayor Johnson said he would like to be a good neighbor and do it but from a utility standpoint it doesn't make sense.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to deny the request from Mike Smith for an extension of water service to serve parcel 032-001—17.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible approval of a Concessionaire Agreement filed by Kevin & Italia Babcock, dba Silver Haze BBQ, to operate a mobile food truck in the Main City Park, Area 2, and matters related thereto. **FOR POSSIBLE ACTION**

Kevin & Italia Babcock applied for a Concessionaire Agreement to occupy concessionaire space for a mobile food truck in the Main City Park. They currently hold an Elko City Business License. SO

Shanell Owen, City Clerk, explained included in the packet is the concessionaire agreement. This would be the last available space in the main city park. The applicant was present.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve a Concessionaire Agreement for Kevin and Italia Babcock, dba Silver Haze BBQ, to operate a mobile food truck in the Main City Park, Area 2.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible approval to sell APN 001-066-005 pursuant to NRS 268.061 or NRS 268.062, city owned property located at the intersection of 8th Street and Elm Street, and authorization to Staff to obtain the required appraisal, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has received a request from Mr. Don Knight to purchase a parcel of city owned property adjacent to his residence located at 772 Elm Street. The City of Elko Land Inventory was updated May 9, 2017 to list this APN for disposal.

NRS 268.061 1. (e) allows the governing body to sell property owned by the City to any person(s) who owns property adjacent to such property without offering it to the public if the governing body determines, by resolution, that the sale will be in the best interest of the City, and the property is a parcel that is too small to establish an economically viable use by anyone else.

NRS 268.062 allows for the sale of any real property at auction after adopting a resolution declaring its intention to sell the property at auction.

City Council must determine if the property is economically viable. CL

Cathy Laughlin, City Planner, explained Mr. Knight was sold the property and was misled that the entire property was his. He purchased this property in March 2016. He started doing projects around the home and the property. He came into the city questioning fencing permits and we discovered that he did not own that small parcel on the end of the block. On the land inventory it was listed to retain for storm drainage but after doing research with Public Works it was determined that there is no need for this parcel to be retained. We modified the land inventory and listed that property as to be sold. Mr. Knight was present. The key is determining if this can be sold under NRS 268.061 or 268.062. If it is determined that it can be sold under NRS 268.061 then Mr. Knight would be responsible for the appraisal costs and the appraisal would come back to council for approval to sell the property. It would then be sold directly to Mr. Knight. If it is determined that it does have an economic viable use then it would be sold in public auction under NRS 268.062. This is a very small lot. After the setbacks you would have 19.5 feet in the center to build on. It was deeded to the City of Elko in 1929. (See Exhibit "B".)

Councilman Schmidlein asked the size of the lot.

Ms. Laughlin answered 40 ft. by 100 ft.

Don Knight, 772 Elm Street, said he purchased this house the realtor told him that it was all one yard. It is all fenced in. It was a mess and he has been cleaning it up. He would not have bought the property if that lot wasn't his.

Dave Stanton, City Attorney, said this can be similar to the Kimber item. The key factor would be the economic issue. We need a finding from council regarding the economic viability of the lot.

Scott Wilkinson, Assistant City Manager, suggested there should be a condition that it is merged with the adjacent lot.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to, based on the discussion, the size of the lot and the setbacks that would be required to build a building on that, make it economically impractical for that to be a viable piece of property for the City to hold, and it is not economically viable in accordance with NRS 268.061 or 268.062, and that we authorize staff to obtain the required appraisal for the proposed sale of APN 001-066-005, based on our finding and that the proposed sale is subject to the Council accepting the appraisal and agreement by the buyer that the two lots be merged into a single lot.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible approval of a request from the Elko Downtown Business Association (DBA) for the closure of a portion of 4th Street between River Street and Silver Street for the Margarita Walk to be held on June 10, 2017. The closures will be from 9 a.m. to 9 p.m. on June 10th, and matters related thereto. **FOR POSSIBLE ACTION**

The DBA is requesting to use the closure during their Margarita Walk which will take place on June 10th from 4:00 p.m. to 7 p.m. They have completed the application, and will be submitting the appropriate insurance. SO

Shanell Owen, City Clerk, said Rushelle from the DBA was not present. The only information she could provide council was what was in the packet. The Public Works Director, Dennis Strickland has some comments regarding overtime that could occur because of this event. Everything submitted is included in the agenda packet. The only thing not submitted was the insurance.

Mayor Johnson wanted to give the applicant a chance to be here.

It was agreed that council would come back to this item.

- H. Review, consideration, and possible authorization to modify the designated staging area for food truck vendors in the Main City Park, and matters related thereto. **FOR POSSIBLE ACTION**

With the approval of recent requests from food vendors to utilize allotments within the city park, the area is now being utilized to full capacity. Staff believes that minor modifications are necessary to improve functionality and ease the means of operation. A revised map has been included for review and consideration. JW

James Wiley, Parks and Recreation Director, explained we are now at capacity. We have a total of six vendors. Staff is suggesting some minor modifications to the area. We allow for six food vendors in the Main City Park. Years ago council took action for one vendor to move to another location so they can pay for and install their own power source. With them being outside this area they are still counted as one of the six vendors. The first revision was to exclude that 6th space from that area. By doing that we allow the vendors more space to operate their business. The map shows only five spaces but keep in mind that one is located elsewhere. With six vendors in the area and the potential of them being there at the same time we thought they needed more space. This is the most we can do to ease potential conflicts.

Councilman Keener asked if Mr. Wiley has spoken to any of the vendors regarding this.

Mr. Wiley answered no.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the revised map and modifications to the designated staging area for food truck vendors within the Main City Park.**

The motion passed unanimously. (5-0)

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for the vacation of a portion of the utility and drainage easement located on the northeasterly side of APN 001-560-077 consisting of an area approximately 41 feet in width by 205 feet in depth, filed by Tjoa Properties, LLC and processed as Vacation No. 1-17, and matters related thereto. **FOR POSSIBLE ACTION**

Cathy Laughlin, City Planner, explained that in 2007 the City of Elko issued a permit to expand the existing building, which is Top Gun Auto Body Shop. That expansion was to the north of the building. It was 41 ft. into the 50 ft. public utility easement. It was overlooked by the City of Elko at the time. It was found when the waterline was found. The waterline is located in the 9 ft. that is remaining. It is not underneath the addition to the building. At that time, City Staff talked to the property owner and asked that a vacation be done of the utility easement underneath the building. Years later that vacation has not been completed. The property owner came in for another expansion of the building towards I80. This vacation would be for 41 of the 50 feet of the public drainage and utility easement.

Ryan Limberg, Utilities Director, said the waterline is 9.5 feet away from the building instead of 10.

**** A motion was made by Councilman Schmittlein, seconded by Councilman Rice, to accept the Petition for Vacation and direct staff to commence the vacation process by referring the matter to the Planning Commission.**

The motion passed unanimously. (5-0)

- B. Review and consideration of a letter from the Elko County Association of Realtors regarding efforts by the City of Elko to require Real Estate Agents to obtain business licenses, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from the Elko County Association of Realtors has been enclosed in the packet for review. CC

Sandy Wakefield, President of the Elko County Association of Realtors, explained they have an issue that they thought they should bring to Council. She asked Lee Gurr to give the presentation.

Lee Gurr, Realtor, 700 Idaho Street, said she is speaking on behalf of the approximately 125 licensees that currently reside in Elko County, many of whom have received a letter from the City asking for an application for business licenses. She first became aware of the city's efforts in this regard, for business licenses, in April. She has been told that there are a few real estate agents who have had a city business license in place for some time. When she spoke to a few of them, they said that they didn't agree that they should be licensed, but they quoted, "You can't fight City Hall." She disagrees with the philosophy or she wouldn't be here tonight. Most of the general public does not understand exactly how the real estate industry actually works. This misunderstanding often extends to thinking that we all make tons of money. If you saw actual numbers on that misconception, I think you would be stunned. Nevertheless, that is why occasionally find ourselves the object some governmental entities need to improve their revenue stream. She thought that is partially what is happening here. We all recognize that local jurisdictions in Nevada need additional revenue streams, often due to the statutory limitations on property tax increases. Property taxes may not have recovered from the economic downturn. We also understand that government needs to be funded. We just disagree that real estate practitioners are the right place to seek those funds and here is why. Please recognize that she is not talking about real estate brokers here. Real estate brokers are the real estate practitioners that are qualified to open and run an office to offer real estate services of various kinds. She is talking about the rank and file, real estate licensees. It is another commonly held misconception that real estate agents are in business for themselves as independent contractors. They are not. They are employees. The general definition of an employee is someone who works for and under the control and direction of another, and who is paid for that work. IRS classifies a worker as an employee as follows: An employee is anyone who performs services for an organization if the organization can control what will be done and how it will be done. The website goes on to say, "Notice that in this definition the word control is emphasized. Control of the person's work by the employer," and that precisely defines the role of a real estate licensee or agent. Unless we get the additional training, experience and financial base required by statute to become a broker, real estate licensees can only work for a broker and can only receive money from that broker. We are not allowed to accept any compensation for real estate related services from any person other than the broker; not our clients, not title companies, insurance companies, mortgage lenders, not anybody. All of our compensation has to be paid to us by the broker. We must act in

our duties as a real estate agent in the way that we are directed by the broker. In our company we have checklists, procedure manuals and regular mandatory training meetings to make sure we are performing our duties according to the directions of the broker. She held up an example of one of them. Real estate licensees live and work under NRS and the NAC 645, which requires that brokers supervise and train agents and that brokers are held liable for everything the agents do. Both the statutes and the administrative code use the term, "Employing Broker" throughout. And so does the actual application to obtain the real estate license, which requires that we have an employing broker sign the forms so that we can go to work for him/her. All files and contracts are owned by the broker, not the agent. If we leave one brokerage for another the files legally stay at the firm where we worked when the contract was put together, unless the broker agrees that those files can move to a different brokerage. Again, all direction and compensation flows through the broker to the agent. We have requirements from the broker that tell us what, when and how to perfect the paperwork, inspections, communications, all of it. We are employees of and under the control of the broker. The policy and procedure manual she showed the room states on the very first page that we are only considered independent contractors for tax purposes. Not every licensee is a realtor. Most of us belong to that organization. As realtors, members of the National Association of Realtors, we are fortunate to have incredibly good and persuasive lobbyists, and as a result we have a special standing with the IRS that allows the broker to write us a check for real estate transaction work without having to withhold federal income tax, social security, Medicare and so forth from it. That is it. That is the extent of our being considered independent contractors. The special term in the IRS is called statutory non-employee, and that is tax purposes alone. Both the Department of Labor and the Internal Revenue Service have devoted years on the topic of employee vs. independent contractors. Just last year, the Department of Labor issued an interpretation called "most workers are employees" under the FLSA's broad definitions. Like the IRS, those definitions specifically include the control language in determining whether or not a person is an employee. The quote from that document: "The degree of control exercised or retained by the employer." That is the determining factor. A typical independent contractor profession would include a barber or hairstylist who isn't required to work under anyone. A drug dealer, entertainers, freelance photographers, general contractors, PGA golfer, tutor. Others like real estate agents would include licensed dental hygienists, who can only work under the auspice of a dentist. Are they going to be required to get private individual licenses as well? At what point do we draw the line? Finally, licensing fees contemplated by the City of Elko Business License, are based on the applicants gross receipts. In our industry, the broker is already paying the licensing fees for the agents working in that office. From that perspective, assessing fees to an individual agent is in essence, double taxation. We are in opposition as an organization. She is in direct opposition as an individual, to having to pay licensing fees to the individual city in which we live. Thank you very much.

Sheri Eklund-Brown asked her to speak about the gross revenues and that the broker is already paying all of the income coming in from all of the agents.

Ms. Gurr said there is a number of real estate agents in the audience tonight because we all have a vested interest in this particular matter. She was asked to touch on how brokers are paying licensing fees but Jim Winer from Coldwell Banker was present to do that.

Councilman Schmidlein asked about the tax forms she receives are 1099.

Mr. Gurr answered that tax forms they receive from the broker as required by the IRS are 1099's. We are not W2 employees under the statutory non-employee because they don't require the broker to pay those.

Councilwoman Simons asked if she could hire an assistant to help her.

Ms. Gurr answered yes, and many real estate licensees do, however, those unlicensed assistants still come under the purview of the broker. The broker is in charge of all work product within the office.

Councilwoman Simons asked if the broker would pay those assistants.

Ms. Gurr answered not necessarily, any more than the broker would pay for her car. It would be a business expense. The work product from that assistant would be under the supervision/control of the broker.

Jim Winer, Coldwell Banker Broker, 700 Idaho Street, said from the standpoint of a broker, he holds the brokerage license. The agents hang under his license. It is 100% accurate realtors (non-brokers) cannot receive any compensation from the public. Statutorily it all has to go through the broker and the broker then pays the agents. He pays a fee to the City of Elko as a broker for the company already. Without a broker to hang under, the agent's license is technically a piece of paper in a computer the division in Carson City "on ice" waiting to be issued under a broker and hung on a wall. They cannot go out on their own and transact or receive compensation from the public. It all has to go through the brokers.

Councilman Schmidtlein asked you provide your realtors an office space and desk, like a beauty salon where the beautician rents a cubicle.

Mr. Winer answered there are a lot of business models in real estate and he can only speak towards his business model. With his agents he has an agreement as to what the split is (how much the agent gets and how much the broker gets). He provides the building, heat and phone, etc. That is his business model but there are many different models.

Councilman Rice asked if there are models like what Councilman Schmidtlein described.

Mr. Winer answered there are models where the agents get a higher percentage of the compensation and then pay a fee for certain things such as a space.

Councilman Rice asked would a licensee under a broker be required to, as an employee, have a presence in the broker's office.

Mr. Winer answered in his business model there are minimum office expectations. They also have floor time and/or opportunity time where we split each day of the week in half and if someone calls or walks in there is an opportunity to build a relationship.

Councilman Rice asked if there are other licensees in the room that work under a different model than Mr. Winer described.

Sheri Eklund-Brown, 421-16 Kittridge Canyon, said she had a rental type of situation that varied according to each agreement that the broker had with each agent. There are all kinds of models across the country. The broker is the boss no matter what. Her broker supervises and approves everything.

Mr. Winer said in the State of Nevada, we are licensed to conduct real estate anywhere in the state. You have a license under a broker. Should an agent choose and it is alright with the broker, he can go list Mandalay Bay and sell it in Las Vegas. That check then goes through the broker to the agent. There are agents that have properties listed in Elko but hang their license in another city. Does an agent that hangs their license in Henderson that has a listing on a 4-plex on Elm Street have to have a City of Elko license? We are regulated by the State Real Estate Commission. It is an interesting license. We can conduct business and sell anywhere in the State of Nevada but we physically hang our license under a broker who may be physically in Winnemucca. There are agents that do that. They live here in Elko but their license is actually in another town under another broker.

Shanell Owen, City Clerk, said this is a complicated issue that just recently surfaced. We thought we would let the realtors approach Council and get some opinions from our City Attorney and then get a decision from City Council. The Clerk's Office and the Business License Department recently notified all real estate offices that realtors doing business in the City of Elko are required to have a City of Elko business license. Through research we noticed that not all realtors have a license with us. We also had a couple of realtors come in and asked if they needed a business license and we responded the same way that we always do when anyone comes in and asks if they need a business license. That is; 1) are you doing business in the City of Elko; and, 2) how are you paid. If you are paid with a W2 then we consider that you are an employee and you do not need a business license. If you are paid with a 1099 then we consider that you are self-employed or an independent contractor, in which case you need your own license. The realtors that she has talked to say they are paid with a 1099 and file their taxes at the end of the year as a business owner. If a person agrees that they need a State of Nevada Business License, then they would also need a City of Elko business license. If they are doing business in the City of Elko, every business has a State of Nevada business license and/or exemption form, and a City of Elko business license. *City Code 4.1.3 License Required: It shall be unlawful for any person or persons, either directly or indirectly, to conduct or commence any business, trade, calling, profession or occupation, or to use in connection therewith, any vehicle, premises, machine or device in whole or in part, in the City without first procuring a business license and keeping said license in affect at all times in compliance with this chapter.* Under the definitions in the City Code: *Persons – All corporations, associations, syndicates, partnerships, clubs, trusts, independent contractors or individuals transacting and carryon any business profession or occupation in the City other than as an employee.* What we consider to be an employee is someone that receives a W2 and this is the test or measurement that we have always used. NRS 6452.50 Powers of Cities and Towns to License and Regulate Brokers and Sales Persons Not Affected: *Nothing contained in this chapter shall affect the power of Cities and Towns to tax, license and regulate real estate brokers or real estate sales persons. This requirement of this chapter shall be in addition to the requirements of any existing or future ordinance of any city or town so taxing, licensing or regulating real estate brokers or real estate sales persons.* After sending out the letter to the real estate offices, we were asked by the Elko County Realtors Board to attend one of their meetings. Debbie Henseler, who is our Business License Technician, and Kara Vera, attended one of their meetings and provided the realtors with

a special business license package that we put together to help streamline the process for them. Basically, all they really needed to do was fill out the two forms, pay \$59.50, provide us with a copy of their state license and their realtor's license, and then we would issue the license. A state business license is not a statewide license. Each City and each County may have their own regulations. If you do business in Elko City or Wells, we have contractors that come into the city and they do contracting, and they have to have a city license. If they go to Carlin, they have to get a license in Carlin. In answer to Jim Winer's question, with all of our other licensees, they have those multiple licenses. We have contacted other cities in Nevada and most cities require that realtors have business licenses. The cities we researched that require the licenses are Mesquite, Winnemucca, Sparks, Wells, Carlin, Fernley, Las Vegas, Henderson, North Las Vegas, Clark County and Pahrump. Once we received some resistance from the realtors she contacted the City Attorney, Dave Stanton, and he agreed that they needed the City License based on the information that she had given him at that point. Since then he has researched this a little bit more and this is where the complication comes in, and he does have additional information for the City Council. As far as Business License and City Clerk Offices, we feel that the realtors are not employees, they are paid with a 1099. When people come in and ask us we need to have yes or no answers. We can't be looking at their entire business model. We just need to be able to say either yes you do or no you don't, or exempt them out of the code. We just need to get clarification on this and amend the City Code so it's clear in the future.

Dave Stanton, City Attorney, suggested amending the city code. The whole issue of distinguishing employees from independent contractors is something that the courts all over have wrestled with for a long time. The Nevada Supreme Court recently handed down an opinion distinguishing employees from independent contractors, in the context of minimum wage and overtime, the labor laws. There are different tests for employees vs. independent contractors in different legal contexts. For example, Ms. Owen mentioned Internal Revenue Code. The tax code makes a different distinction. If you go to workers compensation law, that part of the Nevada Revised Statutes makes a different distinction. Is there one clear cut easy to follow test? No, not really. The Nevada Supreme Court is headed towards applying something known as the Economic Realities Test. It will apply to a broader spectrum of contexts than just overtime law. The Economic Reality Test includes some aspects of control. We heard some discussion about control. But there are other factors the courts will look to. This is a test that has been applied by State and Federal Courts across the country. It is gaining momentum. It's kind of a difficult test to apply. One of the main problems we have here, and council caught on to this earlier, is that with realtors, the business relationships with brokers and agents is not uniform. It varies on a case by case basis. In his opinion it is not enough to look at W2's and 1099's. Now that this has become an issue, this council has the ability to refine this by creating a definition of independent contractor in this portion of the City Code that is a little bit easier to apply. He can work on this with Ms. Owen and bring it back to council if council were so inclined. He cautioned against focusing exclusively on realtors. That is what we have before us today but this is indicative of something that we need to address more broadly in our code. That is his recommendation to council; to have Council instruct staff to begin researching and drafting a definition of independent contractor for the business code.

Councilwoman Simons said there were comments in the beginning that the city is short on cash and who can we squeeze. This is a bigger issue. They did not go down the list of occupations and try to find an occupation to get more funds from. That is not true. There was a law signed by Governor Sandoval in 2015 that identified independent contractors. She wasn't sure of the

circumstances. By that definition, you are not quite an independent contractor. You also don't fall under the definition of an employee. It is a shady area and no matter where we land we need to clarify this in code.

Councilman Schmidlein said opening up a can of worms. There are contract mechanics that do not have business licenses. In law offices, do each of the lawyers have to have their own business license? He talked about other professions that share buildings. The biggest bear he has is that they don't exchange money directly, they have to go through a broker. In his opinion, if a desk is provided then a business license is not required of the realtors.

Councilman Rice said we need to have a stronger definition in the code. Staff is simply trying to comply with ordinances as they are written. We discovered something we need to address. We should do as the attorney advises.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to do as the City Attorney advises and instruct staff to research and draft a definition of an independent contractor as it would fit within our code.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Sheri Eklund-Brown, explained that she represents the company and not herself. They do business in many towns. They would have to get licenses in every city she deals in. She is also a referee and is an independent contractor. It would be a good idea and do the research and see who is exempt.

Mr. Winer said there is the Nevada Association of Realtors and the National Association of Realtors. Greg Martin is the President of the Nevada Association of Realtors but he could not be present. He wasn't certain if they have come out with a white paper.

Ms. Owen said through the research she has done looking at other city codes, it is a city by city issue by how your codes are written. The definitions play a big part of it.

Ms. Gurr said the Nevada Association of Realtors has taken a position in favor of those of us in the associations that are opposed to individual licenses as opposed to brokerages. They have been successful in seven different counties and not so successful in Las Vegas and Sparks. With most of those successes is the double taxation thing. Is it fair to charge a business license fee based on gross receipts to a broker and then charge a business license fee based on gross receipts of the agents as it all flows through as opposed to separate payments.

Councilwoman Simons asked if this license is based on \$59.50 or is it based on gross receipts.

Ms. Owen answered the initial fee is \$59.50 and then after that it is based on gross receipts. If she were the broker, she would subtract out what she gave to the realtor on the 1099 and not declare that so it won't be double taxation.

Mayor Johnson doesn't want staff to do much of anything. Let's close the door and say the broker holds the City Business License and the realtor works within that.

Mr. Stanton asked if he meant to interpret the definition of independent contractor to not include agents but to include brokers.

Mayor Johnson clarified that the broker holds the license and the realtor works within it. To him that is what this request is, specific to realtors. He doesn't want this to go to staff and do extra work. He felt the motion was too broad.

Councilman Rice said the primary reason for a business license is to offer some protection to consumers.

Ms. Owen reminded council that the city attorney advises that we do more than exempt the realtors.

Burt Gurr said he has been in the real estate business longer than some of us in the room have been alive. It is a state license. It is not a city by city license. Every broker that hangs that license is responsible for those that work for him. The brokers carry the liability and the insurance.

Councilman Keener thinks this needs the definition. It needs to be cleaned up. It isn't a real estate licensee question; it is about making a determination.

Council voted on the motion.

BREAK

I. PRESENTATIONS (Cont.)

- A. Pursuant to NRS 354.596, review, discussion, and approval of the Final Budget for the City of Elko for Fiscal Year 2017/2018, inclusive of all funds, and matters related thereto. **FOR POSSIBLE ACTION**

Jonnye Jund, Administrative Services Director, gave a presentation (Exhibit "C").

There was some discussion regarding the WRF fund and whether or not something needs to be done about the reduction in the cash balance. It was decided that the fund is fine and next year the spending will go down.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the Final Budget for Fiscal Year 2017/2018 for City of Elko.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS (Cont.)

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

Councilman Schmidlein asked about the attorney fees. What are we working on?

Curtis Calder, City Manager, answered that is our monthly average for all municipal prosecution and civil work.

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

The motion passed unanimously. (5-0)

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

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the Print 'N Copy warrants.**

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

- C. Review and possible approval of Charles Chester Plumbing and Heating Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Rice, seconded by Councilman Schmidtlein, to approve the Charles Chester Plumbing and Heating warrants.**

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

III. APPROPRIATIONS (Cont.)

- F. Review, consideration, and possible authorization for Staff to solicit bids for the Centennial Park Electrical Improvements, to construct the electrical upgrades associated with the Centennial Tower and Centennial Park Expansion Projects, and matters related thereto. **FOR POSSIBLE ACTION**

The proposed electrical upgrades will involve: constructing electrical conduit for overhead lines along 7th Street to be moved underground, constructing two new street lights to replace the two on the poles that will be removed, providing electrical service to the future Chilton Centennial Tower, and service to the future Centennial Park stage. BT

Bob Thibault, Civil Engineer, explained the full plan set and bid documents were in the bid packet.

Councilman Schmidtlein said on page 40 you are referencing five years' experience with the wastewater treatment plant. That needs to be pulled out. There was also something about mandatory prebid information.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Rice, to authorize staff to solicit bids for the Centennial Park Electrical Improvements.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible authorization for Staff to solicit bids for the Chilton Centennial Tower, to fabricate and construct the Tower and foundation, and matters related thereto. **FOR POSSIBLE ACTION**

The proposed tower will be located at the easterly end of the 600 block of the downtown parking corridor to commemorate the first 100 years of Elko's incorporation. BT

Mr. Thibault explained the bid documents are in the packet. On the overhead screen he added one item regarding the lighting (Exhibit "D"). This was provided by Young Electric Sign Company to make sure our bidders all providing the same type of lighting in these lighted letters.

Councilman Schmidlein brought up page 38 needs to be adjusted. Sterling Crane has offered their services to erect the tower. Maybe we ought to bring in Sterling Crane so they can define what they are going to donate. They are looking for recognition as if they were doing a \$2,500 donation.

Mr. Thibault agreed that would be generous. He was planning on advertising this week. We can get that information out to the bidders.

Scott Wilkinson, Assistant City Manager, felt this should get addressed up front even if we need to wait to week to advertise.

There was some discussion about how the bids can incorporate Sterling Crane's services. It was decided that there will be a Mandatory Pre-Bid meeting where this is addressed.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to authorize staff to solicit bids for the Chilton Centennial Tower construction.**

The motion passed unanimously. (5-0)

- H. Review, consideration, and possible authorization for the Fire Department to apply for a grant for up to \$25,000.00 from the Nevada Division of Forestry, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department would like to apply for the Nevada Division of Forestry Volunteer Fire Assistance (VFA) program grant up to the amount of \$25,000. This grant is to be used to purchase Wildland Personal Protective Equipment (Nomex Shirts and Pants), web gear and fire shelters. JS

Matt Griego, Fire Chief, explained this is an opportunity to leverage our dollars so we can purchase protective gear for the department.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to recommend approval for the Fire Department to apply for a grant for up to \$25,000 from the Nevada Division of Forestry.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS (Cont.)

- A. Review, consideration, and possible acceptance of proposed changes to the Bylaws of the Arts and Culture Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

At the May 3, 2017 Arts and Culture Advisory Board meeting, the Board took action for forward a recommendation to Council to modify the existing by-laws to reduce the number of members on the board, and to modify the requirements needed for an amendment of the bylaws. JD

Jeremy Draper, Development Manager, explained the changes.

**** A motion was made by Councilman Schmidtlein, seconded by Councilwoman Simons, to approve the proposed amendments to the Arts and Culture Advisory Board bylaws.**

The motion passed unanimously. (5-0)

- I. Review, consideration, and possible authorization for the Fire Department to solicit bids from qualified vendors to provide annual and pre-employment medical physicals for career and volunteer personnel, and matters related thereto. **FOR POSSIBLE ACTION**

On December 22, 2015 Council approved the Fire Department to enter into an agreement with ARC Health and Wellness to provide this service. While ARC has performed well, there have been difficulties with scheduling because the company is based in Reno and only has doctors available at specific times. By having local providers, there will be greater flexibility and availability in scheduling medical physicals. MG

Chief Griego said they would continue to use ARC Health and Wellness but they also want to get qualified physicians on the list that are more flexible in scheduling. In the past we had a number of physicians on the list. When we went with ARC, we used them exclusively and we lost the scheduling flexibility. We see this as a way to have better options moving forward. We would bring back those bids for approval.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to allow the Fire Department to solicit bids from qualified vendors to provide annual and pre-employment medical physicals for career and volunteer personnel.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible approval of a request from the Elko Downtown Business Association (DBA) for the closure of a portion of 4th Street between River Street and Silver Street for the Margarita Walk to be held on June 10, 2017. The closures will be from 9 a.m. to 9 p.m. on June 10th, and matters related thereto. **FOR POSSIBLE ACTION**

The DBA is requesting to use the closure during their Margarita Walk which will take place on June 10th from 4:00 p.m. to 7 p.m. They have completed the application, and will be submitting the appropriate insurance. SO

Shanell Owen, City Clerk, said Rushelle from DBA was not present but Mr. Strickland was present to discuss some overtime that needs to be addressed.

Dennis Strickland, Public Works Director, cautioned council on approving street closures. This one will require a traffic control plan be produced and it will require overtime from the Street Department to set this material up and then remove it. He also thought the Parks Department will have the same time requirements to get their stuff out of there. This might be one of those areas where we need to look at fees. If we are going to advocate for road closures, which are a different animal than the corridor closure, we may want to look at those rates so we can cover the overtime accordingly.

Mayor Johnson asked if all of the walks require overtime.

Mr. Strickland answered no. Usually they do their closures in the corridor. It is not a street closure and doesn't require a traffic control plan. We leave the implements there and they set them up and take them down. When they move into the street we need to have qualified people that know what the traffic control plan is and know how to set the closure up properly and how to remove the closure properly.

Councilman Rice thought we could grant it this time around but let them know, in the future, this costs some money.

Councilman Keener reminded council that the DBA has stepped up with a \$35,000 donation to the Centennial Park and did a St. Patrick's Day Pub Crawl where the proceeds of that went towards the Centennial Park. He is in favor in helping them even if it means some overtime for city staff.

Councilwoman Simons said it doesn't matter what people do for us, we should be universal to everybody. If we are going to allow this we need to allow it for everybody. If not, we need to set up a fee schedule for it.

Mayor Johnson asked if Vogue Laundry will be impacted.

Mr. Strickland answered yes. Supposedly they have permission from all the neighbors but he wasn't sure if she had provided the clerk with the sign off sheet. He was told that all of the affected businesses but apparently she doesn't have that.

**** A motion was made by Councilman Schmittlein, seconded by Councilwoman Simons, to authorize the DBA as requested to do a closure for the Margarita Walk in between Silver Street and River Street on 4th Street from 4:00pm to 7:00pm, providing they have the appropriate insurance and contingent upon them providing their own traffic control and adjacent property owners' signatures. We also we need to redefine our rates.**

The motion passed. (4-1 Councilman Keener was opposed.)

After the motion and before the second and the vote, Councilman Keener asked what are we talking about cost wise, for a third party to do something like that.

Mr. Strickland answered it is probably a couple hundred bucks.

Councilman Schmidtlein said it will probably be a minimum of \$500.

Councilwoman Simons seconded the motion.

Mayor Johnson said there are only specific businesses that are benefiting from this closure. The city needs the applicant here for a street closure. We also need the adjacent property owners' signatures.

Ms. Owen said we do require the property owners' signatures and the insurance.

Councilman Schmidtlein amended his motion to include, **“and adjacent property owners' signatures.”**

Council voted on the motion.

VII. REPORTS

A. Mayor and City Council

Councilman Keener said it is gratifying to see things moving forward for the Centennial Tower. Good job Councilman Schmidtlein in finding the things in the contracts that need to be amended.

Mayor Johnson spoke about a diesel tax bill at the legislature.

Councilman Schmidtlein will not be at the next council meeting.

B. City Manager – Legislative Update

Curtis Calder said the next Council Meeting will be June 13. He heard back from our lobbyist who has talked to some of the senate leaders on the democrat side. They advised there will not be any money for the bill. He gets a weekly bill tracking report. He offered to let anyone look at it.

C. Assistant City Manager

Scott Wilkinson reported they are still working with FISH to come up with an agreement for the humanitarian camp.

D. Utilities Director

E. Public Works

F. Airport Director

G. City Attorney

H. Fire Chief

Chief Griego handed out a copy of his newsletter (Exhibit “E”).

I. Police Chief

Chief Reed spoke about body camera legislation and possible funding options.

J. City Clerk

K. City Planner

Cathy Laughlin mentioned they would like to have an RDA meeting in June. So far the surveys regarding the common area for the trash enclosures along the 400 block have come back supportive. They will be coming back with that, hopefully with a bid package.

L. Development Manager

M. Administrative Services Director

Jonnye Jund reported they had the kickoff meeting with FEMA. They did inspections last week with the guys. Their feedback was positive and we are still submitting information to them. She is also working with the State DEM on the 12.5% match. The potential for us to get that 12.5% is probably slim. The 75% from FEMA is an option and we are working through that still.

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. **ACTION WILL NOT BE TAKEN**

There were no public comments.

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

Mayor Chris Johnson

Shanell Owen, City Clerk

FUN FOR FAMILIES AND FRIENDS

By: Danika Solis

PURPOSE

The purpose for this fun center is for families and friends to hang out and have fun all together. Also to stay safe, healthy, and happy. But not just that, but so that people get back to doing what they love to do that they can't do somewhere else.



FUNCTION

The way this entertainment would work is it have many stations. There will be station for all most every thing people like to do as a family or just together to hang out. But when I say stations I don't mean you don't stay in the same place for a certain amount of time. I mean there would be different station to go to whenever you want and could stay at the station how ever long you wanted to stay. That way you, your family and friends are able to have fun and stay healthy.



ACTIVITIES

Some activities that there could be are: Go-Carts, Foam pits with slides and ropes, Trampolines, Paint, Arts & Crafts, and hands on learning. All of these activities would be available as soon as opening for everyone that wants to join with their family and friends for fun activities.



COMMUNITY

This program will be open to all people and families wanting to participate. Also I think this will help people stay active, healthy and happy.

HEALTHY

To keep people healthy while participating in the events there would be a kitchen that serves healthy proteins, fruits, vegetables daily for everyone that participates.



WORKING

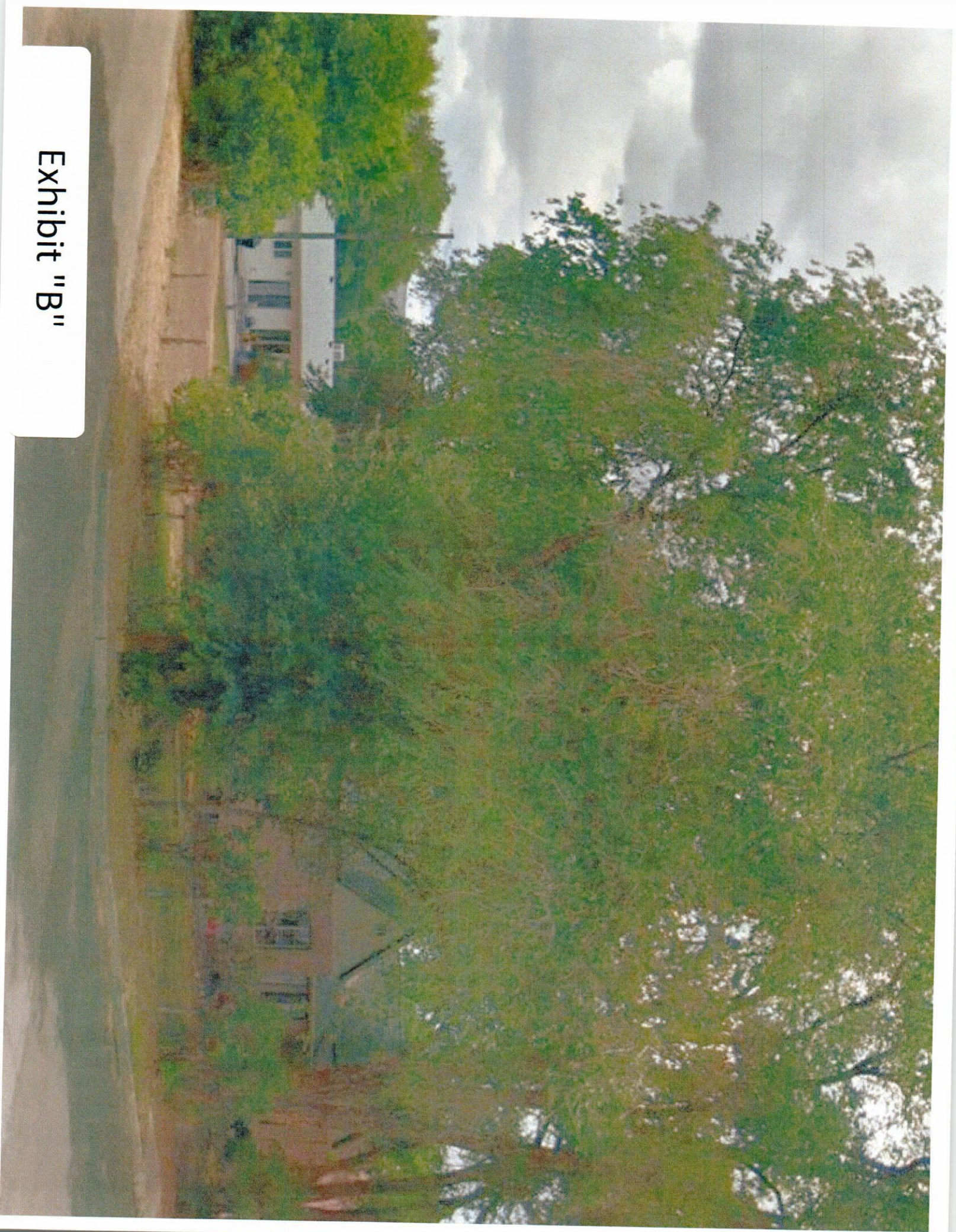
There would be a staff at every station. But also to watch over everyone and make sure everyone is being safe while there. Also if someone is hurt they will be able to help the injured person.



Enjoy!

I hope you take into consideration an indoor family fun center for anyone from birth to 99 years old.

Exhibit "B"



CITY OF ELKO FY 2017/2018
FINAL BUDGET

General Fund Summary

2016/2017 Estimated

• Beg. Fund Balance	\$ 4,305,759
• Revenues	\$19,522,153
Property Tax	\$ 3,097,150
Licenses & Permits	\$ 1,669,751
Intergovernmental	\$13,660,379
Charges For Service	\$ 811,842
Fines & Forfeits	\$ 155,581
Miscellaneous	\$ 127,450
• Expenses	\$19,429,596
General Gov't	\$ 2,237,824
Judicial	\$ 385,000
Public Safety	\$10,473,380
Public Works	\$ 4,336,420
Health	\$ 683,800
Recreation	\$ 1,263,810
Community Supp.	\$ 49,362
• Transfers In	\$ 284,357
Recreation Fund	\$ 284,357
• Transfers Out	\$ 252,661
Revenue Stabilization	\$ 28,165
Capital Equipment	\$ 42,248
Facility Reserve	\$ 42,248
Airport Fund	\$ 140,000
• Contingency	\$ 0
• Ending Fund Balance	\$ 4,430,012

2017/2018 Budget

• Beg. Fund Balance	\$ 4,430,012
• Revenues	\$18,538,016
Property Tax	\$ 3,106,742
Licenses & Permits	\$ 1,596,095
Intergovernmental	\$12,771,879
Charges For Service	\$ 789,300
Fines & Forfeits	\$ 154,500
Miscellaneous	\$ 119,500
• Expenses	\$20,493,145
General Gov't	\$ 2,609,716
Judicial	\$ 468,000
Public Safety	\$10,645,035
Public Works	\$ 4,575,838
Health	\$ 729,260
Recreation	\$ 1,361,285
Community Supp.	\$ 105,011
• Transfers In	\$ 306,289
Recreation Fund	\$ 306,289
• Transfers Out	\$ 747,372
Revenue Stabilization	\$ 138,018
Capital Equipment	\$ 207,027
Facility Reserve	\$ 207,027
Airport Fund	\$ 195,300
• Contingency (1.5% of Expenses)	\$ 307,397
• Ending Fund Balance	\$ 1,726,403

Recreation Fund

Resources:

Beg. Fund Balance	\$ 7,199,787
Reserve for Bond Pymt.	\$ 122,056
Room Tax	\$ 3,700,000
Interest	\$ 25,000
Total Resources:	\$11,046,843

Expenditures:

ECVA Operating Fund	\$ 627,678
ECVA Marketing Fund	\$ 462,500
ECVA Facilities Fund	\$ 201,506
Elko Co Rec Board	\$ 156,250
State Tourism	\$ 99,107
Western Folklife	\$ 66,071
Elko County Fair Board	\$ 132,142
Elko SnowBowl	\$ 33,035
Total	\$ 1,778,289

Expenditures (Continued):

Fireworks Donation	\$ 5,000
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Recreation Capital Projects

Sports Complex	\$ 7,755,638
Parking Lot Resurfacing – Parks	\$ 75,000
Roof Replacement – Softball Field	\$ 15,000

Transfers Out

General Fund	\$ 306,289
Youth Recreation Fund	\$ 31,939
Golf Course Fund	\$ 26,939
Rec. Facilities Bond Payment	\$ 609,113
Airport Fund (Bond Payment)	\$ 327,055
Reserved for Bond	\$ 116,581
Ending Fund Balance	\$ 0

Total Uses	\$11,046,843
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Capital Equipment Replacement Fund

Revenue:

Sales Tax	\$ 415,000
Property Tax (.07 rate)	\$ 353,728
Interest	\$ 5,250
Dispatch Revenue	\$ 6,000
Transfer from General Fund	\$ 207,027
Beginning Fund Balance	\$ 1,008,404
Total Resources:	\$ 1,995,409

Expenditures:

IS – Fiber Infrastructure 7 th Street	\$ 25,000
IS – Annual Computer Replacement Program	\$ 40,000
PD – Radio Repeater Upgrade Phase I	\$ 118,050
PD – 1 Fully Equipped SUV Patrol Vehicle	\$ 58,000
PD – 2 Patrol Cars	\$ 108,000
PD – Switch and CVSA Gen 2	\$ 11,800
PD – Access Control for Additional Doors	\$ 40,000
FD – Replacement Fire Apparatus	\$ 550,000
FD – Replacement Rescue 10 (Phase I)	\$ 100,000
ENG – Centennial Tower	\$ 50,000
Streets – Asphalt Planer (Grinder)	\$ 33,000
Streets – 10' x 42" Snow Plow and Plow Hitch	\$ 18,000
Streets – 5 Yard Dump Truck	\$ 120,000
Fleet - Tire Changer	\$ 9,500
Fleet - Tire Balancer	\$ 8,500
Facilities – Back Flow Prevention - Annual	\$ 25,000
Facilities – Street Sync Software	\$ 7,500
Parks – Turf Sprayer (Pesticide/Fertilizer applicator)	\$ 37,000
Parks - 4x4, 1 Ton, 3 yard dump truck with plow	\$ 55,000
Cemetery – 52 Z turn Mower	\$ 10,600

Total Requests \$1,424,950

Ending Fund Balance \$ 570,459

Total Uses: \$1,995,409

Youth Recreation Fund

Resources:

Beg. Fund Balance	\$ 22,717
Fun Factory Fees	\$ 55,000
Adult League Fees	\$ 40,000
Special Events Revenue	\$ 20,000
Concession Revenue	\$ 16,000
Park Use Fees	\$ 28,000
Interest	\$ 250

Transfer in Recreation \$ 31,939

Total Resources: \$ 213,906

Expenditures:

Salaries	\$ 92,775
Benefits	\$ 42,360
Services/Supplies	\$ 76,450
Ending Fund Balance	\$ 2,321

Total Uses \$ 213,906

Municipal Court Assessment Fund

Resources:

Beg. Fund Balance	\$111,473
Admin Assessments	\$ 6,000

Total Resources:	\$117,473
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Expenditures:

Reserved Court Capital	\$117,473
Ending Fund Balance	\$ 0

Total Uses	\$117,473
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Revenue Stabilization Fund

Revenue:

Transfer from General Fund \$ 138,018

Beginning Fund Balance \$1,785,065

Interest \$ 10,000

Total Resources: \$1,933,083

Expenditures:

Transfer to General Fund \$ 0

Ending Fund Balance \$1,933,083

Total Uses: \$1,933,083

Redevelopment Agency Fund

Revenues:

Beginning Fund Balance	\$837,089
Property Tax Revenues	\$277,650
Interest Revenues	\$ 4,000

Total Resources: \$1,118,739

Expenditures:

Legal Expense	\$ 25,000
Public Improvements	
Public Impvmts – Other	\$ 698,639
Centennial Park Expansion	\$ 200,000
Public-Private Partnership	\$ 75,000
Centennial Tower	\$ 50,000
Storefront Program	\$ 50,000
Alley Work	\$ 20,000

Revolving Loan Fund \$ 100

Total Uses: \$1,118,739

Capital Construction Fund

Revenue:

Property Tax - Streets (.1552)	\$ 784,265
Interest Income	\$ 3,000
Beginning Fund Balance	\$ 399,062
Total Resources:	\$ 1,186,327

Expenditures:

Cedar St Eng (Phase II)	\$ 200,000
Capital Construction -TBD	\$ 986,327
Ending Fund Balance	\$ 0
Total Uses	\$ 1,186,327

Ad Valorem Capital Fund

Revenue:

Ad Valorem Taxes	\$ 311,535
Interest Income	\$ 3,000
Beginning Fund Balance	\$ 206,211

Total Resources: \$ 520,746

Expenditures:

Capital Projects - TBD	\$ 495,746
Back Flow Prevention	\$ 25,000
Ending Fund Balance	\$ 0

Total Uses \$ 520,746

Public Improvement Development Fund

Resources:

Beg. Fund Balance	\$ 15,554
Improvement Fees	\$ 0
Interest	\$ 50

Total Resources: \$ 15,604

Expenditures:

Reserved for future public improvements	\$15,604
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Total Uses \$15,604

Facility Fund

Revenue:

Beginning Fund Balance	\$ 281,432
Interest	\$ 2,300
Transfer from General Fund	\$ 207,027

Total Resources: \$ 490,759

Expenditures:

PD – Demolish Old Bldg	\$ 250,000
Fleet – Metal Roof Wash Bay	\$ 16,000
Fire Station 1 – Kitchen Repair	\$ 15,000
Fire Station 1 Driveway Repair	\$ 50,000
Animal Shelter – HVAC	\$ 20,000
Ending Fund Balance	\$ 139,759

Total Uses \$ 490,759

Debt Service Fund

Resources:

Beg. Fund Balance	\$1,179,579
RTC Revenues	\$ 699,750
Property Taxes (0.08)	\$ 404,260
Interest	\$ 4,200
Transfers In:	
Recreation Fund	\$ 609,113
Total Resources:	\$2,896,902

Expenditures:

2010 Street Bonds:

Principal	\$ 445,000
Fiscal Agent Charges	\$ 500
Interest	<u>\$ 297,781</u>

Total Street Bonds: \$ 743,281

Recreation Facilities Bond:

Principal	\$ 365,000
Fiscal Agent Charges	500
Interest	<u>\$ 244,112</u>

Total Recreation Facilities: \$ 609,612

PD Building Bond:

Principal	\$ 285,000
Interest	<u>\$ 52,031</u>

Total PD Bond: \$ 337,031

Reserve for 2010 Bond	\$ 744,581
Reserve for 2014 PD Bond	\$ 335,563
Ending Fund Balance	<u>\$ 126,834</u>
Total Uses	\$2,896,902

Water Fund

Operating Revenue:

Water user fees	\$3,300,000
Other fees	<u>\$ 114,000</u>
Total	\$3,414,000

Operating Costs:

Administration	\$ 374,809
Water Operations	\$1,775,093
Water Well Operations	\$ 971,500
Depreciation Expense	<u>\$ 550,000</u>
Total	\$3,671,402

Operating Income/(Loss) (\$ 257,402)

Note: Estimated available cash at July 1, 2017 - \$8,144,376

Non-Operating Revenue:

Connection fees	\$ 200,000
Interest revenue	<u>\$ 40,000</u>
Total	\$ 240,000

Non-Operating Expenses:

Errecart 2nd Water Source	\$ 700,000
Replace 4 Alley Lines	\$ 297,000
Shop Design	\$ 125,000
Fire lines at 4th and Railroad	\$ 40,000
Cedar Street Phase II	\$ 20,000
Relocate Main for S. Complex	<u>\$ 170 000</u>
Total	\$1,352,000

Non-Operating Income/(Loss) (\$1,112,000)

Net Increase/(Decrease) in Cash (\$ 819,402)

Note: : Estimated available cash at June 30, 2018 - \$7,324,974

Sewer Fund

Operating Revenue

Sewer User Fees	\$2,717,050
Other Fees	\$ 192,500
Total	\$2,909,550

Operating Costs

Administration	\$ 449,491
Collection System	\$ 333,105
Water Reclamation Facility	\$2,209,263
WRF Lab	\$ 198,000
Depreciation	\$1,738,236
Total	\$4,928,095

Operating Income **(\$2,018,545)**

Note: Estimated available cash as of July 1, 2017 – \$15,086,106.

Non-Operating Revenue

Sewer Capital Improvement Fees	\$2,967,022
Connection Fees	\$ 200,000
Interest Income	\$ 60,000
Total	\$3,227,022

Non-Operating Expenses

Water Truck Fill Station	\$ 350,000
Primary Digester Dome Repairs	\$ 120,000
Rapid Infiltration Basins Scarification	\$ 75,000
Shop Design	\$ 125,000
6" Trash Pump	\$ 50,000
Sports Complex Reuse Line	\$ 677,000
Truck	\$ 40,000
Third Secondary Clarifier	\$3,000,000
Sewer and Storm Line Camera Trailer	\$ 125,000
Sewer Slip Line	\$ 200,000
Sewer Line and River Crossing - Errecart	\$ 393,000
Diesel Generator	\$ 500,000
10% Contingency	\$ 424,000
Total	\$6,079,000

Non-Operating Income/(Loss) **(\$2,851,978)**

Net Increase / (Decrease) in Cash **(\$3,132,287)**

Note: Estimated available cash as of June 30, 2018 - \$11,953,819

Landfill Fund

Operating Revenue

Landfill User Fees	\$1,745,000
Other Fees	\$ 68,500
Total	\$1,813,500

Operating Costs

Administration	\$ 138,585
Landfill Operating	\$1,548,825
Depreciation Expense	\$ 179,027
Total	\$1,866,437

Operating Income / (Loss) (\$ 52,937)

Note: Estimated available cash July 1, 2017 - \$1,383,029.

Non-Operating Revenue

Interest Revenue	\$ 8,000
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Non-Operating Expenses

Fence Extension	\$ 48,500
8 – 10' Panels Mobile Litter Fencing	\$ 48,000
Total	\$ 96,500

Non-Operating Income/(Loss) (\$ 88,500)

Net Increase/(Decrease) in Cash \$ 37,590

Note: Estimated available cash June 30, 2018 - \$1,420,619.

Airport Fund

Operating Revenue

Fuel Taxes	\$ 21,220
Landing Fees	\$ 85,000
Parking Fees	\$ 100,000
Passenger Facility Charges	\$ 70,000
Terminal Rental	\$ 144,500
Rental Car Concession	\$ 230,000
Land & Building Leases	\$ 273,943
Miscellaneous Revenue	\$ 45,500
Total	\$ 970,163

Operating Costs

Administration	\$ 112,950
ARFF Fire Services	\$ 84,850
Airport Operations	\$ 767,970
Airport Terminal	\$ 146,700
City Funded Depreciation	\$ 263,828
Total	\$1,376,298

Operating Income/(Loss)

Before Transfers in	(\$ 406,135)
General Fund	\$ 195,300
Recreation Fund	\$ 327,055
Total Operating Income	\$ 116,220

Non-Operating Income

Interest Revenue	\$ 5,000
AIP Grant Revenue	\$3,237,500
Total	\$3,242,500

Non-Operating Expenses

Debt Service Payment	\$ 327,055
AIP Grant #48 Security Fence Project	\$3,500,000
Total	\$3,827,055

Non-Operating Income/(Loss) **(\$ 584,555)**

Net Increase/(Decrease) in Cash **(\$ 204,507)**

Note: FAA Funded Depreciation for FY 2017/2018 is estimated to be \$2,485,167.

Note: Estimated available cash June 30, 2018 - \$304,253.

Note: Estimated available cash July 1, 2017 - \$508,760.

Golf Fund

Operating Revenue

Golf User Fees	\$482,500
Cart Shed Rental	\$ 34,500
Cart Path Usage Fees	\$ 42,500
Cart Rental Fees	\$130,000
Concession Fees	\$ 11,300
Other Fees	\$ 10,000
Total	\$710,800

Operating Costs

Administration	\$ 34,550
Golf Operating	\$727,400
Depreciation Expense	\$ 90,000
Total	\$851,950

Operating Income/(Loss)

Before Transfers	(\$141,150)
Operating Transfers In	
Recreation Fund	\$ 26,939
Total Operating Loss	(\$114,211)

Note: Estimated available cash July 1, 2017 - \$579,701

Non-Operating Revenue

Interest Income	\$ 2,000
Sale of Assets	\$ 13,200
Total	\$ 15,200

Non-Operating Expenses

Driving Range Net	\$ 30,000
Back Flow Prevention	\$ 20,000
Total	\$ 50,000

Non-Operating Income/(Loss) **(\$ 34,800)**

Net Increase/(Decrease) in Cash **(\$ 59,011)**

Note: Estimated available cash June 30, 2018 - \$ 520,690

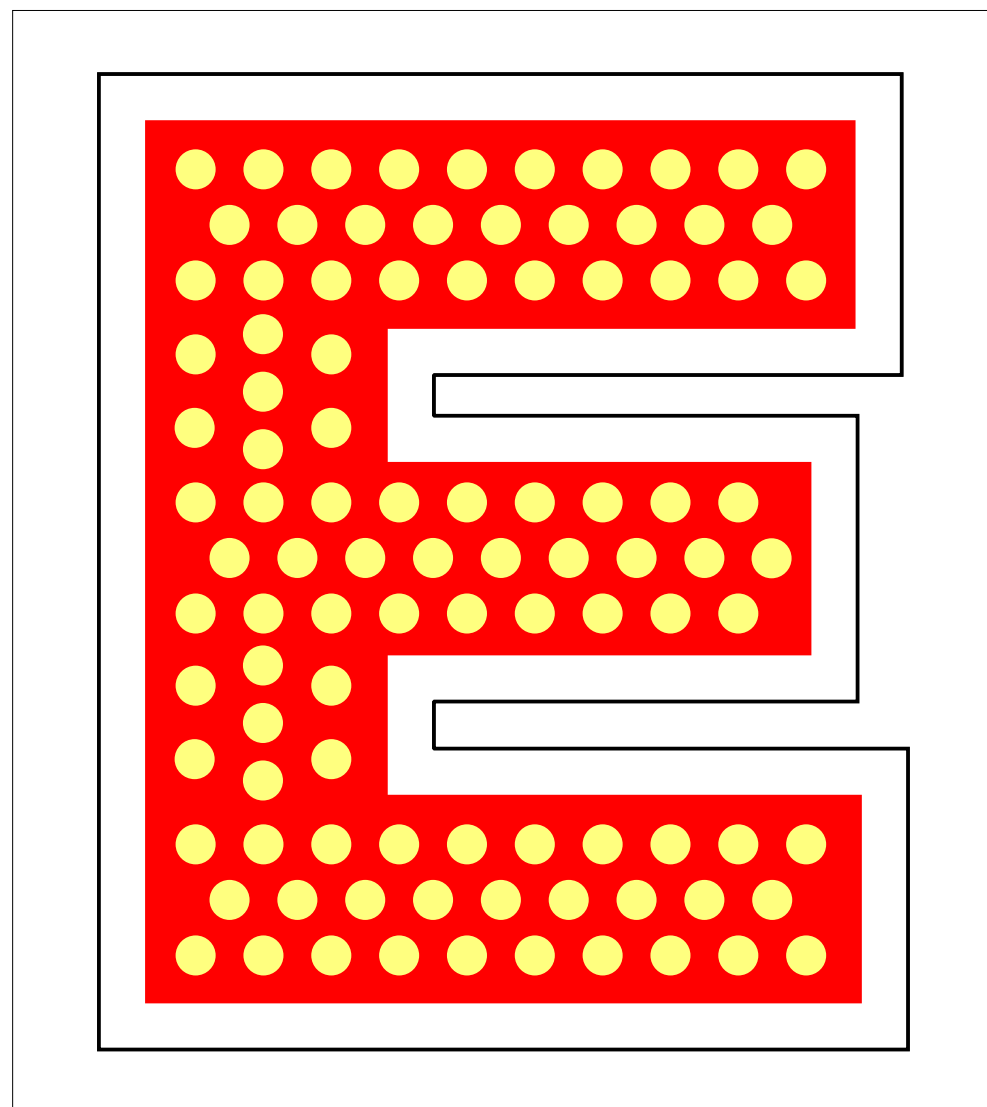
Health Insurance Fund

Revenues:

City Contributions for Employees	\$2,190,000
Employee Contributions for Dependents	\$ 250,000
Retiree Contributions	\$ 55,000
City Subsidy for Retirees & Dependents	\$ 75,000
Provider Reimbursements	\$ 100,000
Interest	\$ 3,000
Beginning Fund Balance	\$ 467,368
Total Available Resources	\$3,140,368

Expenditures:

Medical Claims	\$1,500,000
Prescription Claims	\$ 70,000
Medical Premiums	\$ 740,000
Dental Premiums	\$ 160,000
Vision Premiums	\$ 35,000
Life Insurance Premiums	\$ 90,000
HealthScope Adm Fees	\$ 7,500
Third Party Adm Fees	<u>\$ 50,000</u>
Total Expenses:	\$2,652,500
Ending Fund Balance	\$ 487,868



**99 light bulb in the Letter "E"
Specifications. All other letters
will have the same distribution
Format. Qty will vary.**

LED A19 10 WATT E-27 BASE BULB

FEATURES:

- **14 SMD per bulb**
- **120 Volt - 6.5 watts**
- **E-27 medium nickel base**
- **Available in Cool White or Warm White**
- **Lumens: Cool White 800, Warm White 725**
- **UL, cUL, & RoHS approved**
- **Energy Efficient and Long Life**
- **Replaces 60 watt incandescent A19s**





FIRE WATCH

MAY 23, 2017



Congrats to Firefighter Jeff Hintz, who recently graduated from Great Basin College as a Paramedic. Firefighter Hintz is one of the first graduates from the 2-year Paramedic program established at GBC. We are all very proud of Jeff.

Incident Group	2017
Fire	16
Explosion	0
Rescue/EMS	583
Hazmat Condition	32
Service Call	62
Good Intent Call	199
False Alarms	70
Natural Disaster	2
Special Incident Type	5
TOTAL	969
Transports	23
Aid Given	44

FIRE OPERATIONS— 2017

Incidents with Dollar Loss	
Type	2017
Commercial Fires	\$0
Residential Fires	\$53,463.00
Vehicle Fires	\$0
Other Fires	\$0
TOTAL	\$53,463.00

FIRE PREVENTION BUREAU

Type of Inspection/Investigation	2017 (year to date)
Occupancies Inspected by Prevention	162
Plan reviews	47
Fire Investigations	5
Nuisance Abatement Inspections	6
Public Education Programs Delivered	39
Juvenile Intervention Contacts	4
Burn Permits Issued	13
Fire Drills Completed	A Shift - 4 B Shift - 13 C Shift - 11
Public Education Events	6

Public Education Events

Investigations

- Outside Type Fire: (2) Front Street & Morse Lane
- Structure Fire: (2) Buckskin Crt & Cherrywood Way
- Recreational Vehicle Fire: (1) Metzler Dr.

Informational

- City of Elko Fire Department has Adopted the 2012 International Fire Code
- Fire Marshal Holmes attended a Fatal Fire Training In march

YOUR WEEDS CAN TURN FROM GREEN TO BROWN IN A MATTER OF DAYS.
PROTECT YOUR HOME!

Do I Need A Burn Permit To Burn Weeds?

Yes

How Do I Obtain A Burn Permit?

Burn permit applications are available and at our Airport Station located at 911 W. Idaho St, Monday thru Friday (excluding holidays) 8:00 am to 5:00 pm. Burn permits are valid 30 days or depending on the process of your burn piles.

How Do I Know If I Can Burn?

On the day you intend to burn you must contact the Fire Department at 775-777-7345 prior to burning to ascertain if it is a “burn day”. If it is an authorized burn day you may burn. The Fire District does not determine whether or not it is a burn day, that is determined by the AQMD and can be suspended due to high levels of smog, high fire danger, or high winds.

What Am I Allowed To Burn:

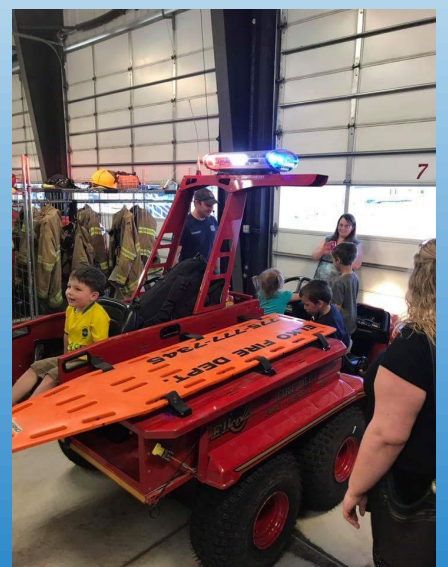
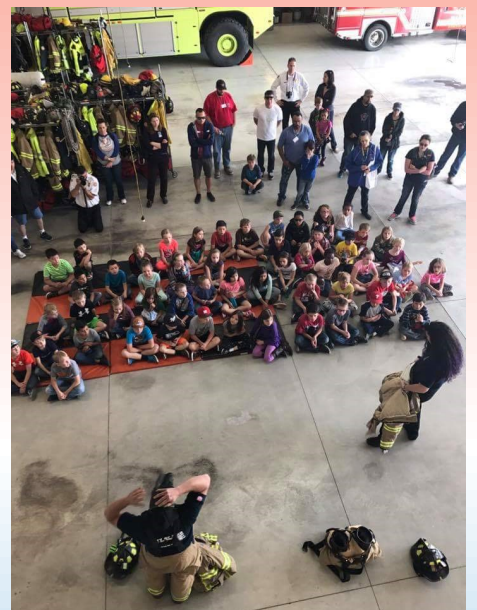
A burn permit authorizes you to burn yard vegetation, such as weeds/tumble weeds, grasses, leaves, pine needles, and small tree trimmings (no larger than 2” in diameter). You MAY NOT burn processed wood (lumber, building/construction debris, cardboard, paper), tires, or household garbage.

The following is a partial list of combustible vegetation and debris that could be considered a fire hazard and therefore requested to be abated.


Tumbleweeds (Russian Thistle), Dead trees/tree limbs, Dead plants, Dry grasses over 4” high. Yard clippings, Pine needles, Tree trimmings, Wood or lumber (not stacked as firewood), Tires, and Paper/Cardboard.

Public Education

End of the Year Visits from local elementary schools. Mountain View, Northside, Grammar #2, Southside, Sage, and Head Start. Elko Fire Department also provided Fire Prevention (Stop, Drop and Roll) at our local elementary schools




Public Education




BLS CPR TRAINING


JUNE 3, 2017



American Heart Association
Life is why™



Authorized Provider
of CPR and ECC Courses
American Heart Association
Learn and Live



GUIDELINES 2015 CPR & ECC

\$35 Registration Fee
Course Materials - Pocket Mask - CPR Card Included
LIMITED TO FIRST 20 STUDENTS

WHO SHOULD TAKE THE COURSE?
Healthcare professionals and other personnel who need to know how to perform CPR and other basic cardiovascular life support skills in a wide variety of in-facility and prehospital settings.

COURSE COVERS


- New science and education from the 2015 AHA Guidelines Update for CPR and ECC.
- The components of high-quality CPR for adults, children, and infants.
- The AHA Chain of Survival for pre-hospital and in-facility providers.
- Important early use of an AED
- Effective ventilations using a barrier device.
- Importance of teams in multi-rescuer resuscitation and performance as an effective team member during multi-rescuer CPR.
- Relief of foreign-body airway obstruction (choking) for adults and infants.

Call today and reserve your spot!

Class Time: 1 pm-5 pm
Location: **Elko Fire Station #2**

CITY OF ELKO FIRE DEPARTMENT

City of Elko Fire Station #1
911 West Idaho St.
Elko, NV 89801
(775) 777-7345

BLS CPR 
CERTIFICATION COURSES

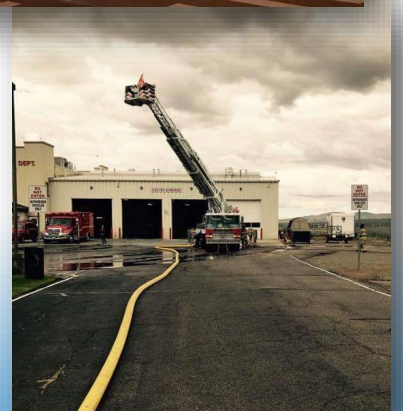
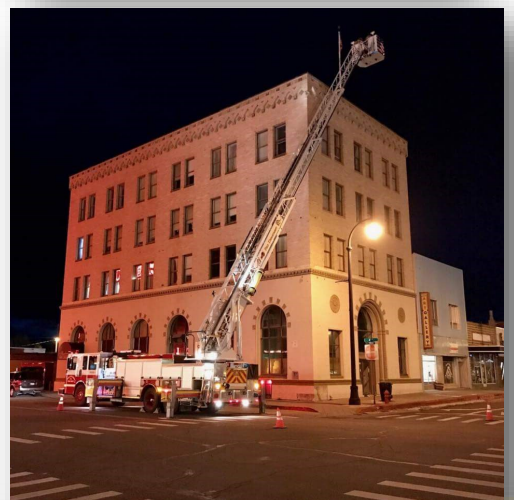
City of Elko Fire Station #2
725 Railroad St.
Elko, NV 89801
(775) 777-7345

Firefighters Stacy Wines and Kyle Stone (Certified Car Seat Technicians) along with PACE Coalition of Elko and Nye Community Coalition sponsored a child safety seat inspection May 6th. A very successful day!!



TRAINING

Elko Fire has had a very hectic training schedule the past several months. Elko Fire recently hired 8 new volunteers to Lee Engine Company. They participated in the GBC Hazardous Materials Drills. Trained with the career and volunteer staff with propane fire and interior attack using Engine 1 and Ladder 2. Elko Fire also trained with firefighters from Elko County Fire District. Firefighter Kyle Stone attended Hazardous Materials Training at the Department of Homeland Security in Anniston AL.



TRAINING

GBC Hazardous Materials Drill

