

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

SS June 11, 2013

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, June 11, 2013.

This meeting was called to order by Mayor Chris Johnson.

**NOTE: The order of the Agenda has been changed to reflect the order business was conducted.**

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice  
Councilman Rich Perry  
Councilwoman Mandy Simons *absent between 6:05pm and 7:14 pm*  
Councilman Robert Schmidlein

City Staff Present: Curtis Calder, City Manager  
Delmo Andreozzi, Assistant City Manager  
Ryan Limberg, Utilities Director  
Dawn Stout, Administrative Services Director  
Ben Mangeng, Information Systems Manager  
Lorraine Martinez, Accounting Supervisor  
Shanell Owen, City Clerk  
Matt Griego, Fire Chief  
Dennis Strickland, Public Works Director  
Scott Wilkinson, Development Manager  
Doug Gailey, Human Resources Manager  
James Wiley, Parks and Recreation Director  
Rick Magness, City Planner  
Jeremy Draper, Civil Engineer  
Ted Schnoor, Building Official  
Don Zumwalt, Police Chief  
Mark Gibbs, Airport Director  
Rick Hofheins, Airport Security Manager/Assistant Director  
Dave Stanton, City Attorney  
Diann Byington, Recording Secretary

**ROLL CALL**

**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.*

## APPROVAL OF MINUTES

May 21, 2013 Special Session  
**FOR POSSIBLE ACTION**

Shanell Owen, City Clerk, said she received a letter from a representative from Canyon Construction for consideration for inclusion into the minutes. (Exhibit "A") Our minutes are a summary of the meeting and we do not go into verbatim. It is the pleasure of the council if they would like to include that.

Mayor Johnson said he asked Shanell what the retention schedule was for keeping records. The city is required from the state that they keep on file, one year of the actual recording. The city can provide a copy of the recording if requested.

Councilman Rice asked what the request was. Are these transcripts?

Ms. Owen said from what she understood from Ms. Franklin at Canyon Construction, she felt there should be more detail on the areas of her letter. She asked that the minutes include everything that she has outlined.

Councilman Rice said he doesn't see a problem but doesn't want this included as a record of the minutes unless we can verify this is included.

Ms. Owen said the Clerk's office didn't go back and listen to verify. We always do a summary of the minutes and transcribe.

Mayor Johnson said if someone from the public actually wants a copy of the recording they can have it.

Ms. Owen said this document will be included in the minutes too. If anyone looked it over they would see her letter.

*The minutes were approved by general consent as written.*

May 14, 2013 Regular Session  
**FOR POSSIBLE ACTION**

*The minutes were approved by general consent.*

May 28, 2013 Regular Session  
**FOR POSSIBLE ACTION**

*The minutes were approved by general consent.*

**I. PRESENTATIONS**

- B. Presentation of a Service Recognition Plaque for Debbie Myers, Finance Dept.

Mayor Johnson presented Debbie Myers with a plaque.

Debbie Myers said thank you to everyone involved. She will miss the people and friends she has made here. She is moving to Denver, Colorado but she will be back for visits because her son lives here.

Dawn Stout, Administrative Services Director, thanked Ms. Myers for all her years of service.

- A. Presentation of a Service Recognition Plaque for Mike Glasgow, Fire Dept.

Mike Glasgow was not present.

- C. Brief presentation and possible acceptance of a renewal proposal from Nevada Public Agency Insurance Pool (POOL), and approval of invoice for payment from FY 2013/2014 funds, and matters related thereto. **FOR POSSIBLE ACTION**

As a member of the Insurance Pool, the City of Elko owns a share of the equity that forms the basis for its financial strength.

Your agenda packet includes an overview of coverage offered for the following fiscal year. The City of Elko's total program costs for FY 2013/2014 are \$435,425.86 representing an approximate 8.8% decrease when compared to the current fiscal year. CC

Doug Smith, Public Agency Insurance Pool, explained we have added a coverage called cyber liability. He stressed this is brand new and has been included without an increase. We have contracted with experts to handle these types of situations properly. It is a good benefit that we can add at no additional cost to the POOL program.

John Smales explained this is not like other insurance companies. Participation from members is what makes this work and make sense over time.

Mayor Johnson asked how long has this been in place. (over 25 years)

John Smales said McMullen Insurance is the local representative. Give us a call if you have any questions or concerns.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmittlein, to approve the renewal proposal from Nevada Public Agency Insurance Pool and approve the invoice for payment for fiscal year 2013/2014 funds.**

*The motion passed unanimously. (5-0)*

- D. Brief presentation and possible acceptance of the FY 2013/2014 Pollution Legal Liability Insurance Renewal Offer, including approval of invoice for payment, and matters related thereto. **FOR POSSIBLE ACTION**

The Pollution Legal Liability Program is separate from the City's Liability Insurance. As you may recall, the Nevada Public Agency Insurance Pool Program contains absolute pollution exclusion, meaning that no coverage is provided for pollution liability in that program. Our quote includes coverage for the Landfill, Water Reclamation Facility, Water Department, Swimming Pool, and Hazardous Material Response/Cleanup.

Your agenda packet includes an invoice of coverage offered for the following fiscal year. The City of Elko's total program costs for FY 2013/2014 are \$26,348.00 representing no increase in premiums compared to the current fiscal year. CC

Mayor Johnson asked will we see one later for the airport.

Mr. Calder answered that will be at the next meeting.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the 2013/2014 Pollution Legal Liability Insurance renewal offer and authorize payment of \$26,348.00.**

*The motion passed unanimously. (5-0)*

## **II. PERSONNEL**

- A. Employee Introductions:

- 1) Renae Jim, Accounting Technician I

*Present and introduced.*

## **III. APPROPRIATIONS**

- B. Review, consideration, and possible authorization to purchase a replacement airport access control system from SimplexGrinnell, Inc., including partial

installation, utilizing FY 2012/2013 contingency funds, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Regional Airport received a Department of Homeland Security (DHS) Grant in FY 2002/2003 to install a Computer Controlled Access System (CCAS). Unfortunately, the current CCAS is no longer manufactured or supported by the original or subsequent vendors. Additionally, the last software update occurred in 2007 and the system has slowly become obsolete.

Although Staff has been able to adequately maintain and repair the dated system, certain key components have recently started to falter. As these access control components are mandated by the Transportation Security Administration, Airport Security Program, this proposed purchase must be considered a high-priority. SimplexGrinnell provides CCAS installation and long-term maintenance support to local mining companies. Additionally, SimplexGrinnell is an authorized vendor with the State of Nevada Purchasing Division, allowing streamlined purchasing. City Staff intends on installing most of the cable, resulting in a \$26,410.50 cost savings, bringing the revised total cost to \$72,264.28. MG

Mark Gibbs, Airport Director, explained the system that was purchased under a grant in 2003 is no longer supported. It never went into full production. The vital components, which are mandated, have ceased to work. We are longer able to support the software.

Councilman Schmidlein asked when you issue new badges will there be a cost to the individuals or does the city take care of that as authorization to enter the airport. The current badges will need to be replaced. Will the individuals have to pay for a new card?

Mark Gibbs said he has not thought of or addressed that issue. The old cards will be replaced and it will be cheaper to replace than the old ones.

Rick Hofheins, Airport Security Manager/Assistant Director, explained in the past we have incurred that cost. We have been looking at changing that and move that cost to people that do not work in the terminal. It will cost approximately \$5.00 per card.

Councilman Perry asked Dawn Stout, this appropriation wasn't budgeted.

Ms. Stout answered that is why it says contingency fund. Currently, there is \$250,000.00 budgeted in the contingency fund.

Councilman Schmidlein asked what the life expectancy of the new system is. Will you get 15-20 years out of this system?

Mr. Gibbs answered this system will be supported by a company that has been in the business for over 20 years. The previous system was experimental. As long as they stay in business there is no reason why this system shouldn't last much longer than the current system.

**\*\* A motion was made by Councilman Perry, seconded by Councilwoman Simons, to award through the use of the Contingency Fund, the State of Nevada purchasing contract to SimplexGrinnell, Inc. in the amount of \$72,264.28 to replace the airport access control system in compliance with FCR 49 Part 1542.**

*The motion passed unanimously. (5-0)*

#### **IV. SUBDIVISIONS**

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 4-13 for The Pointe at Ruby View Townhomes subdivision, filed by Braemar Construction, LLC., for the proposed division of approximately 3.91 acres of property into 30 lots for residential development within an R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto, located generally SW of Khoury Lane and E. Jennings Way (APN 001-562-018). **FOR POSSIBLE ACTION**

The Planning Commission considered this Final Plat on June 4, 2013 and took action to forward a recommendation to City Council to conditionally approve the Final Plat. SAW

Scott Wilkinson, Development Manager, explained the packet has a copy of the Planning Commission action report dated June 4, 2013, with the conditions listed. The second page of that report shows the findings of the Planning Commission in support of its recommendation to the City Council. The findings are that the proposed subdivision is in compliance with the land use and transportation components of the City's Master Plan. He drew attention to the fact that this is townhome development considered multifamily under city code. It required a conditional use permit (CUP) and that has been approved.

Councilman Perry asked what triggered the CUP.

Mr. Wilkinson answered under the R zone, apartments, townhomes, or condominium type projects require a CUP.

Councilman Perry asked if this will have homeowners' association.

Mr. Wilkinson answered yes. They offered a copy of the proposed CC&R's with the preliminary plat that was presented to the City Council. One condition is that we get a confirmed copy of the CC&R's before we record a final plat.

**\*\* A motion was made by Councilman Perry, seconded by Councilman Rice, to conditionally approve Final Plat 4-13 for The Pointe at Ruby View townhomes subdivision subject to the conditions as recommended by the Planning Commission and staff.**

*The motion passed unanimously. (5-0)*

## VI. NEW BUSINESS

- A. Review, consideration, and possible approval of a request from the Elko Indians Dance Team to paint address numbers on curb faces within the City of Elko as a fundraiser, and matters related thereto. **FOR POSSIBLE ACTION**

The City has received a written request to paint address numbers on curb faces as a fundraiser for the Elko Indians Dance Team, helping the Dance Team travel to San Diego for the Holiday Bowl in December. Curb faces are in the public right-of-way and are considered public property; therefore, such a request requires permission from the City Council. DS

Dennis Strickland, Public Works Director, explained staff would support the item with the conditions listed.

Aspen Cashin, Elko Indians Dance Team, explained about the event they are trying to raise funds for. They need a total of almost \$22,000 to be able to go. In order to get the money they have been doing fund raisers. They were told about raising money by going door to door and painting numbers on curbs on a donation basis. They have permission from the school. They will be working closely with Dennis Strickland. They will only work during the daytime and will be supervised. She asked for a permission letter from the city so they may be able to proceed.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve the request of the Elko Indians Dance Team for permission to paint address numbers on city curb faces as their fundraiser and meeting the conditions outlined.**

*The motion passed unanimously. (5-0)*

After the motion and before the vote, Mayor Johnson asked if they need a letter as part of the motion.

Brandy Cashin said it would be nice to have it to show people that they have permission.

Council voted on the motion.

- B. Review, consideration, and possible acceptance of a Deed of Dedication from MP Elko LLC for a portion of Connolly Drive, and matters related thereto. **FOR POSSIBLE ACTION**

A portion of Connolly Drive is of record as a roadway and utility easement rather than a public right-of-way. Staff conditioned Parcel Map application 5-13 requesting conversion of the easement to a right-of-way. The right-of-way will extend from the State Route 225 Right-of-Way to the southwest corner of APN 001-660-094. SAW

Scott Wilkinson, Development Manager, explained there are two parcel maps presented to the city for that Raley's shopping center area. Connolly Drive adjacent to this whole area has never been dedicated to the city as a road. As we were reviewing that parcel map we requested that Connolly drive be dedicated to the city.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Perry, to accept the Deed of Dedication from MP Elko LLC for a portion of Connolly Drive as outlined in our agenda packet.**

*The motion passed unanimously. (5-0)*

- D. Review and possible acceptance of a Letter of Intent (LOI) from Kimberly L. Owen, Vice President of NAI Alliance, regarding a proposal to lease approximately 9.73 acres (net) of airport property located at 700 Aspen Way, and matters related thereto. **FOR POSSIBLE ACTION**

On October 1, 2012, the City of Elko entered into an "Exclusive Right to Lease Listing Contract" with NAI Global of Las Vegas, LLC (which was subsequently amended to Alliance Commercial Real Estate Services, LLC dba NAI Alliance). As our exclusive Broker, NAI Alliance is responsible for actively marketing the above referenced parcel.

A Letter of Intent (LOI) has been enclosed in the agenda packet for review. Assuming the City Council accepts the LOI, a future Public Hearing will be held to confirm the fair market value, based upon an updated appraisal (pending). Based upon the specific proposal, and pursuant to NRS 268.063, the City Council may adopt a resolution which triggers an "economic development" exception, finding that it is in the best interest of the public to lease the property without offering the property to the public. Upon approval of a resolution, the parties can enter into lease negotiations. CC

Curtis Calder, City Manager, explained we are looking to accept the Letter of Intent (LOI). We need to identify which portion of the statute that we would be using to dispose of the property. Staff recommends accepting the LOI and will request that the proposed developer bring back a specific proposal outlining what the development will look like and an updated appraisal.

Kimberly Owen, NAI Alliance, said they have been marketing the property. They received a letter of intent from Meridian Pacific. His company has been in the industry for 35 years. There is a current conceptual plan they have been working with. It was put on the overhead projector.

Gary Pinkston handed out a package (Exhibit "B"). We have filled up the shopping center at Elko Junction. We believe that we have enough interest to launch this project. We currently have the Sonic folks headed to town for a site inspection. They have a letter of intent from Tomatoes. He feels this will be a good location. Great Clips is ready to move. Dollar Tree folks have been in town too. We have a letter of approval from Wyndham for the site. We will have one from Big Lots. The rest of the project would be a matter of planning.



Mayor Johnson thought it was a great project. It's great to have such potential.

John Carpenter thought the appraisal was cheap. Put it out to bid and see what kind of a reaction you get.

Mr. Calder said that is one option the city is looking at. When someone does bring forth an economic benefit in a project, council can consider that and not go through the public auction process. One reason we retained NAI Alliance for this project is because we found utilizing a broker we sift through a lot of the tire kickers that may otherwise be interested in leasing property from the city. Mr. Pinkston has the ability to develop something like this. Not only is there the economic benefit from the increased tax base, increased employment, increased sales taxes, the ground lease money will go directly back to the operating fund of the airport. The airport would become more self-sufficient. They thought the property would appraise for more. We will see what the updated appraisal will be but we think it will be similar.

John Carpenter asked if the leaser would be paying property taxes because the land belongs to the city. Did Bill Tessler figure that into his appraisal?

Mr. Calder answered in similar cases where the city has leased property the lessor has been responsible for paying taxes. He assumed Mr. Tessler figured taxes into his appraisal. That would be a question for the assessor to confirm.

Councilman Schmidlein asked if the city is unable to sell that property.

Mr. Calder answered that is correct. If the property exists within the airport boundary the only exception would be through the FAA release program. They have spoken to the FAA about that in the past. Their policy is that they won't process a release so the airports can lease their non-aviation property to help offset their operations costs.

Councilman Perry said he likes the looks of this. This property is not generating any revenue for the city right now. We have one interested party that has a proven track record. Along with the lease revenue to the airport he sees sales tax increases here. Money is being spent here rather than Twin Falls. He is willing to say this is the best use of this land.

**\*\* A motion was made by Councilman Perry, seconded by Councilman Rice, to accept the Letter of Intent and direct staff to bring back the updated appraisal and specific development proposal for consideration and clarify the property tax issue.**

*The motion passed unanimously. (5-0)*

## **V. UNFINISHED BUSINESS**

- A. Continued review, consideration, and overview of Title 4, Chapter 5 "Elko Liquor Control Code" inclusive of licensure/permit requirements and revocation processes, including the possibility of direction to Staff to begin the business

impact statement process for code amendments, and matters related thereto. **FOR POSSIBLE ACTION**

This item was discussed at the May 28, 2013 Council meeting. City Council directed Staff to make amendments and come back with another draft for further consideration. SO

Dave Stanton, City Attorney, explained he has received feedback specifically about video surveillance. One concern that has been expressed is that this would be an invasion of privacy. There is no expectation of privacy in a public place. He suggested adding some language to this to include the word public. He also received an email from Dave Zornes from Red Lion. He read the letter into record:

*I understand completely the Chief of Police's stance and problem with bars and the crowd late at night. I don't feel this possible new ordinance is directed to the casinos as much but it could still affect us and I wanted to go on record about how we feel about the new code. I unfortunately will be on vacation starting Monday, June 10<sup>th</sup> and will not be able to go to the meeting. Here are my concerns. I was only passed along Section B about video surveillance. While we have good complete coverage of the overall casino this new code if enforced to the letter would probably require me to add a great amount of surveillance equipment. I don't care for the part about making footage available to the city immediately upon request. I am not required to man our surveillance room 24 hours per day and keep access very controlled. I would like the language to take into account that it would not always be easy for us to find the exact footage from over 100 cameras and have it prepared to take immediately. I, of course, would comply to the best of our ability but our system is fairly complex and not just anyone could find footage on so many DVR's and copy and present immediately.*

Delmo Andreozzi, Assistant City Manager, suggested changing the language for the definition of church since sometimes church services are held outside. He also felt there should be a distinction between sacramental purposes and church sponsored events.

Councilman Schmidlein noted on page 5 where you are depicting the definition of a business license, the definition, he has a problem with the word "privilege" in there. Any business owner that comes in and applies for an application it's no different for a city license. You apply and you either get a yes or a no. Having privilege in there is not a true definition of a liquor license. He felt "privilege" should be pulled out.

Mr. Stanton said the distinction can be fairly technical. He felt "privilege" is the accurate word to use in a case like this. There are rights that go along with this. There cannot be a deprivation of this privilege without due process.

Ms. Owen noted in NRS they do state that liquor licenses are a privilege license. There is a background check for a liquor license that would not apply to a regular license.

Chief Zumwalt explained his thoughts on the proposed video surveillance addition. We are having issues with public safety. We are having problems and we were trying to come up with ideas to make the downtown area safer. One suggestion was to mandate the bar owners to have video surveillance. He believes surveillance systems are a part of our culture and our everyday life. He suggested that the city do it instead. He believes that we in public safety would be better off if we had a surveillance system in high risks areas of the city. If people know there is a surveillance system on in an area that may deter bad behavior. Assaults and homicides have happened outdoors. He suggested the bar owners protect their own interests with surveillance and cooperate with the police. There should be surveillance in certain areas of the city.

Councilman Rice said he has a strong opinion about this and has talked to several people about it. He is leaning in the direction of omitting this from the draft. The idea of other kinds of surveillance is not what we are discussing tonight. That would be a topic for another time. Clearly there are a number of businesses this would be affected beyond those bars that are normally open between 1:00 am and 8:00 am. Many of those businesses may already have video surveillance in place.

Chief Zumwalt said he pulled up numbers from the last 6 months and compared them to the previous 6 months. He went over the numbers. There are a couple of places that have increases but the fight calls are down. We started with education. We also took a more proactive approach and had more foot patrols. Things have gotten better.

Robert Wines addressed Mr. Andreozzi's comment about sacramental services. His solution is that you make it into two separate sections. The first would be "liquor used for sacramental purposes." It could be used anywhere. Make a separate one "liquor used during church sponsored events or gatherings on church premises." That would take care of the ladies auxiliary and they would not be subject to the liquor code. Another section that was not touched on was the one that allows the chief (page 19) to suspend operations. He still can't see how the Chief should have the authority to suspend operations for a continuing violation. If there are continuing violations that should come before council for determination and possibly shut down. His final comment was about 4-5-13-A4 on page 17. He wanted the wording changed so that it would be a violation of the liquor code and not any violation of Elko City Code.

John Carpenter was concerned with the way this is written regarding churches, civic clubs and fraternal organizations. He doesn't see them as a big public safety issue. Those people are trying to improve this community. We have made them all get a license. You are penalizing people that are trying to make the community a better place. He talked to the museum and they have to pay \$24 and get several signatures. He doesn't see why we don't exempt those people from having to get a license. The problem is downtown. You have been talking about it for over a year. The chief was going to bring someone in front of council so you can read them the riot act. We are trying to penalize these people that are doing great things in this community. If you have a problem with them someday then you call the police.

Ms. Owen said there is a liquor license for fraternal organizations and civic clubs and that has been in the code for years. We are not changing it. Signatures on the applications are required by the state.

Gil Hernandez, VFW, said there is some confusion about non-profits. We have a bar. Because of what we have at the fair we are able to have drinks for our members. We had the understanding that we didn't need a liquor license. We have also done the fair for 20 years. He has been able to work with the chief and the VFW has been very responsible. We may need to hire an attorney so they may be in compliance with the code. If we are complying with the law then we are alright. We are non-profit and we put our money back into the community. We aren't making a profit from it.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Perry, to revise page 4 under definitions of Church to read: a building or structure or place owned or occupied by a religious organization that is used primarily for religious worship.**

*The motion passed unanimously. (4-0 Councilwoman Simons was absent)*

**\*\* A motion was made by Councilman Rice, seconded by Councilman Perry, to change page 7, item 4-5-2b, to read: The use of liquor for sacramental purposes. Add a second column: Liquor used during church sponsored events and church sponsored social gatherings held on church premises.**

*The motion passed unanimously. (4-0 Councilwoman Simons was absent)*

**\*\* A motion was made by Councilman Rice, seconded by Councilman Perry, to revise page 17, item 4-5-13-A5 by striking the new language, "the Elko City Code to include the provisions of."**

*The motion passed unanimously. (4-0 Councilwoman Simons was absent)*

**\*\* A motion was made by Councilman Perry, seconded by Councilman Rice, to remove the proposed video surveillance code on page 22 (4-5-17B).**

*The motion passed unanimously. (4-0 Councilwoman Simons was absent)*

**\*\* A motion was made by Councilman Perry, seconded by Councilman Rice, to change the chapter heading on page 21 (4-5-17) to read "Lighting Requirements" and remove Video Surveillance.**

*The motion passed unanimously. (4-0 Councilwoman Simons was absent)*

**\*\* A motion was made by Councilman Rice, seconded by Councilman Perry, to strike "A. Lighting" from page 21 because there are no more subparagraphs.**

*The motion passed unanimously. (4-0 Councilwoman Simons was absent)*

**\*\* A motion was made by Councilman Perry, seconded by Councilman Rice, to accept the changes in the Liquor Control Code that were made at the Council Meeting on June 11**

**and initiate the Business Impact Statement process and at the first reading of the draft ordinance bring back these changes.**

*The motion passed unanimously. (4-0 Councilwoman Simons was absent)*

## **VII. PETITIONS, APPEALS, AND COMMUNICATIONS**

- B. Review, consideration, and possible action in response to an appeal filed by Gig Thornburg, to waive the installation of required public improvements along Idaho Street and Hot Springs Road in association with Deferral Agreement 4-00 and Building Permit 12-690, and matters related thereto. **FOR POSSIBLE ACTION**

The appellant has previously filed a waiver request with the City of Elko. The request was denied by the City Council at its meeting on February 26, 2013. City Staff requested Gateway RV complete the improvements by November 1, 2013, in coordination with an NDOT roadway project scheduled for 2014, in its letter dated April 17, 2013. Gateway RV has requested the matter be placed on the Council agenda in its letter dated June 5, 2013. Gateway RV Center is again requesting that it not be required to construct public improvements deferred under Deferral Agreement 4-00 and required under Building Permit 12-690. SAW

Robert Wines explained he was going to meet with the owners of Gateway RV but he couldn't meet with them until Thursday. He requested this be tabled.

Scott Wilkinson, Development Manager explained that subsequent to this being put on the agenda, Gateway RV asked that this be tabled.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to table Agenda Item VII B.**

*The motion passed unanimously. (4-0 Councilwoman Simons was absent)*

- C. Consideration of a request from Robert J. Wines to discuss water line issues at Silver Pines Mobile Home Park allegedly caused by the City of Elko Water Department, including possible reimbursement of water line repair services in the amount of \$1,788.95, and matters related thereto. **FOR POSSIBLE ACTION**

A letter from Mr. Wines has been enclosed in the agenda packet for review. RL

Ryan Limberg, Utilities Director, explained there was a split in the water service and the Water Department shut that off, cut out a six foot section of pipe and replaced that with a new section. They didn't back flush this line to remove any rocks or debris. As a result the property owner is claiming damages. Our water superintendent has talked to the crew about it but they are fairly new crew. In an instance like this the crew should have done the back flush to wash out the debris that may have been in the line.

Councilman Perry asked the line that was repaired was at the request to the owners. Did this part of the water service line belong to the city or the homeowner?

Mr. Limberg answered the leak was on the water lateral. That was the city's responsibility to fix.

Councilman Perry asked was the hydrant damaged because of this repair.

Mr. Limberg answered that was the dispute. It was replaced with a new one. According to the letter the rocks and debris in the line damaged internal components of the hydrants.

Councilman Schmidlein said once you get debris in there you cannot blow that back out. He felt it was reasonably priced for the repairs.

Mr. Wines, Manager Silver Pines Mobile Home Park, indicated using the overhead screen where the repairs were made. He explained how the repairs were made.

Councilman Perry asked if we grant this tonight will that be the end of this issue. Will this be resolved with prejudice?

Mr. Wines felt the problems were all resolved.

Mayor Johnson said the water and sewer system is owned by all of us as city residents. He is with the property owner in this case but we need to be cautious of other situations that may come to the city.

Mr. Andreozzi said we have insurance for these things. Had this damage been in excess of \$5,000 we would have submitted this to our insurance company. In this instance perhaps some of our own work caused some debris to enter into the pipe. If that had happened naturally that may be some sort of a distinction. Whenever we have a claim we look at whether or not it is obvious that we are liable.

Ms. Owen said this claim has been submitted to the liability insurance company per Mr. Andreozzi's request to get a determination from the insurance company.

**\*\* A motion was made by Councilman Perry, seconded by Councilman Schmidlein, to grant with prejudice the amount of \$1,788.95 to the Silver Pines Mobile Home Park.**

*The motion passed. (3-1 Mayor Johnson voted no and Councilwoman Simons was absent)*

## **VI. NEW BUSINESS (Cont.)**

- C. Review, consideration, and possible direction to Staff to begin the business impact statement process for Resolution #7-13, a resolution restating and amending Fire Department Fees, pursuant to Title 6, Chapter 5, Section 3 of the Elko City Code, and matters related thereto. **FOR POSSIBLE ACTION**

Resolution #7-13 replaces the existing Fire Department Fee Schedule adopted by Resolution #2-11.

Fire Chief Griego explained this new resolution will replace the old fee schedule. Some fees stay the same while others increase slightly. Some fees are new. He went over the fees included in the proposed resolution.

Josh Carson, Fire Marshal, explained further about the fire prevention fee changes.

Councilman Schmidlein asked if sidewalk sales don't need inspections.

Mr. Carson answered it depends on the scope. Sometimes they do inspections. The exception to that would be the Jamboree due to compliance issues.

Chief Griego said with talking to Dawn Stout about personnel fees she asked that we look at doing an administrative fee for other agencies. She recommended that some administrative fees be included in this. She was thinking of 15% on the personnel fees to encompass the administrative time that is taken.

Mayor Johnson noted that is when city forces are helping other agencies. Is 15% enough?

Ms. Stout said we have schedules for equipment. The one thing hard to tie down is gas and maintenance. On the personnel side, when we do contracts with other agencies, 15% was the typical overhead cost. It was on everything, not just administration.

**\*\* A motion was made by Councilman Perry, seconded by Councilman Schmidlein, to accept the draft proposed resolution restating and amending Fire Department fees and instruct city staff to begin the business impact statement process with one modification to the resolution on page three under personnel rates to add an hourly rate plus 15% city administration fee.**

*The motion passed. (4-0 Councilwoman Simons abstained)*

## **VII. PETITIONS, APPEALS, AND COMMUNICATIONS**

- A. Ratification of the Chief of Police issuing a 30-day temporary retail and catering liquor license and issue a regular retail and catering liquor license to Scott W. Reutner and Luc Gerber, DBA S & L Restaurant Group, LLC, dba Biltoki, located at 405 Silver Street, Elko NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Zumwalt explained both of these owners already have businesses and liquor licenses so background checks were easy. He recommended approval and suggested the same conditions be given to this license as to the last license.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Perry, to ratify the 30-day temporary retail and catering liquor license and issue a regular retail and caterer liquor license to S & L Restaurant Group, LLC dba Biltoki located at 405 Silver Street, Elko, NV 89801 along with a condition requiring maintaining the adjacent right-of-way and the trash clean-up/bodily fluid removal outside the premises.**

*The motion passed unanimously. (5-0)*

### **III. APPROPRIATIONS (Cont.)**

#### **A. Review and possible approval of Warrants. FOR POSSIBLE ACTION**

Councilman Perry asked under police, ADDO Enterprises Surveillance System \$7,709. Since we are talking about surveillance systems he wondered what that was.

Ms. Stout answered that has to do with the Juvenile Crime Task Force Grant that we have and it is approved.

Councilwoman Simons asked, under Department of Solid Waste there was a check to the Nevada Division of Forestry for \$1,350.

Ms. Stout answered we use their crews for trash pickup.

Councilwoman Simons asked, under Parks, \$7,900 for the irrigation at the California Trail Center.

Ms. Stout answered that was part of an agreement that we have with the California Interpretive Center. We had allocated some monies for personnel as well as help them get their irrigation system up and running. We have a big investment in the center and they were having difficulties getting people out there to fix it. The city is intervening on their behalf and getting some of the stuff taken care of so they don't lose what they have out there.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Perry, to approve the warrants.**

*The motion passed unanimously. (5-0)*

### **VIII. REPORTS**

#### **A. Mayor and City Council**

*Councilman Schmidlein commented regarding the Mining Expo that just took place and the remarks people made about the parking. Why not start shuttling people?*

*Councilwoman Simons reported on the meeting with the County School District regarding the Tennis Courts Rehab Project. The School District denied the request for monetary assistance with the project.*

#### **B. City Manager – Legislative Update; South Fork Reservoir 25<sup>th</sup> Anniversary Event**



*Curtis Calder said the South Fork Reservoir 25<sup>th</sup> Anniversary Event is scheduled for June 22<sup>nd</sup> at 10:00 am to 1:00 pm. He didn't have a legislative update.*

- C. Assistant City Manager
- D. Utilities Director
- E. Public Works
- F. Airport Director
- G. City Attorney
- H. Fire Chief

*Matt Griego reported on the Fire Department monthly newsletter. (Exhibit "C") He attended the County Commission meeting when they discussed what they will be doing going forward with the Fire District.*

- I. Police Chief

*Don Zumwalt mentioned Elko Motorcycle Jamboree is this weekend and he will be out of town the next week. The bar complaint that was mentioned tonight will be scheduled for the next council meeting. He talked about some bar fights. He reported on the new key and security system that is being installed at the Police Department.*

- J. City Clerk

*Shanell Owen noted the Mining Expo Event is reserved 2 years in advance. The parking situation will be discussed with the Convention Center. She reported the business licenses issued in March and April were up.*

- K. City Planner – Two (2) Staff Rezones

*Rick Magness reported on some zone changes (included in agenda packet and Exhibit "D") 4-13 and 5-13 from General Commercial to Industrial Commercial. Thursday evening they have an open house meeting regarding the address changes for the mobile home park on Pinion Road. This council is invited to a walking tour of the redevelopment area downtown on June 20<sup>th</sup>.*

- L. Development Manager

- M. Administrative Services Director

- N. Parks and Recreation Director

*James Wiley reported on the Main City Park Project. They are also starting the Cemetery Fence Project tomorrow. We will be doing some noxious weed control this week. They are hosting a district little league tournament and an adult softball tournament later this month. We did get awarded the skate park grant.*

- O. Staff Engineer – FEMA Public Meeting

## **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.

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Mayor Chris Johnson

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Shanell Owen, City Clerk