

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

SS July 12, 2016

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 12, 2016.

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 Schmidlein
Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
Aubree Barnum, Human Resources Manager
Dawn Stout, Administrative Services Director
Jeremy Draper, Development Manager
Ben Reed Jr., Police Chief
Mark Gibbs, Airport Director
Matt Griego, Fire Chief
Bob Thibault, Civil Engineer
James Wiley, Parks and Rec Director
Cathy Laughlin, City Planner
Dave Stanton, City Attorney
Dennis Strickland, Public Works Director
Kara Vera, Minutes Clerk

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. A Proclamation by the Mayor recognizing Sunday, July 24, 2016 as “Parents Day”, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Johnson read the proclamation.

- D. Presentation by Ben Reed on the Community Foundation of Elko County, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Ben Reed Jr., Police Chief, explained he is a board member of the Community Foundation of Elko County. He brought some other members with him to present some information about the Foundation.

Kevin Melcher, Board Member of Community Foundation of Elko County, spoke about the foundation. Several years ago the school district discussed establishing a foundation but the burden of the cost and oversight was too great to undertake. They spoke with people in Reno about being an affiliate fund under the Community Foundation of Western Nevada. In December they established the Community Foundation of Elko County. Their mission is to strengthen the community through philanthropy and leadership by connecting people who care with causes that matter. We were the first rural community the Reno Foundation has sponsored. Being an affiliate allows us to be immediately. We use their resources, investment people and management. Once we raise enough money we can become our own foundation or remain under their foundation. The fund was established to benefit the region. The local board will make all of the recommendations for the foundation to approve.

Kerry Aguirre, Board Member, explained a community foundation can be looked at like a bank account for the future. We can fund what we love in our community to make it a better community in the future. The board members are personally invested so they could open the affiliate fund.

Chief Reed explained there’s never been a neutral community foundation in the area. The fund balance was \$10,000. They were soliciting local businesses to raise money for the fund. The principle won’t be spent, only the interest will be used for awards. They will assess any needs in Elko County. There are so many unmet needs in our community, which they hope to assist. He explained the various ways to give to the foundation.

Councilman Rice added the foundation had a very broad umbrella of support. They are merely providing additional funding to the various things people already invest in.

- A. A Proclamation by the Mayor recognizing the 50th Anniversary of the Tuscarora Pottery School, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Johnson explained read and presented the proclamation to Dennis and Julie Parks.

Martin Paris, Rural Representative for Congressman Mark Amodei, presented them with a Congressional Certificate of Recognition. He thanked them for the added benefit and value they have brought to the culture in the community.

Councilman Rice said the spirit of the Tuscarora community that has been established by Dennis and Julie Parks has truly made it a wonderful place with wonderful things happening there all the time. He presented them with a letter from the Nevada Arts Council recognizing their contributions and the 50th Anniversary of the pottery school, a proclamation from Assemblyman Ellison, and a certificate from United States Senator, Harry Reid.

Dennis Parks thanked several friends and businesses for welcoming and encouraging him.

III. PERSONNEL

B. Fire Department Employee Badge Pinning:

1.) David Wiggins, Firefighter, Fire Department

Matt Griego, Fire Chief, introduced David Wiggins as the newest firefighter. David's father will be pinning his badge on him and he will take the Firefighter Oath.

David Wiggins said it is an honor to do this.

Councilman Schmidlein administered the oath.

A. Employee Introductions:

- 1) Troy Poncin, Information Systems Manager *Present and introduced.*
- 2) Milton Alsdorf, Landfill Equipment Operator *Present and introduced.*
- 3) Cassandra Wyllie, Patrol Officer, Police Department *Present and introduced.*
- 4) Dallas Kane, Patrol Officer, Police Department *Present and introduced.*
- 5) Josh Bogdon, Patrol Officer, Police Department *Present and introduced.*
- 6) Josh Chandler, Patrol Officer, Police Department *Present and introduced.*
- 7) Kyle Craig, Patrol Officer, Police Department *Present and introduced.*

IV. APPROPRIATIONS

- C. Review, consideration, and possible issuance of final acceptance for the South Effluent Reservoir Liner Repair Project, and matters related thereto. **FOR POSSIBLE ACTION**

This work was necessary to replace the subgrade material below the liner and reinstall new liner. The work has been completed and Staff recommends final acceptance of the work. There were zero additive change orders and the project came in under bid. RL

Ryan Limberg, Utilities Director, said staff recommended final acceptance in the amount of \$296,935.55

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve final acceptance in the amount of \$296,935.55.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible authorization for Staff to solicit bids for one new 2-ton utility truck with a 40 to 45 foot utility bucket lift, and matters related thereto. **FOR POSSIBLE ACTION**

This unit will be used by the Facilities Department for the maintenance of light systems, traffic signal systems, and other above-ground level work areas. This unit was approved for purchase in the FY 2016/17 Budget. DS

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to authorize staff to solicit bids for one new 2-ton utility truck with a 40 to 45 foot lift bucket.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible authorization for Staff to solicit bids for a new 41-ton landfill compactor for the Solid Waste Department, and matters related thereto. **FOR POSSIBLE ACTION**

Currently, the Landfill has a 2006, 826G Caterpillar Compactor that has in excess of 15,000 hours of operation. This piece of equipment is used 7 days a week to compact waste and cover materials. This specialized machine is a vital component of the Landfill operations. The Landfill would like to utilize the current unit as a backup to the new compactor as this type of machine is not readily available for rent should the compactor be down for any mechanical issues. This appropriation has been approved in the FY 2016/17 Budget. DS

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to authorize staff to solicit bids for a new 41-ton landfill compactor for the Solid Waste Department.**

The motion passed unanimously. (5-0)

V. UNFINISHED BUSINESS

- A. Review, consideration, and possible ratification of a Memorandum of Lease with MP ELKO II, LLC for non-aeronautical lease at Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Per the Airport Non-Aeronautical Lease Agreement with MP Elko II, LLC executed by Elko City Council on December 31, 2015, the City must ratify a Memorandum of Lease. This is the final step in executing the lease agreement. The City Attorney and representatives of MP Elko II, LLC have agreed on the terms of the Memorandum of Lease. MG

Mark Gibbs, Airport Director, felt this was a great investment by Gary Pinkston, it will be a tremendous asset for the City. He was glad they had the patience to work with us and the FAA through this long process.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to ratify the Memorandum of Lease between the City of Elko and MP Elko II, LLC to lease non-aeronautical property at Elko Regional Airport.**

The motion passed unanimously. (5-0)

VI. NEW BUSINESS

- A. Consideration for a twenty year lease agreement between the City of Elko, and the U.S. Civil Air Patrol, and matters related thereto. **FOR POSSIBLE ACTION**

The U.S. Civil Air Patrol congressionally chartered, federally supported non-profit corporation that serves as the official civilian auxiliary of the United States Air Force (USAF). Under NRS §268.053, the City of Elko can provide public leases at below fair market value for non-profit organizations who provide services that the City would be otherwise required to expend money to provide. These services include search and rescue, disaster relief operations; cadet programs for teenage youth, homeland security and courier service missions. This lease is in conformance with both Federal Aviation Administration regulations and Nevada Revised Statutes. MG

Mr. Gibbs recognized Curtis and Diane with the U.S. Civil Air Patrol. He felt they were two of the finest individuals of Elko citizens and he was honored to work with them.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve a 20 year lease between the City of Elko and the Civil Air Patrol to lease property at the Elko Regional Airport.**

The motion passed unanimously. (5-0)

- B. Review and possible approval to advertise a request for proposals to operate the Food/Beverage Concession area at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Per NRS 332.148, the airport would like to advertise to the public for proposals to operate the Food & Beverage Concession in the airport terminal. Any new contract will be negotiated with the successful bidder and brought before the City Council for final approval. MG

Mr. Gibbs explained that Mom & Pop's had vacated their concession agreement in March. We have prepped the restaurant and it is ready for a new tenant.

Mayor Johnson said it has been tough to keep a concession going there. He questioned if the City should step back from that and decide whether or not it's the best use.

Mr. Gibbs explained there were some changes in the agreement. There have been a few concessionaires with a high turnover but we have also had some that were very successful. It comes down to finding someone who truly wants to invest in the restaurant. It's truly a turn-key operation. All of the capital assets and equipment are already being provided and there is no major up-front cost. If we can't seem to find a good candidate, we will switch over to vending and handle it on our own. The Twin Falls Airport has a restaurant that is similar in size and similar in population and they are very successful and have been there for 20 years.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to direct staff to solicit bids and negotiate a contract for the food/beverage concession at the Elko Regional Airport. A final food/beverage concession contract will be brought back to City Council for final approval.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of Consent to Assignment and Assumption of Lease Agreement between Canyon Construction Company and ESM 2, LLC, and matters related thereto. **FOR POSSIBLE ACTION**

Canyon Construction leases an 8.69 acre parcel of City owned land on airport property. Canyon Construction is requesting that the City consent to the assignment and assumption of the lease to ESM 2, LLC. SO

Councilman Schmidlein disclosed he was a partner of Canyon Construction and removed himself from the discussion.

Curtis Calder, City Manager, said the lease was currently between the City of Elko and the Canyon Construction Company. They have a request to assign that lease to ESM 2, LLC for the

purposes of utilizing it for the existing use; a parking lot. This assignment would run parallel with the existing term of the current lease.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the consent to Assignment and Assumption of Lease Agreement from Canyon Construction to ESM 2, LLC.**

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

- D. Review, consideration, and possible approval to appoint a candidate to the City of Elko Centennial Committee, and matters related thereto. **FOR POSSIBLE ACTION**

There is currently one (1) vacant position on the City of Elko Centennial Committee. The City of Elko has received a letter of interest from Mr. Donald Westfall who wishes to serve on this committee. JD

Jeremy Draper, Development Manager, said they felt he would be a great asset to the Centennial Committee.

**** A motion was made by Mayor Johnson, seconded by Councilman Keener, to appoint Donald Westfall to the Elko Centennial Committee.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible authorization for Staff to proceed with the acquisition of approximately 1.42 acres of vacant property located between Douglas Street and River Street for an appraised value of \$250,000, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has evaluated several options for the possible development of a permanent humanitarian campground. The evaluation included identifying suitable vacant properties or areas, the proximity of those properties or areas to existing social services and neighborhood characteristics. A potential property located between Douglas Street and River Street was identified. There are multiple uses on the property in addition to a large portion of the property being vacant. Staff engaged the property owners to determine a willingness to sell a portion or all of the property. As a result, Staff and the property agreed to share the cost of an appraisal of the property. The appraisal consisted of appraising the various components of the overall property. The area proposed for acquisition is a vacant portion of a larger parcel. The property owners have indicated a willingness to sell approximately 1.42 acres of the property for the appraised value of \$250,000. SAW

Scott Wilkinson, Assistant City Manager, explained he erred when he drafted this agenda item and asked that it be tabled.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to table this item.**

The motion passed unanimously. (5-0)

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition requesting the sale of City owned property, APN 001-677-001 which is located generally east of Hot Springs Road approximately 300 feet south of W. Main Street, at public auction, and authorize Staff to obtain the required appraisal, and matters related thereto.
FOR POSSIBLE ACTION

Elko Heat Company has petitioned the City of Elko to sell APN 001-677-001, a 9.34 acre parcel of land listed for sale on the City Land Inventory. If Council accepts the petition, an appraisal will be obtained, then Council will hold a meeting on the fair market value of the property and adopt a resolution declaring its intention to sell the property at public auction. CL

Councilman Schmidlein disclosed he was a partner of Canyon Construction, who are partners of Elko Heat and removed himself from the discussion.

Cathy Laughlin, City Planner, said we have a temporary use permit on this property, which is in effect until April 2017 for the humanitarian camp. The parcel is located within the redevelopment area. If the petitioner was the successful bidder, there would be no increase in tax increment. Staff does not recommend the sale of this property as a discharge pond. We feel it is not the highest and best use of the property.

Mayor Johnson questioned if the City had that option since we know what the use is.

Dave Stanton, City Attorney, explained he hasn't researched the zoning issue. He felt there would have to be a lot of regulatory requirements that would have to be satisfied before installing a discharge pond. This property is currently being used for the humanitarian campground. We have tightened up our ordinances in terms of overnight camping and uses of public property. We have created a place for homeless people to go. If we take that away, it will change the legal environment for enforcing the overnight camping ordinances. The Council had the discretion to say no to sell the property.

Mr. Calder said several years ago they were approached for a possible sale for the same property. A wrecking yard requested to purchase it. It was determined at the time that a wrecking yard wasn't an appropriate use of the property.

Councilman Rice said he would be reluctant to grant the petition due to their obligation to the homeless community.

Councilman Keener asked what the driver was for on the pond. They already have one cooling pond.

Mr. Draper explained the ponds aren't infiltrating the water fast enough in the winter. The water is backing up on county property so they are trying to figure out a scenario to get rid of that water.

Councilman Rice asked if the county property was a marsh.

Mr. Draper explained it was partially because of the water backup.

Scott Wilkinson, Assistant City Manager, said it was important the Council act in concert with the redevelopment plans. The partners own some property back there that they could possibly consider for those types of needs rather than looking to the City to provide property for their needs. We are moving towards a solution for the homeless camp but the timing on that is uncertain.

Mr. Limberg said as an added point of information the Water and Sewer Departments were looking at a combined shop just across the street from the current homeless camp location. He wasn't sure what impact there would be from an infiltration pond right across the street with a new shop on the other side.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to, based on land use economics in the community, deny the petition to sell APN: 001-677-001.**

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

IV. APPROPRIATIONS

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

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

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

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

NO ACTION

II. CONSENT AGENDA

- A. Review, consideration, and possible action to reappoint Planning Commission members Aaron Martinez and Tera Hooiman to an additional Four-Year Term to expire July 2020, and matters related thereto. **FOR POSSIBLE ACTION**
Aaron Martinez and Tera Hooiman's terms expire July 2016. Pursuant to City Code Section 3-4-1, Planning Commission members shall be eligible for reappointment, and the terms shall be four years or until his/her successor takes

office. Mr. Martinez and Ms. Hooiman have indicated an interest to continue serving on the Planning Commission. CL

- B. Review, consideration, and possible approval of changes to employee credit card accounts, and matters related thereto. **FOR POSSIBLE ACTION**

In 2015, Council approved credit card issuances and limits for City employees who requested to have a City credit card. We have had several Staff changes throughout the year and are presenting an updated list of users and credit card limits. This list will be updated and presented annually, at a minimum, for Council's review and approval. JJ

** **A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the Consent Agenda.**

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

IX. REPORTS

- A. Mayor and City Council

Councilman Keener mentioned Joe Becker wasn't present to accept his plaque on behalf of his service on the Planning Commission. He is sorry to see him leave the community. He visited with Dennis Strickland today and took a look at Cedar Street and all that is going on there. He is pleased to see how that is progressing. He attended the Fire Works show and accepted the appreciation plaque on behalf of the City.

I. PRESENTATIONS (Cont.)

- C. Presentation of a plaque for Mr. Joe Becker for his service as a Planning Commissioner, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Joe Becker was not present for the presentation.

Jose Negrete said Joe Becker was an awesome commissioner and a great colleague to have on our commission. He is sorry to see him go. He has a new position he has taken in Colorado. His voice on the commission has been consistently reasonable and he is very approachable.

IX. REPORTS (Cont.)

Councilwoman Simons said there are some efforts in the community to address the hospital and their fees and rates. She thought council should consider writing a letter regarding the issue.

Councilman Rice reported this last week he was able to join the Basque Dancers of the Great Basin in Washington D.C. at the Smithsonian Institution's Annual Folk Life Festival. He congratulated the group.

- B. City Manager
Curtis Calder reported there was a District Court hearing on our property tax issue out at the Airport. There was no ruling made from the bench and we will probably hear back from the court within a month or so. Labor negotiations are in the final stages of getting those completed. Mark Gibbs and he attended an Air Service Task Force meeting in Southern Nevada that was hosted by the Lieutenant Governor.
- C. Assistant City Manager
- D. Utilities Director
Ryan Limberg reported the Exit 298 project was nearly complete and he hoped it could be on the next agenda for final acceptance. At the WRF, they are kicking off a new project; the Truck Load-out Building.
- E. Public Works
Dennis Strickland reported the Street Department was striving hard to have our list for the contractor prepared to start on July 25. The Cedar Street project has been going along good until recently. There will be a change order coming. We discovered, while sending a video camera into the trunk lines, that there are some issues they were not aware of. They anticipate a \$40,000-60,000 change order.
- F. Airport Director
Mark Gibbs reported the contractor from the Runway Project from last March was out last week to finish up some punch list items. Some of our shoulders are out of FAA specifications and we requested clarification from the FAA if we need to tear out those shoulders and redo them. While doing the Airport Master Plan we will be looking at Capital Planning and Financial Planning. He will be giving informational presentations to City Council regarding the Elko Airport Master Plan.
- G. City Attorney
- H. Fire Chief
- I. Police Chief
Chief Reed said with the attacks against the Dallas Police Department they have had an outpouring of community support from the citizens of Elko. The recruitment of the new officers was a good group effort. This new group will attend the academy together. National Night Out is the first Tuesday in August. August 3 is the next chapter on E911 with the county. There will be a hearing which he will attend.
- J. City Clerk
Shanell Owen let the council know that there will be a public workshop on July 19 at 10:00am. The actual workshop is in Carson City but there will be a video conferencing available at the Division of Aging and Disability Services. This will be regarding establishing regulations concerning invasive body decoration establishments (tattoo parlors, piercing). We sent out business impact statements this week for landfill and water connection fees. Those will be coming back with comments over the next few weeks.
- K. City Planner
Cathy Laughlin reported they have a special Planning Commission meeting tomorrow night.

- L. Development Manager
Jeremy Draper reported we gave substantial completion for the Police Station Project on June 13. The contract time was about May 29 so there are a couple of weeks the contractor is in liquidated damages. There have been issues with the AC and pipes backing up but the contractor has been addressing those issues, as well as punch list items.
- M. Administrative Services Director
- N. Parks and Recreation Director – 5th Street property acquisition
James Wiley reported last week they got word from the Federal Agency that they did approve our application and will convey that property on 5th Street to the City of Elko. He will bring it for final acceptance. One string attached to that is we have to develop the parking lot within 5 years.
- O. Civil Engineer
- P. Building Official

VIII. 6:00 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution No. 11-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from PQP (Public, Quasi-Public), GI (General Industrial), and PUD (Planned Unit Development) to PQP (Public, Quasi-Public) and GI (General Industrial) involving approximately 17.19 acres of property located generally on the southeast corner of Sharps Access Road and S. 12th Street, filed by Joshua Tree Shelter and processed as Rezone No. 1-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on March 1, 2016, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Rezone No. 1-16. The City Council tabled the item on March 22, 2016, April 12, 2016, and June 14, 2016. The recommended condition, agreed to by the petitioner, is included in the resolution.
CL

Cathy Laughlin, City Planner, explained we have included the legal opinion from Dave Stanton dated June 28, 2016.

Councilman Rice said the question before was whether or not this was spot zoning. It appears that it is not spot zoning.

Dave Stanton, City Attorney, explained characteristics of spot zoning is if the property is not in keeping with the character of the property in the area and not consistent with the master plan, benefiting just one individual, creating an incompatible use. He did not see any of those characteristics here. In this case we have these uses in the area already. We are not creating a new use. In land-use planning you can see that some uses are higher intensity but you don't have any of those issues here.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to adopt Resolution No. 11-16.**

The motion passed. (4-1 Mayor Johnson voted no.)

After the motion and before the vote, Mayor Johnson stated his opinion about this being spot zoning and not the best use of zoning.

Council voted on the motion.

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